

**Mandates of the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the issue of human rights obligations relating 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; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE: AL  
THA 2/2016:

13 June 2016

Excellency,

We have the honour to address you in our capacity as Chairperson-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the issue of human rights obligations relating 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; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on extrajudicial, summary or arbitrary executions, pursuant to Human Rights Council resolutions 27/1, 28/11, 25/2, 24/5, 25/18, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the killing of environmental human rights defender Mr. Payao Panroj; the disappearance of land rights defender Mr. Den Kamlae; the attempted killing of another land rights defender, Mr. Supoj Kansong; and the threats made against a group of environmental human rights defenders from Pichit Province, for their human rights work and exercise of their rights to freedom of expression and freedom of association.**

**Mr. Payao Panroj** was an environmental human rights defender from Thung Tako district, Chumphon province. Mr. Panroj, who worked as a rubber and durian farmer, had been campaigning against illegal encroachment into rainforest around Tako Mountain, located above his plantations.

**Mr. Den Kamlae** is a land rights defender from the Khok Yao community in Kon San district, Chaiyaphum province. The community has faced forced eviction from the land, which they have occupied for 45 years.

Since 2015, Mr. Kamlae has led the network of local villagers defending their right over this land. He is also a member of Essan Land Reform Network (ELRN), a network of local villagers opposing the Khon San Forest Project, which was established by the state-owned Forest Industry Organisation in 1978 and has allegedly caused significant destruction in some parts of the Laohai forest area resulting in the eviction of more than 100 people from local villages.

**Mr. Supoj Kansong** is a community leader, land rights activist and member of the SPFT. The SPFT was founded in 2008 to pursue the peasant movement for the rights and dignity of farmers. Since its creation, SPFT has been campaigning for community land rights in an ongoing dispute with the palm oil company Jiew Kang Jue Pattana Co. Ltd. Since 2010, at least four SPFT members have been killed. No one has reportedly been held accountable for any of these attacks.

Members of the Southern Peasants' Federation of Thailand (SPFT), which Mr. Kansong belonged to, were subjects of a previous communication, dated 19 February 2015 (THA 2/2015). We acknowledge receipt of your Excellency's Government's replies, dated 24 February 2015, 2 April 2015, and 21 May 2015. However, we wish to request further clarifications on the status of the investigation into the killings of Mr. Pitan Thongpanang, Mr. Somsuk Kohkrang, and Mr. Chai Bunthonglek in follow up to our communication and the reply received from your Excellency's Government, in addition to these new cases.

**Ms. Chatchadaporn Lorsap, Ms. Chananchida Limnonthakul, and Ms. Thanyarat Sunthornthammatas** are women human rights defenders who have been leading a campaign against the Aksara Resource (Chatree) Mining Co.Ltd, which since 2001 has operated in the three villages of Khaojedlook Sub-District, Tabkhlo District, Pichit Province and two villages of Taidong Sub-District, Wangpong District, Petchabun Province.

The mine has reportedly emitted pollutants which have affected the communities around the mine, including the families of Ms. Lorsap and Ms. Sunthornthammatas. In 2007, the villagers of around 300 households came together and formed the group called the **Network of Patients Affected from Gold Mines** in Pichit and Petchaboon Province to campaign for closing the gold mine and restoring the land around the mine. As a result of the exploitation of the mine, the plantations were damaged and there were at least six miners who got severely sick from myasthenia gravis symptoms.

*According to the information received concerning Mr. Payao Panroj:*

The rainforest is the largest watershed forest in the Chumphon province. It contains many of species of plants, insects and microorganisms, which have been

the source of livelihood for many villagers around Tako Mountain. However, recently, a group of men who are believed to be officials from the Forestry Department associated with a businessperson in Chumphon Province have reportedly encroached into the forest area, continuingly deforested and conducted illegal logging in the areas. It is reported that the forest area were cleared so that polished logs can be transported down.

In mid-February 2016, Mr. Panroj submitted information about the ongoing illegal logging to Daily News, a national newspaper which printed it in a front-page headline, bringing the issue to the national attention. As a result, a complaint was filed to the police against him by unknown individuals alleging that he lived on a land which does not have title.

On 25 April 2016, Mr. Panroj, while working in his durian plantation, saw two unidentified men carrying shotguns standing nearby. Mr. Panroj went to the men and questioned them. However, the individuals ran away from the scene. On 28 April 2016, Mr. Panroj reported the incident to Thung Tako Police Station.

