

SAI THONG NATIONAL PARK CASE

PROFILES & SUMMARY OF THE CONVICTIONS AGAINST 14 LAND RIGHTS DEFENDERS OF SAB WAI VILLAGE



MANUSHYA
Empowering Communities | Advancing Social Justice

The criminalisation of the 14 Sab Wai villagers in the Sai Thong National Park is a representative case of the false climate solution adopted by Thailand and the misuse of the Forest Reclamation Policy and NCPO orders related to its enforcement (NCPO orders 64/2014 and 66/2014), targeting poor communities and land rights defenders to evict them from their lands, rather than criminalising large-scale businesses and capitalist investors. Forest communities must be recognised as key caretakers and protectors of the forest, not unfairly casted as 'criminals'.

The case showcases ongoing human rights violations committed against prominent land rights defender, community leader and board member of Isaan Land Reform Network (ILRN), Ms. Nittaya Muangklang, who is facing court cases in relation to her legitimate human rights actions along with thirteen other villagers of the Sab Wai Village, all members of the ILRN. The other villagers are: Mrs. Seenuan Phasang; Ms. Pattama Komet; Ms. Sunee Nalin; Mrs. Sakl Prakit; Ms. Narisara Muangklang; Mrs. Thongpan Monggang; Ms. Suwalee Phongam; Mrs. Suphaphorn Seesuk; Mr. Suwit Rattanachaisi; Mr. Samon Somchitr; Mr. Put Sukbongkot; Mr. Wanchai Arphonkaeo, and Mr. Sompitr Taennok. Ms. Nittaya leads her community, including the thirteen villagers, in their resistance against the Royal Thai Government's push for eviction from their lands that is based on the misuse of the military government's forest reclamation policy adopted in 2014.

All the 14 villagers were found guilty as a result of the Appeal Court judgments of Chaiyaphum Province, given from 15 May to 3 July 2019: 13 villagers (9 women, 4 men) were sentenced to jail time, 1 villager (Samon Somchitr) was sentenced to authorities' monitoring, and all 14 villagers were sentenced to pay damages for destroying the forest under the Forest Act B.E. 2484, the National Reserved Forests Act B.E. 2507, and the National Park Act B.E. 2504, all part of the Forest Reclamation Policy (NCPO order 64/2014). This law is being misused to target local communities, farmers and Indigenous Peoples rather than investors (NCPO order 66/2014), evicting them from a land they have been living on for generations, way before the creation of the Sai Thong National Park, and putting them further in poverty, leaving family and children behind. The criminalisation of the Sab Wai villagers is also violating their fundamental rights to life, livelihood, food, housing and due process.

Thailand's false climate solution & the misuse of forest conservation policies to criminalise rural communities rather than capitalist investors

Thailand is one of the developing countries participating in the Forest Carbon Partnership Facility (FCPF), which is a global partnership of governments, businesses, civil society and indigenous peoples focused on reducing emissions from deforestations and forest degradation, forest carbon stock conservation, sustainable management of forests, and enhancement of forest carbon stocks in developing countries (activities commonly referred to as REDD+).ⁱ The FCPF hosted by the World Bank has created a framework and processes for REDD+ readiness, which helps participating countries get ready for future systems of financial incentives for REDD+.ⁱⁱ Thailand was selected as one of the REDD participant country in 2009. Its REDD+ readiness preparation proposal was approved in 2013 with a condition to undertake additional consultations with the concerned stakeholders, in particular indigenous peoples and local communities that have been monitoring the REDD+ implementation in the country.ⁱⁱⁱ Subsequently, in 2014, the Forestry Master Plan, the 'Forest Reclamation Policy', was issued based on NCPO Order 64/2014.

