

11 March 2015

Prime Minister Prayuth Chan-ocha

Office of the Permanent Secretary, Prime Minister Office
Government House, 1 Pissanulok Road
Dusit, Bangkok 10300, Thailand
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Re: Killing of Mr. Chai Bunthonglek in Khlong Sai Pattana, Surat Thani, Thailand

Your Excellency,

We, the undersigned civil society organisations, express our grave concerns over the lack of transparency in investigating the killing of Mr. Chai Bunthonglek, a land rights activist and member of the Southern Peasant's Federation of Thailand (SPFT)¹ from Khlong Sai Pattana community in Surat Thani province, who was shot dead on 11 February 2015. Despite calls from civil society groups to conduct a prompt, thorough and impartial investigation, authorities have not adequately investigated the case nor disclosed the progress of the investigation with the victim's family.

Members of SPFT and Khong Sai Pattana community have been entangled in an ongoing land conflict with the Jiew Kang Juy palm oil company. Despite having won court cases in the Court of First Instance and the Court of Appeals against the company, they continue to face forced evictions and violence by armed personnel closely linked to the Jiew Kang Juy palm oil company. The company also continues to illegally occupy the land and pressures community members to cede possession of the land.

We received information that on 26 February 2015 the Chai Buri police in Surat Thani arrested three people in connection with Mr. Chai's killing. However, the three were later released on bail. The progress on further investigation has not been shared with Mr. Chai's family. Following the killing, unidentified men in black clothing were reportedly monitoring the community. Despite receiving credible threats, none of the SPFT members in the Khlong Sai Pattana community, Prem sub-community and other communities where members of SPFT reside have received protection by the government, and authorities did not intervene to investigate the source of those threats and provide adequate protection.

Mr. Chai was the fourth member of the SPFT to be assassinated after Ms. Montha Chukaew and Ms. Pranee Boonrat in 2012 and Mr. Somporn Pattanaphum in 2010. Of the previous four killings of SPFT members, two cases were brought to trial, but the defendants were later acquitted due to lack of evidence. The consistent failure to conduct comprehensive and transparent investigations has fostered impunity for crimes.

¹ SPFT is a network formed in 2008 to campaign for the right to agricultural land in the Khlong Sai Pattana community in Chaiburi District, Surat Thani Province and other areas in the region.

We recall that, as a State Party to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), Thailand has the obligation to respect, protect and fulfill the rights protected under these treaties. Particularly, at a time when Thailand will be under review by the UN Committee on Economic, Social and Cultural Rights in early June, we reiterate our call to address human rights violations and protect land rights and natural resources.

Finally, we wish to point out that Article 12(2) of the UN Declaration on Human Rights Defenders outlines the obligation for the State to “take all necessary measures to ensure the protection by 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 present Declaration.” We exhort the government of Thailand to pay serious heed to the rights of human rights defenders under the UN Declaration on Human Rights Defenders.

We therefore strongly urge the government of Thailand to:

- Immediately provide updated information on the investigation of all four killings of SPFT members to the victims’ family;
- Carry out credible, independent and rigorous investigations to identify perpetrators and hold them accountable;
- Grant reparations for the families of the deceased human rights defenders;
- Urge the Department of Rights and Liberties Protection under the Ministry of Justice to extend their legal framework to provide protection to human rights defenders at risk, and provide further preventive steps to ensure their safety and physical and psychological security;
- Ensure that the Agricultural Land Reform Office (ALRO) transfers the disputed lands to the community members of Khlong Sai Pattana in the form of a community land deed as ordered by the Court of Appeals in November 2014 and encourage the Office of Community Land Titles (OCLT) under the Prime Minister office to issue letters stating the community’s right to remain on their land, to be forwarded to the Governor of Surat Thani and relevant authorities, to ensure they fulfill their responsibility to protect the community.

We thank you for your attention and action.

Signed by:

Asian Forum for Human Rights and Development (FORUM-ASIA)



International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders

World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

Cc:

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