



## Information Release and Call for Action

**1 year after the murder of a Human Rights Defender, member of the Southern Peasants' Federation of Thailand, the community fight for communal land titles continues despite impunity and attacks on other peasants' human rights defenders.**

11<sup>th</sup> February 2016 marks one year to the day of the murder of Chai Bunthonglek outside Khlong Sai Pattana community, Chaiburi district, Surat Thani province, South Thailand. Uncle Chai was a member of the Southern Peasants Federation of Thailand (SPFT), a land rights defenders organisation fighting for the community land titles from the Thai State for landless farmers who have set up communally organised agricultural villages. These communities are joined together under the legal entity of the Southern Peasants' Cooperative, sister organisation of the SPFT.

Uncle Chai is the fourth Human Rights Defender (HRD) from Khlong Sai Pattana community murdered since 2010. Mr. Somphom Pattaphum was brutally shot and killed in Khlong Sai Pattana community land on 11<sup>th</sup> January 2010; Uncle Somphom was having dinner with neighbours when unidentified gunmen shot him. Two years later, on 19<sup>th</sup> November 2012, two women land rights defenders Montha Chukaew and Pranee Boonrat, were shot to death and then their bodies were disfigured, on the road leading to Khlong Sai Pattana community passing through former palm oil concession land (but still planted with palm trees). The two women HRDs were returning from a local market. No charges were filed nor legal proceedings pursued against anyone involved in these murders of these HRDs.

In the immediate aftermath of Uncle Chai's killing however, there was high-level pressure, condemnation and calls for justice from the international human rights community. Namely statements by the UN OHCHR<sup>1</sup>, human rights organisations, and diplomatic pressure highlighted the plight of the Khlong Sai Pattana community-based HRDs and the persistence of impunity in previous murder cases. This high-level pressure was instrumental in spurring more substantive police investigations into the murder of Uncle Chai compared to other land rights activists murdered in the South. This was seen particularly in local police actions to collect evidence possibly incriminating three suspects in what was a joint operation of premeditated murder.

Yet, in May 2015, when Uncle Chai's murder was no longer in the spotlight of human rights organisations and diplomatic pressure, the Wieng Sra Public Prosecutor filed charges against one suspect allegedly involved in the joint operation to murder the land rights defender. We are very concerned about the evidence that was brought forward in the police investigation stage. Furthermore, bringing charges of being accessory to murder against one individual only in a joint murder case weakens the available evidence for the prosecution to make a strong case. Furthermore, during the witness testimonial hearings by Khlong Sai Pattana community members, on 28<sup>th</sup> and 29<sup>th</sup> January 2016 at Wieng Sra Court, one of the suspects investigated by the Police for this premeditated murder case

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<sup>1</sup> Press Statement - United Nations Human Rights Office concerned by the situation of human rights in relation to land in Thailand (11 March 2015) <<http://bangkok.ohchr.org/files/ROB%20Press%20Statement%20150311.pdf>>

came to the Court session; this man is widely suspected amongst land rights defenders for being the land broker behind much of the violence directed against land rights defenders in the South of Thailand.

In response to these direct incidents of murder of land rights defenders, members of the SPFT and across Thailand, the SPFT has erected a monument to defenders of the rights of peasants in Khlong Sai Pattana community. This monument and especially the opening ceremony on 28<sup>th</sup> September 2015, pay tribute to the HRDs who gave their lives, give their lives, or had their lives taken away in the struggle for secure, communal land tenure and the protection of livelihoods for peasant communities across Thailand. The monument now stands at the center of Khlong Sai Pattana, a reminder to both the SPFT and visitors to Khlong Sai Pattana community, of the lives committed to the struggle for land rights and justice in Thai society, including for landless peasants, and the violence that they are treated with.

In comparison to these actions by the SPFT to highlight the impunity they and other community-based land rights defenders are facing, the Ministry of Justice working group on the protection of human rights defenders at risk (white list) pales in its inaction. Since having been set-up under the direction of the department for the protection of rights and liberties in November 2014, the working group has taken no actions to address the lacunae in and attacks on State mechanisms responsible for the protection HRDs, prevention of threats and risk to HRDs, defense and promotion of Human Rights. Despite having had inputs on best practices and inputs on immediate protection needs (especially by members of the SPFT themselves, who joined working group meetings), the working group has not organised any activity which would have brought direct participation of HRDs themselves, nor has it taken any actions to support the protection of HRDs as a working group. This situation of the Working Group reveals the failure of state agencies to carry out effective and holistic measures, which could save lives of HRDs. In order to save their lives, the working group therefore should work to coordinate and implement special protection measures for those defenders whose lives are at risk, by granting precautionary measures.

