

LIES, GOLD, AND INJUSTICE: EXPOSING CORPORATE LIES AND DEFENDING THE TRUTH



A Report Fact-Checking Akara and Kingsgate's
Misleading Information before the UN



#JusticeForPichit
#CorporateAccountability



Lies, Gold, and Injustice: Exposing Corporate Lies and Defending the Truth - A Report Fact-Checking Akara and Kingsgate's Misleading Information before the UN.

Submission by

Manushya Foundation



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Table of Contents



01

A. INTRODUCTION

06

1. FACT-CHECKING THE INFORMATION PROVIDED BY AKARA AND KINGSGATE

07

1.1. CLARIFICATION OF AND CORRECTION OF INFORMATION PROVIDED IN THE COMPANIES' REPLIES

07

1.1.1. RELOCATION

07

1.1.2. ENVIRONMENTAL PROTECTION

24

1.1.3. HEALTH AND SAFETY

25

1.1.4. ACCESS TO INFORMATION AND PUBLIC PARTICIPATION

32

1.1.5. FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY

35

1.1.6. STANDARD OF LIVING AND ECONOMIC LIVELIHOOD

38

1.1.7. RIGHT TO EFFECTIVE REMEDY

41

1.1.8. MOTIVE OF SOME PROTESTORS

41

1.2. RESPONSES TO JOINT COMMUNICATION REQUESTS

50

2. ANALYSIS OF COMPLEMENTARY INFORMATION SHARED BY AKARA WITH MANUSHYA FOUNDATION

52

3. ADDITIONAL INFORMATION RELATED TO RECENT DEVELOPMENTS: AKARA'S ATTEMPT TO CHANGE PREVENTION AND MITIGATION MEASURES IN RELATION TO TSF

54

4. CONCLUSION

56

B. ANNEXES

Follow-up report on the UN Complaint against the Chatree gold mine

Introduction

This report complements the UN Complaint against the Chatree gold mine filed on 19 July 2025 by Manushya Foundation on behalf of affected community members. It specifically addresses allegations of defamation and misinformation made by Akara (AKR-PLC/196/25)¹ and Kingsgate² in their replies of 14 March 2025 to the UN Communication sent by UN Special Procedures on 14 January 2025 (AL OTH 151/2024).³ In doing so, the report exposes the falsehoods, misleading statements, and wrongful information presented by Akara and Kingsgate in an attempt to discredit victims and shield themselves from accountability.

Why does Manushya Foundation represent the Phichit and Phetchabun villagers before international human rights mechanisms?

Since the opening of the mine in 2001, villagers have experienced multiple violations of their rights in relation to the operations of the Chatree gold mine as explained in the UN complaint. Despite taking actions before local and national authorities and courts, they have not received remediation. In particular, since the filing of the class action lawsuit in 2016, the judicial process has been very slow. Nine years later, the process is still at the testimony hearing phase.

Through the UN complaint and this follow-up report, Manushya Foundation's goals are (1) to ensure villagers get fair compensation from the companies for the harm they have suffered, (2) to ensure all adequate measures are taken to prevent additional human rights and environmental harm from occurring, or in case of failure to do so, to ensure the closure of the mine, (3) to ensure Thailand fully complies with its international human rights obligations and with OECD standards considering Thailand's accession process to the OECD.

¹ Akara Resources, *Letter to UN Special Procedures - Reference AKR-PLC/196/25*, (14 March 2025), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38925>

² Kingsgate Consolidated Limited, *Letter to UN Special Procedures*, (14 March 2025), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=38921>

³ UN Special Procedures, *Communication to Akara Resources - Reference AL OTH 151/2024*, (14 January 2025), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29554>

Gaslighting the Community: Weaponizing PR to Discredit Affected Villagers and Defend Corporate Interests

Since the beginning of operations, Akara and Kingsgate have continuously denied any negative impacts to local communities and the environment caused by the activities of the mine. While claiming that such allegations were attacks from malicious individuals, they have kept dismissing scientific evidence that did not match their narrative by discrediting the competence of the scientists and bodies that approved the findings. Kingsgate's 2023 Annual Report starts with the following statement from its chairman: *'It is now almost seven years since your Company's Chatree Gold Mine was illegally closed amid **spurious health and environmental claims that nobody could prove as they were blatantly false*** [emphasis added]'.

This narrative has been complemented by a strong PR strategy. Companies have continuously presented themselves, notably in annual reports, as fervent protectors of the environment and local communities.

Interestingly, in 2014, while study revealed high levels of heavy metals in community's blood, Akara worked with MT Multimedia, a communication consultancy and media-services provider in Thailand specialised in strategic communications for companies to reach out target audiences in the business and investment communities.⁴ The consultancy produced and published on its Youtube channel at least seven videos counting more than 26,000 views, promoting Akara's actions and dismissing accusations of negative impacts - portraying the company as a responsible mining company:

- Groundwater near the Akara gold mine is used for domestic purposes⁵ - In this two minute video, a villager explains that groundwater near the mine used among others for bathing, does not cause skin rashes or irritation.
- Akara gold mine supports the frog farm livelihood development fund⁶
- Akara gold mine promotes vetiver grass handicrafts⁷
- Akara gold mine supports the mushroom farm livelihood development fund⁸
- Akara gold mine promotes rice berry cultivation⁹

⁴ MT Multimedia, *Homepage*, available at: <https://www.mtmultimedia.com/en/home>

⁵ MT Multimedia, *Groundwater near the Akara gold mine is used for domestic purposes*, (8 September 2014), available at: <https://www.youtube.com/watch?v=mOrnWuiNGV8>

⁶ MT Multimedia, *Akara gold mine supports the frog farm livelihood development fund*, (8 September 2014), available at: <https://www.youtube.com/watch?v=HOrBYyKpTN8>

⁷ MT Multimedia, *Akara gold mine promotes vetiver grass handicrafts*, (8 September 2014), available at: <https://www.youtube.com/watch?v=l5PL3zxrIwE>

⁸ MT Multimedia, *Akara gold mine supports the mushroom farm livelihood development fund*, (8 September 2014), available at: <https://www.youtube.com/watch?v=ydyzDauWJPQ>

⁹ MT Multimedia, *Akara gold mine promotes rice berry cultivation*, (8 September 2014), available at: <https://www.youtube.com/watch?v=FIHcMRpkBVQ>

- AKARA - Voice News¹⁰
- Uncovering the truth about the Akara gold mine after the NCPO visit¹¹

Following Akara's launch of its new website in July 2024, the company's PR strategy has been further developed notably through the Newsroom and Knowledge Blog sections of the website (see below 1.1.4. Access to Information and Public Participation).

Akara is also particularly active on Facebook through its page Akara Community Friend¹² which counts 6,300 followers and where the company shares about its CSR events, from music education sessions for children to planting trees activities, and donations the company makes.

More recently, in mid-July 2025, Akara invited journalists from Matichon, Daily News, Bangkok Biz News, Naewna and Thansettakij - two of which are major Thai-language daily newspapers - into *'the world of transparent and sustainable gold mining'*. These journalists have not met villagers who have been impacted by the mine and therefore their coverage of how the mine is operating is serving the interests of the company, amplifying the company's narrative of a responsible mining company, as these articles show:

- **Akara hopes to find a new gold mine in Phetchabun** - This article highlights that Akara reported paying over THB 1.5 billion in royalties since resuming operations of the Chatree gold mine in March 2023, *'out of which 50% will be allocated to communities within the mining area. [...] This has created numerous jobs and projects to improve the quality of life for local people. [...] In 2025, Akara had already allocated over THB 132 million to these funds [the Village Development Fund, the Health Monitoring Fund, the Mine Area Rehabilitation Fund and the Risk Insurance Fund], significantly exceeding the required threshold. Since the resumption of operations, Akara has allocated over 322 million baht to these funds.'*¹³
- **Akara plans to mine new gold fields, expecting the government dispute to be resolved in September 2025** - As the article above, this article stresses Akara's payment of THB 1.5 billion in royalties, out of which 50% is allocated to communities through the Provincial Administrative Organisation, the Subdistrict Administrative Organisation within the province and the Subdistrict Administrative Organisation nationwide. *'Akara has also paid a special maintenance fee of 5%, calculated from the mineral royalties, to the Department of Primary Industries and Mines,*

¹⁰ MT Multimedia, AKARA Voice News, (21 August 2014), available at: <https://www.youtube.com/watch?v=o1cpHkHSp98>

¹¹ MT Multimedia, *Uncovering the truth about the Akara gold mine after the NCPO visit*, (8 September 2014), available at: <https://www.youtube.com/watch?v=Q4-h-UbDsoE>

¹² Akara, Akara Community Friend, available at: <https://web.facebook.com/akaranews>

¹³ Matichon, อัคราลุ้นเหมืองทองแปลงใหม่เพชรบูรณ์ ได้กลิ่นแล้ว รอชัดเจนอีก 2-3 ปี, (22 July 2025), available at: https://www.matichon.co.th/economy/news_5286074

totaling over 76 million baht. These funds are intended for mineral research and the rehabilitation of previously mined areas.¹⁴

- **Akara plans to expand its investment and pursue gold mining within the next 2-3 years** - As the two articles above, this article underlines Akara's financial contribution to local authorities and funds.¹⁵
- **Akara partners with Chulalongkorn University to promote the use of mineral tailings to create new business opportunities** - This article reports on the MoU signed between Akara and Chulalongkorn University to study how gold and silver mine tailings from the Chatree mine can be reused as economic minerals, such as high-quality construction materials. *'This initiative marks another important step in reflecting Akara's commitment to responsible mining operations, striving to reduce waste through recycling processes to produce new products of economic value. This initiative builds stakeholder confidence through safe and transparent management, while also promoting the well-being of surrounding communities and elevating the standards of the mining industry towards sustainability, taking into account true community, social, and environmental responsibility.'*¹⁶
- **Akara utilizes tailings to create new business opportunities, promoting a sustainable circular economy** - This article also reports on the MoU signed between the company and Chulalongkorn University *'The company expects that ore tailings will become one of the materials that add economic value, creating ripple effects in the Thai construction industry, positively impacting communities and society, and driving a sustainable circular economy in the future amidst economic challenges and environmental pressures.'*¹⁷
- **Live program "Fun Kids Mission"** - Akara also organised a media visit with Amarin TV to showcase the Kanom Ban Ban community showing how the company supports the community through water management and farming projects.¹⁸

Further, Akara is a member of the Australian-Thai Chamber of Commerce while its parent company is a Platinum Sponsor of the Chamber.¹⁹ This membership offers Akara an additional platform where the company can share its narrative of a responsible company.

¹⁴ Naewna, 'อัครา' เล็งชุดทองแปลงใหม่ คัดข้อพิพาทรัฐบาลจกกันยายนนี้, (23 July 2025) available at: <https://www.naewna.com/business/901020>

¹⁵ Thansettakij, "อัครา" เล็งขยายลงทุนเพิ่ม รุกทำเหมืองผลิตทองคำใน 2-3 ปี, (23 July 2025) , available at: <https://www.thansettakij.com/economy/633591>

¹⁶ Naewna, อัครา ผันเงิน จุฬาลงกรณ์ฯ หนุนใช้ 'หางแร่' สร้างโอกาสธุรกิจใหม่, (15 July 2025), available at: <https://www.naewna.com/business/899236>

¹⁷ Thansettakij, อัคราตั้งหางแร่เป็นโอกาสธุรกิจใหม่ ดันเศรษฐกิจหมุนเวียนยั่งยืน, (16 July 2025), available at: <https://www.thansettakij.com/economy/632945>

¹⁸ AMARIN TV, Live รายการ ภารกิจ kidsสนุก วันที่ 30 สิงหาคม 2568, (30 August 2025), available at: <https://www.youtube.com/watch?v=MBogQ36slhk>

¹⁹ Australian-Thai Chamber of Commerce, available at: <https://www.austchamthailand.com/>

This new PR campaign comes a few weeks before the expected date for the arbitral award in the arbitration case filed by Kingsgate against Thailand under the Thailand-Australia Free Trade Agreement in 2017. The holding period for the award has been extended until 30 September 2025.

It is crucial to stress that the Corporate Social Responsibility actions advertised by Akara through its PR campaign as well as the arguments put forward by the companies in their replies do not constitute corporate accountability nor effective remediation for the harm suffered by villagers related to the activity of the mine.

Akara claims to be conducting “responsible mining”. But what is responsible mining?

Like any other industries, mining companies must comply with international standards on responsible business conduct. The two frameworks internationally recognised in that regard are the **UN Guiding Principles on Business and Human Rights** (UNGPs) and the **OECD Guidelines for Multinational Enterprises on Responsible Business Conduct** (OECD Guidelines). Under both frameworks, companies are required to **respect internationally recognised human rights, conduct human rights due diligence** to identify, prevent, mitigate and account for how they address their impacts on human rights and **enable remediation** of any adverse human rights impacts they cause or to which they contribute. The OECD Guidelines also require environmental due diligence. The OECD issued specific due diligence guidance for responsible business conduct.

In most cases, mere compliance with national law falls short of international human rights law and the standards set by the UNGPs and the OECD Guidelines. Considering Thailand’s record in relation to compliance with international human rights law, mere compliance with Thai law is not enough to ensure respect of international standards. For instance, under Thai law, defamation is a civil and criminal offense. Companies then use the law to silence human rights defenders through Strategic Lawsuits Against Public Participation, in complete violation with international human rights law.

Industry associations have also developed their own standards, but too often, corporate self-regulation fails communities.²⁰ It is also worth noting that four industry associations, the International Council on Mining and Metals, the Copper Mark, the Mining Association of Canada, and the World Gold Council, have recently decided to combine their standards into a Consolidated Standard.²¹ However, the current draft constitutes a major setback in relation to Indigenous Peoples’

²⁰ For instance, despite being a founding member of the International Council on Mining and Metals, Rio Tinto blasted a 46,000-year-old Aboriginal sacred site to expand a mine in 2020. See: The Guardian, ‘*Rio Tinto blasts 46,000-year-old Aboriginal site to expand iron ore mine*’, (26 May 2020), available at: <https://www.theguardian.com/australia-news/2020/may/26/rio-tinto-blasts-46000-year-old-aboriginal-site-to-exp-and-iron-ore-mine>

²¹ Note that neither Akara nor Kingsgate are members of these associations.

rights, transparency, human rights, and corruption.²² Therefore, **international human rights law, the UNGPs and the OECD Guidelines must be the compass of companies to act responsibly.**

Are Akara and Kingsgate responsible mining companies or just practising ‘greenwashing’?

In its 2024 Annual Report, Kingsgate claims that it and its subsidiary ‘is committed to upholding high environmental, social and governance (ESG) standards and operating in a sustainable way that benefits shareholders, employees and local communities. Akara’s approach to sustainability is based on a four-pillar strategy; sustainable community, educational opportunities, health and wellbeing, and clean water.’

Until May 2025 and the revision of Kingsgate’s Code of Conduct, none of the companies had a publicly available commitment to respect human rights. Facts provided in the UN complaint highlight the companies’ failure to respect human rights. It can be assumed from the analysis of the companies’ public policies and reporting documents (on top of the negative impacts suffered by villagers) that the companies have never conducted adequate human rights due diligence in relation to their operations. Lastly, affected villagers have not received remediation.

Therefore, Akara and Kingsgate have failed to comply with the UNGPs and the OECD Guidelines and cannot be regarded as responsible mining companies.

1. Fact-checking the information provided by Akara and Kingsgate

The following section fact-checks the information provided by Akara (AKR-PLC/196/25)²³ and Kingsgate²⁴ in their replies dated 14 March 2025 to the UN communications sent by Special Procedures on 14 January 2025 (AL OTH 151/2024²⁵ and AL OTH 2/2025²⁶). The section follows the structure of the companies’ replies.

A lot of information is found to be either wrong or misleading. The companies purposely mix information related to employees and community (for instance by citing multiple times the

²² Oxfam, *Corporate-led mining standard falls short*, (19 December 2024), available at: <https://politicsofpoverty.oxfamamerica.org/corporate-led-mining-falls-short/>

²³ Akara Resources, *Letter to UN Special Procedures - Reference AKR-PLC/196/25*, (14 March 2025), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=38925>

²⁴ Kingsgate Consolidated Limited, *Letter to UN Special Procedures*, (14 March 2025), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=38921>

²⁵ UN Special Procedures, *Communication to Akara Resources - Reference AL OTH 151/2024*, (14 January 2025), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=29554>

²⁶ UN Special Procedures, *Communication to Kingsgate Consolidated Limited - Reference AL OTH 2/2025*, (14 January 2025), available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=29618>

Whistleblowing Policy as a grievance mechanism while it does not apply to community members not employed by Akara) while the UN communication specifically refers to human rights violations of community members. Further, multiple reports and policies referred to by the companies are not publicly available and/or could not be found through desktop research at the time of writing (between April and early August 2025), therefore some information could not be verified. It would be critical for Akara and Kingsgate to provide the documents and evidence they referred to, and to make it publicly available for verification.

1.1. Clarification and correction of information provided in the companies' replies

1.1.1. Relocation

What is Akara claiming in its reply?

Akara claims that *'Opening CGM required extensive negotiations and consultations with local residents. Ultimately, approximately 200 households or around 700-800 people relocated over different periods of time. Akara stresses that all relocations were entirely voluntary and any landowners' refusal to relocate was respected. The main opposition to relocation came from a group of three persons, who withheld their agreement for an extended period of time.'*²⁷

Our verified fact-checking:

In its investigation report 67/2006, the National Human Rights Commission of Thailand (NHRCT) found that the company's second phase of operations had caused drastic changes in Tap Khlo District, with the community having to relocate and schools and temples abandoned. The Commission recommended the Governor of Phichit Province to refrain from granting additional mining concessions to the company.²⁸

1.1.2. Environmental Protection

What is Akara claiming in its reply?

Akara claims that *'there has been no conclusive evidence that the operations at the CGM have ever caused any damage to the health and environment of the local community. If there had been, Akara is confident that not only Akara, but also the Thai government would have taken immediate and appropriate action.'*²⁹ The company therefore implies that no action has been taken by the government because there has been no impact.

