



Court to decide the verdict of the attempted assassination of a Thai land rights defender.

Wiang Sa Provincial Court is preparing to read the verdict of the attempted assassination case of Dam Onmuang on August 26th after completing its investigation of witnesses for both the plaintiff and the defendant. He is the 6th land rights defender from the Southern Peasant Federation of Thailand (SPFT) who has been victim to assassination attempts, 4 of them proving fatal.

His lawyer stated that the perpetrator's behavior is likely to be considered as attempted murder according to the evidence. She also stated her determination to fight at every level of court if the case is overturned. Two UN Special Rapporteurs called on the Thai government and the palm oil company for measures to protect land rights defenders, in line with the UN Guiding Principles on Business and Human Rights.

Between June 29-30, there was a news report from SPFT that the Wiang Sa Provincial Court had scheduled an appointment to examine witnesses at the trial of Mr. Dam Onmuang, a land rights defender from Santi Pattana Community who is member of SPFT. Mr. Onmuang was shot at on October 20, 2020, but fortunately was able to dodge the bullet and survive.

The incident occurred on October 20, 2020 at 1 a.m, while Mr. Onmuang and four others members of the Santi Pattana community, were on security duty at the entrance to the community. The perpetrator stormed in and shot at Mr. Onmuang's head but Mr. Onmuang was able to dodge the bullet and narrowly survived. The perpetrator, later known as Mr. Somphon Chimruang, is believed to be a worker of a private company which has had a dispute with the community before. He drove away in his car after the incident.

Mr. Onmuang and other land rights defenders from Santi Pattana Community informed the police at the Bang Sawan Police Station calling for an investigation. The police followed Mr. Chimruang to his house and arrested him with the firearm and have taken legal action for the offense of attempting to kill another according to the criminal code, possessing a firearm and ammunition without permission, taking a firearm on his person into towns, villages or public places without permission and without justification under the Firearms, Ammunition, Explosives, Fireworks and Imitation Firearms Act.

Mrs. Amporn Sangthong, Mr. Onmuang's lawyer, said that after the trial was completed on June 29-30 there was an investigation of the plaintiff's and the defendant's witnesses. In the part of the plaintiff's witness, the victim, Mr. Onmuang, confirmed the cause of the incident. The victim himself believed that it was caused by the conflict between the community and the private company in the disputed area. Mr. Onmuang confirmed that the motive was likely to arise from this issue. Another witness confirmed that he witnessed the incident together and confirmed that Mr. Chimruang was the perpetrator.

Mr. Onmuang's lawyer also said that the investigators had gathered evidence and came to testify to confirm the evidence collected from the scene, including a forensic DNA test of the defendant. However, the defendant himself has denied all charges, claiming that he had no intention of killing Mr Onmuang. But the verdict will be at the courts discretion and they will weigh all the evidences and see whether or

not the defendant's intent was the attempted murder according to the prosecutor's accusation. After the court listened to the testimony of the plaintiff and the defendant, the verdict hearing was set for August 26, 2021 at 09.00 a.m.

“In regards to the evidence we have obtained, we have no concerns. But Uncle Dam, who is the victim, is worried if the case will be overturned or doesn't go as expected, and he also worries about safety. However, if the outcome of the case does not meet the objective we want, we will continue fighting because there is still an appeal and supreme court.” said Mr. Onmuang's lawyer.

Ms. Pranom Somwong from Protection International, said that we acknowledge and appreciate that the UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnes Callamard, called on the Thai government to provide information about the concrete measures that have been taken, or are foreseen, to ensure the safety of Mr. Onmuang and the Santi Pattana community. Their joint statement highlights the importance of Article 6 of the International Covenant on Civil and Political Rights which addresses the protection of the right to life.

In addition, Ms. Somwong said there was information that the UN's letter was sent to the palm oil company, urging the company to provide more information on the existing measures to remedy adverse human rights impacts of their operations, in line with the UN Guiding Principles on Business and Human Rights.

The Southern Peasant Federation of Thailand (SPFT) which Mr. Onmuang is a member of, was formed by the rural poor and landless farmers in the south of Thailand in 2003. Their objective was to investigate the land of private companies where the leases had already expired yet the companies still occupied them. They have been, and continue, to collectively request that SPFT's members exercise their land rights for farming and living. Furthermore, SPFT has also pushed for laws related to land rights, peasants' rights, women's rights, community rights, in order to build new communities and for the participation of the public sector in resource management in order to reduce the inequality of land ownership, create justice in society and promote the principles of human rights and democracy. SPFT is an umbrella organisation comprised of five communities named Santi Pattana, Klongsai Pattana, Khao Mai, Nam Daeng Pattana and Phoem Sap. Over the past decade, members of SPFT especially from Klongsai Pattana community, in addition to having to fight for the right to access land and the right to form a new community, still have to find a way to deal with and fight against influence groups. Between 2010-2015, four members of SPFT were assassinated; Mr. Somporn Pattaphum was shot and killed in 2010, Ms. Pranee Boonrak and Ms Monta Chukaew were both shot dead in 2012, and Mr. Chai Boonthonglek was shot and killed in 2015. The perpetrators of these assassinations have still not been punished and remain at large. In 2016, a fifth person was shot and seriously injured, but like Mr Onmuang, also remarkably survived.

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