

# **Thailand (North-East): Nong Bua Lamphu declared victory over mining amidst remaining threats**

Friday 18 December 2020, by [Community Forest Conservation Group](#), [Protection International](#) (Date first published: 24 November 2020).

**Community W/HRDs in Nong Bua Lamphu Province declaring victory in uprooting the last remnant of the exploitative and illegitimate quarry mining and they continue to blockade the mining site.**

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Khao Lao Yai- Pha Jun Dai Community Forest Conservation Group and their supporters raising hands in joy as they reclaimed the land back.

The threats against Lertsak Kumkongsak and Campaign for Public Policy on Mineral Resources team (PPM) arise from a struggle against this mining operation. Four HRDs have previously been killed in the struggle against the same mining operation.

On September 25<sup>th</sup> over 150 Community, women and men Human Rights Defenders (W/HRDs) of Khao Lao Yai- Pha Jun Dai Community Forest Conservation Group and their supporters marched by foot to reclaim the 50-Rai stone mill area, part of the 225-Rai quarry mining project that has impacted the community's health and environment for the past 26 years. Reclaiming the 50-Rai land in order to turn it back into community forest came one day after the mining permit expired on 24 September 2020.

Earlier on 4 September 2020, the community W/HRDs successfully reclaimed 175-Rai of the mining area of which its forest utilization permits expired on 3 September 2020.

The Community members performed the traditional ceremony Baisri Sukhwan asking for forgiveness from the forest by sowing and planting seedlings to restore the area to be mountain forests in the mill area. The ceremony emphasized the community's intention to restore the extracted land into the lush forest that has served as the community's source of food and livelihood.

Long Chinsaeng, a villager and WHRD representative said the day is the victory of the 26 years that community members have been waiting for and fought together.

"We should be proud of our history. And from now on we will come together to sow our victory fill the rocks with plants, soil and sand to turn the stones into beautiful plants and flowers that will be developed as community tourist attraction sites"

After the ceremony of sowing the seeds was completed, Wilai Anuwet, WHRD and representative of

Khao Lao Yai- Pha Jun Dai Community Forest Conservation Group, read the statement calling for the permanent shut down of Dong Mafai quarry mining.

“Today we have taken the stone mill following the seizure of the quarry mining on 3 September. We are turning the quarry mining and the stone mill into a flower garden and community forest. We’ll sow the seeds, flowers, and flower gardens here today. In the next rainy season, we will bring the perennial plant seedlings to a full area of 225 rai that used to be for extractive mining.”

“We have planned the short, medium and long term with a strong ambition. Even if it takes another ten years, our determination will never fade. In order to transform the forest into a beautiful and peaceful land, we ask the government and related agencies to realize that the area can no longer be used for the mill on 24 September 2020. Do not distort any law in order to serve a mining capitalist who is involved in the murder of four of our Dong Mafai fighters.”

Wilai said further that the group will take the action against civil servants and corrupt officials who have used false documents to allow mining capitalists to obtain a license to use the Pa Kao Kloy and Naklang national forest area for the quarry mining and the stone mill.

“Today we will allow the opportunity for the mining company to remove all machinery, equipment, vehicles, buildings, and materials to get out of this area immediately. We do not want to own any assets in the mining and stone milling on the land.”

The statement further reads "In the face of intimidation and even the killing of our advisor and the leader of the Commoners’ Party or anyone else, carried out in attempt to stop us taking the quarry and the mill, we would like to declare to the mine capitalist, government officials and anyone that cooperates with this act of violence, know that your guns can only achieve revenge. It will not stop us in occupying the quarry and the stone mill and turning into a community forest area.”

“We will never stop dreaming. And you can never destroy our dreams. Even if you try to bury us into the soil and rocks, you don’t know that we are the seeds that can always spring to the top of the soil and the rocks. Our inspiration and determination is so overwhelming that we can already see the beautiful and peaceful grove in front of us. Soon, the quarry and the mill will be ended on our generation. “

### **Reclaiming and proclaiming the extinct mining zone as a community zone**

The members from the Khao Lao Yai- Pha Jun Dai Community Forest Conservation Group joined together to place three pillars on the stone piles proclaiming it the ‘Community Forest zone’ and performed Baisri Sukhwan ceremony to ask for forgiveness from Mother Earth. The ceremony is to symbolize the restoration of a limestone quarry and a stone mill 225 rai into a community forest. It is also for the remembrance of the Dong Mafai fighters that lost their lives.