²⁷ See Akara's reply page 4

²⁸ The report is not accessible online and was accessed at the Public Law Library, Administrative Court

²⁹ See Akara's reply page 5

The company also argues that allegation of TSF1 leakage ‘has been repeated numerous times throughout the life of the CGM and in each instance independent expert assessments have shown it to be false.’³⁰ and that ‘with respect to arsenic, it is crucial: (i) to note that inorganic arsenic naturally occurs alongside gold deposits and (ii) to distinguish between organic arsenic and inorganic arsenic. Organic arsenic levels can be elevated by the ingestion of seafood [...] and this is the most likely explanation for the slightly elevated arsenic level in some unverified and isolated test data.’³¹

Our verified fact-checking:

Contrary to what Akara states, the Thai government took actions notably by 1) issuing in January 2015 a 30 day-suspension order on the mine due to health concerns after blood tests on local residents showed higher than normal levels of toxic heavy metals;³² 2) terminating Akara’s permits and licences in 2016 due to conflicts arising from the mine’s adverse impacts on the surrounding area;³³ 3) instructing Akara in August 2018 to resolve the leakage in TSF1 and to address water quality issues in the monitoring ponds, sedimentation ponds, mining pits and emergency water retention ponds (see below 2018 DPIM order requiring Akara to address leakage in TSF1).³⁴

In respect to arsenic, while it is correct that organic arsenic is found in seafood, no study on the local community’s dietary habit nor on the concentration of organic arsenic found in what villagers eat has been conducted to Manushya’s knowledge. Therefore, claiming that elevated levels of arsenic in blood tests can be attributed to seafood consumption is not based on any concrete data.

(a). Akara is Referring to Studies Unavailable to the Public to Avoid Responsibility

In its reply, Akara refers to the following reports, studies and findings, which are not publicly available, making it impossible to verify their allegations:

Stability and Leakage Assessment of TSF1 project, 2024, King’s Mongkut University of Technology Thonburi

³⁰ See Akara’s reply page 5

³¹ See Akara’s reply page 6

³² Bangkok Post, *Akara fights Phichit mine suspension*, (23 January 2015), available at: <https://www.bangkokpost.com/business/general/459470/akara-fights-phichit-mine-suspension>

³³ The Nation, *Gold mines ordered to suspend from Jan 1*, (13 December 2016), available at: <https://www.nationthailand.com/in-focus/30302060>

³⁴ Bangkok Post, *Study finds toxic leaks from Akara tailings pond*, (22 July 2018), available at: <https://www.bangkokpost.com/thailand/general/1507682/study-finds-toxic-leaks-from-akara-tailings-pond>

What is Akara claiming in its reply?

Akara refers to this study explaining that it *‘concluded that TSF1 shows no signs of leakage’* and that DPIM *‘has acknowledged the study and confirmed that it aligns with the work plan it and representatives from the relevant government agencies approved’*.³⁵

Our verified fact-checking:

At the time of writing, the study’s final report is not publicly available, neither on Akara’s website nor on [KMUTT Integrated System for Research and Innovation Management](#) which provides details on researchers, research projects and publications at the King Mongkut’s University of Technology Thonburi, nor on DPIM website, nor through Google search. Therefore, conclusions of the study cannot be verified, in particular whether the study concludes that at the time of the research TSF1 was not leaking or whether the study concludes that TSF1 never leaked.

Ombudsman’s final recommendation to Thailand’s Prime Minister following a complaint filed in 2017

What is Akara claiming in its reply?

Akara claims that *‘the Ombudsman’s final recommendation to Thailand’s Prime Minister stated that no study or information from responsible government departments “can officially confirm that [...] heavy metals and environmental contaminations come from chemicals used in gold mining operations”’*.³⁶

Our verified fact-checking:

It is unclear what report Akara refers to. However NHRCT’s investigation report No. 12/2021 addressed a complaint filed in 2017 by 5 individuals in relation to authorities’ failure to fix problems caused by Akara’s activities. The NHRCT found that authorities have taken steps to address the environmental and health impacts from the mine operations - then acknowledging the existence of such negative impacts. The NHRCT also stressed that the environmental and public health restoration remains an urgent matter, especially regarding water poor quality which the NHRCT notes may be due to past mining operations.³⁷

Independent Environmental, Community and Technical Review and Audit of the Chatree Gold Mine, 2016, Behre Dolbear International Limited

³⁵ See Akara’s reply page 6

³⁶ See Akara’s reply page 6

³⁷ NHRCT, *Investigation report No. 12/2021*, (17 February 2021), available at: <https://www.nhrc.or.th/th/Examination-reports/13698>

What is Akara claiming in its reply?

Akara claims that the report *‘concluded, among other things that: Akara employs modern technology ensuring safety for both human life and the environment, and that this technology is compatible to leading mines worldwide; the CGM has a comprehensive water management system in place to protect against unintentional releases; the site has no direct discharge of stormwater or process wastes to the environment; the CGM has implemented a water management and monitoring system to manage seepage to protect ground water beneath and/or immediately down gradient of its operations; Akara’s operations are in line with international best practices with regard to management and monitoring systems for handling and use of cyanide; based on the monitoring data reviewed, there is no evidence to suggest that any material concentrations of cyanide have leaked from the TSF1 into the surrounding groundwater systems; and arsenic and manganese levels in the soils in the vicinity of the CGM are not unduly elevated.’*³⁸

Our verified fact-checking:

At the time of writing, the report is not publicly available, neither on Akara’s website nor Behre Dolbear’s website, nor on DPIM website, nor through Google search.

‘A 2016 report by a Thai government minister’

What is Akara claiming in its reply?

Akara claims that the report *‘concluded that: (a) high levels of manganese, iron and arsenic in the CGM area were already present prior to commencement of mining operations in 2000; (b) arsenic contamination in agricultural soil is commonly found throughout Thailand; (c) heavy metals detected within vegetables and fruits in the vicinity of CGM were mostly within government standards and most were contaminated at a level that was not different from levels in vegetables and fruits in other areas; and (d) a study of contamination of manganese, arsenic and cyanide in people living around CGM had the same contamination level as individuals who live 20-50 km away from the mine.’*³⁹

Our verified fact-checking:

Such a vague reference without key information (report title, the ministry which issued it and the date), does not allow checking the report’s content and conclusions.

³⁸ See Akara’s reply page 7

³⁹ See Akara’s reply page 7

What is Akara claiming in its reply?

Akara argues that the audit conclusions included ‘cyanide concentrations in all monitoring bores are mainly below detection limits and well within applicable standards; dust monitoring during 2014 yielded no exceedances of Thai standards; no noise exceedances were identified by the noise monitoring program; and operations are being carried out in accordance with the requirements of the Australian Minerals Industry Code for Environmental Management’.⁴⁰

Our verified fact-checking:

At the time of writing, the audit report is not publicly available, neither on Akara’s website nor through Google search.

*Administrative Court ruling 228/53 (27 March 2012)***What is Akara claiming in its reply?**

Akara argues that the Court held that ‘arsenic in the groundwater was at normal levels and not harmful for consumption; manganese in the water supply system was slightly higher than the maximum allowance, but Akara had rectified this by supplying drinking water to the local inhabitants and by cleaning or replacing a water filter; cyanide, arsenic and mercury in vegetables were not higher than the standard requirement for consumption; air quality was normal; noise quality was normal; the levels of cyanide, arsenic and manganese in natural water and groundwater were “not up to the level that will severely cause harm to the human, as well as to animal and plant, or assets”; cyanide in the blood of local residents tested was less than the minimal level; and in relation to a case in which the testing of a resident detected arsenic in urine that was above the normal level, the cause may have been seafood consumption rather than a direct result from the operations of the CGM’.⁴¹

Our verified fact-checking:

Akara omits to mention that in the ruling, the following relevant facts were discussed:

- Monitoring of water quality from March 2008 to November 2010 showed that at the observation well, the tailings storage pond, and some groundwater wells water quality did not meet the standard. The Director-General of the Department of Primary Industries and Mines therefore requested Akara to conduct a study of the cause and continuously monitor water quality. Further, following inspections of overflowing tailings storage ponds into the surrounding area

⁴⁰ See Akara’s reply page 7

⁴¹ See Akara’s reply page 8

during the rainy season, the Director-General of the Department of Primary Industries and Mines ordered Akara to enhance the height of the tailings ponds to prevent water from flowing out.

- A study analysing groundwater flow direction and assessing heavy metal level conducted by the Department of Geology, Faculty of Science, Chulalongkorn University in 2009 found that groundwater flow was from north to south and west. Water quality data revealed relatively high levels of sulfate, particularly during rainy seasons. It was noted that this was likely due to sulfur leaching from soil accumulated in the mine area into surface water sources and shallow groundwater wells. Based on the groundwater quality data, it was assumed that the tailings storage ponds were the source of the pollutants, as the pollutants detected in the observation ponds downstream of the tailings storage ponds had been steadily increasing compared to those detected in the ponds further north. Furthermore, the arsenic levels in the observation ponds did not exceed the drinking water standard (0.05 mg/L), except for the ponds near the tailings storage ponds. It was further mentioned that cross-sectional images of the tailings storage pond showed that there was almost no thick clay layer present and that in case of any leakage from the tailings storage pond, contamination could occur in the second subsurface layer. In addition, the clay layer beneath the tailings storage pond was inconsistent, with some areas lacking a clay barrier altogether, particularly on the left side of pond MS 1991 and pond MS 1992. If leakage occurs from the tailings storage pond in these sections, contamination could reach both the first and second subsurface layers.
- Regarding manganese and cyanide contamination, the presence of manganese and cyanide in groundwater from a monitoring pond located south of the tailings storage pond (TSF1) and manganese levels in a well used for tap water (GWST12) exceeding the drinking water standards announced by the Department of Mineral Resources in 1992, coupled with studies conducted by Chulalongkorn University and Khon Kaen University, suggested that manganese contamination in the groundwater wells stemmed from seepage from TSF1, in addition to its natural presence in soil and groundwater.
- Contrary to what Akara states, in its conclusion the court noted that *'the arsenic levels exceed the groundwater standards for consumption but do not exceed the maximum allowable level of 0.5 milligrams per liter as specified in the Ministry of Natural Resources and Environment Announcement on Academic Criteria and Measures for Public Health Prevention and Prevention of Toxic Environmental Issues B.E. 2551 (2008). This is in line with the groundwater standards for consumption specified in the Department of Mineral Resources Announcement B.E. 2535 (1992) and the mineral water standards specified in the Ministry of Public Health Announcement B.E. 2534 (1991), which are considered not yet hazardous to consumption'*. The court also stated that *'the contamination of natural water sources and groundwater with cyanide and heavy metals such as arsenic, manganese and mercury may have been caused by Akara's mining or mineral processing activities'*. The fact that the court found that contamination had not reached a level that could cause serious harm to peoples, animals or plants at the time of ruling, does not mean that contamination had not caused any harm.

(b). Akara is Dismissing Scientific Expertise that Does Not Fit the Company Narrative

While referring to studies unavailable to the public to discharge itself from any harms caused by the Chatree mine, Akara and Kingsgate have consistently dismissed scientific expert studies exposing the mine's harmful impacts on the environment and affected communities. These expert studies are credible, following a thorough scientific and academic methodology, and are publicly available.

Study of Chemical Contamination in Plants Growing around Gold Mine

What is Akara stating to dismiss the study?

Akara claims that *'Another academic study referred to in the Joint Communication (at page 5), purportedly finding unsafe levels of heavy metals was a 2014 study by an academic from Rangsit University. Already mentioned, this academic is not medically qualified and has campaigned heavily with the protestors against Akara and Kingsgate'*.⁴²

Our verified fact-checking:

The study referred to at page 5 of the Joint Communication in relation to food chain contamination was authored by Laksana Charoenchai (Faculty of Pharmacy, Rangsit University), Fameera Madaka (Faculty of Pharmacy, Rangsit University), Arpa Wangkieat (College of Engineering, Rangsit University) and Smith Tungksmith (College of Social Innovation, Rangsit University) and was presented at the 2017 National Conference on chemical management.⁴³ Contrary to what the company claims, this study was not authored by a single academic whose opinion would disqualify the finding of the research.

Scientists collected 82 plant samples (most of them were plants grown for eating and selling) within 10km from the mine. Cyanide contents higher than 0.5 mg/kg were found in 30 (36.59%) plant samples which were mostly roots, whole plants, and vines. Cadmium content higher than 0.3 mg/kg was found in 18 (21.95%) plant samples. Manganese content higher than 100 mg/kg was found in 39 (47.56%) plant samples. The study concluded that because some heavy metals were not destroyed or decompose very slowly, accumulation and increasing quantities would inevitably affect the food chain.

Study on Potential Health Effects of Heavy Metals and Carcinogenic Health Risk Estimation of Pb and Cd Contaminated Eggs from Closed Gold Mine Area in Northern Thailand

⁴² See Akara's reply page 9

⁴³ Laksana Charoenchai, Fameera Wangkiat, and Smith Tungksmith, *Study of Chemical Contamination in Plants Growing around Gold Mine*, (July 2017), available at (page 529): <http://fdathaiteci.fda.moph.go.th/PDFfile/know/Final%20หนังสือ%20proceedings%20600%20หน้า.pdf>

What is Akara stating to dismiss the study?

Akara states that it *'is not aware of these 2022 studies and has never been approached in relation to the conduct or results of these studies. In any event, the CGM was not in operation from 2017 through to March 2023, and mercury, lead and cadmium are not generated by the operations of the CGM.'*⁴⁴

Our verified fact-checking:

The study was authored by 7 academics from the Faculty of Veterinary Medicine, Kasetsart University, the ASTRE research unit CIRAD-INRAE (French Agricultural Research Centre for International Development and French National Research Institute for Agriculture, Food and Environment), Montpellier University, the Department of Social and Environmental Medicine, the Faculty of Tropical Medicine, Mahidol University, the Bio-Veterinary Science, Faculty of Veterinary Medicine, Kasetsart University, the Department of Veterinary Public Health, Faculty of Veterinary Medicine, Kasetsart University Kamphaeng, and the Kasetsart University Research and Development Institute. The study was published in *Foods*.⁴⁵

The study revealed *'an elevated risk of cancer associated with both Pb [lead] and Cd [cadmium] consumption, which could have a serious impact on human health, especially for those aged 13–35 yo who consume eggs from an area within 25 km of a gold mine. In 2017, cancer was the most common cause of death in Phichit Province, with a significant increase in cancer death rates from 119.71 in 2015 to 126.3 per 100,000 people in 2017. More specifically, among the population of about 26,155 people living within 25 km of the gold mine, it was reported that 20 people had died of cancer in 2016, including lung cancer, liver cancer, gastrointestinal cancer, heart cancer, and cervical cancer. During the same period, only eight people died of cancer in an area >25 km away (18,288 people).'*

The Research Project to Monitor the Effects of Arsenic, Manganese and Cyanide: Rehabilitation from Intellectual, Cognitive and Learning Impairments among Children in grade 4-6

What is Akara stating to dismiss the study?

Akara argues that *'This study was undertaken by a doctor at Mahidol University. However, the comparison made did not compare the same group of children over time [...]. The study therefore cannot be relied upon.'*⁴⁶

⁴⁴ See Akara's reply page 9

⁴⁵ Paweena Aendo, Michel De Garine-Wichatitsky, Rachaneekorn Mingkhwan, Kamonthip Senachai, Pitchaya Santativongchai, Praphaphan Krajanglikit and Phitsanu Tulayakul, *Potential Health Effects of Heavy Metals and Carcinogenic Health Risk Estimation of Pb and Cd Contaminated Eggs from Closed Gold Mine Area in Northern Thailand*, (9 September 2022), available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9498197/>

⁴⁶ See Akara's reply page 9

Our verified fact-checking:

The study was authored by Dr. Nootchanart Ruksee, Assoc. Prof. Adisak Plitponkarnpim, Dr. Thirata Khamnong and Dr. Sarun Kunwittaya from National Institute for Child and Family Development, Mahidol University.⁴⁷ Contrary to what the company claims, this study was not authored by a single doctor. The study noted *‘The project’s findings on heavy metal contamination are consistent with studies conducted by the Department of Disease Control, Ministry of Public Health, the Central Institute of Forensic Science, Thammasat University, and the Ramathibodi Hospital Child Safety Promotion and Injury Prevention Research Center. These studies revealed that 30–35% of school-aged children between 8 and 13 years old were contaminated with manganese (Mn) and inorganic arsenic (As). It was further found that the students and their families resided within 10 kilometers of mining industrial zones. Community water supply testing also showed contamination with manganese and inorganic arsenic exceeding standard limits over a continuous period of one year. When compared with the present project’s findings, the situation regarding manganese contamination appears consistent across both studies, despite the three-year gap between them. This indicates that manganese contamination remains ongoing. By contrast, the rate of inorganic arsenic contamination has decreased approximately eightfold since 2016.’*

Study on Assessing Potential Hydrogen Cyanide Exposure from Cyanide-contaminated Mine Tailing Management Practices in Thailand’s Gold Mining

What is Akara stating to dismiss the study?

Akara states that it is *‘not aware of this study. In fact the 20 mg/L limit is the level prescribed by the Government, which is stricter than standard international limits of around 50 mg/L. Akara has installed equipment in its processing plant that reads discharge levels every 20 mins and, on average, Akara’s cyanide discharge level readings have been 10 mg/L since the opening of the CGM in 2001.’*⁴⁸

Our verified fact-checking:

The study was authored by Quoc Ba Tran, Manupat Lohitnavy and Tanapon Phenrat from the Institute of Research and Development, Duy Tan University, the Research Unit for Integrated Natural Resources Remediation and Reclamation, Department of Civil Engineering, Faculty of Engineering, Naresuan University, the Center of Excellence for Sustainability of Health, Environment and Industry, Faculty of Engineering, Naresuan University, and the Center of Excellence for Environmental Health and Toxicology,

⁴⁷ National Institute for Child and Family Development at Mahidol University, *Research project for follow up the effect of arsenic, manganese, cyanide and promotion of cognitive and learning disability in elementary school grade 4-6*, (2021), available at: <https://kb.hsri.or.th/dspace/handle/11228/5316>

⁴⁸ See Akara’s reply page 9

Faculty of Pharmaceutical Sciences, Naresuan University. The study was published in the Journal of Environmental Management.⁴⁹

The study noted that ‘Currently, Thailand has no specific policy on cyanide management in gold mining. The only regulation that the mine is theoretically required to follow is based on an environmental impact assessment (EIA)’ and that ‘According to the mine’s own EIA, by simply controlling the concentration of total cyanide discharged into the TSF such that it does not exceed the maximum permissible level (20 mg/l), the hydrogen cyanide emissions from the TSF will not adversely affect the surrounding environment and public health. According to the EIA, cyanide in the mine wastewater (up to 150 mg/l) will be reduced to lower than 20 mg/l using the INCO process, in which sulfur dioxide and air in the presence of a copper catalyst are used to oxidatively detoxify cyanide to cyanate. The EIA also stated that cyanide in the TSF will be further degraded “in the presence of ultra-violet light and carbon dioxide in the atmosphere”. However, this assertion is not backed up with any scientific evidence whatsoever and contrasts with the literature in that up to 90% of the total cyanide from a TSF is volatilized into the air. The EIA does not provide any data or models that support this claim. In addition, the report does not address the control of pH in the TSF, a parameter that greatly influences the evaporation of hydrogen cyanide from the solution.’

