

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

www.lrwc.org; lrwc@portal.ca; Tel: +1 604 738 0338; Fax: +1 604 736 1175

3220 West 13th Avenue, Vancouver, B.C. CANADA V6K 2V5

12 April 2016

General Anupong Paochinda
พลเอก อนุพงษ์ เผ่าจินดา
Minister of Interior
Office of the Minister of Interior,
Asadang Road, Ratchabophit,
Bangkok 10200
Fax 011-2 226-4371

Police General Jakthip Chaijinda
Commissioner-General
Royal Thai Police
1st Building, 7 Floor, Thanon Rama I,
Pathumwan
Bangkok 10330
Thailand
Fax: 011 2-205-3738;

Mrs Suwana Suwanjata,
Director-General
Department of Special Investigation (DSI)
Ministry of Justice
[Department of Special Investigation](#)
128 Chaeng Watthana Road,
Laksi, Bangkok 10210
Thailand
Fax: 011 66 2 953-0503

Ms. Kannika Sengthong
นางกรรณิการ์ แสงทอง
Director General, Rights and Liberties
Protection Department
Ministry of Justice
128 Chaeng Watthana Road,
Laksi, Bangkok 10210
Thailand
Fax. 011 2 143 9660

Dear General Anupong, Mrs. Suwana and Ms. Kannika,

Thailand: Call for protective measures: Targeted shooting of community rights defender Mr. Supoj Kansong

We write on behalf of Lawyers' Rights Watch Canada (LRWC), a committee of lawyers and others who promote human rights and the rule of law internationally through advocacy, education and research. LRWC is an NGO in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations (UN). LRWC also campaigns for lawyers and other human rights defenders in danger because of their advocacy.

LRWC is alarmed by the targeted shooting on 8 April 2016 of community rights defender Mr. Supoj Kansong from Southern Peasant's Federation of Thailand (SPFT). He was severely injured after being shot eight times by an unidentified gunman in Surat Thani Province in southern Thailand. He is the fifth community rights activist from SPFT to have been the victim of

Thailand: Targeted shooting of community rights defender

1 of 3

targeted shootings over the past six years in an ongoing dispute with Jiew Kang Jue Pattana Co. Ltd., a palm oil company owned by a local politician.¹ We understand that SPFT members continue to face death threats and intimidation in Surat Thani Province,² despite the 2015 court judgment ordering the Jiew Kang Jue Pattana Co. Ltd. to vacate land it is illegally occupying. No action appears to have been taken to enforce the judgment.

Further, there has been little progress in the police investigation into the 11 February 2015 murder of SPFT member Mr. Chai Bunthonglek, who was shot dead in his house by two unidentified gunmen. On 18 March 2016, one suspect was acquitted of the charges.³ Two other suspects in the case have yet to be indicted, as their identities are still unclear.⁴ Thai authorities have failed to bring anyone to justice in any of the five shootings. The series of recent incidents highlights the continuing pressure being exerted on members of the SPFT by powerful forces to desist from their advocacy to secure community and land rights in Thailand.

Being under constant threat of harm or intimidation makes it impossible for SPFT leaders and other community-based human rights defenders to pursue their lawful advocacy for community land rights. Prompt state action to prevent and punish threats against SPFT members and others at risk human rights defenders is necessary to protect lives.

LRWC calls upon Thailand to comply with its international human rights obligations to guarantee protection of human rights defenders⁵ pursuant to the *International Covenant on Civil and Political Rights* (ICCPR)⁶ ratified by Thailand in 1996; the *Universal Declaration of Human Rights* (UDHR)⁷ and the *UN Declaration on Human Rights Defenders*,⁸ adopted by the UN General Assembly on 9 December 1998. Article 1 of the Declaration recognizes that “everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels”, and Article 12.2 provides that “the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination,

¹ Asian Human Rights Defenders, “Thailand: Land rights defender assassinated at his house, “ February 11, 2015, available at: <https://asianhrds.forum-asia.org/?events=thailand-land-rights-defender-assassinated-at-his-house>, Asian Human Rights Commission, “Thailand: SPFT Members Subject to Death Threats,” Statement, April 1, 2015, available at: <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-023-2015>

² *Ibid.*

³ Asian Human Rights Commission, “Thailand: Failure of justice for human rights defenders,” March 15, 2016, <http://www.humanrights.asia/news/press-releases/AHRC-PRL-005-2016>

⁴ Prachatai English, “Charges dismissed against alleged killer of land rights activist,” March 15, 2016, available at: <http://www.prachatai.com/english/node/5940>

⁵ United Nations High Commissioner for Human Rights, “Who is a defender?” available at <http://www.ohchr.org/EN/Issues/SRHRDefenders/Pages/Defender.aspx>

⁶ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, available at: <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

⁷ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html>.

⁸ UN General Assembly, *Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms: resolution / adopted by the General Assembly*, 8 March 1999, A/RES/53/144, available at: <http://www.refworld.org/docid/3b00f54c14.html> [accessed 20 September 2015]

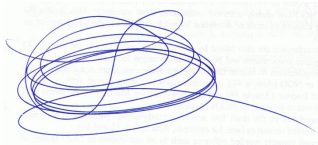
pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration”.

Recommendations

LRWC calls on Thailand to take all steps necessary to:

1. ensure the immediate commencement of an impartial and competent investigation of the targeted shooting of Mr. Supoj in full compliance with the requirements of the ICCPR, including investigating all threats and attacks against SPFT members, to hold both state and non-state perpetrators accountable;
2. ensure that all evidence in the investigation is professionally collected and preserved so as to prevent contamination, deterioration or loss of any and all evidence;
3. provide immediate and effective protection to community-based human rights defenders, including Mr. Supot Kansong, SPFT members and their families, other community activists, and anyone capable of giving evidence in relation to the shooting;
4. actively address the needs of the people living in agricultural land reform areas in Surat Thani by ensuring suspension of activities that may cause further conflict, or disrupt the livelihoods of SPFT members, and halt all efforts to evict such people; and
5. guarantee that all human rights defenders in Thailand are able to carry out their legitimate human rights activities without fear of reprisals or retaliation, in conformity with the provisions of the ICCPR, the UDHR and the UN *Declaration on Human Rights Defenders*.

Sincerely,



Gail Davidson, Executive Director, LRWC

Copied to:

Commissioner Angkhana Neelapaijit
Subcommittee on Civil Rights Chairperson
National Human Rights Commission of Thailand;
120, Chaeng Watthana Road,
Laksi, 10210,
Bangkok, THAILAND; E-mail: help@nhrc.or.th