



## ASIA INDIGENOUS PEOPLES PACT FOUNDATION

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**Gabriella Habtom**

**Secretary**

**UN Committee on the Elimination of Racial Discrimination**

**Human Rights Treaties Division (HRTD)**

**UNOG-OHCHR**

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**April 21, 2014**

### **Request for Further Consideration of the Situation of the Karen Indigenous Peoples in the Kaeng Krachan National Park, Thailand under the Committee on the Elimination of Racial Discrimination's Early Warning and Urgent Action Procedure**

1. The Asia Indigenous Peoples Pact (AIPP), Karen Network for Culture and Environment (KNCE) and the Network of Indigenous Peoples of Thailand (NIPT) hereby respectfully request that the Committee on the Elimination of Racial Discrimination ("the Committee") continues to consider the situation of the Karen Indigenous Peoples in the Kaeng Krachan National Park (KKNP) under its early warning and urgent action procedures ("EW/UA Procedures"). At this time, we write to provide additional information in relation to the communication submitted by the Karen Network for Culture and Environment, the Northern Farmer's Network, the Inter Mountain Peoples Education and Culture in Thailand Association, the Indigenous Knowledge and Peoples Network, Indigenous Peoples Education and Environment Foundation, and the Forest Peoples Programme submitted to the Committee on 13 February 2012 and to the communication adopted by the Committee on 9 March 2012.
2. In its letter, the Committee expressed its concern on the "increasing level of violence committed against Karen people by the Thai National Park and Forestry Authorities" specifically on the alleged violent eviction and harassment of the Karen people. The committee further expressed concern on the possible link to the "tragic murder of a Karen human rights defender, Mr. Tatkamol Ob-om, who filed a petition to the Thai National Human Rights Commission on behalf of the Karen people". The Committee further requested the State party to provide information on measures taken to improve the situation of the Karen people in KKNP.
3. The following short report provides additional and updated information on the situation highlighted in the Committee's above referenced communication.
4. According to a news report, Pholachi Rakchongcharoen or Mr. Billy as he is otherwise known, a Karen indigenous peoples human rights defender residing at Bang Kloy village, house number 37 Moo 1, Huay Mae Priang sub-district, Kaengkhachan district, Phetchaburi province, has disappeared since the afternoon of April 17th 2014. At the time of his disappearance he was believed to be travelling from his village in the mountains to Kaengkrachan district. Mr. Billy has been helping his fellow Karen villagers in their struggle for recognition of indigenous land rights in the KKNP, especially in the case against the authorities that at present is pending before the courts.



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5. On April 18th, the Head of Kaengkrachan National Park, Wildlife and Plant Conservation Office Mr. Chaiwat Limlikitaksorn admitted that Mr. Billy had been detained and taken for interrogation as a wild honeycomb and six bottles of wild honey had been found in the possession of Mr. Billy. Mr. Limlikitaksorn also claimed that Mr. Billy had been released.
6. However, activists allege that neither the report of detention nor any evidence of release of Mr. Billy from detention has been disclosed by the authorities. His fellow villagers have made several attempts to contact Mr. Billy, but there is no information about his whereabouts and well being.
7. On 2014 April 18<sup>th</sup>, the village headman (Mr. Krathong Chokwiboon) filed a report to the local police that Mr. Billy has disappeared. On 2014 April 19th, the Billy's wife filed a complaint with the local police station regarding his disappearance. On the 21st April, Billy's wife submitted another complaint letter to the Governor of Phetchaburi Province.
8. According to information received, at the time of his disappearance Mr. Billy was travelling from his mountain village to the Kaengkrachan District in order to meet with his fellow villagers and activists and prepare for the upcoming hearing at the Administrative Court regarding the lawsuit filed by them against the National Park, Wildlife and Plant Conservation Department, Ministry of Natural Resource and Environment, and the Head of Kaengkrachan National Park, Wildlife and Plant Conservation Office. He was also supposed to take village leaders to give testimonies at the Administrative court on above case on April 19th.
9. In the lawsuit the villagers have claimed that in July 2011, the authorities were responsible for the destruction and burning of houses and property of more than 20 Karen indigenous families who were living in the Bang Kloy Bon villages in Kaengkrachan National Park. Research studies have confirmed that the villagers belong to a Karen indigenous peoples who have been living in the area near of Bang Kloy Bon villages since many generations for more than 100 years.
10. On the murder of human rights defender Mr. Tatkamol Ob-om on 10 September 2011, his case is still pending in court and perpetrator has not yet been brought to justice. Although Mr. Chaiwat, the Head of Kaengkrachan National Park Office was accused of hiring someone to kill Mr. Ob-om and the case is pending court decision. Mr. Chaiwat continues to hold office as the Head of the Kaengkrachan National Park Office. No action was taken to suspend him from his official duties pending investigation as required under disciplinary regulation and practice governing state officials under Thai law.
11. Mr. Billy is a human rights defender and a witness in the Karen indigenous peoples' lawsuit against the National Park Office as above mentioned. His disappearance is a matter of grave concern as it may affect the case and the struggle of the villagers for rights and justice.
12. Considering the failure of government of Thailand to take effective measures to recognize, promote and protect the rights of the Karen indigenous peoples and the stop the continuing violence against them, we reiterate the following recommendations to the government of Thailand:
  - a) Immediately undertake measures to unconditionally surface Pholachi Rakchongcharoen or Mr. Billy;
  - b) Exert every effort in investigating his disappearance and the actions of the staff and authorities of KKNP, especially MR. Chaiwat, and all others involved so as to make accountable those responsible for his disappearance;



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- c) Institute adequate and effective remedies to stop cases of enforced or involuntary disappearances;
  - d) Recognize the rights of the Karen to the ownership and effective control of their traditional territory, including those parts incorporated into the KKNP, and negotiate and agree on a management plan for the KKNP with the Karen and their freely chosen representatives under the Cabinet Resolution on the 3<sup>rd</sup> August 2010;
  - e) Immediately cease all threats, harassment, arrests, extrajudicial killings and disappearances, and all other forms of human rights violations against the Karen in and around the KKNP.

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