Gemel Mining Engineers’ 2013 Technical Review of the mine noted regarding the 20mg/l limit that ‘there were some difficulties in achieving this target during the early stages of operation.’⁵⁰

Study on Assessing Potential Health Impacts of Cyanide-Contaminated Seepage in Paddy Field Near a Gold Mine in Thailand: Cyanide Speciation and Vapor Intrusion Modeling

What is Akara stating to dismiss the study?

Akara argues that ‘Such a leak has repeatedly been dismissed in robust studies, for example, in the Behre Dolbear Report. Indeed, there are reports that local villagers saw sewage trucks at one of the locations where the black water was reported.’⁵¹

Our verified fact-checking:

The study was authored by Quoc Ba Tran, Vinita Khum-in, Tanapon Phenrat from the Institute of Research and Development, Duy Tan University, Faculty of Environmental and Chemical Engineering, Duy Tan University, the Research Unit for Integrated Natural Resources Remediation and Reclamation,

⁴⁹ Quoc Ba Tran, Manupat Lohitnavy and Tanapon Phenrat, *Study on Assessing Potential Hydrogen Cyanide Exposure from Cyanide-contaminated Mine Tailing Management Practices in Thailand’s Gold Mining*, (1 November 2019), available at: <https://www.sciencedirect.com/science/article/abs/pii/S0301479719310667>

⁵⁰ Gemel Mining Engineers, *Technical Review of the Chatree Gold Project*, (6 September 2013), available at: https://minedocs.com/17/Kingsgate_Technical_Chartree_2013.pdf

⁵¹ See Akara’s reply page 10

Department of Civil Engineering, Faculty of Engineering, Naresuan University, the Center of Excellence for Sustainability of Health, Environment and Industry, Faculty of Engineering, Naresuan University, and the Department of Civil Engineering, Faculty of Engineering, Rajamangala University of Technology Thanyaburi. The study was published in *Exposure & Health*.⁵²

The study stated that following the discovery of black water in a rice field, the Environmental Office Region 3, the mine and local community representatives took water samples to quantify the chemical characteristics of the black seepage and that both parties agreed to conduct a separate chemical analysis. Both sets of chemical analyses demonstrated elevated cyanide levels in the water samples from the affected paddy.

The study noted *‘Since the seepage of black water with high cyanide concentrations was only a single incident in 2015, the mine’s consultant hypothesized that it may have been caused by illegal dumping of cyanide into a natural and uncontaminated seeping water upon the arrangement of a third party (Behre Dolbear International Limited 2016).’* However, the study noted that *‘the information we extracted from the chemical analyses of water samples from the first and second field sampling events reveals that the cyanide in the affected paddy and lotus pond was not consistent with naturally-occurring cyanide, and was likely related to the mine’s activities, especially TSF1. ...‘If illegal dumping of KCN happened in the affected paddy, cyanide should have disappeared in less than 4 h. Since this hypothesis cannot explain both the cyanide concentrations and speciation found in the affected paddy and the lotus pond, the elevated cyanide concentrations in the affected paddy and the lotus pond should not be attributed to the intentionally illegal dumping of KCN by a third party.’*

(c). Akara is Challenging Authorities’ Order Acknowledging Leakage

How is Akara challenging Thai Authorities’ Order?

In 2018, DPIM issued an order requiring Akara to address the leakage in TSF1. In its reply, Akara states that it *‘contested this order because it was vague, lacked actionable detail and relied on a purported resolution of a fact-finding committee (‘purported’ because it was not supported by the majority of the committee’s members). The voting pattern that led to the purported resolution, as well as the committee’s constitution is instructive. Officially, this committee comprises 52 members. At the meeting that led to the purported resolution, there was no quorum. Nonetheless, 7 members voted for the resolution (three of whom were protestors), and 6 members voted against it. Out of the 11 government members on the committee, 10 abstained from voting, with one voting for the resolution. Also to be noted is the fact that the expert sub-committee’s report on the alleged leakage was submitted to the committee without a resolution of the sub-committee to do so (because there was disagreement in the*

⁵² Quoc Ba Tran, Vinita Khum-in, Tanapon Phenrat, *Assessing Potential Health Impacts of Cyanide-Contaminated Seepage in Paddy Field Near a Gold Mine in Thailand: Cyanide Speciation and Vapor Intrusion Modeling*, (27 January 2022), available at: <https://link.springer.com/article/10.1007/s12403-022-00466-4>

sub-committee). Moreover, the committee's process did not comply with Minerals Act which requires that it should have been conducted by a provincial mining committee rather than a fact-finding committee. Akara is currently in the process of challenging this order.⁵³

Our verified fact-checking:

On 2 August 2018, the Director-General of the Department of Primary Industries and Mines issued an order instructing Akara to resolve the leakage in TSF1 and to address water quality issues in the monitoring ponds, sedimentation ponds, mining pits and emergency water retention ponds. The order also required the petitioner to report the completed corrective actions, including the methods used, to the Department of Primary Industries and Mines (DPIM) within 15 days from the date of receiving the order. Akara contested the order and submitted an appeal on 21 September 2018.

On 18 December 2024, the Central Administrative Court dismissed Akara's request to revoke the administrative order.⁵⁴

The court found that during the Cabinet meeting on 6 October 2015, the Prime Minister instructed the Ministry of Industry to cooperate with the Ministry of Public Health, Ministry of Science and Technology, and other relevant agencies to verify facts regarding environmental and health impacts of the mine. Following this, the Minister of Industry issued Ministerial Order No. 297/2558 dated 19 October 2015 to establish a Fact-Finding and Conflict Resolution Committee to examine environmental and health impacts, address community grievances, and propose remedial measures. On 2 November 2015, the Committee agreed to establish subcommittees on health and environmental impacts and on 22 April 2016, it approved two more subcommittees, including one to investigate leakage from TSF1.

The TSF1 subcommittee held 8 meetings. In its 3rd meeting on 2 November 2016, it resolved to engage a team of experts and conduct a scientific investigation using geophysical techniques such as Transient Electromagnetic, Electrical Resistivity Imaging, and isotope analysis to assess potential leakage from TSF1.

The investigation revealed the following facts:

1. Abnormal electrical resistivity was detected, indicating water leakage from TSF1. Geochemical and isotopic anomalies suggested that water from TSF1 had reached monitoring wells 5338 and 6691, though the arsenic found in those wells was not from TSF1.
2. Complaints about spring water contamination in nearby rice fields were investigated in 2016 and 2017. Cyanide was not detected at harmful levels. However, sulfate and manganese

⁵³ See Akara's reply page 10

⁵⁴ Case Black No. S.35/2562 and Red No. S.25/2567

contamination was found, which matched results from nearby monitoring wells and was likely attributable to leakage from TSF1.

On 28 February 2018, the Committee acknowledged the full investigation report and requested that dissenting opinions be appended before submission to DPIM.

On 28 March 2018, Akara submitted Environmental Monitoring Report No. AKR-PLC/045/18, which DPIM used as a basis to issue Letter No. an 0506/2290 dated 28 May 2018. That letter cited findings of pH and manganese levels exceeding standards in surface water, as well as elevated pH, sulfate, iron, and manganese in groundwater from both inside and outside the mine site. Arsenic levels also exceeded standards in some soil samples.

As a result, DPIM ordered the company to:

1. Monitor soil, surface, and groundwater quality continuously.
2. Improve water quality in acidic areas and ensure treated water meets standards before discharge.
3. Maintain drainage and sedimentation systems to prevent overflow.
4. Coordinate with local authorities to maintain and repair groundwater filtration systems.
5. Report compliance to DPIM.

Further inspections revealed Akara had not fully complied with environmental measures nor contributed to the environmental risk insurance fund for 2017–2018.

Although Akara later cited conflicting findings from a university study claiming no leakage occurred, this evidence was deemed insufficient by the court to invalidate the earlier scientifically grounded investigation. The claim was therefore dismissed.

Acid Mine Drainage (AMD)

Gold, silver, copper, etc ores are often rich in sulfide minerals. When the mining process exposes the sulfides to water and air, they form sulfuric acid. This acidic water can then dissolve other harmful metals and metalloids such as arsenic, cadmium and lead from the surrounding rocks. The AMD may run off into streams or rivers or leach into groundwater. AMD may be released from waste rock piles, tailings, open pits, underground tunnels and leach pads.⁵⁵

⁵⁵ EarthWorks, *Acid Mine Drainage*, (16 December 2005), available at: https://earthworks.org/resources/fact_sheet_acid_mine_drainage/

Therefore, mining activities can generate heavy metal contamination in the surroundings of the mine site even if the activities don't use the heavy metals in question.

Role of pH in heavy metals transport

The pH is one of the most significant factors that affects transport and sorption of heavy metals to soils.

In 2008, a series of experiments were conducted to investigate the sorption/desorption and mobility of various metals from Akara's tailings under three different pH conditions (pH 4, 7 and 10).⁵⁶

The experiments showed that the release of potentially toxic metals was pH dependent, with manganese more easily released from the tailings than other metals. *'The metal concentrations in the groundwater collected from shallow and deep wells at the mining site over a two-year period typically showed a relatively high concentration of manganese.'*

The study noted *'In several potential ore zones, substantial amounts of pyrite are present which when exposed to oxygen and water may generate acidic water by oxidation to sulphurous and sulphuric acids leading to acidic mine conditions. This acidification, especially if coupled with further oxidation, will result in the release of heavy metals. There is clear evidence that the manganese, iron and sulfate concentrations exceeded the industrial effluent standards and groundwater standards for drinking purposes at the TSF monitor sites. In addition excess levels were noted at the downstream sites for iron in late 2006 and manganese and sulfate in early 2004. These results, including the sulfate levels, support the occurrence of oxidation of sulfide minerals in the TSF and movement out into the nearby downstream water systems.'*

Further, the study noted that *'the potentially toxic metals that leached from the tailing column exceeded the industrial effluent standards, especially those metals leached under mildly acidic conditions serves as a warning of mining tailings as a potential long term reservoir of toxic heavy metals and ease of release into the environment following mild acidification.'*

⁵⁶ Srilert Chotpantarat, Say Kee Ong, Chakkaphan Sutthirat, and Khemarath Osathaphan, *Heavy Metal Contamination of Groundwater and Surrounding Soils by Tailing Leachates from a Gold Mine in Thailand*, (2008), available at: <https://www.thaiscience.info/journals/Article/CJSR/10976945.pdf>

The study concluded *‘The results of this research highlights the need for necessary attention by responsible parties because metal leaching problems may arise long after the mine’s closure and/or abandonment. This study illustrates the possibility of environmental contamination from the mining site, particularly after the mine’s closure, as the metals in the tailings may be leached for decades or even centuries after a mine’s closure.’*

(d). Akara is Shaping the Narrative of Collaboration with Authorities

What is Akara claiming in its reply?

In its reply, Akara stated that despite issues with the fact-finding committee and legal proceedings regarding the 2018 DPIM order, *‘Akara and DPIM have been actively working together to resolve **ongoing issues** [emphasis added] in accordance with Thai mining laws and regulations. As a result Akara has agreed to prepare baseline environmental and public health data, establish mining exclusion (or “buffer”) zones, seek out risk insurance and increase funds for health monitoring. These initiatives ensure that Akara’s operations continue to meet international standards and have no adverse impacts on the environment or public health.’⁵⁷*

Our verified fact-checking:

First, Akara acknowledges the existence of ‘ongoing issues’ that need to be resolved and potential non-compliance with Thai laws and regulations.

Second, as mentioned below under 1.1.4. Access to Information and Public Participation, by ‘agreeing’ to prepare baseline environmental and public health data, Akara acknowledges the fact that such data is missing.

Third, contrary to what Akara implies, the measures mentioned - establishing buffer zones and funds for health monitoring - are not voluntary initiatives taken by the company. They are required under Thai laws and regulations.

Regarding the establishment of buffer zones, Section 32 of the 2017 Minerals Act grants the Minister the power to issue a Notification prescribing rules for the preparation of a mining barrier area line, the preparation of fundamental data related to the environment and public health and standards and methods for the controlling emission of pollution or any other thing which may affect the environment in consequence of mining, mineral dressing and metallurgy operations. A notification by the Ministry of Industry of 2019 set criteria regarding the preparation of buffer zones for mining operations.⁵⁸ After

⁵⁷ See Akara’s reply page 10

⁵⁸ Notification of the Ministry of Industry, The Determination of Criteria Regarding the Preparation of Buffer Zone for Mining Operation B.E. 2562

villagers filed a petition against the reopening of the mine, DPIM acknowledged in February 2023 the applicability of buffer zone regulation for the Chatree mining complex even if the complex had opened before the 2019 notification came into force.

Regarding the Health Monitoring Fund, in line with Section 2.2 and 3.3(3) of the 2017 Policy framework and strategic plan for gold mineral resource management, DPIM issued a series of notifications ordering gold mining companies to make financial contributions to four funds for the communities living near mining zones.

The Health Monitoring Fund shall be used to conduct programs related to public health monitoring, public health education, and public health promotion for villages located within the 5km radius of a gold mine. Companies must make regular contributions to this fund with an annual payment equivalent to 3% of their paid mining royalty fee, or no less than 10 million THB per year.

Further, as previously mentioned in the 18 December 2024 Central Administrative Court's ruling, inspections revealed that Akara had not fully complied with environmental measures nor contributed to the environmental risk insurance fund for 2017–2018.

Lastly, it is to be reminded that mere compliance with Thai laws and regulations does not *per se* amount to compliance with international standards and that a high number of laws and regulations would need to be amended in order to comply with such standards, including OECD standards in line with Thailand's accession process. For instance, the Minerals Act consolidates the central Government's power in managing the mineral resources of the country, with limited space for meaningful public participation in exploration, extraction, or restoration plans and implementation. The lack of public participation mechanism was pointed out by the National Human Rights Commission of Thailand during the Act's drafting process.⁵⁹

(e). Lack of Transparency in Auditing and Inspections

What is Akara claiming in its reply?

Akara claims that *'the CGM is each year subject to multiple and extensive investigations and inspections, which ensure that no TSF1 leak is occurring. The following examples show this continuous and detailed scrutiny of Akara's operations.'*⁶⁰ and that Akara and Kingsgate *'are committed to sound management of the environment and have also voluntarily adopted regular reviews.'*⁶¹

⁵⁹ Manushya Foundation, *Just Energy Transition in the Context of Extractive Sector in Thailand*, (May 2023), available at: <https://www.manushyafoundation.org/2023submissionout>

⁶⁰ See Akara's reply page 11

⁶¹ See Akara's reply page 12

Our verified fact-checking:

- **Environmental audits, 2002-2015, ENVIRON Australia:** At the time of writing, none of the environmental audit reports are publicly available, neither on Akara's website nor through Google search.
- **Audits of tailings storage facilities, 2002-2019, Knight Piésold:** At the time of writing, none of the audit reports are publicly available, neither on Akara's website nor on Knight Piésold's website or through Google search.⁶²
- **Quarterly on-site inspections:** Villagers lack information about these inspections, when they take place and who takes part of them. They also express concerns about village heads and local administrative officials' bias in favour of the company instead of representing the interests of the community.
- **Mining and Monitoring Committee meetings:** Despite the fact that these meetings are, according to Akara, primarily focusing on addressing concerns related to the environmental impacts of the mine and complaints from local communities, villagers are unaware of such meetings and have no access to meeting notes, reports or action plans.
- **EIAs and EHIAs:** On the accessibility of EIAs and EHIAs, see below 1.1.4. Access to Information and Public Participation.
- **Semi-annual ISO 14001 Environment Management Systems certification audit:** While reference to the ISO 14001 certification can be found in Kingsgate's Annual Reports from 2003 to 2010 as well as in Akara's 2012 Sustainability Report, Kingsgate's subsequent Annual Reports do not mention it so it is unclear whether the company has been certified after 2012 (no information is provided on both companies' websites).
- **Annual Minerals Council of Australia audit:** The Australian Mineral Industry's Enduring Value Code for sustainable development is a set of 10 principles on governance, risk management, transparent engagement, health and safety, employee rights, community development and environmental management. The Code encourages companies '*to publicly report their performance on the 10 principles as part of annual corporate reporting processes*'. While reference to the annual Minerals Council of Australia audit can be found in Kingsgate's Annual Reports from 2003 to 2008 as well as Kingsgate's Sustainability Reports from 2003 to 2008, Kingsgate's subsequent Annual Reports do not mention it so it is unclear whether the company has been audited after 2008 (no information is provided on both companies' websites). Further, audit reports are not publicly available, neither on the companies' website nor on the Minerals Council of Australia's website or through Google search.
- **Quarterly internal environmental audit:** Internal audit reports are not publicly available.
- **2013 Sustainability/CSR Policy:** The mere fact of having a policy containing a commitment to minimise environmental impacts does not mean that negative impacts have not occurred.

⁶² Knight Piésold designed the tailings storage facilities.

- **Recognition received 2003-2013:** Out of the 51 recognitions listed by Akara, 36 were either issued by the Ministry of Labour or labour rights related authorities or in relation to labour related issues - therefore not relevant for the case at stake. Only four recognitions were related to environmental management - keeping in mind that when it comes to sustainability and environmental performances, awards are often greenwashing activities of harmful industries such as the extractive sector.

1.1.3. Health and Safety

What is Akara claiming in its reply?