In the morning of 8 May 2016, while working in his plantation, Mr. Panroj was attacked by two unidentified men wearing camouflage shirts. He received five gunshot wounds. Before leaving the scene, an armed man fired a shot in the air to intimidate his family members. Mr. Panroj was later sent to Langsuan hospital but he died of his injuries on the way to the hospital.

On 14 May 2016, police officer from Thung Tako Police Station contacted Mr. Panroj's family and requested his body for post-mortem examination. The officer who is in charge of Mr. Panroj's cases reported that the case is under investigation and more than 10 people have been interviewed by officers.

*According to the information received concerning Mr. Den Kamlae:*

Mr. Den Kamlae was last seen on 16 April 2016, entering a forest close to his home in the Khok Yao community to collect food. Since then, the whereabouts of Mr. Kamlae remain unknown.

On 17 April 2016, Mr. Kamlae's spouse filed a complaint with the Huay Yang Police Station in relation to her husband's disappearance. On 25 April 2016, the spouse and relatives of the human rights defender submitted urgent appeals to a number of government agencies seeking their assistance in tracing the missing human rights defender. On 6 May 2016, the villagers, during the search of Mr. Kamlae, found an area which had been burnt, where villagers suspected that the charcoals and woods had been brought from outside the area. On 7 May 2016, villagers found three burnt areas which contained bone ashes, which were located one hundred meters from the Forestry Unit. On 11 May 2016, Mr. Kamlae's wife

and members of the ELRN submitted an urgent appeal to the Central Institute of Forensic Science seeking their assistance in the search.

On 10 March 2016, a month before Mr. Kamlae went missing, forest department officials, the military and other authorities had notified villagers from the Khok Yao community that they had eight days before eviction from the land. This was not the first attempt by the Thai government and military officials to forcefully evict members of the community. On 6 February 2015, a joint force of approximately one-hundred officers from the Royal Thai Police, Royal Thai Army and the Department of Forest and District Administration visited people from Khok Yao, demanding they leave the area and destroy all their buildings and crops in eighteen days. The joint forces' operations were carried out on the basis of orders issued by the National Council for Peace and Order in 2015 and 2014. Since the enactment of these orders, at least 173 communities in nine provinces of the northern region of Thailand have fallen victim to operations of the joint forces.

*According to the information received concerning Mr. Supoj Kansong*

Mr. Kansong is a nephew-in-law of Mr. Chai Bunthonglek, another member of the Southern Peasants' Federation of Thailand (SPFT), who was assassinated on 11 February 2015. Mr. Kansong was a main witness in the court case opened on 21 May 2015 by Wiang Sra Public Prosecutor into the murder of Mr. Bunthonglek.

In June 2015, Mr. Kansong's lawyer requested and subsequently received witness protection from the Chai Buri police. In January 2016, Mr. Kansong testified during the trial of Mr. Bunthonglek. The sole person who faced charges for the murder was reportedly acquitted on 15 March 2016 by the Wieng Sra Provincial Court.

On 8 April 2016, Mr. Kansong was shot and severely injured while in his car outside Khlong Sai Pattana community in the Suratthani province. He received eight gunshot wounds, six in one leg and two in one arm. He was taken to the Chai Buri Hospital and subsequently transferred to Surat Thani Provincial Hospital for treatment.

On 18 April 2016, Mr. Kansong was discharged from hospital. The family of the human rights defender filed a complaint with the Chai Buri Police Station and an arrest warrant was issued for one individual. Furthermore, (SPFT) filed a complaint at the Department of Special Investigation.

*According to the information received concerning the Network of Patients Affected from Gold Mines*

Ms. Chatchadaporn Lorsap, Ms. Chananchida Limnonthakul, and Ms. Thanyarat Sunthornthammatas are women human rights defenders who have been leading a campaign against the Aksara Resource (Chatree) Mining Co.Ltd, which since 2001 has operated in the three villages of Khaojedlook Sub-District, Tabkhlo District, Pichit Province and two villages of Taidong Sub-District, Wangpong District, Petchabun Province.

