



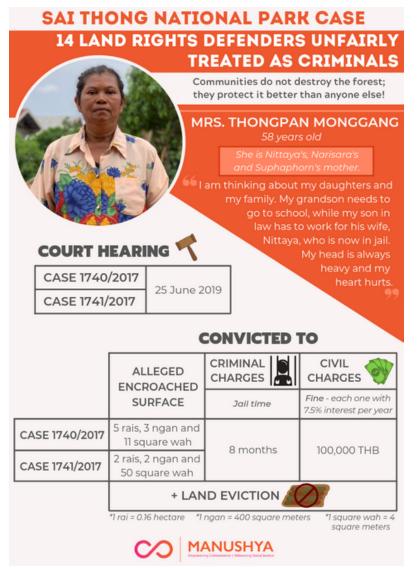
Monitoring of the court hearings of 25 June and Prison Visits to 9 HRDs in jail & Prison Visit to 9 HRDs

#### 1. Monitoring of the 3 Court Hearings of 25 June 2019

Summary & Pictures available here: EN: http://tiny.cc/08xs8y & TH: http://tiny.cc/83xs8y)

#### 1. 1. Mrs Thongpan Monggang

On 25 June 2019, Mrs Thongpan received the judgment of the Appeal Court at the Chaiyaphum Provincial Court. During the hearing, the prosecutor was present and Mrs Thongpan did not need to wear handcuffs during the reading of the sentence. During the hearing, Mrs Thongpan's lawyer was not present. In her case, the Appeal Court upheld the decision of the Court of First Instance. Positively, the Appeal Court reduced her sentence from 9 months and 10 days to 8 months. This has been done based on Section 78 of the Criminal Law. With respect to the civil charges, the Appeal Court upheld the charges given by the Court of First Instance and Mrs Thongpan is ordered to pay THB 100,000 with 7.5 interest per year. In the Appeal Court judgment, it was concluded that NCPO Order 64/2557 (reclamation of the forest policy) would be applied in this case. Although NCPO Order 66/2557 aims at protecting poor communities from being evicted, Mrs Thongpan was excluded from protection under the order. To justify this, the Court judgment included first of all that Mrs Thongpan had no evidence that showed that she was forced to sign documents declaring that she agreed to handover her land. Moreover, the court judgment included that, even though Mrs Thongpan had evidence that permits her to live in the national park area, she had failed to submit this evidence to the Committee that had conducted surveys in the area in previous years in order to establish a list of people allowed to live in the national park. Instead of submitting the evidence to the Committee, the court judgment claimed that Mrs Thongpan had ignored the Committee, until its Working Group came to monitor her land. This is contradicting from the evidence provided by Mrs Thongpan at the Court of First Instance, where she clearly showed that she had repeatedly (in 2003, 2006, 2010, and 2013) made efforts to approach the rangers conducting surveys to include her in the list, however, rangers had refused to do so.



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#### 1.2. Mr Wanchai Arphonkaeo

On 25 June 2019, Mr Wanchai received the judgment of the Appeal Court at the Chaiyaphum Provincial Court. During the hearing, the prosecutor, as well as Mr Wanchai's lawyer were present. On the negative, Mr Wanchai's court case delayed more than an hour as there was no police guard available. Besides that, contradicting to others, Mr Wanchai had to wear handcuffs during the reading of the sentence and was handcuffed to a second defendant. In his case, the Appeal Court upheld the decision of the Court of First Instance. The criminal charges remained the same and Mr Wanchai is sentenced to 6 months and 20 days in jail. With respect to the civil charges, the Appeal Court thought the payment of damages of 300,000 THB, given by the Court of First Instance is too little. Therefore, the Appeal Court upheld the payment of damages demanded by the public prosecutor, which amount to 860,395 THB. In the Appeal Court judgment, it was concluded that NCPO Order 64/2557 (reclamation of the forest policy) would be applied in this case. Although NCPO Order 66/2557 aims at protecting poor communities from being evicted, Mr Wanchai was excluded from protection under the order. To justify this, the Court judgment included that even though Mr Wanchai obtains evidence that he is allowed to live in the National Park, the evidence had been obtained after Mr Wanchai had committed the crime before the evidence was obtained, and therefore, the evidence cannot be used for this case, and NCPO Order 66 does not apply.