Akara states that *'Health and safety are core values of Kingsgate and Akara. To this end, Akara and Kingsgate have adopted a comprehensive program of initiatives, including the following: 1. The Akara Annual Community Health Check-Up Project provides free health check-ups to residents within a 5-kilometre radius of the mine [...].'*⁶³

Our verified fact-checking:

- **Annual Community Health Check-Up Project:** As previously mentioned, under the law, the Health Monitoring Fund shall be used to conduct programs related to public health monitoring, public health education, and public health promotion for villages located within the 5km radius of a gold mine. Therefore, Akara's Annual Community Check-Up Project is not a voluntary initiative as the company tries to imply. While the company notes that *'blood and urine tests have not shown abnormalities or evidence of any mine contamination impacting the health of locals or the environment'*, the company does not indicate what blood and urine are tested for.
- **International Cyanide Management Code audit:** While audit reports from 2008, 2011 and 2014 can be found online through Google search, reports from 2017, 2020 and 2023 cannot be found. Kingsgate's Annual Reports from 2017 onwards do not mention the audit so it is unclear whether the company has been certified in 2017 and after (no information is provided on both companies' websites).
- **Semi-annual OHSAS 18001 Safety Management System certification:** While reference to the OHSAS 18001 certification can be found in Kingsgate's Annual Reports from 2004 to 2011 as well as in Akara's 2012 Sustainability Report, Kingsgate's subsequent Annual Reports do not mention it so it is unclear whether the company has been certified after 2012 (no information is provided on both companies' websites).
- **Annual ISO 17025 Analytical Laboratory Management System audit:** While reference to the ISO 17025 certification can be found in Kingsgate's Annual Reports from 2007 to 2011 as well as in Akara's 2012 Sustainability Report, Kingsgate's subsequent Annual Reports do not mention it so

⁶³ See Akara's reply page 14

it is unclear whether the company has been certified after 2012 (no information is provided on both companies' websites).

- **Behre Dolbear Report:** As previously mentioned, at the time of writing, the report is not publicly available.

1.1.4. Access to Information and Public Participation

What is Akara claiming in its reply?

In its reply, the company seems to confuse access to information, public participation and protesting. According to the company, it appears that because villagers have had the opportunity to complain to different government departments, politicians or courts, it proves that their right to access to information and public participation has been respected: *'Persons protesting against the CGM have ample opportunities to do so. For example, protestors have complained to relevant government departments or politicians, or instituted court or administrative actions. Any accusations that Akara limits participation or the voice of those who oppose the CGM are false. As mentioned above, Akara strives for stakeholders to have access to information.'*⁶⁴

Our verified fact-checking:

This is misleading. The fact that complaints were filed does not negate the lack of access to information and public participation, i.e., taking part in the decision making process regarding the development of the mine through public debate and dialogue.

For instance, the NHRCT's investigation report No.67/2006 reveals that 94% of community members from six nearby communities surveyed during the project's socio-economic study to gather their opinion said they did not know detailed information about the mining and processing projects.⁶⁵

Regarding intimidation by supporters of the mine, the company statement according to which 'in Akara's experience, the right to be heard is genuinely accorded to all who appear at public meetings relating to the CGM and Akara is not aware of any intimidation' cannot amount to a proof of absence of intimidation. The company's experience cannot inform the villagers' own experiences and the company's lack of awareness does not *per se* negate the existence of intimidation.

(a). The Difficulty to Monitor Environment Impact Assessments

⁶⁴ See Akara's reply page 17

⁶⁵ The report is not accessible online and was accessed at the Public Law Library, Administrative Court

Environmental Impact Assessment

Contrary to what Akara claims, Environmental Impact Assessments (EIAs) are not accessible on ONEP website (<https://eia.onep.go.th/site/eia>). The company's assertion either comes from the assumption that reports are automatically uploaded by ONEP and/or not having checked which information is actually accessible on the website.

As shown in the table below, monitoring reports are also largely missing with only reports from 2024 accessible. Akara also acknowledges the fact that data on baseline environmental and health assessments are missing by stating *'On the broader allegation that no data has been published on environmental and health assessments, Akara has recently made an agreement with DPIM on preparing baseline health and environmental data.'*⁶⁶ This statement however, raises the question on whether any baseline assessment has been conducted prior to the start of operations.

As of early April 2025, the following information was available on ONEP website:

Report No.	Project Name	Date of notification of approval	Type (EIA/EHIA)	Documents available	Link
1527	Gold mining project, Akara Mining Co., Ltd	25/01/2000	EIA	- Approval letter - Appendix measures	https://eia.onep.go.th/eia/detail?id=1434
2513	Gold mining project, Akara Mining Co., Ltd	15/06/2005	EIA	Approval letter	https://eia.onep.go.th/eia/detail?id=2242
2989	Gold mining project, mining license no. 26917/15804, 26922/15805-2 6920/15807 and mining licence no. 26923/15808-3 2532/15812 of	11/04/2007	EIA	- Approval letter - Monitoring reports (Jan-June 2024, July-Dec 2024)	https://eia.onep.go.th/eia/detail?id=2649

⁶⁶ See Akara's reply page 17

	Akara Resources Public Company Limited				
6918	Gold ore processing plant expansion project of Akara Mining Co. Ltd	25/05/2012	EHIA	• Report • Approval letter • Appendix measures	https://eia.onep.go.th/eia/detail?id=4970
2989	Report on changes in project details of the gold and silver mining project of Akara Resources Public Company Limited, mining concession no. 25528/14714, sharing the same mining project plan as mining concession no. 32529/15809, 32530/15810, 32531/15811, 32532/15812, located at Khao Chet Luk Subdistrict, Tap Khlo District, Phichit Province	20/08/2024	EIA	• Approval letter • Monitoring report (same as those related to report no. 2989 - 11/04/2007)	https://eia.onep.go.th/eia/detail?id=13407

It should also be noted that the ONEP website is far from being user friendly. When companies change names, their reports are not updated or linked across identities, making project tracking fragmented and incomplete. In several cases, documents that were previously accessible later disappear without notice,

and there is no update log or version history to indicate changes or revisions. When files are provided, they are usually low-resolution scanned PDFs that are not searchable or copyable, making them difficult to analyze or cite.

(b). The Making Up of the PR Strategy

What is Akara claiming in its reply?

Akara claims that *‘The importance placed on access to information and also participation of the local community is enshrined in Akara’s policies. Its 2013 Sustainability/CSR Policy provided that Akara commits to “[i]dentify and communicate with stakeholders on our activities and our decisions that may affect them. Stakeholders include shareholders, employees, communities, land holders, regulatory authorities and other interested parties ... Contribute to the quality of life of employees and local communities while respecting their cultural needs and priorities now and for future generations ... Integrate our activities with the economic development objectives of local communities in which we operate.”*⁶⁷ The company also refers to its website “Knowledge Blog” and “Newsroom” *‘which provide updates on recent developments. On these pages, for example, Akara reported in 2023 on establishing a fund management committee that allows leaders and representatives from three surrounding provinces to participate in fund management to maximise benefits for the local population.’*⁶⁸

Our verified fact-checking:

2013 Sustainability/CSR Policy

Kingsgate 2013 Annual Report mentions a company’s Sustainability Policy *‘a copy of which may be obtained from the Company’s website.’* This policy is not available either on Kingsgate nor on Akara’s websites (see Annex 1) and cannot be found through Google research. Furthermore, the mere fact of having a policy enshrining access to information and public participation does not mean that such principles have been effectively implemented.

Newsroom and Knowledge Blog

Akara’s new website launched mid-2024 includes a Newsroom and a Knowledge Blog section.

⁶⁷ See Akara’s reply page 17

⁶⁸ See Akara’s reply page 17

As of early August 2025, Akara's Thai Newsroom⁶⁹ have 8 articles, from June 2024 onward:

- [Akara creates new business opportunities from waste "mineral tailings" through collaboration with Chulalongkorn University to promote a sustainable circular economy](#) (15 July 2025)
- [Akara welcomes thousands of runners to check-in at heart-shaped mine pond, uniting community power for charity](#) (25 March 2025)
- [Akara has paid over 1 billion baht in royalties within two years of reopening, partnering with PMR and Ausiris to showcase the gold industry's vital role](#) (26 February 2025)
- [Akara affirms non-leakage of TSF1 and its adherence to international standards, providing evidence to ensure safety](#) (15 January 2025)
- [Akara Resources joins Thailand's Green Industry initiative](#) (21 November 2024)
- [Akara partners with Phichit Provincial Industry Office to provide urgent relief to flood-affected communities in Northern Thailand](#) (9 September 2024)
- [Akara announces over 500 million baht in royalties paid; confident Thailand can become ASEAN's "Gold Hub"](#) (16 August 2024)
- [Akara accelerates establishment of fund committee to boost community role before resuming operations](#) (19 June 2024)

As of early August 2025, Akara's English Newsroom⁷⁰ has 10 articles, from May 2024 onward:

- [Akara welcomes thousands of runners to check-in at heart-shaped mine pond, uniting community power for charity](#) (25 March 2025)
- [Akara has paid over 1 billion baht in royalties within two years of reopening, partnering with PMR and Ausiris to showcase the gold industry's vital role](#) (26 February 2025)
- [Akara affirms non-leakage of TSF1 and its adherence to international standards, providing evidence to ensure safety](#) (15 January 2025)
- [Akara Resources certified as a "Green Industry Level 1"](#) (21 November 2024)
- [Akara partners with Phichit provincial industry office to provide urgent relief to Northern flood victims](#) (9 September 2024)
- [Akara announces over 500 million baht in royalties paid; confident Thailand can become ASEAN's "Gold Hub"](#) (16 August 2024)
- [Akara and community partners aid Wat Sattasila-at school after storm damage](#) (6 June 2024)
- [Akara joins hands with PMR and Ausiris ushering Thailand into the gold hub in Southeast Asia, passing on 'Thai value' through Thai gold by Thais for Thais](#) (5 June 2024)
- [Akara partners with PMR and Ausiris transforming Thailand into an international gold hub under the "Thai Gold for Thais" ethos](#) (30 May 2024)
- [Akara expedites the establishment of a fund committee to enhance community involvement in fund management before mine reopening](#) (30 May 2024)

⁶⁹ Akara Resources, ข่าวสารและกิจกรรม, available at:

<https://akararesources.com/category/%e0%b8%82%e0%b9%88%e0%b8%b2%e0%b8%a7%e0%b8%aa%e0%b8%b2%e0%b8%a3/>

⁷⁰ Akara Resources, Newsroom, available at: <https://akararesources.com/en/category/news/>

As for the Thai Knowledge Blog,⁷¹ as of early August 2025, it has 28 articles from June 2024 onwards:

- [The World of Gold: 10 Famous Gold Mining Industries Around the World You Need to Know](#) (22 July 2025)
- [Create a livable society. Start easily with social activities that anyone can do](#) (22 July 2025)
- [Let's get to know our carbon footprint... which is harming the world!](#) (3 July 2025)
- [When nature sends a signal...global warming is not a distant issue. It's time to protect the world before it's too late](#) (26 June 2025)
- [Good news for Akara employees... Let's explore the human resource development compass that never stops growing together](#) (26 June 2025)
- [Every forest is valuable. A deep dive into 'firebreaks,' the heart of forest fire prevention](#) (26 June 2025)
- [Unraveling the Secrets of Manganese, a Key Mineral Driving Industry and Technology](#) (25 June 2025)
- [Behind the preciousness of gold: What processes go into extracting it?](#) (25 June 2025)
- [Opening the book on 'Natural Resources': What treasures, life, and sustainability are there?](#) (25 June 2025)
- [What is arsenic? Understanding its properties and industrial roles](#) (18 June 2025)
- [Behind gold extraction: Global innovation powering the path to pure gold](#) (30 April 2025)
- [Carbon credits: Turning the climate crisis into a sustainable future](#) (29 April 2025)
- [Akara leads green mission to restore nature around its gold mine](#) (29 April 2025)
- [Sustainable water use: Inside Akara's wastewater treatment and reuse system](#) (29 April 2025)
- [Sharing the value of growth: Akara's community responsibility around the mine](#) (23 April 2025)
- [Explore 18 must-visit spots in Phichit and Phetchabun — Thailand's emerging destinations](#) (4 February 2025)
- [What is cyanide? Get to know the chemical closer than you think](#) (4 February 2025)
- [Master K EP.5: A year-long experiment at Pit C—what will it reveal?](#) (4 February 2025)
- [Pure gold vs karat gold: From ore to ornament](#) (11 December 2024)
- [Community health check around the gold mine: Akara's commitment to society](#) (20 November 2024)
- [“Chatree”: Thai geologist who pioneered the Chatree gold mine to global standards](#) (15 November 2024)
- [Inside today's Akara Gold Mine: Modern innovations for global sustainable mining](#) (15 November 2024)
- [From exploration to environmental restoration: How Akara reclaims mined lands](#) (10 September 2024)

⁷¹ Akara Resources, สารสนเทศ, available at:

<https://akararesources.com/category/%e0%b8%84%e0%b8%a7%e0%b8%b2%e0%b8%a1%e0%b8%a3%e0%b8%b9%e0%b9%89/>

- [Master K reveals secrets of the mining world: Safe and sustainable tailings storage facilities](#) (20 June 2024)
- [5 common rocks and minerals you may not realize are incredibly useful](#) (19 June 2024)
- [Why are mine water ponds blue? Uncovering the science behind the color](#) (18 June 2024)
- [Soil testing: A key to sustainable agriculture around Akara's gold mine](#) (17 June 2024)
- [How are tailings storage facilities managed? Here's what you need to know](#) (16 June 2024)

As for the English Knowledge Blog,⁷² as of early August 2025, it has 14 articles from April 2024 onwards:

- [Akara turns 'tailings' into opportunity through partnership with Chulalongkorn University to advance sustainable circular economy](#) (15 July 2025)
- [18 must-visit attractions](#) (3 April 2025)
- [What is cyanide? Get to know the chemical that is closer to us than we think](#) (3 April 2025)
- [EP.5 One year of experiments by master K at C-Pit - What will it reveal?](#) (4 February 2025)
- [Health check-up for communities around the mine, a project for the community and society through the good intentions of Akara](#) (23 January 2025)
- [A deep dive into pure gold and gold karat: from ore to jewelry](#) (7 January 2025)
- ["Chatree" Thai geologist who helped pioneer the Chatree gold mine to become a world class mine](#) (6 January 2025)
- [Telling the story of Akara: Innovations in modern gold mining for global sustainability](#) (6 January 2025)
- [Rehabilitation of exploration boreholes](#) (10 September 2024)
- [EP.1 Join us as Master K answers questions about tailing storage facility No.2](#) (4 June 2024)
- [Discover 5 types of minerals around you that you may not know have many benefits!](#) (3 June 2024)
- [EP.3 Have you ever wondered why the water in the mine pits is blue?](#) (2 June 2024)
- [EP.4 Discover soil fertility with Master K](#) (1 June 2024)
- [Did you know about our tailing storage facility \(TSF\) management?](#) (18 April 2024)

All these articles are part of Akara's PR strategy to promote the company as a responsible mining company. They do not amount to relevant information accessible to the public to assess the risks linked to the mine and the company's plans to prevent, mitigate and monitor adverse impacts on communities.

⁷² Akara Resources, *Knowledge Blog*, available at: <https://akararesources.com/en/category/knowledge/>

1.1.5. Freedom of Expression and Peaceful Assembly

(a). Intimidation

What is Akara claiming in its reply?

Akara statement in relation to intimidation reads as follow: ‘ *The Joint Communication mentions at page 4 that villagers have reported repeated instances of threats and intimidation by Akara and its associates, including mining contractor LotusHall, which allegedly created a "climate of fear" that has hindered efforts to seek justice and express dissent, criticism or opposition to the activity of the CGM. Any allegation that Akara has threatened or intimidated individuals or human rights defenders (or used its associates to do so) is patently false. This is a very serious allegation that needs proper substantiation, in the absence of which it is defamatory and ought never to have been raised. No evidence of such conduct had been provided in the Joint Communication. There is none because it does not exist.*’⁷³

The company also dismisses the accusation of using SLAPP cases against villagers by claiming that ‘*the facts behind these cases brought by Akara show that they are not to prevent free speech but are the use of legitimate legal processes to prevent current and future aggressive and unauthorised behaviour that cause harm not just to Akara and its employees but also to the local community.*’⁷⁴

Our verified fact-checking:

In September 2014, the following statement was issued:⁷⁵

⁷³ See Akara’s reply page 17

⁷⁴ See Akara’s reply page 17

⁷⁵ This statement was last accessed on 17 January 2024 through this link <http://www.akararesources.com/en/open/post/1109/attachment> which is no longer accessible. The text of the press release can however still be found under the description of a [PR video shared by MT Multimedia’s Youtube channel](#).

Gold Mine Contractor Warns Activists

Akara Resources press release Sept 17, 2014

The management of a gold mine investor and contractor for the Chatree mining complex in Phichit province has issued a stern warning to local activists that it will take legal action against anyone making false claims about the alleged impact on villagers' health from the mine.

The company is also questioning the real motivation behind a few disgruntled former employees for triggering a recent round of health tests at the mining site, stating that the bulk of the gold-mine employees, their families and the broader local community want this scare campaign to stop.

"Everybody knows they (the former employees) are motivated by self-interest, and by making these false claims they're jeopardizing the livelihoods of several hundreds of local villagers and their families," asserted Ms. Nucharee Sailasuta, the managing director of Lotus Hall Co.

Lotus Hall is the main contractor in the gold-mining operations for Akara Resources which holds the mining concessions in the area. It is also the Thai joint-venture partner with leading Australian gold-mining group Kingsgate Consolidated in Akara Resources.

Lotus Hall was buoyed by the fact that about 2,000 people comprising workers at the mine, their families and villagers living in the mine vicinity have signed an open letter in support of Akara Resources' positive management of the environment and its contributions to the social and economic well-being of the surrounding communities.

The open letter refuted claims by local activists that the gold mine has caused environmental and health hazards as "groundless". Some of the former employees-turned-activists were accused of orchestrating the anti-mine campaign with the ulterior motives of trying to force Akara Resources to buy their nearby land holdings at exorbitant prices.

The open letter came after the local activists had submitted a petition bearing the names of 179 villagers to the NCPO, accusing the mine of harming the environment and the villagers' health. Some of the villagers subsequently lodged complaints with the local police that their names were used in the petition without their knowledge. However, the NCPO had since ordered a comprehensive hearing into the dispute, including conducting blood and urine tests among villagers.

Lotus Hall's Ms. Nucharee maintained that her mining company operates ethically and transparently and will continue to do so in partnership with Akara Resources. She said each year, more than 450 Lotus Hall workers undergo rigorous health screening and each time the results have come back within the accepted national standards.

"While Lotus Hall welcomes any opportunity to work with the authorities, I will be calling on them to let common sense prevail and resolve this issue quickly, thus securing a prosperous long-term future for my employees, their families and the community," she added.