The community members , their network together with the Women Human Rights Defenders Collective then donned masks with the face of Lertsak Khamkongsak, the environmental HRD, advisor to the Community W/HRDs and the leader of the Commoners’ Party in a symbolic action that defied the threats and perpetrators targeting to kill Lertsak. They held a sign that read: “If you kill Lertsak, there will be hundreds and thousands more” with the hashtag #StayWithDefenders to express solidarity for Lertsak who was targeted to be killed in the past few weeks.

There were about 8-10 workers of the mining company present. There was no confrontation between the workers and the Community W/HRDs. However, it was observed that one company worker had a gun and used binoculars to closely monitor the villagers and take pictures of the villagers.

## **National Human Rights Commission staff commit to take actions for safety of the HRD**

Two officials from the National Human Rights Commission (NHRC) also made the visit to the mining site during the activities following the information received from Protection International on the death threats made against Lertsak and community.

Chanin Ketprach, director of the Bureau of Standards and Human Rights Defenders of the National Human Rights Commission expressed concerns over the intimidation made against the HRD.

He stated that the NHRC has coordinated with the Nong Bua Lamphu Provincial Police, the Department of Rights Protection under the Ministry of Justice including the legal department on witness protection to take actions on the concerns.

The NHRC representatives stated that they were committed to look into the concerns and directly coordinated with the Internal Security Operations Command and the Nong Bua Lamphu Provincial Governor to take actions to ensure protection and security of Lertsak.

There was also a public forum on “Mines - the severity of resource hijacking under state-dictatorship” which had a number of speakers who participated in this discussion, such as Supaporn Malailoi, EnLaw Foundation, and People Go Network, Suraphan Rujichaiyawat, Khon Rak Ban Kerd Group of six villages around a gold mine in Loei Province, Jatuphat Boonphatraksa, Human Rights and Democracy activist, Oranuch Pholpinyo, representative of the Isan Land Reform Network and Lamduan Wongkhamjan, representative of the Khao Lao Yai- Pha Jun Dai Community Forest Conservation Group.

## **Provincial ISOC and Deputy Provincial Governor slam the actions, calling W/HRDs as troublemakers**

Pol Col Chalong Wiphan, Deputy Head of the Intelligence Unit, Provincial ISOC, said that on Sept. 24 is the expiration date of the mining company’s concession certificate but the forest utilization permit applying to the 50 Rai of the stone mill area will remain until 2024. On this contentious point, the Community W/HRDs stated that it depends on the legal interpretation as they argue that the expiration date of the stone mill area also be expired when the mining permit expires.

Col Chalong commented on the Community W/HRDs activities that such action was incited by the NGOs from the central area. He further commented that the NGO has caused the trouble as the local residents do not want to struggle against the mining anymore but they were used by the NGO.

Santi Laoboonsaeng Deputy Governor of Nong Bua Lam Phu Province commented that the mining operations were done according to the law to use the forest area to conduct mining.

However, the statement contradicted the facts that the permit for forest utilization was repeatedly a forgery by the local authorities and the community has all along opposed the mining project.

Santi also argued that the mining construction does not cause environmental impact as the Environmental Impact Assessment does not show any irregularity.

“As the provincial authority, I am waiting for academic evidence. What information is there that says the mining destroys natural resources? This is not an academic evidence. If it is true that people can harvest hundreds of tons of mushrooms a year, wouldn’t they be all rich in that area?”

Lertsak filed a police report at Suwannakuha Police Station, hoping to prevent a repeat of violence and calling for justice on the four community HRDs killed previously.

On 26 September 2020 at Suwankuha Police Station, Nong Bua Lam Phu Province, Lertsak went to file police report regarding multiple incidents that have led to belief that he is the next target for killing for his role in opposing the mine.

Lertsak said that the police report will provide official documentation that will make the investigator's work easier. He added that he has analyzed the threat events in the past two weeks, and found the patterns to be similar to the rights defenders that were previously assassinated in 1995 and 1999.

He said that the group also intended to revive the case of the four people previously assassinated. "Even though I am threatened with death I won't stop fighting. The movement's goal remains the same. I will continue to fight alongside the villagers as before," said Lertsak.

Lertsak and PPM has committed their work to support women and men in grassroots community against the destructive mining in Thailand. Their work especially with women who are caring for land and environmental justice is extremely important and has been a great support for women's leadership on struggling against mining and for environmental justice.

