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PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandates of the Independent Expert on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders.

REFERENCE: ALTHA 5/2014

1 July 2014

Excellency,

We have the honour to address you in our capacities as Independent Expert on the issue of human rights obligations related to the enjoyment of a safe, clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 19/10, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the **attacks and threats against villagers of Nanongbong and members of the Khon Rak Ban Keod Group.**

Khon Rak Ban Keod Group ("People who love their homeland") is a local network of environmental activists based in six villages that have been campaigning against the environmental and health impacts of gold mines in their communities.

The villagers of Nanongbong belong to the Khon Rak Ban Keod Group and have been actively campaigning against a gold mining company in their district, which is owned by Tungsum Limited (TKL) since 2004. This mine has caused serious negative effects on the health of the villagers. Blood samples that were drawn of local villagers, in 2009, revealed high levels of toxic metals. Furthermore, water, soil, and farmland in the community are contaminated with heavy metals.

Mr. Surapan Rujichaiwat and Mr. Samai Pakmee are leaders of the Khon Rak Ban Keod Group.

According to the information received:

In September 2013, Tungsum Limited (TKL) filed seven lawsuits against villagers of Nanongbong accusing them of trespassing and of loss of property. The company has also taken civil action against the villagers demanding a compensation of 50-70 million Thai Baht (approximately US \$ 1.5-2.1 million) from each villager.

In October 2013, artificial bombs were planted in front of the houses of some of the village leaders. From October to December 2013, a number of unidentified men were seen patrolling around the community.

On the morning of 21 April 2014, a retired Army Lieutenant Colonel of the Royal Thai Army entered the house of Mr. Surapan Rujichaiwat, one of the key leaders of the Khon Rak Ban Keod Group. The Army Lieutenant Colonel was accompanied by the Lieutenant General of the Royal Thai Army's Special Warfare Unit based in Lopburi Province and 15 men wearing black, some of whom stated that they were soldiers. He stated that he was there on behalf of the TKL Company and made threatening remarks to Mr. Rujichaiwat where he demanded that trucks should be allowed to enter the area to transport copper ore from the mine.

At approximately 10:00 p.m. on 15 May 2014, a group of approximately 300 unidentified men armed with knives, sticks, and guns allegedly entered Nanongbong village in Loei Province. The armed men subsequently started to destroy the makeshift barricades, which had been set up to block an access to the mine. Approximately forty villagers, half of them women, were reportedly attacked and held against their will by the armed men. They were blindfolded, handcuffed, and were forced to face the ground. Furthermore, many of them were reportedly injured from having been beaten on their heads by the armed men. Among the forty persons who were held against their will were the key leaders of the Khon Rak Ban Keod Group; Mr. Surapan Rujichaiwat and Mr. Samai Pakmee.

At approximately 2:00 a.m. on 16 May 2014, 13 eight-wheeled trucks were brought in to the village to transfer the minerals out of the mine. Armed men in black attire protected the trucks while they extracted the minerals.

At around 3:45 a.m., some of the villagers who had been held captive were released by the armed men. The armed men allegedly threatened to kidnap the remaining villagers. At around 4:40 a.m., the armed men released the remaining villagers. Allegedly, the person leading the armed men was a Lieutenant General of the Royal Thai Army's Special Warfare Unit based in Lopburi Province.

The villagers reportedly wrote letters to the Chief of the National Council for Peace and Order (NCPO) after 22 May 2014 where they sought assistance and protection from the military, particularly in light of an allegation that at least one member of the military was involved in the attack of the villagers.

It is reported that eight leaders from Khon Rak Baan Keod group had been declared targets for the armed men and that each had a bounty of 150,000 Baht (US\$4,620). It is alleged that the armed men were hired to assassinate the leaders of the Khon Rak Ban Keod Group who had protested against the gold mine. This information was addressed in an open letter sent on 30 May 2014 to the national Chief of police, the Governor of Loei, and the provincial police commander.

On 6 June 2014, a student activist group in Khon Kaen Province, which has campaigned during the past five years to support the villagers, was ordered by military officers from Sripacharain Camp in Khon Kaen Province to stop their campaign. It is further reported that anti-gold mining banners have been taken down and that the village is subject to heavy surveillance.

On 9 June 2014, a company of 100 soldiers from the 8th Infantry Regiment was reportedly deployed under the order of the NCPO to provide protection of the villagers in Wangsaphung District and the mining company and to create a climate of reconciliation.

The Deputy Police Chief of Loei Province has reportedly set up a special investigation commission of approximately eight police officers to investigate the attack of 15 May 2014.

On 11 June 2014, a mine worker and a military official were charged in relation to the attack in Loei Provincial Court.

Grave concerns are expressed regarding the attacks of and threats against the villagers of Nanongbong. Further concerns are expressed regarding the serious negative impact that the gold mine has both on the environment in the village of Nanongbong and the health condition of its villagers.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

It is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case.
2. Further to the information received regarding the two men charged for the attacks, please provide the full details of any prosecutions which have been undertaken; have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
3. Please provide detailed information concerning measures that have been taken to prevent human rights violations being perpetrated by members of security forces.
4. Please explain what measures have been taken to ensure that all human rights defenders in Thailand, in particular those working on environmental

issues, can operate in a safe and enabling environment and can carry out their legitimate activities without fear of harassment, stigmatization or criminalization of any kind.

We would appreciate a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

John Knox

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

Frank La Rue

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

Maina Kiai

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

Michel Forst

Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels. Furthermore, each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. We would also like to refer to article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection of human rights defenders.

We would also like to refer to your Excellency's Government to articles 19 and 22 of the International Covenant on Civil and Political Rights, which guarantee the right to freedom of opinion and expression and the right to freedom of association.

Moreover, we would like to refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 that “reminds States of their obligation to respect and fully protect the rights of all individuals to ...associate freely, online as well as offline, ... including human rights defenders, ... seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”