

Background of the struggles against mining activity in Loei, Thailand

For over ten years members of these villages, through their combined efforts as the Khon Rak Ban Kerd (KBRK) group, have protested the mining activities due to the environmental degradation and damage to the community's health, livelihood and wellbeing they cause. Mr. Rujichaiwat and Ms. Hongchai are both core persons within the KRBK group and are dedicated Human Rights Defenders who work tirelessly to empower individuals and communities to enable them to claim their basic entitlements as human beings.

On the late night of 15 May the armed men beat up the villagers on guard duty and then bound them by their wrists and ankles. The armed men proceeded to take approximately 40 villagers, half of whom were women, as captives or 'hostages' for nearly seven hours. This included two key leaders of the community struggle against the TKL mine. These 'hostages' were then placed face down on the ground with their hands and feet bound. The barriers that the villagers had constructed to block access to the mine were destroyed and about 13 trucks were seen transporting materials from the mine.

During the hours long ordeal the villagers reported being assaulted and threatened with guns. Some women victims said their captors threatened to rape them as they lay with their hands and feet bound. The violent attack caused injury and loss of property to the villagers. More than 40 suffered physical injuries and at least seven required hospitalization for severe physical injuries. Many villagers also lost valuable property such as gold chains and some were victims of property damage.

The defamation suit filed by TKL Company against Mr. Surapan Rujichaiwat and Ms. Pornpip Hongchai constitutes an attack on their legitimate work as Human Rights Defenders as it undermines their freedom of expression and speech. Furthermore the suit appears to have no other purpose than to silence critics of TKL Company's activities through threat of financial ruin. Disturbingly, the lawsuit may also have the bad intention of diminishing the freedom of speech and expression of other villagers and public advocates who would otherwise speak out against fundamental rights violation brought about by the gold mining operation.

Mr. Rujichaiwat and Ms. Hongchai are both courageous and visionary in their work to promote and protect human rights. They have called for public and government attention and action on the impact of mining projects on the poor and disadvantaged, they have pushed for multinational corporations to be held morally and legally accountable when their actions or omissions deprive people of their basic human rights. It is against public interest for corporations to target and/or 'go after' Human Rights Defenders who highlight alleged human rights violations.

The use of criminal and civil actions by corporations and/or governments to silence HRDs, and to deter others from continuing the struggle for human rights is wrong, and must be condemned. Such cases by corporations are attempts to divert the HRD's attention from the human rights issue; afflicts the HRDs with stress, loss of time and monies; and also impacts the future struggle for human rights by community members or HRDs. As such the actions of Tungkom Limited Company must be condemned as being anti-human rights.