### **Protection International (PI) [1]**

- Prachatai. Submitted on Mon, 28 Sep 2020 - 10:31 PM:  
<https://prachatai.com/english/node/8818>

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## **Nong Bua Lamphu community rights group reclaims former mining zone**

**On 4 September, the women and men human rights defenders (W/HRDs) of the Khao Lao Yai-Pha Jun Dai Forest Conservation Group have achieved a tremendous victory in their 26-year struggle against quarry mining by reclaiming the mining zone and proclaiming it a community forest zone.**



(Source: Protection International)



At least 300 W/HRDs from the local communities within the Dong Mafai Sub District of Nong Bua

Lamphu Province marched to occupy the mining zone. They performed traditional rituals and held rejuvenation ceremonies in order to revive their motherland back to its prosperous state, to the likes of its condition before mining.

The declaration of their victory and reclamation of justice came after the company's forest utilization permit for quarry mining expired on 3 September 2020. After this date, the company no longer has valid legal permission to utilize the mining zone, forcing a halt to all operations. The effected mining operations occupied 175 Rai (28 hectares) of reserve forest on Huak Cliff, Dong Mafai Sub District, Suwannakuha District, within the Nong Bua Lampu Province of Northeast Thailand.

The rituals performed include the ordination of forestry—a traditional ritual done by the community to protect the forest from invaders—a declaration of the determination by the people of Dong Mafai to protect all the cliffs and forest from mining, a declaration of reclaiming justice for those who were killed from defending the community and forest from mining, and Bai Sri Suu Kwan, which is a traditional Thai blessing ceremony.



*The blessing ceremony performed at the site (Source: Protection International)*

The community W/HRDs of Khao Lao Yai-Pha Jun Dai Forest Conservation Group have been opposed the mining operations for over two decades due to the negative impacts they have had on locals' access to food sources in the forest, the damage to buildings due to debris caused by explosions at the mine, and its consequential pollution. Between 1995-1999, four environmental W/HRDs within the conservation group were killed for their activism work. No perpetrator has been held responsible for the crimes, further feeding the vicious cycle of impunity.

To date, the company still has access to the stone mill, which currently occupies 50 Rai (8 hectares) of land next to the mining zone. The Khao Lao Yai-Pha Jun Dai Forest Conservation Group will continue to protest and blockade to mining site until the permit to the stone mill will expire on 24 September 2020, which is when the company's overarching mining permit expires. The group plans to enter the mining areas and shut down the mining site permanently on 25 September 2020.



*(Source: Protection International)*

Protection International would like to congratulate and commend the W/HRDs' continued efforts to put a permanent end to environmentally destructive

mining operations. Thailand has clear obligations to respect the rights of environmental W/HRDs and protect them from harm. They should combat impunity for attacks and violations against environmental W/HRDs, particularly by non-State actors, who in turn also have responsibilities under human rights law. Business enterprises have a responsibility to respect internationally recognized human rights, a duty which is independent of State obligations.

Protection International urges for Thailand and the businesses operating within its borders to respect the right to defend human rights. We implore States to protect our environmental protectors. We encourage all key stakeholders to #StayWithDefenders throughout the current pandemic and beyond, as we continue to adapt our means of protest and freedom of expression.

### **Protection International (PI) [2]**

- Prachatai. Submitted on Wed, 9 Sep 2020 - 11:38 PM:  
<https://prachatai.com/english/node/8779>
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## **North-East: DSI to investigate murders of Nong Bua Lumphu activists**

**The Director-General of the Department of Special Investigation will visit the Dong Ma Fai Subdistrict in Nong Bua Lamphu to investigate the murders of local community rights defenders, but will not be able to meet with the activists' families as the visit was scheduled without consultation with the community.**

On 1 October 2020, the National Human Rights Commissioners made a visit to meet with the rights defenders of the Khao Lao Yai-Pha Jun Dai Community Forest Conservation Group in Dong Ma Fai Subdistrict, Suwan Kuha District, Nong Bua Lam Phu Province. They later coordinated with the various departments such as the Department of Rights and Liberties Protection and the Department of Special Investigation to serve as the protection mechanism for rights defenders in the event of death threats made against Mr. Lertsak Kumkongsak, advisor to the Conservation Group, along with the cases of four previously murdered community rights defenders, Mr. Boonrod Duangkota, Mr. Sanan Suwan, killed in 1995, Mr. Som Hompromma and Mr. Thongmuan Khamjam, killed in 1999.