Ends.

This 'stern warning', a retaliation strategy, constitutes a clear intimidation against human rights defenders. As reported by the Bangkok Post *'The main contractor and partner of the company that runs the Chatree mining complex in Phichit province has threatened to take legal action against activists, accusing them of making false claims about the impact the gold mine has on villagers' health. The move comes after local activists recently submitted a petition bearing the names of 179 villagers to the National Council for Peace and Order, accusing the mine of harming the environment and the villagers' health.'*⁷⁶

While this intimidation was not made by Akara itself, considering the close business relationship between the company and Lotus Hall, Akara should have used its leverage over its main contractor to

⁷⁶ Bangkok Post, *Mine company threatens local with legal action*, (18 September 2014), available at: <https://www.bangkokpost.com/thailand/politics/432816/mine-company-threatens-locals-with-legal-action>

prevent human rights abuses linked to its operations.

The same goes with actions of the police. While the company is not responsible for the government's acts or omissions, it nevertheless has a responsibility to use its leverage to prevent human rights abuses linked to its operations.

The expectation to use leverage is enshrined both under the UNGPs and the OECD Guidelines.

Regarding the trespassing case, the company portrays villagers as aggressive individuals creating unwarranted accidents, while they visited Akara with the only intent to request the company to reduce the sound as it was 7:00 pm and villagers were disturbed.

As for the defamation case, contrary to what Akara implies in its answer, the company filed more than only one case. The company filed defamation charges against two villagers for uploading the video of a complaint submitted to the Australian Embassy and five cases related to posts on Facebook.

Unlike what the company claims, none of the actions undertaken by villagers and other activists constituted aggressive behaviour causing harm. On the contrary, the company's legal actions have created a climate of fear among villagers opposing the activities of the mine.

Lastly, contrary to what Akara states, the fact that there is a division within the community, does not mean that the expression of the opposition to the mine is safe. To illustrate this, we can take the example of political opponents under authoritarian regimes. Following Akara rationale, the existence of opponents would illustrate that there is freedom to oppose the government, which is obviously not true.

(b). The Misleading Reference to Internal Policies

What is Akara claiming in its reply?

Akara states that *'The importance Akara places on freedom of expression is reflected in its Whistleblowing Policy [...] Akara is strongly committed to maintaining an environment in which individuals disclosing information feel free to voice concerns or report suspected misconduct without fear of dismissal, disciplinary action or retaliation of any kind. [...] Akar's website also provides a "Contact Us" page that allows anonymous comments to be made to Akara. Akara's Policy and Procedure Manual prohibits behaviour that intimidates, offends, degrades or humiliates at workplace or company facilities and requires treatment of all personnel with dignity and respect. This extends to persons who are not employees.'*⁷⁷

⁷⁷ See Akara's reply page 18-19

Our verified fact-checking:

The Whistleblowing Policy does not apply to local communities, it only applies to employees and similar.

Kingsgate's Whistleblowing Policy states that *'Employees and other eligible disclosers are encouraged to report any misconduct without fear of retaliation. ... Disclosers - Individuals who are covered and therefore protected under the Policy include: current and former employees of the Company, including everybody working for or on behalf of Kingsgate, such as trainees, freelancers, contractors, consultants, contingent workers, temporary staff or others working in similar positions; employees of contractors and suppliers that provide goods or services to the Company; associates, including directors and company secretaries of Kingsgate and its related bodies corporate; relatives and dependents or spouses of those listed above.'*⁷⁸

Targeted Standard on Whistleblowing follows Kingsgate's definition of disclosers. *'This Thailand Whistleblowing Standard applies to all employees, including everybody working for or on behalf of the Company, such as trainees, freelancers, suppliers, contractors, consultants, contingent workers, temporary staff or others working in similar positions.'*⁷⁹

As for Akara's Policy and Procedure Manual and Akara's External Communication and Social Media Policy they are not public (see Annex 1). According to Akara's statement, the former only applies at *'workplace or company facilities'* and the latter does not seem to contain a provision on the company's stance regarding critics expressed by opponents on social media, i.e., non retaliation policy through defamation cases.

Regarding filing grievances through Akara's website (Contact section), while complainants don't need to indicate their name and last name, they must share their phone number and email address which can jeopardise their anonymity (see Annex 1).

1.1.6. Standard of Living and Economic Livelihood

(a). Villagers' Loss of Livelihood

What is Akara claiming in its reply?

Akara claims that *'most farming plots near the CGM were insufficient to support a family and so before the CGM, the majority of working people (particularly skilled people) were forced to leave the region to*

⁷⁸ Kingsgate Consolidated Limited, *Whistleblowing Policy*, (13 March 2024), available at: <https://www.kingsgate.com.au/wp-content/uploads/2024/06/KCN-Whistleblowing-Policy-v2.0-2024.pdf>

⁷⁹ Akara Resources, *Targeted Standard on Whistleblowing (Thailand jurisdiction)*, (13 February 2024) available at: https://drive.google.com/file/d/1D_iER4T8pDTm2RRrdKT37YvLMG1Z_l81/view

*find work in Bangkok and other major Thai cities. They would often leave their families behind, leading to family dislocation and other social issues.*⁸⁰

Our verified fact-checking:

In its investigation report No. 67/2006, the NHRCT noted that the areas for which Akara had submitted five additional concession applications in Tap Khlo District were homes to long-established communities with rich natural resources and fertile land and that residents used to farm rice two to three times per year and engage in supplementary occupations, leaving sustainably and peacefully.⁸¹

Further, for villagers making a livelihood through farming, the contamination of the environment had negative consequences on their livelihood as villagers in neighbouring sub-districts who used to buy their products ceased to do so as they became aware of the contamination issue and were afraid to get sick by consuming products from around the mine. This subsequently impacted the farmers' income.⁸²

It should also be noted that the Behre Dolbear Report's findings reported by Akara in its reply only focus on employees' household income. It does not cover surrounding farming villagers' economic livelihood.

(b). Shaping the Responsible Mining Narrative

What is Akara claiming in its reply?

Akara claims that *'to ensure social welfare standards are achieved and maintained, an SA 8000 Social Accountability certification by independent international certification auditors was undertaken twice a year (prior to the CGM shutdown) to assess the CGM's and Akara's compliance with labour, welfare and social accountability standards.'*⁸³ The company also refers to a four-pillar policy to prioritise Corporate Social Responsibility as well as four funds to which the company contributes. *'Between March 2023 and January 2025, Akara paid 207 million Thai baht (approx. USD 6.1 million) into these funds.'*⁸⁴

Our verified fact-checking:

SA 8000 Social Accountability certification

While the SA 8000 Social Accountability certification can be a useful tool to assess decent work of workers (elements of the standards are: child labour, forced labour, health and safety, freedom of

⁸⁰ See Akara's reply page 20

⁸¹ The report is not accessible online and was accessed at the Public Law Library, Administrative Court

⁸² Manushya Foundation and FIDH, *Interview with affected community members*, (March 2023)

⁸³ See Akara's reply page 20

⁸⁴ See Akara's reply page 21

association and right to collective bargaining, discrimination, disciplinary practices, working hours, remuneration and management system),⁸⁵ it does not inform the standard of living and economic livelihood of neighboring local communities.

Corporate Social Responsibility (CSR)

Corporate Social Responsibility initiatives are promoted by companies as a proof of acting responsibly. While such initiatives may have a positive impact on communities, they are not linked to impacts caused by the activities of the mine (for instance establishing a community sporting center, constructing an egg-laying chicken house, facilitating the development of marketing skills, Akara Scholarship Project). CSR initiatives do not constitute adequate prevention or mitigation measures and they also do not constitute remediation for past harm. CSR initiatives are primarily a way for companies to ensure their social licence to operate and form part of their PR strategy.

Regarding pillar 4 of Akara's CSR Policy on Clean Water, in its investigation report No. 12/2021, the NHRCT explained that the Department of Health under the Ministry of Public Health has been collecting water samples around the mine from various sources since 2017. In 2019, analysis showed that 91% of tap water samples failed to meet standards and that 13% had heavy metal levels above safety thresholds. The NHRCT noted that the environmental and public health restoration remained an urgent matter and that unsafe water may be a result of past mining operations.⁸⁶

Contribution to four funds

Contribution to the Health Monitoring Fund, the Rehabilitation Fund, the Risk Insurance Fund and the Village Development Fund is mandatory.

Regarding the management of the funds, according to villagers when a project is approved by the committee of the Village Development Fund, the proposal is then sent to Akara's senior management for further consideration, in particular to determine the budget allocation and whether the requested funds are approved. Further, projects funded (providing solar power cells for water filtration, building roads and establishing a fish farm) are CSR initiatives, they do not constitute remediation for past harm.

Likewise, the direct community contributions made prior to the closure of the mine in 2016 also constitute CSR initiatives, they did not constitute remediation for past harm.

⁸⁵ Social Accountability International, *SA8000 Standard*, available at: <https://sa-intl.org/programs/sa8000/>

⁸⁶ NHRCT, *Investigation report 12/2021*, (17 February 2021), available at: <https://www.nhrc.or.th/th/Examination-reports/13698>

1.1.7. Right to Effective Remedy

(a). Ineffective Avenues for Remediation

What is Akara claiming in its reply?

Akara claims that it ‘recognises and embraces the right to an effective remedy. Akara’s Policy and Procedure Manual includes a grievance and investigation procedure to deal with workplace harassment and discrimination. [...] Akara has also adopted a Whistleblower Policy which requires Akara to promptly investigate complaints or disclosures of misconduct. [...] Grievance can also be aired by village heads or individuals in the many mining related governmental committees [...] Avenues for grievances in relation to any proposed funding out of the Village Development Fund are also present in the process. [...] More consultative grievance mechanisms are also in place. As mentioned above, Akara representatives attend village meetings [...] These meetings and visits provide villagers with information on the CGM’s operations as well as the ability for them to air any concerns or ask questions to which responses are provided. [...] Community feedback is also gained through Facebook.’⁸⁷

Regarding the class action lawsuit, Akara notes that ‘the very existence of legal action against Akara and ongoing procedural phases is proof of the availability of an effective remedy to aggrieved individuals.’⁸⁸

Our verified fact-checking:

Whistleblowing Policy

Contrary to what the companies tend to imply, the Whistleblower Policy does not constitute a grievance mechanism for local communities impacted by the activities of the mine. Indeed, as previously explained, the Policy only applies to employees and similar.

Similarly, Akara’s Policy and Procedure Manual which includes a grievance and investigation procedure only deals with workplace harassment and discrimination and therefore does not constitute a grievance mechanism for local communities impacted by the activities of the mine.

Village heads and governmental committees

Villagers have expressed concerns about village heads and local administrative officials’ bias in favour of the company. When they raise issues to village heads and local monitoring representatives, villagers feel ostracised by local leaders and that their concerns are not genuinely considered.

⁸⁷ See Akara’s reply page 24

⁸⁸ See Akara’s reply page 24

Village Development Fund

Regarding the fact that *'individuals who protest against Akara have never proposed a project'*, according to villagers, there is no public document explaining the process, rules and criteria to submit a project to the Village Development Fund. Information is only shared orally. There is also no public record of the projects funded. Further some villagers lack capacity to write project proposals.

Villagers need to submit in writing a formal proposal either to the company which will then forward it to the fund committee for review and approval or directly to the committee. However, villagers also lack information about how to address their proposal to the committee as for instance they don't know who chairs it.

Further, as already mentioned projects financed through the Village Development Fund do not constitute remediation for past harm.

Consultative grievance mechanisms

After years of seeking remediation, villagers have lost trust in the company and its processes. Despite the existence of the operational grievance mechanism, villagers do not trust the process and do not believe that their complaints will be adequately addressed. Villagers have also in the past raised their concerns with Akara representatives but this has not led to remedial action.

As already mentioned, for filing grievances through Akara's website (Contact section), complainants must share their phone number and email address which can jeopardise their anonymity.

Lastly, gathering community feedback through Facebook cannot be considered as a grievance mechanism.

Class action lawsuit

Unlike what Akara states, the mere existence of legal action against the company and ongoing procedural phases is not proof of the availability of an effective remedy to affected individuals.

As explained by the UN Working Group on Business and Human Rights, the right to an effective remedy is a human right with both procedural and substantive elements. Merely providing access to remedial mechanisms is not enough, there should be an effective remedy in practice at the end of the process. Access to effective remedies requires among others that remedies are timely. In that regard, what

rightholders regard as timely should be an important consideration. Justice delayed is often justice denied.⁸⁹

In this case, affected villagers filed the class action lawsuit against Akara on 27 May 2016 which was accepted by the court more than three years later on 31 October 2019. The first hearing on procedural matters was postponed several times to eventually take place on 18 November 2021. Proceedings were then further delayed following the withdrawal from the case of a former community leader after she reached an agreement with the company.⁹⁰ On 13 July 2023, a hearing was held to determine the qualification of five new petitioners, whom if no one objects, the court would approve. However, one day before the hearing, the court received letters of objection from 17 people who opposed the appointment of the new petitioners. This likely appears to be a strategy of postponement on the part of Akara. This assumption arises from the observation that Akara's attorney might be assisting the dissenters in composing the letter of objection, considering the legal format and jargon used in the document. In addition, one petitioner reported that Akara's representative has repeatedly tried to convince her and the other petitioners to withdraw from the case.

Since the reopening of the mine, Akara has been reportedly using employment and community dependence on the company's land leasing as leverage. The villagers who have family members working for or providing sub-contract services to Akara or who depend on the company's land lease for agricultural activities have reportedly been asked to opt-out from the class action and refrain from participating in anti-mining activities if they wished to ensure job security of their family members or secure access to the company's land lease.⁹¹

Considering the above elements, the fact that it has been nine years since the class action lawsuit was filed and it is still at the early stage, and the profile of affected villagers - mostly elderly people (one of them recently died in March 2025), it is hard to argue that villagers' right to an effective remedy is met.

It can also be added that contrary to what Akara states regarding the absence of reason to expect that the Thai courts have any bias towards the company, the existence of international arbitration proceeding initiated by Kingsgate against Thailand to seek THB 30 billion in compensation might influence the courts (the ruling and the award of damages have been deferred until 30 September 2025).

⁸⁹ UN Working Group on Business and Human Rights, *Report on access to effective remedy for business-related human rights abuses*, (19 July 2017), available at: <https://www.ohchr.org/en/documents/thematic-reports/a72162-report-access-effective-remedy-business-related-human-rights>

⁹⁰ This former community leader (who is not party to the complaint sent to the UN) used to be strongly vocal about the adverse impacts of the mine and faced several SLAPPs as well as intimidation for several years which led her to finally stop her fight, withdraw from the class action lawsuit and accept an agreement with Akara.

⁹¹ Manushya Foundation and FIDH, *Interview with affected community members*, (19 June 2023)

1.1.8. Motives of Some Protestors

What is Akara claiming in its reply?

Akara claims that *‘there is clear evidence that many of the complaints against Akara have been generated by individuals with an interest in undermining Akara and its activities for personal gain. This includes former disgruntled employees, frustrated land speculators and competitor gold miners. The complaints have also been supported by persons who lack the necessary medical or environmental skills and qualifications required to give the opinions that have been published.’*⁹²

Our verified fact-checking:

Contrary to what Akara claims, plaintiffs in this complaint are honorable and *bona fide* local community members who have been living peacefully around the mine for years. Most of them are elderly. Their intention is neither to undermine Akara for personal gains nor to acquire land around the mine in order to profit from high prices nor to file applications for prospecting licences. Their only intention is to seek justice for the harm they suffered, ensure all measures are taken to prevent future harm and live peacefully.

As previously explained, Akara and Kingsgate have kept dismissing scientific evidence that did not match their narrative by discrediting the motive of complainants as well as the competence of the scientists and bodies that approved the findings.

1.2. Responses to Joint Communication requests

1.2.1. Steps that Akara and Kingsgate have taken, or are considering to take, to protect against negative human rights impacts of their business activities

What are Akara and Kingsgate claiming in their reply?

In their replies, the companies refer to internal policies: Code of Conduct, Corporate Governance Statement, Modern Slavery Statement, Anti-Bribery and Anti-Corruption Policy, Whistleblowing Policy and their commitment in relation to child labour, health and safety, unions rights, prohibition of discrimination, harassment and corporal punishment.⁹³

⁹² See Akara’s reply page 25

⁹³ See Akara’s reply page 26-27 and Kingsgate’s reply (Annex) page 12

Our verified fact-checking:

The companies' replies mainly focus on labour rights, enumerating commitments on child labour, health and safety, unions rights, prohibition of discrimination, harassment and corporal punishment. While these commitments are important to ensure respect of employees' rights, there is no reference to additional measures companies are planning to take to improve the protection of other rightsholders against negative human rights impacts of their activities.

For instance, while the Whistleblowing Policy protects employees and similar against retaliation for speaking up, there is no such protection for other rightsholders, including human rights and environmental defenders.

The fact that Akara takes steps to ensure respect of employees' rights does not mean that its activities have not negatively impacted community members.

1.2.2. Measures Akara is planning to take, if any to ensure rights to safe drinking water, food, land and a clean, healthy and sustainable environment of affected populations, as well as their right to health and their access to healthcare services

What is Akara claiming in its reply?

Akara makes reference to its four-pillars Corporate Social Responsibility Policy. *'These pillars align not only with the core principles of ESG but also with the United Nations Sustainable Development Goals (SDGs).'*⁹⁴

Our verified fact-checking:

As previously mentioned, CSR initiatives do not constitute measures to prevent impacts, nor remediation for past harm.

Also as previously mentioned, in its investigation report No. 12/2021, the NHRCT explained that the Department of Health under the Ministry of Public Health has been collecting water samples around the mine from various sources since 2017. In 2019, analysis showed that 91% of tap water samples failed to meet standards and that 13% had heavy metal levels above safety thresholds. The NHRCT noted that the environmental and public health restoration remained an urgent matter and that unsafe water may be a result of past mining operations.

⁹⁴ See Akara's reply page 27-28

Further, in its reply, Akara notes that *‘in the future, we plan to make a large pond to supply water for agriculture in the dry season’*. This raises questions about the source of the water and serious concerns about the quality of the water.

1.2.3. Steps Akara and Kingsgate have taken to ensure the public’s right to receive timely and accessible information on the health and environmental impacts of the mine

What are Akara and Kingsgate claiming in their reply?