The Forestry Master Plan: 'Forest Reclamation Policy' as a strategy to evict the Poor

With this policy, the Thai government, specifically the Royal Forest Department (RFD), aims to combat problems such as forest destruction and trespassing on public land, while intending to increase Thailand's national forest area by 26 million Rai or upto 40% of the total area of the country. The Master Plan was around the discourse that commercial investors' exploitation of Thailand's natural resources is responsible for deforestation and must be stopped. The government appeared sincere in its intentions to target only wealthy investors after it released Order 66/2014, a supplemental directive which states that government operations must not impact the poor. However, implementation of the Master Plan has overwhelmingly targeted impoverished villagers and indigenous peoples who lived on their lands for decades as "investors" or alleged that local communities were being funded by wealthy investors, resulting in a complete disregard of the protection measures set out by Order 66/2014. The RFD does so by misusing laws and policy by confiscating land and evicting villagers from their land, by enforcing various forests and national park related laws such as (a) the Forest Act B.E. 2484, (b) the National Reserved Forests Act B.E. 2507, and (c) the National Park Act B.E. 2504.

Focus on the controversial NCPO orders operationalizing the Forest Reclamation Policy

To operationalise the forest reclamation policy, orders were also passed by the National Council for Peace and Order (NCPO) consisting of the military junta. The two most relevant orders include NCPO Order No. 64/2014 and 66/2014.

- NCPO Order 64/2014 related to the suppression and cessation of encroachment and destruction of forest resources, provides that authorized state agencies are to suppress violations and arrest those who encroach on, seize, possess, destroy, or act in any manner that may cause damage to the forest, specifically on protected land. The aim of the NCPO Order 64/2014 is to stop deforestation which has been caused by commercial investors' exploitation of Thailand's natural resources.

- NCPO Order 66/2014 suggests that the primary targets of these measures must be investors or large-scale outside developers, whereas the poor, landless and those who have settled in the land before it was declared as a protected area, should not be affected by the NCPO order 64/2014. NCPO Order 66/2014 establishes a list of such people who are permitted to use the land. The Order 66/2014 appeared to focus only on wealthy investors. However, during its implementation of the Forestry Master Plan, the government has persistently identified impoverished villagers who lived on their lands for decades as “investors” or alleged villagers as being funded by wealthy investors, resulting in the loss of protection as set out by Order 66/2014.

Contradiction with Cabinet Resolution of 30 June 1998

The Cabinet issued a resolution of 30 June 1998, which was proposed as a solution to land problems in areas designates as national reserved forest area, by surveying the land and data available with respect to it. This resolution of 30 June 1998 allows those who have been occupying land prior to its declaration as a reserved area to continue to inhabit the area in accordance with the National Reserved Forest Act, and also allows subsequent inhabitants the right to occupy such land pursuant to the Community Sufficient Economy Project. However, the NCPO orders and 64/2014 66/2014 do not refer to the Cabinet resolution of 30 June 1998 at all.















In the Sai Thong National Park case, the Court of First Instance and the Appeal Court both discussed the Cabinet resolution of 30 June 1998 as the basis for the distribution of land, and the application of NCPO Orders 64/2014 and 66/2014. As a result, since NCPO orders 64/2014 and 66/2014 do not refer to and do not comply with the Cabinet Resolution of 30 June 1998 to protect inhabitants who lived on forest lands prior to its declaration as reserved area, the petitions to the Supreme Court shall challenge this contradiction. We hope the Supreme Court judges will interpret NCPO order 66/2014 in a way that protects and benefits the villagers, in line with the Cabinet Resolution of 30 June 1998.

Endnotes

- i Forest Carbon Partnership. N.d. *About FCPF*. [online] Available at: <https://www.forestcarbonpartnership.org/about-fcpf-0>
- ii Forest Carbon Partnership Facility. N.d. *What is REDD+?*, available at: <https://www.forestcarbonpartnership.org/what-redd>
- iii *Thailand R-PP: TAP Comments and Recommendations*, 2013, available at: <https://www.forestcarbonpartnership.org/sites/fcp/files/2013/Thailand%20R-PP%20TAP%20Comments%20and%20Recommendations.pdf> . See also, *Response Matrix to TAP Final Review*, available at: <https://www.forestcarbonpartnership.org/sites/fcp/files/2013/Response%20matrix%20to%20TAP%20Final%20review%20%20comment%2018%20March.pdf>