The mine has reportedly emitted pollutants which have affected the communities residing around the mine, including the families of Ms. Lorsap, Ms. Sunthornthammatas. In 2007, the villagers around 300 households came together and formed the group called Network of Patients Affected from Gold Mines to campaign for closure the gold mine and restoring the land around the mine.

In 2008, Aksara Resource (Chatree) Mining Co. Ltd started to file legal suits against members of the Network of Patients Affected from Gold Mines in Pichit and Petchaboon Province, who were alleged to have encroached into the land of company. In June 2013, the company filed legal suits against the Network members, including Ms. Limnonthakul, alleging that they led the villagers to defame the company in a protest against the gold mining of Aksara Resource Company in front of the Australian Embassy, since the company was branch of an Australian company, Kingsgate Consolidate which received concession for ten years, in May 2013. In September 2015, the public-prosecutor indicted Ms. Limnonthakul for her role in leading the protest in front of the Australian Embassy in 2013.

In 2007, the Network filed a complaint case against the company with the National Human Rights Commission, Thailand (NHRCT) and with the Department of Special Investigation (DSI) to seek an injunction against the mining operation and compensation for the victims affected by the mining operation. The NHRCT has reportedly accepted the case but the DSI did not.

After the military coup in May 2014, the Network submitted to the Office of Prime Minister in Bangkok urging the Chief of National Council for Peace and Order (NCPO) and Prime Minister to investigate the mining operation and health impacts in Pichit Province. As a result, the Office of Prime Minister has settled up a special committee to investigate the case and to solve the conflict between villagers and the company. This special committee consisted of representatives of villagers, the gold mine company, the administrative officers, military, and academics. The Office of Prime Minister also has assigned the Central Institute of Forensic Science (CIFS) to do health examination of villagers who live around the mine.

In late 2014, CIFS conducted a health examination of 738 villagers around the mine. The results revealed that high levels of arsenic have been found in 67 children and 664 adults. On 3 February 2015, CIFS sent this report to the cabinet in order to solve this problem. However, the authorities failed to take action, and more than 200 villagers complained they had fallen ill due to arsenic and manganese contamination. The Network of Patient sent the complaint letter to the office of Prime Minister for the second time. In 2015, DSI accepted to conduct an investigation on the mine.

As a result of the Network's role, in January 2016, the mine was forced to temporarily cease activities by the order of Department of Primary Industries and mines (DPIM), which operates under Ministry of Industry. The temporary closure of the gold mine has triggered the conflict between two groups of villagers who protest against the mine and those who support the mining operation. In February 2016, the DPIM reopen the mine after separate laboratory tests were carried out on employees of the mine, as well as locals.

On 19 March 2016, the Network together with an academic group sent a new complaint letter to Gen. Prayuth Chan-O Cha, Head of NCPO and Prime Minister, urging the government to stop renewing the license to gold mining of Aksara Resources, which would terminate on 13 May 2016.

As a result, on 10 May 2016, the Cabinet made the decision not to renew the concession of Aksara Resources Company's Thongkam Chatree Gold mining (covered Phitsanulok, Pichit, Petchabun provinces). According to the cabinet resolution, the gold surveying operation and concession of Aksara Company will end in 2016; the company will be allowed to be present in the area until the end of year.

Pressure was allegedly levied by military officers, Aksara Company, and supporters of the mine to the Network leaders to stop their campaign against the mine operation.

On 29 February 2016, at around 7 p.m., Ms. Sinthornthammatas was visited at her house at Thapklor district, Pichit province by around 20 officials, including police officers, military from local military task force, and administrative officers from district governor office without notification. She was requested not to file further petitions with the Prime Minister.

On 21 May 2016, Ms. Lorsap and Ms. Sunthornthammatas were escorting journalists from Channel 8 Television, who were in the community to report on the situation. While they were approaching the cyanide pit near the exit of the community, they found six to seven unidentified men on two trucks. One man jumped from one of the trucks and aimed his gun at the two women defenders.

Upon seeing that they were traveling with journalists, the man later tossed his gun to the back of the truck. On 26 May 2016, the Network filed a complaint with the Superintendent of Police at the Tapklor Police Station.

Grave concern is expressed regarding the killing of Mr. Payao Panroj, the disappearance of Mr. Den Kamlae, the attempted killing of Mr. Supoj Kansong, and the threats facing the Network of Individuals Affected from Gold Mining. We are concerned that these events may be directly linked to their legitimate and peaceful activities in the defense of human rights through the exercise of their rights to freedoms of expression, association and peaceful assembly. We are particularly concerned about the safety and security of the members of the SPFT.

