

TIME RECEIVED

July 3, 2013 11:07:46 AM GMT+02:00

REMOTE CSID

+41 22 7151000

DURATION

220

PAGES

5

STATUS

Received

3. JUL. 2013 10:03

MISSION THAI UN GE +4122 7151000

NO. 8937

P. 1



No. 52101/ 401

PERMANENT MISSION OF THAILAND
5, Rue Gustave-Moynier
1202 GENEVA

2 July B.E. 2556 (2013)

Dear Sirs, Madam,

I wish to acknowledge the receipt of your Note Ref: A/G/SO 214(67-17) Assembly & Association (2010-1) G/SO 214(107-9) G/SO 214 (33-27) Toxic waste (1995-14) THA 3/2013, dated 2 April 2013, expressing concern regarding the death of Mr. Prajob Nao-opas, Village Headman in Chachoengsao Province, who campaigned against contamination of the water and other actions taken by Fusion Development Co., Ltd., which has been forwarded to the authorities concerned in Thailand.

In this regard, we have been informed by the concerned authorities in Thailand that the authorities at Phanom Sarakham Police Station in Chachoengsao Province has identified and arrested three suspects. While criminal charges are being pursued, disciplinary actions or administrative punishment will also be undertaken against the three suspects. I also wish to provide you with additional information as transmitted by authorities concerned to address the issues raised in your Note as attached hereto.

Mr. John Knox,

Independent Expert on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment;

Mr. Frank La Rue,

Special Rapporteur on the promotion and protection of the right to freedom of expression;

Mr. Maina Kiai,

Special Rapporteur on the rights of freedom of peaceful assembly and of association;

Ms. Margaret Sekaggya,

Special Rapporteur on the situation of human rights defenders;

Mr. Christof Heyns,

Special Rapporteur on extrajudicial, summary or arbitrary executions;

Mr. Marc Pallemarts,

Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes;

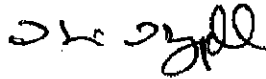
Office of the United Nations High Commissioner for Human Rights,

GENEVA.

Fax: 022 917 90 06

I hope that the above information will allay some of the concerns you may have. Should you require additional information on the matter, please do not hesitate to contact the Mission. I also wish to reassure you of the Royal Thai Government's commitment to working with all relevant mechanisms of the Human Rights Council to promote and protect all human rights defenders, the right to freedom of expression and human rights under the context of environmentally sound management and disposal of hazardous substances and wastes under our international obligations.

Yours sincerely,



(Thani Thongphakdi)

Ambassador and Permanent Representative

Clarification by the Royal Thai Government regarding the death of Mr. Prajob Nao-opas**General context**

- Mr. Prajob Nao-opas led a campaign by local villagers in the districts of Phanom Sarakham-Ban Sang and Plaeng Yao in Chachoengsao Province against the contamination of water and farmland in the villages.
- In December 2012, the Chachoengsao police allegedly warned Mr. Prajob Nao-opas that there might be an attempt on his life. It was reported that he had been followed and photographed by unknown men on motorcycles.
- Mr. Prajob Nao-opas was shot by an unknown gunman on 25 February 2013 while waiting for mechanics to repair his pick-up truck at a garage. He was shot four times with 11mm. bullets and was quickly rushed to the hospital by fellow villagers, but died on the way.

Reply to the allegations**1. Are the facts alleged in the above summary of the case accurate?**

- The alleged facts on the death of Mr. Nao-opas are consistent with the records of the Thai authorities.
- The Thai authorities' records further indicate that Mr. Nao-opas is the Village Headman of [REDACTED] (Village) [REDACTED] (Sub-district) [REDACTED], [REDACTED], [REDACTED] Province. He led the villagers in a campaign against contamination of the water and other actions taken by Fusion Development Co., Ltd., a private company.

2. Has a complaint been lodged by or on behalf of the victim's relatives?

- A complaint has indeed been filed and the case on the ground of premeditated murder is being handled by the Phanom Sarakham Police Station, Chacheongsao Province.
- The police, namely the Phanom Sarakham Police Station and the Provincial Police Region 2 are conducting further investigations and gathering additional evidence to bring those responsible to justice.

3. Please provide details, and where available the results, of an investigation, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

- The murder of Mr. Prajob Nao-opas is an illegal act according to the Thai Criminal Code Sections 83, 84, and 288 and the Firearms, Ammunition, Explosives, Fireworks, and the Equivalent Firearms Act.
- An investigation found that Mr. Nao-opas led the campaign against Fusion Development Co., Ltd., - a company operating in the village where Mr. Nao-opas served as the Headman - for the company's discharge of polluted water into public waterways as well as other activities

which caused air pollution affecting local villagers. The campaign led by Mr. Nao-opas brought responsible authorities to investigate and take legal actions against the company.

- Mr. [REDACTED], a board member of Fusion Development, filed a complaint against Mr. Nao-opas and others involved in the campaign on the ground of defamation. The prosecuting attorney, however, decided not to prosecute the case.

- Another investigation revealed that Mr. Nao-opas was shot on 25 February 2013 at approximately 13.00 hrs. Bullet wounds were found on his arm and underneath his left armpit, with the injuries resulting in his eventual death. The police found 4 cartridge cases of 11mm bullets at the shooting site.

- A witness recounted that the gunman drove a sedan to park at the shooting site before leaving the vehicle and shooting Mr. Nao-opas while Mr. Nao-opas was observing mechanics working on his car. Mr. Nao-opas was injured, resulting in his eventual death.

4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrator(s)?

- The authorities at the Phanom Sarakham Police Station identified and arrested three suspects:

- 1) Mr. [REDACTED], a board member of Fusion Development Co.,Ltd. and a government officer at the Department of Industrial Works, Ministry of Industry;
- 2) Sergeant [REDACTED], Air Base 7, Surat Thani Province;
- 3) Sergeant [REDACTED], Air Base 7, Surat Thani Province.

- The investigators have already informed the unit to which Sgt. [REDACTED] and Sgt. [REDACTED] (Nos. 2 and 3 above) belonged for further action.

- While the criminal charges are being pursued, disciplinary actions or administrative punishments will also be undertaken against the suspects. If found guilty, the respective government agencies which are the employers of the three suspects will be responsible for any disciplinary actions or administrative punishments for the crime committed by the accused.

5. Please explain whether compensation has been made available to the victim's family.

- On 26 February 2013, the Rights and Liberties Protection Department under the Ministry of Justice took the initiative to inform Mr. Nao-opas' family of their entitled rights to compensation in accordance with the Act relating to Victim Compensation, Restitution and Benefits of the Accused B.E. 2544 (2001). The Ministry of Justice also liaised directly with the Department of Social Development and Human Security in Chacheongsao Province and the Secondary Educational Service Area Office 6 of Chacheongsao Province to look into granting scholarships to Mr. Nao-opas' son.

- Compensation in the amount of 100,000 baht (around 3,300 USD) was approved for Mr. Nao-opas' family and was presented to Mr. Nao-opas' family by the Director-General of the Rights and Liberties Department on 5 March 2013.

6. Please indicate what protection measures were provided to Mr. Prajob Nao-opas following reports of death threats against him and any action undertaken to assess the effectiveness of any such measures.

- According to the Witness Protection Act B.E. 2546 (2003), the authorities must receive consent before giving protection to individuals. Upon receiving a report of threats against Mr. Nao-opas, police officers therefore asked Mr. Nao-opas whether he wanted protection by police officers, but he declined the offer.

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