SAI THONG NATIONAL PARK CASE

14 LAND RIGHTS DEFENDERS UNFAIRLY TREATED AS CRIMINALS

VILLAGERS		CASE	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES <i>Jail time</i>	CIVIL CHARGES <i>Fine - each one with 7.5% interest per year</i>
	MS. NITTAYA MUANGKLANG	1738/2017	8 rais and 90 square wah	8 months	150,000 THB
		1739/2017	1 rai, 2 ngan and 98 square wah	4 months	40,000 THB
	MRS. SEENUAN PHASANG	1736/2017	6 rais and 4 square wah	5 months and 10 days	150,000 THB
	MS. PATTAMA KOMET	1744/2017	11 rais, 3 ngan and 9 square wah	8 months	200,000 THB
		1745/2017	15 rais and 83 square wah		
	MS. SUNEEN NALIN	1735/2017	11 rais, 3 ngan and 73 square wah	5 months and 10 days	439,027 THB
	MRS. SUPHAPHORN SEESUK	1731/2017	6 rais, 3 ngan and 31 square wah	5 months and 10 days	381,010 THB
	MRS. SAKL PRAKIT	1732/2017	46 rais, 3 ngan and 3 square wah	4 years	1,587,211 THB
	MRS. THONGPAN MONGGANG	1740/2017	5 rais, 3 ngan and 11 square wah	8 months	100,000 THB
		1741/2017	2 rais, 2 ngan and 50 square wah		
	MR. WANCHAI ARPHONKAE	1733/2017	14 rais, 3 ngan and 73 square wah	6 months and 20 days	860,395 THB
	MR. SAMON SOMCHITR	1737/2017	8 rais and 1 square wah	1 year monitoring and on parole for 3 years	360,663 THB
	MR. PUT SUKBONGKOT	1734/2017	14 rais, 3 ngan and 8 square wah	6 months and 20 days	370,000 THB
	MR. SOMPITR TAENNOK	1746/2017	10 rais, 3 ngan and 49 square wah	10 months	100,000 THB
		2452/2017	11 rais, 1 ngan and 88 square wah	10 months and 20 days	100,000 THB
	MS. NARISARA MUANGKLANG	1742/2017	3 rais, 1 ngan and 87 square wah	9 months and 10 days	607,161 THB
		1743/2017	8 rais, 3 ngan and 51 square wah		
	MS. SUWALEE PHONGAM	1748/2017	5 rais, 3 ngan and 9 square wah	5 months and 10 days	160,000 THB
	MR. SUWIT RATTANACHAIS	1747/2017	2 rais, 1 ngan and 20 square wah	17 months	110,762 THB

*1 rai = 0.16 hectare

*1 ngan = 400 square meters

*1 square wah = 4 square meters



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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 
		<i>Jail time</i>	<i>Fine - each one with 7.5% interest per year</i>
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 			

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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

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

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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	
		<i>Jail time</i>		<i>Fine - each one with 7.5% interest per year</i>	
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				
	<div><div>+ LAND EVICTION</div><div></div><div><i>Within 15 days from the date of the court judgment</i></div></div>				

*1 rai = 0.16 hectare

*1 ngan = 400 square meters

*1 square wah = 4 square meters



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MS. SUNEENALIN

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

CONVICTED TO

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES 	CIVIL CHARGES 
		Jail time	Fine - each one with 7.5% interest per year
CASE 1735/2017	11 rai, 3 ngan and 73 square wah	5 months and 10 days	439,027 THB
	+ LAND EVICTION 		

*1 rai = 0.16 hectare

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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

CONVICTED TO

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

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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

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



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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 
		<i>Jail time</i>	<i>Fine - each one with 7.5% interest per year</i>
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