Last week, members of the Khao Lao Yai-Pha Jun Dai Community Forest Conservation Group were informed by Police Lieutenant Colonel Banwat Traisuthiwong, Director of the Special Case Operation Center Area 4 that, on 25 November 2020 at 10:00 am, the Director-General of the Department of Special Investigation and his team will visit Khao Lao Yai-Pha Jun Dai Community Forest Conservation Group. He wishes to meet with the families of the murdered four human rights defenders and Mr. Lertsak Kumkongsak, human rights defender and advisor to the Khao Lao Yai-Pha Jun Dai Community Forest Conservation Group who has been facing life-threatening intimidations. The conservation group has made an official letter responding that it was inconvenient to meet due to rice harvesting and other engagement and asked to meet on 7-9 November 2020 instead. DSI has not yet been confirmed in the said proposal.

Although we are pleased that after 26 years of struggles against the mine and to reclaim justice to those killed without any interests of the authorities, we finally received attention from government agencies such as the Department of Special Investigation. We hope it would be a mechanism to

restore justice, which has not yet been achieved for the families of the killed human rights defenders and communities.

However, we feel it is a pity that the visit by the Director-General of the Department of Special Investigation was decided without the consultation with the community based rights defenders. Had the dates been mutually agreed upon, Director-General would be able to meet with the families of four killed defenders, the group members, along with Mr. Lertsak Kumkongsak, an advisor to the conservation group and EHRD who are facing death threats.

As DSI will continue the same schedule to visit the area on 25 November 2020, the group hopes that in visiting the area, the DSI authorities would receive accurate, fair and useful information from relevant agencies which are the Special Case Operation Center 4 DSI, in conjunction with the Nong Bua Lam Phu Provincial Police Division and Suwan Khuha Police Station.

Previously, Ms. Sorn Khamjam a women human rights defender and wife of Mr. Thongmuan Khamjam who was killed in a quarry conflict, along with members of Khao Lao Yai-Pha Jun Dai Community Forest Conservation Group, submitted a letter to the Royal Thai Police on 12 October 2020 to follow up on the justice of the killing of human rights defenders of the Khao Lao Yai-Pha Jun Dai Community Forest Conservation Group.

It is worth noting key points in which the DSI authorities should be informed:

From a copy of the criminal investigation report No. 106/2552 of the murder cases of Mr. Som Hompromma and Mr. Thongmuan Kamjam, Mrs. Sorn Khamjam and the group have raised doubts in the investigation process as follows:

1. The assassination of Mr. Thongmuan Khamjam, which is an unnatural death, legally requires an autopsy. According to the Criminal Procedure Code, Section 148, that "when it appears explicitly or there is reason to suspect that any person has died naturally or died during the custody of the official, there must be an autopsy except for the death by execution." However, it was not clear if there is an autopsy report available.
2. When Mr. Warit or On Wipe, the accused, surrendered himself to the police officers on 19 May 1999, the investigating officer informed the charge of murder and illegally owning firearms. However, on the same day the accused was given a temporary release despite the gravity of such charge. It is not clear whether the police has examined the weapons carried by Mr. On and match it with the one used to kill HRD Thongmuan.
3. According to the copy of the Criminal Investigation Report No. 106/2552, it appears that there is just one statement out of all 57 witnesses. We made the request to the Superintendent of the Police Station to Suwan Khuha to share the full copy of the interrogation of 57 witnesses, which we have now received.
4. The witness No. 46 - 52 was referred to the police by Mr. Uay Chaiwata, but why did the police officer in the case not summon Mr. Uay Chaiwata to interrogate him?

We hope that the Director-General of the Department of Special Investigation And relevant agencies will visit again as proposed by the group on 7-9 December 2020, to have the opportunity to meet with the families of the killed human rights defenders, Mr Lertsak Kunkongsak and other defenders at risk. We hope DSI can support us in restoring the justice to the four bodies of Dong Mafai and find measures to protect the rights defenders. The authorities must consult and listen to the will of human rights defenders, as this is the very first principle and practice of any work to protect human rights defenders.

With Solidarity,

**Khao Lao Yai-Pha Jun Dai Community Forest Conservation Group**

**Protection International**

- Prachatai. Submitted on Tue, 24 Nov 2020 - 07:01 PM :  
<https://prachatai.com/english/node/8931>
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## **Footnotes**

[1] <https://www.protectioninternational.org/>

[2] <https://www.protectioninternational.org/>