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**PROMOTION AND PROTECTION OF HUMAN RIGHTS: HUMAN RIGHTS
DEFENDERS**

**Written statement* submitted by the Asian Indigenous and Tribal Peoples Network
(AITPN), a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[30 December 2004]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

In the line of fire: Human Rights Defenders in Thailand

The murder of human rights defender, Charoen Wat-aksorn, an opponent of the Bo Nok power plant project on the night of 21 June 2004 has brought into focus the systematic and continuing killings of the human rights defenders in Thailand. Charoen Wat-aksorn led the Love Bo Nok Group against construction of two coal-fired power plants for the last seven years. He was shot dead on his way home after testifying before the Senate committee on social development and human security and the House committee on counter-corruption on the alleged malfeasance of local land officials. He had accused the officials of trying to issue title deeds covering 53 rai of public land in tambon Bo Nok of Muang district to Phuan Wanwongsa, allegedly for a local "influential person". He also accused many government officials and influential figures of encroaching on public land.

Earlier, on 12 March 2004, Somchai Neelapaijit, a Muslim lawyer disappeared after he offered legal aid for Muslim men accused of involvement in the 4 January 2004 weapons theft in Narathiwat. Mr Somchai had learned the suspects were tortured by police during their interrogation and threatened to expose it. Although five suspected policemen have been arrested, Neelapaijit's whereabouts are still unknown nor his body was recovered. On 9 June 2004 the criminal court released four suspects, Lt Colonel Sinchai Nimpunyakhomphong, Major Ngern Thongsuk and Corporal Ransom Sithikhet of the Crime Suppression Division and Sergeant Chaiyaweng Phaduang of the Tourist Police Department thereby raising questions about their influence in the investigation and prosecution.

The Special Representative of the Secretary-General on the situation of human rights defenders, Hina Jilani in her report to the 60th Session of the Commission on Human Rights after the visit to Thailand from 19 to 27 May 2003 stated that defenders who seek to raise concern with regard to the economic, social and cultural rights implications of a planned activity by individuals or companies from the private sector have reportedly been "killed, attacked, sent death threats, intimidated, placed under surveillance, arrested and detained by the police, and had civil and criminal court cases filed against them by both private actors and the State". In almost all these instances, there was collusion between wealthy private-sector actors and local authorities.

Since Prime Minister Thaksin Shinawatra took over in January 2001, sixteen community leaders, community rights activists or environmentalists have been killed.

30 January 2001: Jurin Ratchapo of tambon Pa Khlok in Phuket's Thalang district was gunned down after campaigning against the destruction, by a private-sector company, of mangrove swamps filled with nesting birds. The trial of two suspected gunmen is proceeding.

28 June 2001: Suwat Wongpiyasathit, an environmental activist opposing the creation of foul-smelling rubbish dump which was a health risk to the villagers near Samut Prakan in Bangplee district by a private-sector company was shot dead outside a grocery shop while talking to friends. The next day he was due to meet with a Senate environmental committee.

1 May 2001: Narin Phodaeng, former chairman of a conservationist group in Khao Chang Klangthung in Rayong's Khao Chamao sub-district was shot dead for opposing a rock quarry owned by a local politician. Nobody has been arrested in the case.

17 May 2001: Pithak Tonwut, a leader of the Environment Conservation Student's Club of Ramkhamhaeng University and adviser to the Chompoo river basin villagers, was shot dead for leading the villagers against a rock quarry owned by a national-level politician in a forest reserve in Phitsanulok's Noen Ma Prang district. Two men were arrested but acquitted by the provincial court.

21 May 2001: Chaweewan Pueksungnoen, a member of the Na Klang tambon administration organisation, was shot dead for resisting a construction project involving local influential figures and corrupt officials. Nobody was arrested.

July 2001: Somporn Chanapol, leader of the Environmental Conservation Group of the Kratae river basin in Surat Thani's Kanchanadit district was shot dead after he resisted the building of a dam.

20 June 2002: Kaew Binpanma of Chiang Mai's Doi Lo sub-district was shot dead, believed to be the result of a land dispute.