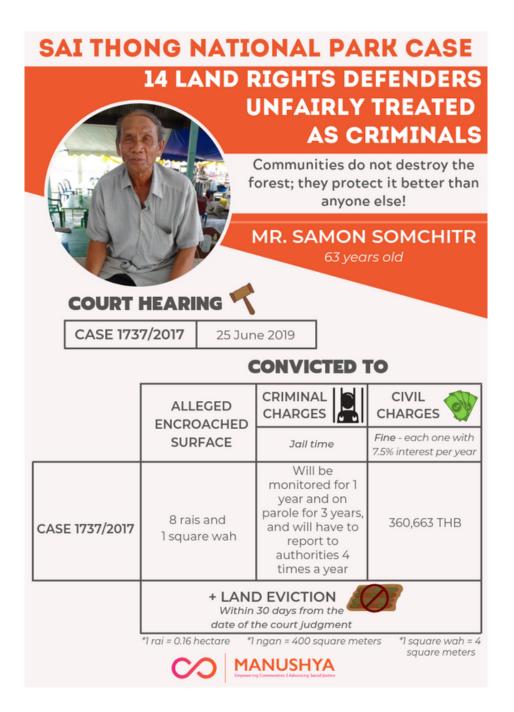






#### 1.3. Mr Samon Somchitr

On 25 June 2019, Mr Samon Somchitr received the judgment of the Appeal Court at the Chaiyaphum Provincial Court. During the hearing, the prosecutor, as well as Mr Samon's lawyer were present. In his case, the Appeal Court upheld the decision of the Court of First Instance. Mr Samon will be monitored for one year and does not need to go to jail. With respect to the civil charges, the Appeal Court thought the payment of damages of 80,000 THB, given by the Court of First Instance is too little. Therefore, the Appeal Court upheld the payment of damages demanded by the public prosecutor, which amount to 366,663 THB. In the Appeal Court judgment, it was concluded that NCPO Order 64/2557 (reclamation of the forest policy) would be applied in this case. Although NCPO Order 66/2557 aims at protecting poor communities from being evicted, Mr Samon was given a chance to proof that he had lived in the national park area before its declaration as national park, he was unable to do so. Further, the judgment included that Mr Samon was allowed to finish harvesting his crops until a certain date. However, the judgment included that Mr Samon had ignored this and kept planting fresh crops.





#### 2. Prison Visits

Currently, six WHRDs (land right defenders) are in jail, in addition to the 3 HRDs convicted on 25 June 2019. During the prison visit, the defenders informed that they are doing okay. Some of them had difficulties sleeping; cells are crowded and the women touch each other's arms while sleeping. Further, they only have a chance to meet each other during meal timings. During the day, the three elderly women are separated from the others. Prison officers stay behind the WHRDs when speaking to their families and Manushya Foundation. The profile of the 6 WHRDs convicted from 15 May 2019 to 18 June 2019 are provided below:

#### SAI THONG NATIONAL PARK CASE SAI THONG NATIONAL PARK CASE **14 LAND RIGHTS DEFENDERS UNFAIRLY 14 LAND RIGHTS DEFENDERS UNFAIRLY TREATED AS CRIMINALS TREATED AS CRIMINALS** Communities do not destroy the forest: Communities do not destroy the forest; they protect it better than anyone else! they protect it better than anyone else! MRS. SEENUAN PHASANG MS. NITTAYA MUANGKLANG 60 years old 36 years old One day, the Reclamation of the Forest Policy came up, claiming that this would not affect poor people, but the ones who suffered were I am concerned that my children won't เสดียร only poor people. I realize have land to live on because it belongs **COURT HEARING** that this is an inequality to the national park, and they are not between the rich allowed to live there. I am fighting CASE 1738/2017 5 June 2019 and the poor. for those who don't have a **COURT HEARING** place to live and for all CASE 1739/2017 15 May 2019 of my friends who CASE 1736/2017 4 June 2019 face the same **CONVICTED TO** situation. CRIMINAL CIVIL ALLEGED CHARGES CHARGES **ENCROACHED CONVICTED TO** Fine - each one with SURFACE Jail time 7.5% interest per year CRIMINAL CIVIL ALLEGED CHARGES 8 rais and 90 CHARGES CASE 1738/2017 8 months 150.000 THB **ENCROACHED** square wah Fine - each one with SURFACE Jail time 1 rai, 2 ngan and 7.5% interest per year CASE 1739/2017 40.000 THB 4 months 98 square wah 6 rais and 4 5 months CASE 1736/2017 150,000 THB square wah and 10 days TOTAL 12 months 190,000 THB + LAND EVICTION + LAND EVICTION \*1 ngan = 400 square meters \*1 rai = 0.16 hectare \*1 square wah = 4 \*1 rai = 0.16 hectare \*1 ngan = 400 square meters \*1 square wah = 4 square meters square meters MANUSHYA MANUSHYA