In their replies, companies enumerate channels through which the public can access timely and accessible information on the health and environmental impacts of the mine.⁹⁵

Our verified fact-checking:

- **Akara’s 2013 Environmental Policy:** The policy is not publicly available (see Annex 1). Furthermore, the mere fact of having a policy referring to transparency of reporting and open communication does not mean that such principles have been effectively implemented.
- **Community Relation Department:** According to villagers, members of the Department tend to prioritise villagers who have family members working at the mine and villagers who are supportive of the company. When villagers do raise concern to the department, there is little to no follow up and issues remain unsolved.
- **Publication of EIAs and EHIAs:** As previously mentioned EIAs are not accessible on ONEP website (<https://eia.onep.go.th/site/eia>). Monitoring reports are also widely missing.
- **Akara ‘Knowledge Blog’ and ‘Newsroom’:** As previously mentioned, articles under the ‘Knowledge Blog’ and ‘Newsroom’ are part of Akara’s PR strategy to build the narrative of a responsible mining company. They do not amount to relevant information accessible to the public to assess the risks linked to the mine and the company’s plans to prevent, mitigate and monitor adverse impacts on communities.
- **Kingsgate’s periodic reports:** For an average person without knowledge of corporate reporting, these documents are not accessible. In fact, quarterly and annual reports to shareholders, financial reports and corporate updates are documents issued primarily for investors providing information about operations and the company’s financial conditions to inform investors’ investments. Therefore, most of these documents do not contain any information in relation to health and environmental impacts of the mine. While the annual report contains information on the company’s sustainability strategy and community initiatives, it does not present an analysis of the health and environmental risks and impacts of the mine for rightsholders.
- **ASX announcements:** Like periodic reports, for an average person without knowledge of corporate finance, stock exchange announcements are not accessible. These announcements

⁹⁵ See Akara’s reply page 28 and Kingsgate’s reply (Annex) page 16-17

aim to provide investors information that may affect the company's share price or the market in general, therefore most of these announcements do not contain any information in relation to health and environmental impacts of the mine.

- **Kingsgate 'Sustainability page'**⁹⁶: The page is most likely updated annually as the information provided is extracted from the annual report. One can also note that Kingsgate's approach to sustainability seems to first benefit shareholders before local communities ('*Kingsgate, and our subsidiary Akara Resources is committed to upholding high environmental, social and governance (ESG) standards and operating in a sustainable way that benefits shareholders, employees and local communities.*')

1.2.4. Measures Akara has been taken to ensure the right to freedom of expression, including the right to access to information, and the right to participation of affected rightsholders

What is Akara claiming in its reply?

Akara claims that it '*fully respects the freedom to express oneself and the right to freely participate in matters that affect one's rights. [...] 1. Akara is fully committed to Thai laws, [...], 2. Akara respects protestors and has never threatened or intimidated individuals or human rights defenders in a way that is inappropriate or which creates a climate of fear, [...], 3. Akara respects the views of landholders who refuse to sell their landholdings to Akara and does not force them to relocate, 4. Akara had adopted a Whistleblower Policy [...], 5. Akara listens to villagers' views and allows them to freely express themselves at village meetings [...], 6. Akara embraces the local community's participation through its Community Department.*'⁹⁷

Our verified fact-checking:

As previously explained, considering Thailand's record in relation to compliance with international human rights law, mere compliance with Thai law is not enough to ensure respect of international standards. Criminalisation of defamation under Thai law is a perfect example of limitation of freedom of expression under national law.

In its reply, Akara states '*Akara respects protestors and has never threatened or intimidated individuals or human rights defenders **in a way that is inappropriate or which creates a climate of fear*** [emphasis added].' This sentence suggests that there is a way where threat or intimidation is appropriate or does not create a climate of fear and raises questions on the company's understanding of what threat and intimidation entail. Threat and intimidation are never appropriate and always create a climate of fear, irrespective of the form they take and irrespective of the perpetrator's belief that they are appropriate and without consequences.

⁹⁶ Kingsgate Consolidated Limited, *Sustainability*, available at: <https://www.kingsgate.com.au/sustainability/>

⁹⁷ See Akara's reply page 29

The fact that the company filed several lawsuits against people raising concerns about the impacts of the mine, failed to denounce the ‘stern warning’, previously mentioned, issued by its main contractor and failed to effectively ensure that its staff and business relationships did not threat and intimidate people opposing the mine have created a climate of fear among them.

As for relocation, as previously mentioned, in its investigation report 67/2006, the National Human Rights Commission of Thailand (NHRCT) found that the company’s second phase of operations had caused drastic changes in Tap Khlo District, with the community having to relocate and schools and temples abandoned.

Regarding the Whistleblowing Policy, as previously explained, while the policy protects employees and similar against retaliation for speaking up, there is no such protection for other rightsholders, including community members and human rights and environmental defenders.

Meetings with villagers primarily consist of the company telling its narrative. Villagers who used to attend those meetings have stopped doing so to avoid conflict with neighbors who hold different opinions about the company.

Regarding the Community Relations Department, as previously explained, when villagers opposing the mine raise issues to the department, there is little to no follow up and issues remain unsolved.

1.2.5. Measure Akara has taken to ensure that individuals and human rights defenders are able to exercise their rights to freedom of expression and freedom of peaceful assembly, to access effective remedies and to expose abuses and voice concerns, without fear of threats or acts of intimidation and harassment of any sort

What is Akara claiming in its reply?

Akara refers to ‘1. full commitment to Thai laws [...], 2. Akara’s establishment of a grievance mechanism and investigation procedure in its Policy and Procedure Manual as well as the Whistleblower Policy [...], 4. Akara’s full engagement in the current class action, which is proof of the availability of government grievance mechanisms [...], 5. Akara’s feedback box and its website allows grievances to be made informally and where necessary, anonymously, 6. Akara’s participation in over 100 village meetings per year.’⁹⁸

⁹⁸ See Akara’s reply page 30

Our verified fact-checking:

As previously explained, considering Thailand's record in relation to compliance with international human rights law, mere compliance with Thai law is not enough to ensure respect of international standards. Criminalisation of defamation under Thai law is a perfect example of limitation of freedom of expression under national law.

Regarding the Whistleblowing Policy, as previously explained, while the policy protects employees and similar against retaliation for speaking up, there is no such protection for other rightsholders, including community members and human rights and environmental defenders.

Further, Akara's attempt to convince the new petitioners of the class action lawsuit to withdraw from the case after the company reached an agreement with the previous petitioner of the case - which led to additional delays - illustrates the fact that, as previously explained, the existence of a class action lawsuit does not automatically mean that the right to access to effective remedy of plaintiffs is met.

As previously explained, as for filing grievances through Akara's website (Contact section), while complainants don't need to indicate their name and last name, they must share their phone number and email address which can jeopardise their anonymity. Lastly, villagers have also in the past raised their concerns with Akara representatives but this has not led to remedial action.

1.2.6. Measures Akara has taken to respect the right to adequate standard of living and right to land**What is Akara claiming in its reply?**

Akara lists measures undertaken: '1. Maintaining the average monthly salaries of its employees well above the Thai national household income, 2. Akara's prioritisation of Corporate Social Responsibility, 3. The provision by Akara of assistance to local villagers through its Community Relation Department, 4. Akara's contribution to the Village Development Fund and the Health Monitoring Fund, 5. Akara's provision of educational scholarships to its employees.'⁹⁹

Our verified fact-checking:

Two of the measures presented by Akara only apply to its employees (salaries and educational scholarships).

As for the contribution to the funds, as previously explained this is compulsory. Further, there is no publicly available record of the projects that have been funded by the Village Development Fund and

⁹⁹ See Akara's reply page 30

such projects are CSR initiatives, they do not constitute remediation for past harm; the same applies to the CSR Policy.

Regarding the Community Relation Department, as previously mentioned, according to villagers, members of the Department tend to prioritise villagers who have family members working at the mine and villagers who are supportive of the company. When villagers do raise concern to the department, there is little to no follow up and issues remain unsolved.

1.2.7. Measures Akara has taken, or is considering taking, to ensure that villagers living in the vicinity of CGM, who were victims of serious human rights abuses, have access to effective non-State-based non judicial remedies in line with the UNGPs

What are Akara and Kingsgate claiming in their reply?

In their replies companies deny the existence of human rights abuses, *‘no villagers living in the vicinity of the CGM have been victims of human rights abuses, of a serious nature or otherwise, due to Akara’s operations and the operations of the CGM’*.¹⁰⁰ *‘This is, without any doubt, a false and defamatory allegation and/or implication.’*¹⁰¹

Kingsgate also refers to ISO 9001 certification as one proof of existence of the right to access to remedy (in addition to the Whistleblower Policy and grievance avenues under the funds).¹⁰²

Our verified fact-checking:

Despite evidence of human rights and environmental harms caused by the activity of the mine as presented both in the UN complaint and in this report, Akara keeps referring to *‘false and defamatory allegation and/or implication’*. This demonstrates the lack of willingness to take responsibility and ensure effective remediation.

ISO 9001 Quality Management Systems

ISO 9001 Quality Management Systems helps organisations improve their quality management, customer satisfaction and demonstrate their commitment to quality. Its requirements define how to establish, implement, maintain, and continually improve a quality management system.¹⁰³ This has therefore nothing to do with providing grievance mechanisms to rightsholders.

¹⁰⁰ See Kingsgate’s reply (Annex) page 19

¹⁰¹ See Akara’s reply page 31

¹⁰² See Kingsgate’s reply (Annex) page 20

¹⁰³ ISO, *What is ISO 9001*, available at: <https://www.iso.org/standard/62085.html#amendment>

1.2.8. Describe the guidance, if any, that the Government of Thailand and Australia have provided to Akara and Kingsgate, or to which Akara and Kingsgate have access, on how to respect human rights throughout their operations, in line with the UNGPs

What are Akara and Kingsgate claiming in their reply?

Akara indicates that it has not received direct guidance from the government of Thailand on how to respect human rights through its operations but that the government does provide guidance *‘through the incorporation of international human rights standards in its laws.’*¹⁰⁴

As for Kingsgate, the company declares that the Australian government has not provided the company with specific guidance in relation to its operations and how to respect human rights. *‘This is perhaps because the Australian Government has never taken issue with Kingsgate’s respect of human rights.’*¹⁰⁵

Our verified fact-checking:

Regarding Thailand’s indirect guidance mentioned by Akara, it is important to note that (1) Thailand is a semi-democratic country with a high level of corruption (Thailand ranks 107 out of 180 on Transparency International’s 2024 Corruption Perceptions Index, with a score of 34 out of 100);¹⁰⁶ (2) as previously explained, most Thai laws fall short of international human rights law, therefore, mere compliance with Thai law is not enough to ensure respect of international standards. Further, Thailand’s National Action Plans on Business and Human Rights have failed to provide a ‘smart mix’ of voluntary and mandatory measures in accordance with the UN Working Group on Business and Human Rights and therefore have failed to ensure corporate accountability.

For its part, Kingsgate suggests that the reason why the company has never received specific guidance in relation to its operations by the Australian government may be because the government has never taken issue with Kingsgate’s respect of human rights. Another, more plausible, explanation may be that the Australian government and relevant agencies have not taken sufficient steps to provide guidance on responsible business conduct to Australian companies operating abroad, irrespective of their human rights record.

This was indeed the conclusion of the Australian National Contact Point in its 2023 Final Statement related to the specific instance brought against Myanmar Metals Limited which stated that *‘To ensure consistency and policy coherence across the whole of government, the Independent Examiner recommends that the AusNCP liaise with government agencies and departments that assist Australian enterprises overseas, including Austrade, with a view to ensuring that the expectation of the Australian*

¹⁰⁴ See Akara’s reply page 31

¹⁰⁵ See Kingsgate’s reply (Annex) page 21

¹⁰⁶ Transparency International, *Thailand*, available at: <https://www.transparency.org/en/countries/thailand>

*Government as to responsible business conduct is adequately reflected in Austrade materials and activities. Such efforts should seek to ensure that government departments and agencies consistently set out expectations and provide guidance on enterprises having human rights policies and conducting human rights due diligence’.*¹⁰⁷

Australia’s international human rights obligations

Under international human rights law, Australia has extraterritorial obligations to ensure Australian companies are not causing harm when operating abroad. In particular, the General Comment No. 24 (2017) on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities states that the obligation of States to respect, protect and fulfil human rights in the context of business activities is not limited to territorial borders so that States have specific extraterritorial obligations, including to take steps to prevent and redress rights violations that occur outside their territories due to the activities of business enterprises over which they may exercise control, i.e., those that are domiciled in their territory and/or jurisdiction.

While Australia has enacted the 2018 Modern Slavery Act which entered into force on 1 January 2019, it only sets reporting obligations on modern slavery. Considering the limited scope of the Act, both in terms of obligations and topics it cannot be viewed as enough to comply with the obligations contained in General Comment No. 24.

Further, when providing guidance on responsible business conduct, Australia must take into consideration the human rights record of the country where the Australian company is operating, as heightened human rights due diligence may be necessary.

Lastly, while all resources mentioned by Kingsgate are important Australian human rights legislations and resources, they don’t directly relate to responsible business conduct nor the implementation of the UNGPs.

1.2.9. Information on the role that Kingsgate, as a parent company, plays in relation to policy and decision making of Akara relevant to this incident and generally to human rights-related issues

What is Kingsgate claiming in its reply?

Kingsgate explains that *‘in relation to human rights issues, Kingsgate, as an ASX-listed entity, has shared its corporate governance values, helping Akara develop policies that emphasise human rights, stakeholder engagement, and responsible business conduct. Akara personnel have benefited from*

¹⁰⁷ Australian National Contact Point, *Final Statement*, (2 August 2023), available at: <https://ausncp.gov.au/complaints/complaint-27>.

training in corporate ethics, anti-corruption policies and social license to operational principles, reinforcing Kingsgate's commitment to responsible mining.¹⁰⁸ The company also refers to its Code of Conduct and Modern Slavery Statement which present its approach to human rights as well as Akara's CSR Policy.

Our verified fact-checking:

Training in social license to operational principles

The social license to operate refers to the acceptance of a company's operations and practices by the local community and stakeholders. The social license to operate constitutes a risk management tool for a company, preventing reputational, legal and financial risks to the company. A training on the social license to operate does not amount to a training on human rights.

Approach to human rights

Based on Kingsgate 2024 Modern Slavery Statement, the suite of policies related to the company's human rights approach are the Code of Conduct, the Anti-Bribery and Anti-Corruption Policy and the Whistleblowing Policy. The only policy explicitly referring to human rights is the Code of Conduct updated in May 2025 which states that '*Kingsgate is committed to respecting all human rights and will not permit the violation of these rights of, or by, staff.*' Such commitment does not mean that previous human rights violations have not occurred. Further, as previously mentioned, the Whistleblowing Policy only applies to employees and similar and the initiatives undertaken under the CSR Policy do not amount to remediation of past harms.

2. Analysis of complementary information shared by Akara with Manushya Foundation

Background: On 12 June 2025, Manushya Foundation received by email a letter from Akara requesting cooperation in deleting messages related to the company on Facebook. The letter addressed to a community leader with whom Manushya does not work requested her to delete all posts that mention the company directly or indirectly from her Facebook account, considering that most of her posts contained wrong information that could damage the company's reputation. For each post considered wrong, the letter provided 'correct information' (Annex 2).

Regarding posts saying that the company runs the mine illegally, Akara explained that all its activities have been conducted in compliance with the law: '*Every license we need has been given legally at every step of our mining operations. This includes exploration licenses, mining concession licenses, and metal*

¹⁰⁸ See Kingsgate's reply (Annex) page 13

processing licenses. Whenever we changed the mine plan, the Company followed the law completely and got approval from the correct officers and departments.'

The company omitted to mention that in 2012, the Administrative Court revoked Akara's mining concessions dated 21 July 2008 due to failure to prepare an Environmental and Health Impact Assessment and ordered the company to complete it within one year.¹⁰⁹

In relation to the negative impacts of the mine on the environment and people's health, Akara referred to the same arguments as in its reply to the UN communication, putting the emphasis on its CSR Policy and declaring that *'Since 2001 until today, no government agency or scientific body has ever provided any official document or scientific proof to show that the Company's mining activities have harmed the environment or the health of people near the mine area. Even though some groups of people have claimed otherwise, these claims have no clear evidence or solid proof that shows chemical leaks from the Company's mining have caused harm.'* These arguments have been contradicted by elements provided both in the UN complaint and in this report.

Regarding posts accusing Akara of corruption, the company provided a copy of a notification from the National Anti-Corruption Commission informing that the case at stake was dismissed. Manushya takes note of this information while highlighting that (1) corruption is rampant in Thailand as previously mentioned, (2) that the investigation report is not publicly available.

Concerning posts accusing Akara of encroaching on public land or forest land, the company provided a copy of two notifications from the Natural Resources and Environmental Crime Suppression Division informing that cases at stake under notably the Forest Act of 1941 were dismissed. Manushya takes note of this information while highlighting that the Forest Act of 1941 falls short of international human rights law, especially regarding communities' rights.¹¹⁰ Therefore, compliance with the Act does not inform compliance with international standards.

Further, regarding an ongoing case before the Criminal Court, the company requests the community leader to restrain from posting messages *'that could cause the public to misunderstand and think negatively about the company'*. Freedom of expression entitles anyone to share information about these ongoing cases. Such a request from Akara demonstrates the company's misunderstanding of what freedom of expression is.

¹⁰⁹ Administrative Court, Decision 228/53, (27 March 2012)

¹¹⁰ Manushya Foundation, *Thailand's False Climate Solutions with Bad Forest Conservation Laws: THAILAND'S THIRD UNIVERSAL PERIODIC REVIEW CYCLE*, (13 September 2021), available at: <https://www.manushyafoundation.org/thailand-third-upr-cycle-factsheet-false-climate-solutions-with-bad-forest-conservation-laws>

Regarding posts saying that Akara explored or mined illegally in national park or S.P.K land, while exploration activities on S.P.K land do not change the land status, any activity would have an impact in practice on the availability of the land for people previously using it.

Lastly, regarding posts claiming that Suansak Pattana Co., Ltd. is a nominee holding land on behalf of Akara and ongoing investigation, Akara requests the community leader to restrain from posting messages *‘that could cause the public to wrongly believe the Company arranged for Suansak Pattana Co., Ltd. to hold land for it, or acted as a nominee for Kingsgate Consolidated Limited as accused’*. Again, such a request from Akara demonstrates the company’s misunderstanding of what freedom of expression is.

