

Translation

From: Saraburi Governor
Ref 1: Saraburi 0017/11171
Ref 2: MOI 0204.2/9084
Subject: To Verify Facts

To: The Interior Perm-Sec.
Dated: September 11, 2006
Dated: August 22, 2006

Text

As the Ministry of Interior's assignment to Saraburi Province to examine the fact on the transgression of Hmong grave in Tam Krabok temple, as requested by the (UN) Special Rapporteur through the Thai Government to provide such information to make a report to present to the United Nations' Human Rights Council, Saraburi Province has appointed a committee to conduct an examination on this matter. The committee has convened on September 5, 2006 and reached the following conclusion:

Agenda 1 - Regarding the allegation that 2,000 bodies have been exhumed - true or not?

- 1.1 The said allegation is untrue. The fact is that 691 bodies have been exhumed.
- 1.2 The first round of exhumations was conducted by the Phothi Phaowana Songkhrao Foundation during the period between October 26 – November 18, 2005. 480 bodies were exhumed, of which 206 are male, 161 are female, and 113 are children.
- 1.3 The second round of exhumations was conducted by the Buddha Dhrama 31 Nakhon Ratchasima Foundation during the period between November 25 – December 6, 2005. 211 bodies were exhumed, of which 65 are male, 109 are female, and 37 are children.
- 1.4 The Tham Krabok Foundation and the Tham Krabok temple insisted that the relatives of those bodies disinterred during these two exhumation periods acknowledged the exhumations and were present at the scene. Some sought to bring the bodies of their loved ones back to Phetchaburi Province in order to perform rites according to their religious beliefs.
- 1.5 Prior to the exhumation of the Hmong graves beginning on October 26, 2005, the Tham Krabok Foundation and Tham Krabok temple informed the relatives that if they did not want the Tham Krabok Foundation or the involved parties to disinter their loved ones, they must directly contact the Tham Krabok Foundation by October 21, 2005. They could also call 02-521-0003, or contact Office of the Phothi Phaowana Songkhrao Foundation, or post the message at the coffin with the name and phone

number of the contact person for the Tham Krabok Foundation to call back. The Tham Krabok Foundation and the Phothi Phaowana Songkhrao Foundation have spread this information both verbally and in over 5,000 documents.

- 1.6 The Tham Krabok Foundation, the Tham Krabok temple, the Phothi Phaowana Songkhrao Foundation, and the Buddha Dhrama 31 Nakhon Ratchasima Foundation stated that after the information in section 1.5 was released, some of the Hmong people from Phetchabun Province came to retrieve the bodies. However, the number of bodies collected by these relatives was not recorded.
- 1.7 The Phothi Phaowana Songkhrao Foundation additionally informed that,
 - (1) During the October 26 to November 18, 2005 exhumations, the Foundation called for and invited the relatives of the disinterred bodies to participate in religious rites at the Foundation's facility at the Bangkhen area in Bangkok. The Foundation facilitated the relatives and held the religious rites during the nights in according to both Thai and Chinese customs.
 - (2) After the Foundation cremated the bodies, their ashes and spirits were brought to another Foundation's facility in Amphoe Wihan Daeng, Saraburi. The relatives of the disinterred bodies and the Hmong community were informed that they are able to travel there to perform the religious rite at all times and in the annual rite. The Foundation is willing to facilitate their travels, particularly for the annual Chinese religious rite, and the Foundation will provide the transportation.
- 1.8 The Buddha Dhrama 31 Nakhon Ratchasima Foundation did the same during November 25 – December 6, 2005 exhumations.
 - (1) The Foundation called for and invited the relatives of the disinterred bodies to participate in the religious rites at the Hulin Foundation cemetery in Amphoe Kaeng Khoi, with full facilitation by the Foundation.
 - (2) The relatives of the disinterred bodies were informed that they are able to travel there to pay respect to their loved ones all year round, including during the annual spirit-homage rite (around April), which the Foundation will provide transportation.
 - (3) However, the Buddha Dhrama 31 Nakhon Ratchasima Foundation has not yet cremated the 211 bodies disinterred during the second round of exhumations because the Foundation is currently awaiting

more bodies to arrive from other provinces. They will be cremated together. The Foundation has scheduled the cremation to take place in November 2007.