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**MR. WANCHAI
ARPHONKAEAO**

28 years old

COURT HEARING

CASE 1733/2017

25 June 2019

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

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MR. SAMON SOMCHITR
63 years old



COURT HEARING



CASE 1737/2017

25 June 2019

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
+ LAND EVICTION  <i>Within 30 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



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**MR. PUT
SUKBONGKOT**

47 years old

COURT HEARING



CASE 1734/2017

2 July 2019

CONVICTED TO

ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES	CIVIL CHARGES
	<i>Jail time</i>	<i>Fine - each one with 7.5% interest per year</i>
14 rais, 3 ngan and 8 square wah	6 months and 20 days	370,000 THB
+ LAND EVICTION		

*1 rai = 0.16 hectare

*1 ngan = 400 square meters

*1 square wah = 4
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MR. SOMPITR TAENNOK
54 years old

COURT HEARING



CASE 1746/2017	2 July 2019
CASE 2452/2017	3 July 2019

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 1746/2017	10 rais, 3 ngan and 49 square wah	10 months	100,000 THB
CASE 2452/2017	11 rais, 1 ngan and 88 square wah	10 months and 20 days	100,000 THB
TOTAL		20 months and 20 days	200,000 THB
+ LAND EVICTION  For case 1746 - within 30 days from the date of the court judgment			

*1 rai = 0.16 hectare

*1 ngan = 400 square meters

*1 square wah = 4 square meters



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MS. NARISARA MUANGKLANG

33 years old

She is Nittaya's and Suphaphorn's sister. She worries a lot about her father who has serious health issues and needs someone to take care of him.




“ I am worried about the amount of debt that we have. If I really have to go to jail, how could my father live alone as every woman in my family has been charged? I am so stressed that I cry all the time. My mental health is really affected.”

COURT HEARING



CASE 1742/2017	3 July 2019
CASE 1743/2017	

CONVICTED TO

	ALLEGED ENCROACHED SURFACE	CRIMINAL CHARGES 	CIVIL CHARGES 
		Jail time	Fine - each one with 7.5% interest per year
CASE 1742/2017	3 rais, 1 ngan and 87 square wah	9 months and 10 days	607,161 THB
CASE 1743/2017	8 rais, 3 ngan and 51 square wah		
	+ LAND EVICTION 		

*1 rai = 0.16 hectare

*1 ngan = 400 square meters

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MS. SUWALEE PHONGAM

36 years old

She's worried about her daughter, who is very young.

“ I am concerned about many things such as my children, my parents, my husband, expenses for food, water and electricity, school and my previous husband's debt. Basically I am responsible both for taking care of my family and working to earn money every month. ”

COURT HEARING



CASE 1748/2017

3 July 2019

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 1748/2017	5 rai, 3 ngan and 9 square wah	5 months and 10 days	160,000 THB
+ LAND EVICTION 			

*1 rai = 0.16 hectare

*1 ngan = 400 square meters

*1 square wah = 4 square meters



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**MR. SUWIT
RATTANACHAISI**
62 years old

COURT HEARING



CASE 1747/2017

3 July 2019

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 1747/2017	2 rais, 1 ngan and 20 square wah	17 months	110,762 THB
+ LAND EVICTION 			

*1 rai = 0.16 hectare

*1 ngan = 400 square meters

*1 square wah = 4
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About Manushya Foundation (MF)

Manushya Foundation is an Asia regional organisation aiming at empowering local communities to put them at the heart of decision making processes that concern them, to advance human rights, social justice and peace. Manushya Foundation serves as a bridge to engage, mobilise, and empower agents of change by: connecting humans through inclusive coalition building and; by developing strategies focused at placing local communities' voices in the centre of human rights advocacy and domestic implementation of international human rights obligations and standards. Manushya Foundation strengthens the solidarity and capacity of communities and grassroots to ensure they can constructively raise their own concerns and provide solutions in order to improve their livelihoods and the human rights situation on the ground. For further information on the work of Manushya Foundation, visit:

<https://www.manushyafoundation.org>