2 September 2002: Boonsom Nimnoi, who headed a protest against a plantation project in Phetchaburi's Ban Laem district, was killed by unknown assailants.

27 September 2002: Preecha Thongpaen was shot dead after opposing a waste treatment project in Thung Song district of Nakhon Si Thammarat.

15 December 2002: Boonrit Channanrong was shot dead after protesting against the illegal trade in logs taken from Kaeng Krung National Park in Tha Chana district of Surat Thani by state officials.

20 December 2002: Boonyong Intawong, a community leader from the Wieng Chai District of Chiang Rai was killed for opposing the Doi Mae Ork Roo quarry project.

1 February 2003: Khampan Suksai, a village chief from Chiang Mai's Chiang Dao district, was shot dead after opposing encroachment on a community forest.

4 February 2003: Chuan Chamnankit, a community leader who fought the spread of drugs, was shot dead in Chawang district, Nakhon Si Thammarat.

25 May 2003: Samnao Srisongkham, chairman of a conservation group protecting the Nam Phong river basin in Khon Kaen, was killed.

Indigenous rights defenders

The indigenous rights activists have also been targeted. The Special Representative reported that in some districts police officers had compiled a "blacklist" of individuals, including community and hill tribes leaders, who had been critical of the police human rights record and used this list as the basis for their action to meet a quota under the anti-drugs campaign that led to killing of about 3,000 people in 2003.

Ms. Nasae Yapa, a founding member of the hill tribes network, AITT, was arrested and detained after local police allegedly planted drugs in her home. In a police raid of the village of Huayiang Sang Moo, in Chiang Mai, on 26 April 2002, the police allegedly planted drugs in the homes of five indigenous defenders working with AITT. Wiwat

Tamee, a human rights defender who has worked with AITT, and who is a member of the Lisu ethnic group and coordinator of a study on the impact of the drugs campaign on the rights of ethnic groups, reportedly attempted to submit a petition complaining about the campaign to ministers from Thailand, Myanmar, the Lao People's Democratic Republic, China and India who were meeting in Chiangrai on 24 July 2003 to discuss progress in ending drug trafficking. On 22 July 2003 he reportedly received threatening phone calls in Chiang Mai from police officers. On the same day, his wife was reportedly visited at their home by a drug suppression police officer and other officers from outside the regional police force who questioned her about the petition and her husband's activities. As a consequence, defenders are afraid to comment on the practices of security forces and their capacity to monitor human rights is limited.

On 14 July 2002 Chutima Morlaeku, coordinator of the Association of Inter-Mountain Peoples Education and Culture in Thailand was reportedly arrested at Chiang Mai Airport and her home searched. In its comments, the Government denied that Chutima Morlaeku had been arrested and maintained that the search of her house was conducted in accordance with the law. The Community Forest Network reported that, after they set up roadblocks to prevent access by private-sector loggers to the forests in which they live, armed men came into the community in August 2002 and shot and injured a defender.

Legal harassment

In addition to physical threat, the government and private sectors mis-use the law to harass and intimidate human rights defenders. According to information provided to the Special Representative, there were approximately 560 cases pending before the courts with regard to members of the Assemblies of the Poor and 118 arrest warrants outstanding against members of the Northern Peasant Federation (NPF), detailing 996 criminal and civil charges. In May 2002, in Lampoon Province, committee members of the NPF were arrested with one defender reporting 42 civil and criminal cases outstanding against him. Another NPF member described his assistance to farmers in gathering information, negotiating and contacting the law society, the media and the Government. He reported that 54 criminal lawsuits and 10 civil suits had been filed against him on charges of trespassing and destruction of property.

Thailand has become a police state and there is growing intolerance. As the Special Representative on Human Rights Defenders noted, "There is limited acceptance among some authorities of the concept of peaceful dissent and of the fact that the critical role of defenders is a component and criteria by which the health of a democracy must be judged." Even a member of National Human Rights Commission of Thailand was criticized publicly by the Government after he expressed grave concern at alleged violations committed during the Government's anti-drugs campaign. The concerned member of the NHRC subsequently received anonymous death threats in March 2003. The conflict in the South further makes the situation of human rights defenders critical.