



Thailand: Address ongoing threats to life against Lertsak Kumkongsak and environmental human rights defenders

(Jakarta, 24 September 2020) - The death threats and the ongoing intimidation of an environmental human rights defender (EHRD), Lertsak Kumkongsak showcase the mounting threats faced by human rights defenders in Thailand today. The Government has the obligation to ensure the protection of Lertsak and all human rights defenders working for the protection of the environment, at the same time hold business enterprises accountable in line with its National Action Plan on Business and Human Rights, the Asian Forum for Human Rights and Development (FORUM-ASIA) and the Community Resource Center (CRC) said today.

Lertsak is a prominent environmental defender and advisor to the Network of People Who Own Mineral Resources, a rights monitoring group that calls for the accountability of mining operations for both the private and public sectors. Following his role, he has been involved in revocation of several mining licenses in different communities across Thailand.

The death threats follow Lertsak's advocacy with the Khao Lao Yai Pha Jun Dai conservation group who have actively opposed mining operations by Thor Silasitthi Company Limited in Dongmafaai District, Nong Bua Lam Phu Province, located in the north-eastern part of Thailand. For the last few months, he has received multiple death threats that he would be shot if he does not back down from protesting the mining operations.

'These threats are meant to create a culture of fear not just for Lertsak but for all environmental human rights defenders,' said the groups.

The affected communities have been calling for the permanent cessation of quarry mining operations for over two decades since mining operations started. The company's mining permit has been revoked in 2004 and in 2018, the former decision overturned by a 2010 ruling while the latter resulted in an appeal¹, however mining operations continue. As it stands, the company's mining permit is due to expire today, 24 September 2020.

Since 13 August, the conservation group, Khao Lao Yai Pha Jun Dai has occupied the entrance of the mining area. The occupation came after the negotiation with district authorities were left unpromising.²

¹ <https://www.bangkokpost.com/opinion/opinion/1433518/a-watershed-moment-for-thai-mining>

² <https://isaanrecord.com/2020/08/14/nong-bua-lamphu-locals-block-entrance-to-limestone-mine-after-negotiations-fail/>

On 4 September, a day after the expiration of the company's forest utilisation permit, the community-based conservation group successfully reclaimed mining areas equivalent to 280,000 square meters (175 rai) and declared it as a 'community forest zone'. The community plans to escalate their call on 25 September, a day after the expected expiration of the mining permit by reclaiming more than 80,000 square meters (50 rai) of land, where the mining company's stone mill is located.

Members of the community group have been threatened and killed for their advocacy against the mining operations. From 1995 to 1999, four members of the community were killed for opposing mining operations. Following their announcement to reclaim more land, Lertsak and community members have faced increased threats and intimidation.³

Lertsak has received numerous verbal threats implying that he is on a hit list as a consequence of his activism and support for the community group in Nong Bua Lam Phu. He has been repeatedly approached by men carrying guns in the vicinity of his temporary residence in the area. He has also been, reportedly, under regular surveillance by people suspected to be linked to the Internal Security Operations Command (ISOC), a government unit heavily influenced by the military.

'For many years now, the community has suffered the detrimental effects of mining operations. Business entities and actors should be held responsible for any abuses that may result from their operations. The Government has the obligation to ensure they are not complicit to these abuses, and that those defending the rights of most marginalised and affected communities are protected from harm. These communities should be not only protected, but also genuinely and timely consulted in due approval processes and impact assessments', said the groups.

Environmental defenders in Thailand have faced reprisals for their work exposing abuses related to business operations. In 2014, community based human rights defenders from the Khon Bak Ren group faced defamation charges after exposing alleged human rights abuses by the mining company Tungkom Company Limited.⁴ In 2015, Chai Bunthonglek, a member of Southern Peasant's Federation of Thailand (SPFT), was murdered following his advocacy as a land rights defender. He became the fourth victims of the SPFT that have been assassinated.⁵ In 2019, an environmental defender, Eakachai Itsaratha, was abducted and held incommunicado for several hours by ten unidentified men after he attempted to attend the public hearing regarding a rock quarry project in the Phatthalung province.⁶ FORUM-ASIA recorded that environmental defenders are one of the most vulnerable groups of defenders in Asia and they are often killed due to their activism.⁷

The case against Lertsak and community members of Nong Bua Lam Phu demonstrates the continued hostile climate against environmental defenders and communities mobilising against mining projects.

³ https://prachatai.com/journal/2020/09/89635?ref=internal_update_title (Thai)

⁴ <https://www.forum-asia.org/?p=17885>

⁵ <https://www.forum-asia.org/?p=18895>

⁶ <https://www.aljazeera.com/news/2019/09/24/thai-activists-risk-murder-abduction-in-fight-for-land-rights/>

⁷ Defending in Numbers: Resistance in the Face of Repression, page 31. Available at: <https://www.forum-asia.org/?p=28887>

FORUM-ASIA and CRC urge the Government of Thailand to abide to its obligations under the International Covenant on Civil and Political Rights and Economic, Social and Cultural Rights, to protect the right to life of Lertsak and all defenders facing threats, and protect human rights in the context of business operations in line with the United Nations Guiding Principles on Business and Human Rights and its related National Action Plan on Business and Human Rights. We also urge the National Human Rights Commission of Thailand to intervene and exercise its mandate in investigating and providing protection for the defenders. The Thai authorities should conduct transparent and time-bound investigation and hold all perpetrators of both state and non-state actors accountable.

About FORUM-ASIA:

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a regional network of 81 member organisations across 21 Asian countries, with consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity-development and solidarity actions in Asia and beyond. It has sub-regional offices in Geneva, Jakarta, and Kathmandu. www.forum-asia.org

About CRC:

The Community Resources Centre (CRC) is a non-government organisation which is committed to protect and promote the Human Rights, Community Right and the Environment. CRC is a watchdog on the implementation of ICCPR and ICESCR. <http://crcthai.blogspot.com/>

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