

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.

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. THONGPAN MONGGANG
58 years old

She is Nittaya's, Narisara's and Suphaphorn's mother.

“ I am thinking about my daughters and my family. My grandson needs to go to school, while my son in law has to work for his wife, Nittaya, who is now in jail. My head is always heavy and my heart hurts.”

COURT HEARING

CASE 1740/2017	25 June 2019
CASE 1741/2017	

CONVICTED TO

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES	CIVIL CHARGES
		Jail time	Fine - each one with 7.5% interest per year
CASE 1740/2017	5 rais, 3 ngan and 11 square wah	8 months	100,000 THB
CASE 1741/2017	2 rais, 2 ngan and 50 square wah		

+ LAND EVICTION

*1 rai = 0.16 hectare *1 ngan = 400 square meters *1 square wah = 4 square meters

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.

SAI THONG NATIONAL PARK CASE

14 LAND RIGHTS DEFENDERS UNFAIRLY TREATED AS CRIMINALS



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MR. WANCHAI ARPHONKAEO
28 years old

COURT HEARING 

CASE 1733/2017	25 June 2019
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CONVICTED TO

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES 	CIVIL CHARGES 
		<i>Jail time</i>	<i>Fine - each one with 7.5% interest per year</i>
CASE 1733/2017	14 rai, 3 ngan and 73 square wah	6 months and 20 days	860,395 THB

+ LAND EVICTION 

*1 rai = 0.16 hectare *1 ngan = 400 square meters *1 square wah = 4 square meters



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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 excluded from protection under the order. To justify, the Court judgment included that even though Mr Samon was given a chance to prove 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.

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!


MR. SAMON SOMCHITR

63 years old

COURT HEARING 

CASE 1737/2017	25 June 2019
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CONVICTED TO

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES 	CIVIL CHARGES 
		<i>Jail time</i>	<i>Fine - each one with 7.5% interest per year</i>
CASE 1737/2017	8 rais and 1 square wah	Will be monitored for 1 year and on parole for 3 years, and will have to report to authorities 4 times a year	360,663 THB
<p>+ LAND EVICTION </p> <p><i>Within 30 days from the date of the court judgment</i></p>			

*1 rai = 0.16 hectare *1 ngan = 400 square meters *1 square wah = 4 square meters




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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


14 LAND RIGHTS DEFENDERS UNFAIRLY TREATED AS CRIMINALS



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



MS. NITTAYA MUANGKLANG
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 only poor people. I realize that this is an inequality between the rich and the poor.”

COURT HEARING 


CASE 1738/2017	5 June 2019
CASE 1739/2017	15 May 2019

CONVICTED TO

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES 	CIVIL CHARGES 
		Jail time	Fine - each one with 7.5% interest per year
CASE 1738/2017	8 rais and 90 square wah	8 months	150,000 THB
CASE 1739/2017	1 rai, 2 ngan and 98 square wah	4 months	40,000 THB
TOTAL		12 months	190,000 THB

+ LAND EVICTION 


*1 rai = 0.16 hectare *1 ngan = 400 square meters *1 square wah = 4 square meters



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MRS. SEENUAN PHASANG
60 years old


“After 33 years of marriage, her husband asked for divorce because he was ashamed of the fact she was facing criminal charges.”


“I am concerned that my children won't have land to live on because it belongs to the national park, and they are not allowed to live there. I am fighting for those who don't have a place to live and for all of my friends who face the same situation.”

COURT HEARING 


CASE 1736/2017	4 June 2019
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CONVICTED TO

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES 	CIVIL CHARGES 
		Jail time	Fine - each one with 7.5% interest per year
CASE 1736/2017	6 rais and 4 square wah	5 months and 10 days	150,000 THB

+ LAND EVICTION 

*1 rai = 0.16 hectare *1 ngan = 400 square meters *1 square wah = 4 square meters



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SAI THONG NATIONAL PARK CASE

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MS. PATTAMA KOMET
47 years old

She's taking care of her disabled mother, and has young children that she had to put in boarding school. If she is jailed, she doesn't know who will take care of her mother.

“ 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, we still have rights that should be equal to any other Thai people's rights.”

COURT HEARING

CASE 1744/2017	12 June 2019
CASE 1745/2017	

CONVICTED TO

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES	CIVIL 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	200,000 THB
CASE 1745/2017	15 rais and 83 square wah		

+ 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

SAI THONG NATIONAL PARK CASE

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MS. SUNEI NALIN
71 years old

She has a lot of health issues, and she's taking care of her youngest son who is mentally disabled. She doesn't know where he will live if she is jailed.

“ 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
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CONVICTED TO

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES	CIVIL CHARGES
		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 meters *1 square wah = 4 square meters

SAI THONG NATIONAL PARK CASE

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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 so far. ”

COURT HEARING

CASE 1731/2017	12 June 2019
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CONVICTED TO

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES	CIVIL CHARGES
		<i>Jail time</i>	<i>Fine - each one with 7.5% interest per year</i>
CASE 1731/2017	6 rais, 3 ngan and 31 square wah	5 months and 10 days	381,010 THB
+ LAND EVICTION 			

*1 rai = 0.16 hectare *1 ngan = 400 square meters *1 square wah = 4 square meters

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MRS. SAKL PRAKIT
42 years old

“ 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	18 June 2019
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CONVICTED TO

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

*1 rai = 0.16 hectare *1 ngan = 400 square meters *1 square wah = 4 square meters