

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
**AUX DROITS DE L'HOMME**

**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 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; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on violence against women, its causes and consequences.**

REFERENCE: AL G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27) G/SO 214 (89-15)  
THA 1/2013

9 January 2013

Excellency,

We have the honour to address you in our capacities as 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; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolution 16/4, 15/21, 16/5, 17/5, and 16/7.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **the killing of Ms. Montha Chukaew and Ms. Pranee Boonrat**.

Ms. Montha Chukaew and Ms. Pranee Boonrat were both members of the Southern Peasant's Federation of Thailand (SPFT). The SPFT was formed in 2008 as a network to campaign for land rights including those used by the Khlong Sai Pattana community, Chaiburi District, Surat Thani province, to which Ms. Montha Chukaew and Ms. Pranee Boonrat belonged. The SPFT campaigned on behalf of the community in a land ownership dispute with a palm oil company. The Agricultural Land Reform Office (ALRO) filed a lawsuit against the above mentioned company which is currently before the High Court. In 2009 and 2010, the Khlong Sai Pattana community was awarded community land entitlement.

According to the information received:

Ms. Montha Chukaew and Ms. Pranee Boonrat left the Khlong Sai Pattana community by motorcycle in the early morning of 19 November 2012 to go to a

local market. The two women were shot by unknown individuals during the journey at approximately 7:00 a.m.

Community members who heard the gunshots found the women's bodies at a distance of 800 metres from the village. Along with the bodies, the cases of ten assault rifle bullets were found near the scene.

Sources indicate that following the killings, volunteer guards were posted outside the community by the Government to provide protection to community members. Sources have nonetheless reported that the guards are unable to provide an adequate level of protection and that the local community does not consider itself to be secure.

According to the information received, the Khlong Sai Pattana community has been subjected to previous violent incidents, allegedly including the destruction of sixty houses in 2009 and the fatal shooting of SPFT member Mr. Somphom Pattaphum in 2010. These violations have reportedly been perpetrated as a result of community members' work in defending local land rights. In October 2012, a member of the community was threatened by an unknown armed man.

While we acknowledge the efforts on the part of the Government to provide protection to the remainder of the community members, concern is nonetheless expressed that the killing of Ms. Montha Chukaew and Ms. Pranee Boonrat was motivated by their legitimate and peaceful work in defense of human rights, specifically their work as part of SPFT for community rights over agricultural lands. In light of the allegations above, concern is expressed for the safety and physical and psychological security of all other members of SPFT and their family members.

While we do not wish to prejudge the accuracy of the allegations, we would like to refer to article 3 of the Universal Declaration of Human Rights, stipulating that "everyone has the right to life, liberty and the security of person". Moreover, Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), acceded to on 29 October 1996, recognizes that every human being has the right not to be arbitrarily deprived of his or her life. Furthermore, we urge your Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. Furthermore, Principle 4 of the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65, states that effective protection through judicial or other means shall be provided to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats.

We would like to bring to your Excellency's Government's attention article 7 (c) of the International Convention on the Elimination of all forms of Discrimination against Women, which requires States Parties to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in

particular, shall ensure to women, on equal terms with men, the right: (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country. We would, moreover, like to bring to your Excellency's Government's attention article 4 (o & p) of the United Nations Declaration on the Elimination of Violence against Women which notes that States should recognize the important role of the women's movement and non-governmental organizations worldwide in raising awareness and alleviating the problem of violence against women, and should, moreover, facilitate and enhance the work of the women's movement and non-governmental organizations and cooperate with them at local, national and regional levels.

Similarly, we would like to remind your Excellency's Government of article 22 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests".

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that "reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, 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."

We would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, which provides that "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

We would also 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 Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and that "each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the Declaration:

- article 5 points b) and c) which provide that for the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right to form, join and participate in non-governmental organizations, associations or groups, and to communicate with non-governmental or intergovernmental organizations;

- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters; and

- article 12 paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the victims' relatives? Please indicate whether compensation will be provided to the families of the victims.
3. Please provide the 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.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

5. Please clarify what measures have been taken to address the reported concerns regarding the inadequacy of the protection measures currently in place in the Khlong Sai Pattana community. Please also provide details of measures taken to ensure that human rights defenders in Thailand are able to carry out their activities free of violence and other restrictions.

6. Please indicate whether compensation will be provided to the families of the victims.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the members of SPFT and their family members are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

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

Margaret Sekaggya  
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Christof Heyns  
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Rashida Manjoo  
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