- (4) The 211 bodies that the Foundation exhumed from the Tham Krabok temple are unidentified. No relatives came forth to identify the bodies during the exhumation period. The monks of Tham Krabok led and marked the exhumation points. The bodies buried at the grave site in the Tham Krabok temple did not have names or signs that identified the person responsible for the body. The bodies were exhumed directly from the ground; the Foundation is unable to identify them.
- (5) The Foundation insisted that if the relatives are able to confirm or prove that any of the disinterred bodies belonged to them, or if the Hmong people would like to collect all 211 bodies to perform their religious rites, the Foundation would be pleased to return them. However, this must be done before July 2007.

Agenda 2 - Have complaints ever been filed on this matter? If so, how were the complaints handled and responded to?

- 2.1 The Tham Krabok Foundation, the Tham Krabok temple, the Phothi Phaowana Songkhrao Foundation, and the Buddha Dhrama 31 Nakhon Ratchasima Foundation have never received any complaints either verbally or by letter from the relatives of the disinterred bodies or the Hmong people.
- 2.2 For state agencies, the Phra Phutthabat District Office, Phra Phutthabat Police Station, and Saraburi provincial authorities have never received any complaints or lawsuits from the Hmong people or the relatives of the bodies in the area.
- 2.3 Saraburi Province received the Ministry of Interior's (MOI) urgent letter, dated December 9, 2005, Ref. 0204.2/13675, requesting the examination of the facts of this matter. MOI's letter stated that the Ministry of Foreign Affairs (MFA) requested the MOI to examine the allegation of the transgression of the Hmong graves in Tham Krabok temple.
- 2.4 Saraburi Province assigned the Phra Phutthabat District Office to examine this matter on December 16, 2005, in response to Saraburi Province's urgent letter Ref. 0017/17496.
- 2.5 The Phra Phutthabat District Office replied to Saraburi Province on December 22, 2005, that the Civilian-Police-Military Taskforce and Phra

Phutthabat District Office conducted the examination and came up with the following:

- (1) Since October 26, 2005, the Tham Krabok Foundation has had a plan to reorganize the Hmong community in the Tham Krabok Monks' Residence area in order to prepare space for the Community Museum, Religious Activities and Health Park projects. Accordingly, it has joined with the Sawang Rattana Foundation in Saraburi and the Unknown Corpse Foundation clubs nation-wide in implementing a mega-merit-making project by rehandling the dead bodies of unknown people. The objective of this project is to bring unknown corpses buried on land legally owned by the temple for cremation and bring the ashes of the cremated bodies for storage at the Bhodhi Bhawana Songkhroh graveyard in Wiharn Daeng district of Saraburi.
 - (2) On October 28, 2005, a group of Hmong representatives led by state officers responsible for sending the Hmong people to a third country met with the chairman of the Tham Krabok Foundation (Monk Charoen Panchan) to voice their concerns over the disinterred bodies that may have been their relatives. The group asked the Foundation for sympathy by extending the time to send them to other countries so that they would be able to move the bodies of their relatives to other places. Monk Charoen then explained that the Foundation owned the land, and insisted that thus far, the Foundation has never prohibited burials but only suggested that bodies should be cremated if they were not buried elsewhere. He explained that burying the dead on mountain slopes or other high grounds would cause harm to the environment, ecosystem and nearby communities especially during the rainy season. In the past, the Hmong people took the bodies of their loved ones back to their hometown without any objections from the Foundation. The Foundation encouraged them to take the bodies back to their home town.
 - (3) Since October 2005, a total number of 726 corpses have been exhumed. It is estimated that about 300-350 bodies remain buried.
 - (4) Saraburi Province on December 29, 2005 sent a letter to the MOI to report the work results conducted by Phra Bhudabat District as listed in item 2.5 above.
- 2.6 Under its most urgent letter No.MOI 0204/9084 dated August 22, 2006, the MOI asked Saraburi Province to investigate the alleged encroachment on about 2,000 tombs of the Hmong located in the Tham Krabok Monks' Residence area.