Furthermore, key to the SPFT's struggle for land and justice is the fight to secure communal land titles from the Agricultural Land Reform Organisation (ALRO) for SPFT-member communities settled on and cultivating expired concession land – now State land – meant for redistribution. This land redistribution process which has been heralded by democratic and military-installed Prime Ministers and the Prime Minister's Office Sub-Committee on Communal Land Titles, has been specifically outlined and carried out in partnership with the People's Movement for Just Society (P-Move), of which SPFT is a key member. This process has officially prioritised Khlong Sai Pattana community as a pilot community for communal land title distribution. Yet, since the murder of Uncle Chai, the ALRO has violated its mandate to spear-head and realise this land distribution policy; in mid-2015 the ALRO declared the Khlong Sai Pattana community 'encroachers'. Also, the ALRO has used a court judgment against Jiew Kang Jue Pattana Ltd. palm oil company for illegal occupation, to issue legal execution orders to evict the Khlong Sai Pattana community. Previously, the Khlong Sai Pattana community has been declared to not be a 'dependent' of the company by Court ruling, therefore the ALRO eviction orders contradict this previous Court decision; it is with this legal decision that the community members have again challenged the ALRO eviction orders.

Most significantly for the international Human Rights community, the eviction of Khlong Sai Pattana community by a State authority such as the ALRO would be a threatening precedent to any opportunity for State-supported redistribution of land in the form of communal land titles, and in collaboration with land rights defenders. The ALRO has benefitted from the work and expertise of the SPFT which has been a key partner upholding the principles and realising the ALRO's mandate of redistribution of land to landless farmers. Yet, these actions by the ALRO taken out against the SPFT and Khlong Sai Pattana community contribute to cycle of de-legitimisation and violence which has been meted out against these land rights defenders. This threat of eviction by State authorities is a threat to the livelihoods of the Khlong Sai Pattana community members, the relatives they support through their labour, and the Southern Peasants' Cooperative and SPFT movement and energy.

These failures by State agencies and agents are all factors giving rise to impunity for human rights violators. Impunity fosters the vulnerability of human rights defenders since it gives rise to the perception that it is possible to violate human rights and attack human rights defenders without being punished. Thus, the impunity and threats of eviction and violence, are not only attacks on the Human Rights work of the SPFT and Khlong Sai Pattana community members, they also contribute to a context prevents the recognition and support to HRDs crucial for their security and protection as they fight for Human Rights.

Protection International passionately calls on you to:

- Organise for and carry out trial observation and support to the community-based HRDs and their legal team on 29<sup>th</sup> February 2016 at the Krabi Provincial Court, when it will hold a Special Hearing to consider the challenge filed by the Khlong Sai Pattana community members to the ALRO eviction orders;
- Organise for and carry out trial observation and support to Uncle Chai's family, their legal team, and the SPFT, for the verdict of the Wieng Sra Provincial Court on 15<sup>th</sup> March 2016, and any further legal action taken to work towards justice for Uncle Chai;
- Call on the Thai state to undertake exhaustive and independent investigations into the attacks against all human rights defenders, and to punish their perpetrators, as a fundamental means of preventing such attacks;
- Call on the Ministry of Justice Working Group to organise accessible and secure consultations with community-based HRDs on immediate actions that State authorities must take to provide protection to HRDs and their constituencies in response to the context-specific threats HRDs are facing;
- Call on the Thai authorities to urgently adopt effective measures to protect the life and physical integrity of human rights defenders who are threatened, and to ensure that these measures are decided on in consultation with the defenders;
- Call on the Ministry of Justice Working Group, as coordinator for HRD protection to work with other state agencies such as the Department for Special Investigations, to prioritise the cases of killings of SPFT and other land rights defenders; given the gravity of continued land rights defenders being killed and

delegitimation of HRD's work by local authorities, it is necessary that national level authorities with a clear and comprehensive objective to work against the standard of impunity faced by land rights defenders in the South of Thailand take up this case and the case of other land rights defenders killed or forcibly disappeared;

- In every dialogue with the Thai authorities and in international Human Rights review mechanisms, address the issue of the impunity of perpetrators of crimes against land rights and environmental defenders.