In connection with the above allegations, we would like to refer to articles 6, 19, 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Thailand on 29 October 1996, which guarantee the rights to life, freedom of expression, peaceful assembly and association. As noted by the Human Rights Committee, the obligation to respect the right to freedom of expression also requires States to ensure that persons are protected from acts not only from state actors, but also from private persons and entities that would impair the enjoyment of the right to freedom of expression. We would moreover refer to Resolution 12/16 of the Human Rights Council, which calls upon States to ensure that victims of violations of the right to freedom of expression have an effective remedy, to investigate effectively threats and acts of violence and to bring to justice those responsible for these violations.

In its General Comment 6, the Human Rights Committee, stated that article 6 (1) of the ICCPR includes State's obligations take measures to prevent and punish deprivation of life by criminal acts. Furthermore, the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65 (principle 4), explicitly require States to provide "effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats".

We also 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, also known as the UN Declaration on Human Rights Defenders. In particular, articles 1, 2 and 9 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; that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms; and provide for the right to benefit for effective remedy and to be protected in the event of the violation of those rights. Article 12 provides that the State shall take all necessary measures to ensure the protection of everyone 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 relation to the allegations according to which the fate and whereabouts of Mr. Den Kamlae are currently unknown, we would like to bring to your Excellency's Government's attention the United Nations Declaration on the Protection of All Persons from Enforced Disappearance which sets out necessary protection by the State, and in particular that no State shall practice, permit or tolerate enforced disappearances (article 2); that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction (article 3), - (no order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance (article 6); the right to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, in conformity with national law and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest (article 10); and the right to the maintenance in every place of detention of official up-to-date registers of all detained persons (article 12).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments. We also urge your Excellency's Government to adopt all necessary measures to protect the rights to life, security and physical integrity of the above-mentioned human rights defenders.

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 therefore be grateful for your observations on the following matters:

1. Please provide the full details of any investigation which has been undertaken in the killing of Mr. Payao Panroj, attempted killing of Mr. Supoj Kansong, and the threat against Network of Individuals Affected from Gold Mining. Have penal and/or administrative sanctions been imposed on the alleged perpetrators? If no inquiries have taken place, or if they have been inconclusive, please explain why.
2. Please provide information on the fate and whereabouts of Mr. Den Kamlae. If his fate and whereabouts are unknown, please provide the details on any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.

3. Given that the crime of enforced disappearance is not a codified within Thai law, please elaborate on the legal framework which is being applied to investigate this case and the disappearance of other human rights defenders in Thailand.
4. Please provide details on the measures that have been taken or to be taken to provide security for the family and/or community members working with Mr. Payao Panroj, Mr. Den Kamlae, Mr. Supoj Kanson, and the members of the Network of Individuals Affected from Gold Mining. Given that the assassination attempt on the life of Mr. Supoj Kanson is the sixth case following the killings of five members of SPFT in the past few years, please provide information on concrete measures taken or to be taken to secure the safety of Mr. Kanson and the members of SPFT, to prevent further incident.
5. Please also provide the details on the judicial inquiries into past assassinations of members of SPFT namely Mr. Chai Bunthonglek (THA 2/2015), Ms. Montha Chukaew, and Ms. Pranee Boonrat (THA 1/2013) and explain why such inquiries have been inconclusive.
6. Please indicate the status of the investigation into the killings of Mr. Pitan Thongpanang and Mr. Somsuk Kohkrang in follow up to our past communication UA THA 2/2015 dated 19 February 2015.
7. Please indicate whether compensation will be provided to the victims and their families.
8. Given that many environmental and land rights defenders in Thailand have been attacked and killed in recent years as previously addressed in our communication, please indicate concrete measures that have been undertaken to ensure the safety of human rights defenders, the exercise of their rights to freedom of expression, association and assembly, and to prevent threats such as killings and physical assaults on human rights defenders.

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 persons responsible for 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.

We would like to bring to the attention of your Excellency's Government that should the sources submit the allegations concerning Mr. Den Kamlae as case to the

Working Group on Enforced or Involuntary Disappearances, they will be considered by the Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

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

Houria Es-Slami  
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