- 2.7 Under its order No.1931/2549 dated September 4, 2006, Saraburi Province appointed a committee to investigate the case. Accordingly, the newly-appointed committee held the first meeting on September 5, 2006.

Agenda 3 – If the purpose of the exhumations was to prevent water pollution, has any other option been considered?

- 3.1 The graves were located on mountain slopes on top of water sources. They were far away from the Tham Krabork compound and close to the Thai and Hmong communities. The water from the above-mentioned sources also flowed into other nearby areas.
- 3.2 The Hmong bodies were buried without permission or notice to the Tham Krabork Foundation, the Tham Krabork Monks' Residence or any other governmental body.
- 3.3 There is no information on whether or not the buried bodies as mentioned in item 3.2 above have been infected by any communicable disease due to the fact that the Hmong communities did not have modern physicians to treat their patients. In the event that the patients died of a mortal communicable disease, people would be at great risk if the water runs from the graves into local communities.
- 3.4 The Hmong people living in the Tham Krabork compound, the villagers living in nearby communities and visitors to the Tham Krabork Monks' Residence have all demanded for the graveyard to be demolished.
- 3.5 The Tham Krabork Foundation, the Tham Krabork Monks' Residence, the Bhodhi Bhawana Songkhroh Foundation and the Bhudha Tham Foundation 31 of Nakhon Ratchasima Province agreed to use the best approach in handling the bodies, which was cremation. In fact, they have informed the Hmong community of their plan and obtained good cooperation from them. At the same time, they encouraged the Hmong people to take the dead bodies back for religious or cultural ceremony as they might wish. (See item 1.6.)

Agenda 4 – Why was not there any effort to ask for permission or inform the Hmong people of the matter?

The Tham Krabork Foundation, the Tham Krabork Monks' Residence, the Bhawana Songkhroh Foundation and the Bhudha Tham Foundation 31 of Nakhon Ratchasima Province assured that they have conducted public relations campaigns and informed the Hmong community of their exhumation plans. Also, they have allowed the Hmong community to contact them by telephone if they had any concern on this matter. (See item 1.6.)

Agenda 5 – Why were the bodies exhumed despite a violation of the Hmong culture?

The Tham Krabork Foundation, the Tham Krabork Monks' Residence, the Bhawana Songkhroh Foundation and the Bhudha Tham Foundation 31 of Nakhon Ratchasima Province insisted that they have informed the Hmong community of their exhumation plan and invited them to join in the ceremony. The Bhudha Tham Foundation 31 of Nakhon Ratchasima Province repeated their announcement in meetings where they encouraged the Hmong to collect any or all of the 211 bodies that were disinterred during the second round of exhumation to bring home for religious rites.

The Tham Krabork Foundation, the Bhawana Songkhroh Foundation and the Bhudha Tham Foundation 31 of Nakhon Ratchasima Province insisted that for all processes, including exhumation, gathering and carrying them to the graveyard, and cremation, have been conducted out of respect and strict adherence to religious principles and beliefs.

Agenda 6 – Was there any compensation paid to the Hmong community for the exhumations?

The Tham Krabork Foundation, the Bhawana Songkhroh Foundation and the Bhudha Tham Foundation 31 of Nakhon Ratchasima Province have paid no compensation to the Hmong people since the exhumations were carried out for public good. Apart from this, the Hmong community has given good cooperation for this activity, some even helping with the exhumation process. Furthermore, the three foundations have shouldered all costs, but excluding compensation.

Please see attachments for more information.

For your consideration and further actions.

Yours sincerely,

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(Chumporn Polarak)

Saraburi Governor