



**Urgent Alert Environmental and Community W/HRDs in Nongbua Lamphu Province facing repeated, serious death threats. The threats against Mr.Lertsak Kumkongsak arise from a struggle against a mining operation. Four HRDs have previously been killed in the struggle against the same mining operation.**

Leaders of the Community W/HRDs in Nongbua Lamphu Province, northeastern Thailand, are facing repeated death threats as they continue the struggle to permanently shut down quarry mining that has impacted their health and environment.

Since 13 August 2020, the Community W/HRDs of Khao Lao Yai-Pha Jun Dai Conservation Group have been occupying the entrance of the quarry mine situated in Dong Mafai Sub District, Suwannakuha District, Nongbua Lamphu Province. They have declared their intent to permanently shut down the mining operation as the project lacks lawful community consent as well as the legal health and environmental assessment from the relevant agencies.

On 4 September 2020, the community reclaimed 175-Rai from the mining area and successfully declared it the 'community forest zone'. Their actions came one day after the forest utilization permit expired and due to prior permit illegalities, the company could not renew their lease.

On Friday, 25 September 2020, the W/HRDs group plans to reclaim a further 50-Rai of land where the stone mill is in place. The action will take place one day after the mining permit expires on 24 September 2020. The community has declared it will uproot this last remnant of the mining project that has faced opposition from the community since 1994.

Between 1995-1999 four members of the community were killed, namely Boonrawd Duangkota, Sanan Suwan, Thongmuan Khamjaem, and Som HomPromma, for opposing the construction of the mine.

**In the past month since the blockade of the mining entrance, there has been a repeated death threat against the organization supporting the community. Mr.Lertsak Kumkongsak, Environmental rights defender and an advisor to the Campaign for Public Policy on Mineral Resources (PPM), coordinator of the Ecological and Cultural Study Group and the Network of People Who Own Mineral Resources, has received repeated messages hinting that he is on 'a hit list'**

**Anecdotal evidence leads many to believe that the planned killing of Lertsak has been commissioned by the owner of the mining company perhaps with the involvement of the government Internal Security Operations Command (ISOC)**

**Lertsak has received verbal threats specifically that his assassination has been commissioned and he will be shot if he does not back down from protesting against the mining operation. In recent days as the protest action nears, he was repeatedly approached by men carrying weapons such as guns. In multiple incidents Lertsak has been monitored and surveilled closely by various people suspected to have close ties with ISOC.**

**It is believed that he is to be executed between the dates of September 22 - 25 September 2020.**

**Protection International, Thailand has documented more than 70 cases of killing and enforced disappearances of community based women/human rights defenders in Thailand from the past 50 years.**

**Most of the perpetrators remain free and have never been brought to justice. There had been little or no progress in the investigating of attacks and threats made against community based women/human rights defenders.**

**The primary responsibility for protecting human rights defenders rests with the State. Four lives have already been taken in this struggle and it is the duty of the state to guarantee that no more harm is done to the W/HRDs.**

**Protection International calls on the Thai authorities and National Human Rights Commission to ensure the safety and protection of Mr.Lertsak Kumkongsak and other staff of the Campaign for Public Policy on Mineral Resources (PPM) as well as other community W/HRDs in Dongmafaai who continue to defend their community and environment.**

**The Thai authorities , especially the Royal Thai Police , the Ministry of Justice , ISOC and The Provincial Governor of Nong Bua Lamphu must ensure that both administrative and security authorities exercise their utmost power to provide safety and protection to the Khao Lao Yai-Pha Jun Dai Forest Conservation Group during the blockade and their activities. They are simply exercising their rights according to the Constitution and they must be able to do so without fear of reprisals.**

**Protection International calls on The United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), UNOHCHR ,UN Working Group on business and human rights , and all stakeholders to take urgent and concrete action to ensure the Thai government and its agencies protect Lertsak Kumkongsak while there is still time.**

**In the longer term they must use their resources to ensure the Thai Government and all relevant enterprises immediately end practices which encourage killings, intimidations and judicial harassment.**

**We urge all stakeholders to strengthen their methods of work and develop a more proactive strategy to reach out to human rights defenders in need of protection. The diplomatic community and UN agencies should be more vocal and publicly call for action when human rights defenders are at risk or are murdered.**

## **Background**

**Khao Lao Yai-Pha Jun Dai Forest Conservation Group is an environmental W/HRDs community-based group struggling against quarry mining in Dongmafai Subdistrict, Suwannakuha District, Nong Bua Lamphu Province. They have been struggling for over two decades an attempt to stop the mining operations that lacks the due process required for such mining project.**

**Sadly, this has led to the killing of four members of the group between 1995 and 1999. No perpetrator was held responsible for the crimes.**

**It is estimated that the daily explosions from the mining sites, which cause noise pollution and damage to households due to falling debris, affect around 4,000 people residing in six villages close to the mining sites. Mining activities are also hindering the villagers' access to food in the nearby community forest, since 175 out of 200 hectares are marked as mining areas.**

**The group demands for the rehabilitation of the forest into a conservation zone. Thailand's Department of Fine Arts, under the Ministry of Culture, have registered some parts of the area as an important archaeological site, since mural paintings – estimated to be 2,000-3,000 years old – were found in the caves of a local cliff. According to the new 2017 Mining Act, a forest area containing watersheds or archaeological sites must be exempted from mining. However, although the reserve in Dongmafai Sub district has both, authorities are still allowing the company to continue its mining operations.**

**In 2004, due to unsatisfactory fulfilment of regulatory requirements, the Administrative Court revoked the company's permit to exploit the forest and its mining license. However, the Supreme Administrative Court later overturned this decision in 2010 – when the mining permit was about to expire – and, instead, the company's license was renewed for 10 years. It is now due to expire on 24th September 2020.**

**In 2018, after the local residents filed a lawsuit, the Udon Thani Administrative Court revoked the company's second mining permit and ruled that the Ministry of Natural Resources and Environment, as well as other government agencies, had failed in ensuring public**

participation, as required by the constitution, before granting the mining permit to the company. However, the company appealed the decision and the mining operations are still ongoing today.

Despite the local residents' strenuous opposition to exploit the forest, which goes against the legal principle of obtaining a mining license, the company still sees its permit renewed. The Khao Lao Yai-Pha Jun Dai Forest Conservation Group has found a number of illegalities. Stratagems were used for the renewal procedures at the sub district administrative level, so to get the forest reserve approved for mining exploitation despite the villagers' opposition. A mark designating an area as minable was found in a cave containing an archaeological site.