Violation of the right to life

- [english] - Region - Asia - Thailand -

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Description :

The Observatory has been informed by the Asian Human Rights Commission (AHRC) that Mr. Charoen Wat-aksorn, an environmentalist and president of the Love Bo Nok group, was murdered near his home in Bo Nok in the province of Prachua Khiri Khan on the night of June 21, 2004.
URGENT APPEAL - THE OBSERVATORY
THA 001 / 0604 / OBS 050
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June 25, 2004

The Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests your urgent intervention in the following situation in Thailand.

Brief description:

According to the information received, the Love Bo Nok group, a local environmental protection organization, had become well known for its successful campaign against the opening of a coal-fired power plant on public lands. The lands that were to be the site of the new plant were initially leased to Gulf Electric until opponents of the project were elected to the local administrative organization which subsequently refused to renew the lease. Following the cancellation of the lease, there were allegations that local officials were accepting bribes in return for issuing deeds to the public land.

On the day of his murder, Mr. Wat-aksorn had met with the House Committee on Corruption Investigation, encouraging them to investigate these allegations. Mr. Wat-aksorn had also filed complaints with the Interior Minister, the National Counter Corruption Commission and various House and Senate committees concerning the alleged bribes. Upon his return from Bangkok on June 21, he was shot just after arriving in Bo Nok.

Mr. Wat-aksorn's widow, along with human rights activists, requested that the investigation of Mr. Wat-aksorn's death be handled by the Ministry of Justice's Special Investigation Department (SID) rather than local police, to ensure transparency. However, Prime Minister Thaksin Shinawatra refused the request and instead instructed the Bangkok police to aid the local Prachuap Khiri Khan authorities in the investigation.

The Observatory is deeply concerned the murder of Mr. Wat-aksorn and the escalating environment of impunity for the perpetrators of such crimes in Thailand. Since January 30, 2001, fifteen community leaders, rights activists and environmentalists have been killed in the course of their work to protect the rights of their communities. Reportedly, most of these cases remain unsolved.

The murder of Mr. Wat-aksorn contravenes the provisions of the Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, in particular article 9(3.a) which provides that everyone has the right "to complain about the policies and actions of individual officials and governmental bodies with regard to violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay."

The Thai authorities' inaction toward fulfilling the State duty to protect human rights defenders, contravenes the Declaration, article 12(2), which states 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,
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retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration."

The Observatory urges the Minister of Justice to transfer the case of Mr. Wat-aksorn's murder to the SID to insure a timely and impartial investigation.

Actions requested:

Please write to the Thai authorities and ask them to:

i. conduct a fair, impartial and independent inquiry about these crimes, in order to identify the perpetrators, bring them to justice and pronounce sentences proportional to the gravity of their crimes;

ii. adopt immediate measures to put an end to all acts of violence against human rights defenders;

iii. conform with the provisions of the Declaration on Human Rights Defenders, specifically articles 9(3.a) and 12(2), mentioned above, and more generally article 1 which states that "everyone has the right, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and international levels."

iv. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Thailand.

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Kindly inform us of any action undertaken quoting the code of this appeal in your reply.  
The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need.  
The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

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