By sending this letter to Manushya Foundation, Akara aims to demonstrate (1) its good faith, by requesting the community leader to take immediate actions to delete her posts, rather than suing her for defamation, (2) that it has been ‘cleaned’ by authorities regarding several cases. **However, (1) the fact that Akara has requested the community leader to delete her posts, not SLAPPING her, does not take away the fact that in the past the company did SLAPP villagers; (2) even in the event where the company is innocent of the facts brought in the cases dismissed by authorities, this does not negate the existence of past harm as presented in the UN complaint and in this report as well as the absence of remediation for such harm.**

3. Additional information related to recent developments: Akara’s attempt to change prevention and mitigation measures in relation to TSF

On 2 and 7 September 2025, Akara held public consultations in Ban Ni kom No.8 and Ban Klo Din No. 3 villages regarding changes to the environmental impact prevention and mitigation measures, notably in relation to the closing of TSF1 and TSF2.

Currently, as per Letter No. TorSor. 1009.3/13351 dated 23 August 2022 issued by Office of Natural Resources and Environmental Policy and Planning, Akara is required to cover TSF1 with a 1.5 mm thick HDPE layer covering the top and sides of the pond to close it.¹¹¹

What is Akara claiming?

Regarding TSF1, Akara argues that *‘If the above conditions are to be followed, all trees covering the slopes on the sides of the pond must be removed and the soil compacted before laying HDPE sheets. This involves digging the soil to bury the ends of the HDPE sheets, then covering them with two layers of 30 cm of compacted clay, and then applying topsoil before planting trees to restore the area.*

¹¹¹ TSF2 is still in storage

Removing trees over 20 years old will damage the structure of the first metal waste storage pond. Compacting the sloped area with new soil is difficult. Furthermore, after laying HDPE, two layers of clay, each 30 cm thick, must be compacted along the slope. This is followed by applying topsoil and planting trees. Compacting the clay over the HDPE and the topsoil may result in unstable embankments and soil erosion, potentially posing a danger to humans and the environment.’¹¹²

As for TSF2, Akara argues that ‘The reasons for the advantages and disadvantages of cancelling the use of HDPE to cover the top of the TSF2 pond are as follows:

1. *Differential Settlement: The metallurgical waste will continue to settle for decades after the HDPE cover is placed. Since HDPE is a low-flexibility material, uneven settlement could cause it to tear. In contrast, clay or other cover materials can adjust and provide greater flexibility.*
2. *Long-term Performance: HDPE degrades when exposed to UV rays, requiring additional protective layers such as soil or rock, making construction more difficult and complex.*
3. *Covering the HDPE will allow moisture to remain inside, which may lead to groundwater contamination if there are leaks in the HDPE below and on the sides of the well.*
4. *If the underground structure continues to collapse, the HDPE may rupture and the trapped moisture will quickly leak out. This does not “dry out” the metal waste, but rather “retains the moisture.”*

Therefore, using compacted clay with low water absorption values instead of HDPE is appropriate. The clay can also restore itself if cracks occur later. Moreover, maintenance is easier. From the study results of the Chulalongkorn University Academic Service Center, metal waste in the first metal waste storage pond, metal waste (solid) category, was analyzed and found that the values did not exceed the standard and were not classified as hazardous.’¹¹³

Regarding the finding of the fact-finding committee, Akara claimed that the resolution ‘has not been officially adopted until now’ and therefore the claim of leaking is not yet conclusive.

Our verified fact-checking:

Villagers were only provided with Akara’s information and views on the efficiency of using HDPE. No independent expert was present during the meeting. Villagers expressed concerns regarding Akara’s attempt not to follow what authorities have prescribed the company to do, especially considering findings from the fact-finding committee that TSF1 leaked. They also raised concerns about accountability in case of occurrence of future impacts.

As for the explanations provided by Akara regarding the risks of using HDPE, one can assume that when

¹¹² Public information document shared during the public consultation on 7 September 2025

¹¹³ Public information document shared during the public consultation on 7 September 2025

requesting Akara to cover TSF with HDPE, authorities took into consideration the technical characteristics of TSF and that they would not request something that would increase risks to people and the environment.

Regarding the finding of the fact-finding committee, as reported by the Central Administrative Court in its 18 December 2024 ruling, on 28 February 2018, the Committee acknowledged the full investigation report and requested that dissenting opinions be appended before submission to DPIM. Based on this, DPIM then instructed Akara to resolve the leakage in TSF1 and to address water quality issues in the monitoring ponds, sedimentation ponds, mining pits and emergency water retention ponds.

4. Conclusion

Since the beginning of operations, Akara and Kingsgate have continuously denied any negative impacts to local communities and the environment caused by the activities of the mine. While claiming that such allegations were attacks from malicious individuals, dismissing evidence and discrediting the competence of the scientists and bodies that approved the findings, they have built a strong narrative of being a responsible business mining company, using their CSR initiatives and policies as an infallible proof of the absence of any negative impacts.

As previously mentioned, none of the actions or initiatives taken by the company so far constitute remediation of past harm. Particularly, the existence of CSR initiatives does not exempt the company from remediating harm, taking into consideration villagers' wishes and needs.

Suggested questions to stakeholders

To the Government of Thailand

1. What changes to resume operations did Akara make that led the Government of Thailand to authorise the reopening of the mine?
2. Considering the evidence of local communities contamination with heavy metals and the 2018 DPIM order requiring Akara to address leakage in TSF1, what measures has the Government of Thailand taken to ensure Akara provides effective remedy to affected villagers?
3. How does the Government of Thailand ensure that the arbitration proceeding filed by Kingsgate under TAFTA does not influence the monitoring of Akara's activities?
4. How does the Government of Thailand ensure that the arbitration proceeding filed by Kingsgate under TAFTA is not jeopardising affected villagers' access to remediation?
5. How does the Government of Thailand support affected villagers in their quest for justice and remediation?

To Akara Resources Public Company Limited

1. How is human rights due diligence integrated into internal policies and procedures?
2. What is the methodology used to assess adverse impacts on local communities?
3. What are the adverse impacts identified?
4. What are the actions undertaken, in consultation with affected communities, to remediate adverse impacts?
5. How does the company ensure that its operational grievance mechanism meets the effectiveness criteria set under the UNGPs?

To the Government of Australia

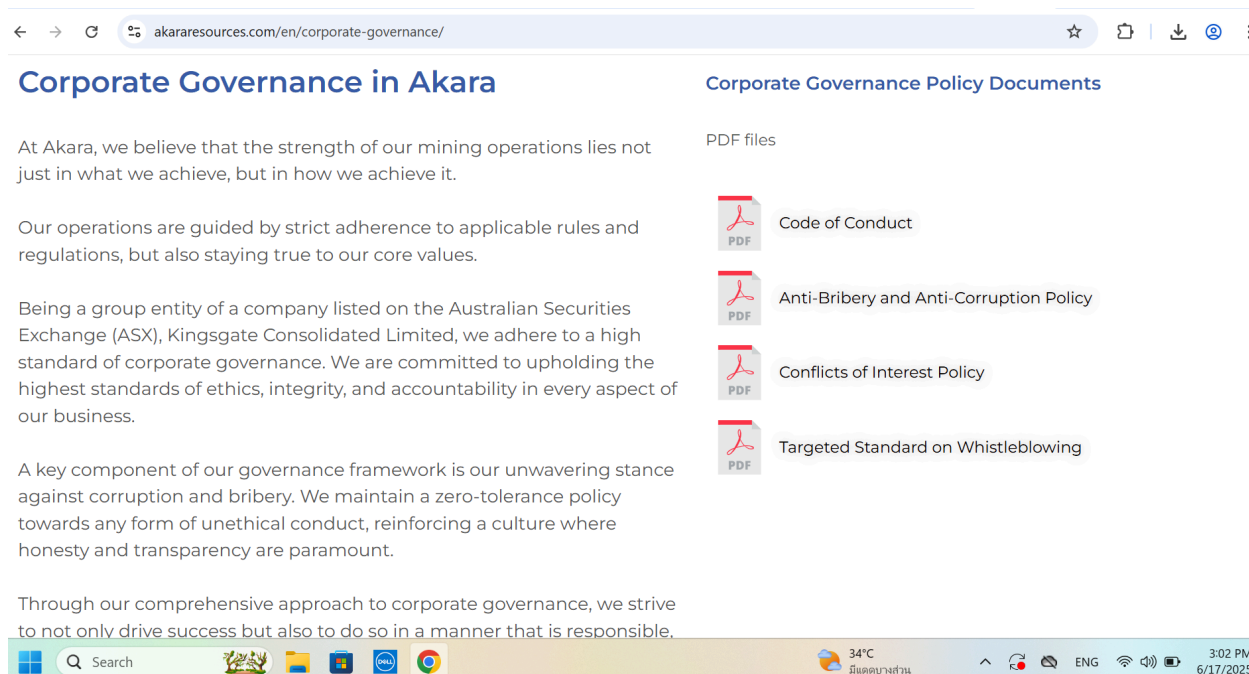
1. How does the Government of Australia ensure that it complies with its international human rights obligations, ensuring Australian companies are not causing harm when operating abroad, in accordance with General Comment No.24?
2. How does, beyond encouragement and expectancy, the Government of Australia ensure that Australian companies comply with the UNGPs and the OECD Guidelines?
3. What concrete guidance does the Government of Australia, in particular Austrade, provide to Australian companies operating in Thailand in relation to respect for human rights?
4. What concrete measures has the Government of Australia taken to ensure that government departments and agencies consistently set out expectations and provide guidance on companies having human rights policies and conducting human rights due diligence, following the 2023 findings of the Australian National Contact Point in the specific instance brought against Myanmar Metals Limited?
5. Is the Government of Australia considering enacting in the short term legislation requiring Australian companies to conduct human rights due diligence? If not, why?

To Kingsgate Consolidated Limited

1. How is human rights due diligence integrated into internal policies and procedures?
2. What is the methodology used to assess adverse impacts on local communities?
3. What are the adverse impacts identified?
4. What are the actions undertaken, in consultation with affected communities, to remediate adverse impacts?
5. Has the company ever requested guidance to the Government of Australia on how to comply with the OECD Guidelines?

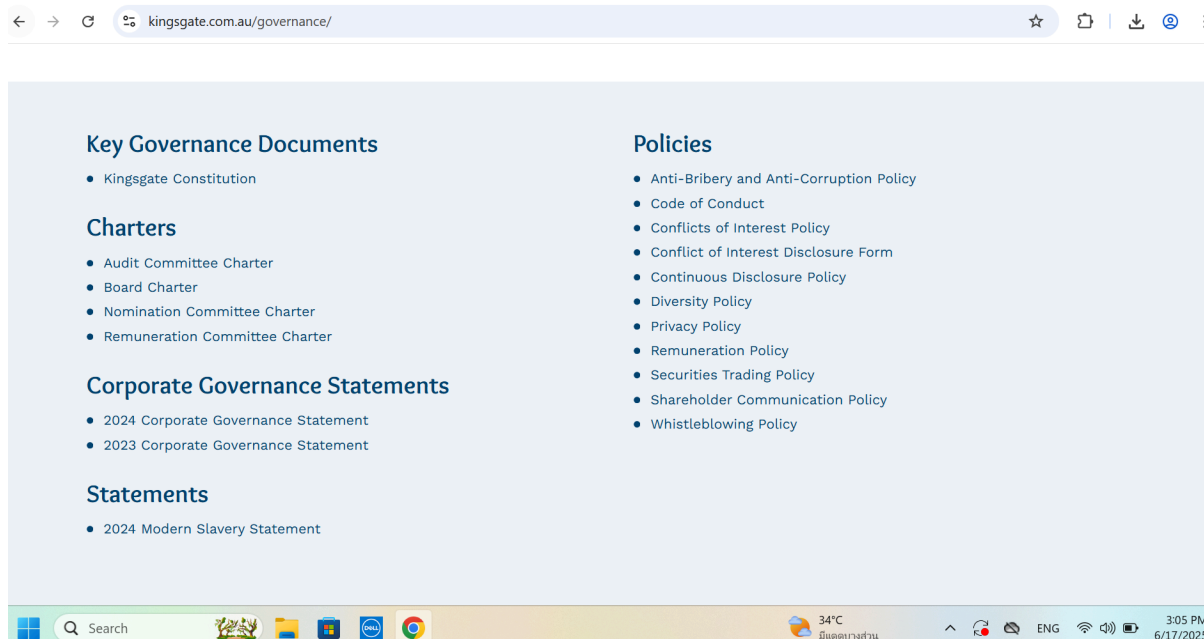
Annex 1

Corporate governance in Akara - Publicly available policies



The screenshot shows the 'Corporate Governance in Akara' page on akararesources.com. The page features a header with the company name and a navigation bar. The main content area is divided into two columns. The left column contains text about the company's commitment to corporate governance, while the right column lists 'Corporate Governance Policy Documents' as PDF files: Code of Conduct, Anti-Bribery and Anti-Corruption Policy, Conflicts of Interest Policy, and Targeted Standard on Whistleblowing. The browser's address bar shows the URL 'akararesources.com/en/corporate-governance/'. The Windows taskbar at the bottom indicates the date and time as 3:02 PM on 6/17/2025.

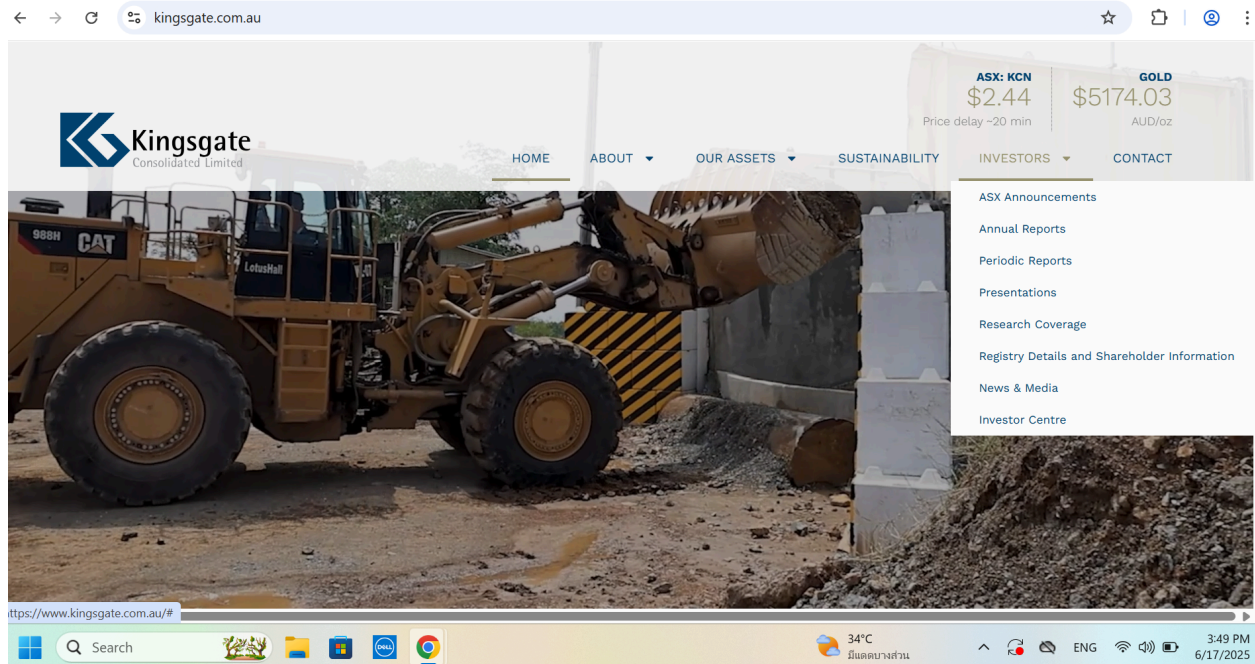
Corporate governance in Kingsgate - Publicly available policies



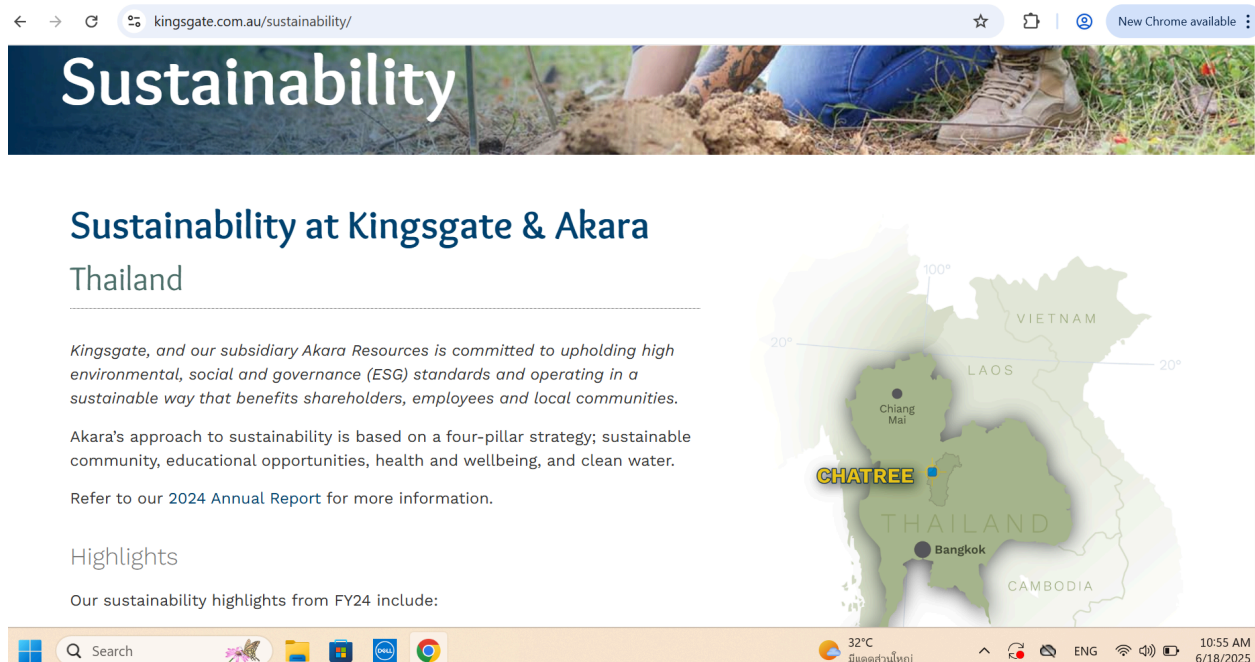
The screenshot shows the 'Corporate Governance in Kingsgate' page on kingsgate.com.au. The page features a header with the company name and a navigation bar. The main content area is divided into two columns. The left column contains a list of 'Key Governance Documents' and 'Policies', while the right column lists 'Corporate Governance Policy Documents' as PDF files: Code of Conduct, Anti-Bribery and Anti-Corruption Policy, Conflicts of Interest Policy, Conflict of Interest Disclosure Form, Continuous Disclosure Policy, Diversity Policy, Privacy Policy, Remuneration Policy, Securities Trading Policy, Shareholder Communication Policy, and Whistleblowing Policy. The browser's address bar shows the URL 'kingsgate.com.au/governance/'. The Windows taskbar at the bottom indicates the date and time as 3:05 PM on 6/17/2025.