## SAI THONG NATIONAL PARK CASE **14 LAND RIGHTS DEFENDERS UNFAIRLY TREATED AS CRIMINALS**

Communities do not destroy the forest; they protect it better than anyone else!

#### MS. PATTAMA KOMET 47 years old

We are not investors, just poor people who either farm on the land or do nothing. If we do not farm there, our family cannot survive. We are human too. Although we are poor, should be equal to any other Thai

### COURT HEARING <sup>1</sup>

CASE 1744/2017 12 June 2019 CASE 1745/2017

### **CONVICTED TO**

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES			
		Jail time	Fine - each one with 7.5% interest per year		
CASE 1744/2017	11 rais, 3 ngan and 9 square wah	8 months			
CASE 1745/2017	15 rais and 83 square wah		200,000 THB		
	+ LAND EVICTION Within 15 days from the date of the court judgment				
	*1 rai = 0.16 hectare *1 ngan = 400 square meters *1 square wah = 4 square meters COO MANUSHYA				

## SAI THONG NATIONAL PARK CASE **14 LAND RIGHTS DEFENDERS UNFAIRLY TREATED AS CRIMINALS**

Communities do not destroy the forest; they protect it better than anyone else!

### MS. SUNEE NALIN 71 years old

66 I'm worried about my grandchildren. Who will take care of them? Their mother has to work, and their father already passed away. Without me, their lives will be tough. This situation I am in is not my bad karma, it is a bad law.

**COURT HEARING** 

CASE 1735/2017 12 June 2019

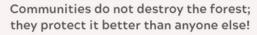


	SURFACE	Jail time	Fine - each one with 7.5% interest per year		
CASE 1735/2017	11 rais, 3 ngan and 73 square wah	5 months and 10 days	439,027 THB		
	+ LAND EVICTION				
	*1 rai = 0.16 hectare     *1	ngan = 400 square met	ers *1 square wah = 4 square meters		

MANUSHYA



## SAI THONG NATIONAL PARK CASE 14 LAND RIGHTS DEFENDERS UNFAIRLY TREATED AS CRIMINALS





It's so sad because it's unfair to charge the villagers who have farms and land in the national park. I want the government to help the villagers who do not have a place to live.

### COURT HEARING

CASE 1732/2017

### **CONVICTED TO**

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES	CIVIL CHARGES		
		Jail time	Fine - each one with 7.5% interest per year		
CASE 1732/2017	46 rais, 3 ngan and 3 square wah	4 years	1,587,211 THB		
	+ LAND EVICTION Within 15 days from the date of the court judgment				
	*1 rai = 0.16 hectare     *1 ngan = 400 square meters     *1 square wah = 4 square meters				

18 June 2019

# SAI THONG NATIONAL PARK CASE 14 LAND RIGHTS DEFENDERS UNFAIRLY TREATED AS CRIMINALS

Communities do not destroy the forest; they protect it better than anyone else!

### MRS. SUPHAPHORN SEESUK 38 years old

She's Nittaya's and Narisara's sister. She has a lot of debt and worries about how it will be paid. She also takes care of her child when her husband is farming. She doesn't know who will take care of their child if she goes to jail.

 It affects the livelihoods and economy of the community and discourages me from fighting. I do not feel like doing anything, because it's like I'm fighting for nothing. No matter how much I fight, nothing is getting better



CASE 1731/2017 12 June 2019

#### so far. **CONVICTED TO** CRIMINAL CIVIL ALLEGED CHARGES CHARGES **ENCROACHED** Fine - each one with SURFACE Jail time 7.5% interest per year 5 months 6 rais, 3 ngan and CASE 1731/2017 381,010 THB 31 square wah and 10 days + LAND EVICTION \*1 rai = 0.16 hectare \*1 ngan = 400 square meters \*1 square wah = 4 square meters MANUSHYA