This report was submitted to the UN Working Group on Business and Human Rights on 15 September 2025. This version excludes confidential details shared with UN experts.

Kingsgate information to investors



Kingsgate Sustainability



This report was submitted to the UN Working Group on Business and Human Rights on 15 September 2025. This version excludes confidential details shared with UN experts.

← → ↻ kingsgate.com.au/sustainability/ 🔍 ☆ 🗖️ 🌐 New Chrome available



Maintained 98% Thai workforce and over 80% local employment



Visited over 2,600 local households



Participated in over 100 village meetings



Conducted a free annual health check for over 450 local residents



Recycled approximately 160 tonnes of waste



Planted approximately 15,000 trees across 12 community forests



Maintained water quality from 16 filtration stations

Windows taskbar: Search, 32°C, 10:57 AM 6/18/2025

Akara - Contact us

← → ↻ akararesources.com/en/contact-us ☆ 🗖️ 🌐



 admincgm@akararesources.com
  +66 5661 4500

Chatree Gold Mine
No. 99, Moo 9, Khao Chet Luk Subdistrict,
Thap Khlo District, Phichit Province 66230

First Name
 Last Name
 * Phone Number

* Email Address
 Leave a message

Windows taskbar: Search, 33°C, 2:58 PM 6/23/2025

Annex 2

Letter sent by Akara to Manushya Foundation on 12 June 2025 (English translation)

AKR-PCL/365/25

Date: 30 May 2025

Subject: Request for cooperation to delete Facebook posts about Akara Resources Public Company Limited

To: Ms. [redacted]

Attachments:

1. Copy of letter from the Office of the NACC (No. ปฎ 0019/0576, dated 3 April 2025) about the NACC's decision.
2. Copy of letter from Division 4, Natural Resources and Environmental Crime Suppression Division (No. ดช 0026.74/1238, dated 18 April 2024) about final order not to prosecute.
Copy of letter from Division 4, Natural Resources and Environmental Crime Suppression Division (No. ดช 0026.74/1239, dated 18 April 2024) about final order not to prosecute.

As you have posted messages on Facebook (account name: "[redacted]") that talk about Akara Resources Public Company Limited ("the Company") many times. The Company has checked these messages carefully and found that most of what you posted is not true. Sharing this kind of wrong information can make the public misunderstand and can wrongly damage the good name and image of the Company.

Therefore, the Company kindly asks you to please consider deleting any posts that mention the Company directly or indirectly from your Facebook account.

For your convenience, we will also provide correct information for your reference.

1. About posts saying the Company runs its mine illegally

For correct understanding, the Company would like to explain: The Company has full legal permission to operate its gold and silver mines. We received mining licenses for the areas in Khao Jed Luk Subdistrict, Tap Khlo District, Phichit Province, and in Thai Dong Subdistrict, Wang Pong District, Phetchabun Province.

Since we started in 2001, the Company has followed all mining laws. Every license we need has been given legally at every step of our mining operations. This includes exploration licenses, mining concession licenses, and metal processing licenses.

Whenever we changed the mine plan, the Company followed the law completely and got approval from the correct officers and departments.

Also, we always hire expert legal advisers to make sure we follow the law. We know that not following the law could cause us to lose our licenses, which would be very bad for our business.

So, the posts that say the Company operates the mine illegally, mines outside the allowed area, or changes the mine plan without permission are not true at all.

2. About posts saying the Company's mining harms the environment or people's health

The Company would like to say that we are committed to protecting the environment and being responsible to society. To do this, we focus on strong Corporate Social Responsibility (CSR) policies.

We have many measures to support the local community's life and health. This includes projects like community care.

The Company makes sure that people living around the mine have clean water. We check and take care of the community's water system near the mine all the time. If there is any problem or damage to the water system, we send workers to fix it right away.

We also provide regular health checks for people who live within 5 kilometers of the mine. The Company gives needed medical equipment to the local hospital too.

The Company cares a lot about these issues. From before we got our mining license until now, we have always followed the law carefully. Before we got permission to mine, we prepared an Environmental Impact Assessment (EIA) report. We asked local people for their opinions and used their ideas to plan ways to prevent or fix environmental problems.

We also worked with local communities to explain things clearly. We met with officials, government departments, and local landowners near the mine area to make sure they knew about our plans to protect the environment.

Since getting our legal mining license, the Company has followed all the conditions of the license fully. We also follow all rules set by government agencies. This includes mining safety, taking care of workers, and managing mine pits, wastewater, and mining waste properly.

The Company also follows all the conditions in the EIA report and the rules from the Office of Natural Resources and Environmental Policy and Planning (ONEP). We send reports every 6 months to the government to show what we have done.

The Company has also established internal business operation policies that emphasize the importance of environmental and public health impacts as a fundamental foundation for the sustainability and integrity of the Company's operations. These policies include the Corporate Social Responsibility Policy (CSR Policy), which outlines the Company's responsibility to help provide clean water to local communities, and the

Environmental Policy and Procedure Manual, which sets out measures to minimize the environmental impact of mining activities and to effectively carry out rehabilitation after mining operations.

The Company would like to further clarify that, from the past to the present, its pollution control and environmental management activities have always been inspected and overseen by relevant government agencies to address environmental concerns. The Company has implemented comprehensive measures to prevent leaks and to treat wastewater. This includes building embankments to collect rainwater that falls within the project area; the collected water is stored in onsite reservoirs.

As for tailings in slurry form, they undergo a cyanide treatment process before being sent to tailings storage facilities (TSF). This process ensures that the chemical content of the tailings disposed of in the TSF is extremely low and not harmful to the environment or public health. In addition, the Company operates a closed-circuit (Zero Discharge) mining system, meaning no liquid is released outside the project area — all water is treated and fully reused within the system.

The Company has groundwater monitoring wells around the project area, including near the tailings storage facilities, to continuously monitor groundwater quality. The TSF was designed by globally recognized engineering firms with extensive experience in the mining industry, ensuring that construction meets international standards and effectively prevents leaks.

The Company also regularly inspects and monitors environmental quality as required by government conditions. The Company prepares and submits reports on its implementation of environmental protection and mitigation measures, as well as environmental quality monitoring measures, to the Office of Natural Resources and Environmental Policy and Planning (ONEP), the Department of Primary Industries and Mines (DPIM), and other relevant agencies on a monthly basis. This includes reports audited by independent inspection companies.

There are also research reports from respected universities that confirm the Company's mining operations follow high standards and do not harm the environment or people's health around the mine.

All of the Company's actions mentioned above are not only to follow the law and mining regulations, but also because the Company truly wants to protect the environment and the health of people living near the mine. This includes the Company's own employees and partner companies working in the area.

Since 2001 until today, no government agency or scientific body has ever provided any official document or scientific proof to show that the Company's mining activities have harmed the environment or the health of people near the mine area. Even though some groups of people have claimed otherwise, these claims have no clear evidence or solid proof that shows chemical leaks from the Company's mining have caused harm.

On the other hand, there are many research studies and reports from independent experts that confirm the Company's gold mining does not harm the environment or people's health.

Therefore, the posts that claim the Company's tailings storage facility (TSF) leaked and caused people to get sick or die are false and have no basis in truth.

3. About posts accusing the Company of corruption (bribing officials)

In the past, the Company was accused by the NACC (National Anti-Corruption Commission) of working together with government officials to break the law — such as crimes of duty under the Criminal Code or other corruption-related laws under Sections 66 and 68 of the Organic Act on Anti-Corruption, B.E. 2542 (1999) and its amendment (No. 2) B.E. 2554 (2011).

These accusations were about asking for, receiving, or planning to receive money or other benefits wrongly, or offering or agreeing to give money or other benefits wrongly to politicians or government officials to help Kingsgate Group get mining exploration and mining benefits in Saraburi, Lopburi, Phetchabun, Phichit, and Phitsanulok provinces wrongly.

The Company would like to explain that on 3 April 2025, the Director of the Office of Political Sector Corruption Investigation, acting on behalf of the Secretary-General of the NACC (National Anti-Corruption Commission), sent a letter to the Company. The letter said:

"The NACC has reviewed the case and decided that the investigation found no facts or evidence strong enough to prove that the Company did anything wrong as accused. The complaint is without grounds and is dismissed."

(Details in Attachment 1)

The Company adds that the NACC is the legal authority to check corruption or wrongdoing by government officials. The NACC used its legal power to investigate the facts and found no evidence or proof that the Company did anything wrong as accused. This shows that the Company has run its mining business honestly and transparently. It also confirms that no officials or agencies gave illegal or improper help to the Company.

Therefore, your posts saying the Company acted corruptly to get help from officials or government agencies are completely false. These claims were fully investigated by the NACC — an independent and trusted body known for fairness — and the accusations were dropped.

4. About posts saying the Company's mining invades public land or forest land

The Royal Forest Department, through its Director-General, checked the use of land inside the mining license area and nearby land related to the gold mine. After their investigation, they filed charges against the Company.

They accused the Company of invading, taking, or destroying public land and forest land — 15 plots, covering 73 rai (about 29 acres) in Tap Khlo District, Phichit Province, and Wang Pong District, Phetchabun Province.

This is under the Forest Act B.E. 2484 (1941) and Section 83 of the Criminal Code.

The Company would like to explain that neither the Company nor its authorized directors invaded, cleared, burned, or destroyed forest land, or took over forest land for themselves or others as accused.

When the Company applied for its mining license, government agencies checked the land very carefully. These agencies included officials from the Ministry of Industry, the Royal Forest Department, the Ministry of Interior, local administrative organizations, and land office officials in the area. They all followed their proper rules and procedures to review the land application.

Also, a committee under the Mining Act (with members like the Permanent Secretary of the Ministry of Industry as chair, and directors from the Royal Irrigation Department, Department of Mineral Resources, Department of Lands, Royal Forest Department, and up to 3 people appointed by the Minister of Industry) reviewed and gave their approval. After this, the Minister of Industry signed the license.

So, the mining license area of the Company was fully checked and approved by the right government agencies. This confirms that the Company did not invade, clear, burn, or take forest land without permission.

In addition, the Company explains that on 18 April 2024, the Commander of Division 4 of the Natural Resources and Environmental Crime Suppression Division informed that the prosecutors in Phetchabun and Phichit decided not to prosecute the case and closed the criminal proceedings. (See Attachments 2 and 3).

This shows that the police and prosecutors found no wrongdoing by the Company. In summary, the Company did not invade, clear, burn, or destroy forest land, or take over forest land without permission as accused.

Finally, the Company wants to make clear that from the past until today, it has always applied for and received licenses from all the proper agencies to mine on public or forest land legally. The Company has strong evidence to prove this.

Therefore, the statements in your posts saying that the Company is mining on public land or forest land without legal permission is completely false. These accusations have already been checked by the criminal justice process, and it has been proven that the Company did not break the law in this matter.

Also, even though the Department of Special Investigation (DSI) accused the Company and later the Special Prosecutor's Office 4 decided to bring criminal charges against the Company in Criminal Court case no. ๑ 900/2568, for offenses under the Criminal Code, the Land Code, the Forest Act, and the Highway Act — this case is still in court. The case is only at the stage before witness hearings, so there has been no ruling or proof that the Company has done anything wrong as accused.

The Company strongly believes that it has evidence that can prove the accusations are not true. Therefore, the Company kindly asks you not to post messages about this case that could cause the public to misunderstand and think negatively of the Company. Please allow the court process to be the proper place to find out the truth.

5. About posts saying the Company explored or mined illegally in national park or S.P.K. land (land for agricultural reform)

You posted that the Company secretly drilled for minerals in Thung Salaeng Luang National Park, Nern Maprang District, Phitsanulok Province. The Company would like to explain that it has never secretly drilled or explored in any area — whether private or government land — without legal permission.

In fact, whenever the Company wants to explore minerals in any area, our team always follows the legal steps strictly. This includes applying for and getting the necessary licenses from the correct government agencies or landowners before starting any exploration.

The Company would also like to say that whenever it has received an exploration license (called an “exploration concession”) in any province, the Company has always followed the conditions in the license and the law carefully at every step.

An exploration license does not take away private people’s or farmers’ rights to their land under the agricultural land reform law (S.P.K. land). The only way S.P.K. land status can be changed is when a government agency officially changes it to a different land type according to law.

So, the statements in your posts saying that the Company secretly explored for minerals in the national park without permission, or mined on S.P.K. (agricultural reform) land causing local people to lose their land rights, are completely false and have no basis in fact.

6. About posts claiming that Suansak Pattana Co., Ltd. is a nominee holding land on behalf of the Company (which you say is a foreign company)

You and Mrs. [redacted], submitted a letter to the Department of Special Investigation (DSI) on 6 February 2023. You asked them to investigate and take legal action against Suansak Pattana Co., Ltd., claiming it holds land as a nominee for our Company, which you say is a foreign company — in violation of the Foreign Business Act B.E. 2542 (1999).

Later, on 28 February 2025, the DSI’s National Security Division completed its initial investigation, and the Director-General of the DSI approved the case as a special case under Section 21 (1) of the Special Case Investigation Act B.E. 2547 (2004).

Therefore, this case is still under the DSI’s National Security Division, and it is currently in the process of gathering more facts through the justice system.

The Company would like to say that it is confident it did not break any criminal law as accused. The Company is fully prepared to defend itself with witnesses and evidence during the investigation and in court if needed.



Because there has been no legal ruling yet that any crime happened, the Company kindly asks for your cooperation not to post messages that could cause the public to wrongly believe the Company arranged for Suansak Pattana Co., Ltd. to hold land for it, or acted as a nominee for Kingsgate Consolidated Limited as accused — since these claims have not yet been proven true in court.

Finally, Akara Resources Public Company Limited cares very much about providing accurate and transparent information. The Company is very concerned that spreading false or misleading information could harm its image, reputation, and future operations in many ways.

Therefore, the Company kindly asks you to please delete these incorrect posts, including any other posts that mention the Company either directly or indirectly (even without naming the Company), from your Facebook account “[redacted]” and from all other online platforms under your control immediately.

The Company truly hopes for your kind cooperation and would like to thank you in advance.

If you have any questions or need more information, please contact the Company’s Corporate Communications Department at: naru-orn@akararesources.com

Sincerely,
(Signed)
Mr.

General Manager

ANNEX 2

[Most Urgent]

No. ดช 0026.74/1238

Division 4, Natural Resources and Environmental Crime Suppression Division Lat Yao Subdistrict,
Chatuchak District, Bangkok 10900

18 April 2024

Subject: Notification of final order not to prosecute

To: Akara Resources Public Company Limited

References:

1. Letter from the Office of the Provincial Prosecutor of Phichit No. ฉส 0058(พจ)/1382 dated 26 March 2024-2-10. (Various related letters from 26-28 March 2024 as listed)

According to these letters from the Office of the Provincial Prosecutor of Phichit regarding the decision not to prosecute the following criminal cases:

Cases 1/2020, 2/2020, 3/2020, 4/2020, 5/2020, 6/2020, 7/2020, 8/2020, 9/2020, and 10/2020 from Division 4, Natural Resources and Environmental Crime Suppression Division.

The cases were between Mr. [redacted] (complainant) and Akara Resources Public Company Limited (accused) under the Forest Act B.E. 2484 (1941) in connection with Section 83 of the Criminal Code. The alleged incident took place on 14 October 2020 at 5:00 PM in Khao Jed Luk Subdistrict, Tap Khlo District, Phetchabun Province.

Now, in all of these criminal cases, the Phichit Provincial Prosecutor has issued a final order not to prosecute and the cases have been closed.

The investigation team of the Natural Resources and Environmental Crime Suppression Division reports this for your information and any related actions.

Sincerely,

Police Colonel

(Signed)

Natthakrit Noikampan Commander, Division 4 Natural Resources and Environmental Crime Suppression Division

ANNEX 3**[Most Urgent]**

No. ดช 0026.74/1239

Division 4, Natural Resources and Environmental Crime Suppression Division Lat Yao Subdistrict, Chatuchak District Bangkok 10900

18 April 2024

Subject: Notification of final order not to prosecute

To: Akara Resources Public Company Limited

References:

1. Letter from the Office of the Provincial Prosecutor of Phetchabun No. ฉส 0058(พช)/899 dated 25 March 2024
2. Letter from the Office of the Provincial Prosecutor of Phetchabun No. ฉส 0058(พช)/1060 dated 9 April 2024
3. Letter from the Office of the Provincial Prosecutor of Phetchabun No. ฉส 0058(พช)/1061 dated 9 April 2024
4. Letter from the Office of the Provincial Prosecutor of Phetchabun No. ฉส 0058(พช)/1062 dated 9 April 2024

According to these letters regarding the final decision not to prosecute in criminal cases:

Cases 11/2020, 12/2020, 13/2020, and 14/2020 of Division 4, Natural Resources and Environmental Crime Suppression Division, in the case between Mr. [redacted] (complainant) and Akara Resources Public Company Limited and associates (accused).

This was for alleged violations under the Forest Act B.E. 2484 (1941) and Section 83 of the Criminal Code. The incident allegedly occurred on 14 October 2020 at 5:00 PM in Thai Dong Subdistrict, Wang Pong District, Phetchabun Province.

Now, in all of these criminal cases, the Phetchabun Provincial Prosecutor has issued a final order not to prosecute, and the cases have been closed.

The investigation team of the Natural Resources and Environmental Crime Suppression Division reports this for your information and any necessary related actions.

Sincerely,

Police Colonel

(Signed)

Natthakrit Noikampan Commander, Division 4 Natural Resources and Environmental Crime Suppression Division



Contact us at:
WeAreManushyan@manushyafoundation.org

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