

# [Restore the rights of unfairly criminalized villagers in the Sai Thong National case](#)

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*Press release by Manushya Foundation*

**CHAIYAPHUM** - Manushya Foundation and the ThaiBusiness & Human Rights Network call on the Thai authorities to remedy the harm caused to the 14 residents of Sab Wai village by dropping all charges against them, and by restoring their lost rights related to land, livelihood, food, housing and due process.

On 2 and 3 July 2019, Manushya Foundation monitored the proceedings of the Chaiyaphum Provincial Court in the last five appeal judgments against [14 members of Sab Wai village](#).

In the appeal judgments, the Court sentenced Mr. Put Sukbongkot to six months and 20 days in prison and a fine of 370,000 baht; Mr. Sompitr Taennok to 20 months and 20 days in prison and a fine of 200,000 baht; Ms. Narisara Muangklang to nine months and ten days in prison and an increased fine from 130,000 to 607,161 baht; Ms. Suwalee Phongam to five months and ten days in prison and a fine of 160,000 baht; and Mr. Suwit Rattanachaisi to 17 months in prison and an increased fine from 40,000 to 110,762 baht. The Court also ordered their eviction from land that they have been living and farming on for generations, long before the government classified it as a national park.

The 14 villagers, nine women and five men, are unfairly cast as criminals as they were charged by authorities of the Sai Thong National Park who used the 2014 Forest Reclamation Policy passed by the military junta's National Council for Peace and Order (NCPO) against them, including the Forest Master Plan, NCPO Order 64/2014, and NCPO Order 66/2014.

This forest conservation policy was meant to stop capitalist investors from damaging the forest, but it is hurting poor communities instead. As an illustration, in the appeal judgments given by the Chaiyaphum Provincial Court, the 14 villagers were charged with disproportionately heavy criminal sentences with the maximum being four years and hefty fines

with the highest being more than 1.5 million baht as payment for damage of destroying the forest under the Forest Act 1941, the National Reserved Forests Act 1964, and the National Park Act 1961. This has led to 13 villagers being currently in jail and one villager being monitored. All 14 villagers are losing their freedom, their livelihood, housing and food security, causing serious damage to their lives and that of their families, with elders and children left behind with no financial means.

“It is me alone now, who has to take care of all the young children of my sisters and my father who has a chronic illness,” said Surinthong Muangklang, whose mother (Mrs Thongpan Monggang), and three sisters (Nittaya Muangklang, Suphaphorn Seesuk, Narisara Muangklang) are all in jail.















“I do not know what justice means anymore, when it is just us poor people who are being put in jail,” she added.

Justifying the forest reclamation policy on the basis of increasing forest cover as a means to mitigate climate change; the government targets local farming communities instead of large-scale businesses and investors.

Apirak Nantaseree, Researcher at iLaw highlighted: “The Sai Thong National Park case provides the clearest picture of the impact of NCPO Order 64/2014 and NCPO Order 66/2014. These are used to send people to jail, claiming that it is the policy of the government”. He added “We want the impact of the laws on the villagers to be as widely known, as other political matters. It is important that the general public understands the content of the NCPO Orders, as the land rights of several others in Thailand will also be affected by it.”

# 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. SUNE 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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Adding to the dangerous adverse impacts of the application of the forest reclamation policy on rural communities all over Thailand, Chainarong Setthachua, a lecturer at Mahasarakham University stressed: “In Thailand, forest management in the past consisted of delegating land to the private sector through land concession agreements, but when the Thai government adopted the idea of forest conservation it was only used to separate people from nature. These kinds of conservation policies will never be successful. It is time that Thai society questions, what they receive from such forest conservation policies that only leads to poor people being arrested and imprisoned.”

With the appeal process before the Chaiyaphum Provincial Court now completed, the case will be submitted to the Supreme Court for consideration.

“The villagers are being sentenced using NCPO Orders 64/2014 and 66/2014 against them. However, these NCPO orders do not refer to and comply with the Cabinet Resolution of 30 June 1998 [1], allowing communities occupying land prior to its declaration as a reserved area to continue to inhabit the area in accordance with the National Reserved Forest Act. Our petitions to the Supreme Court will challenge this contradiction,” stressed Mr. Somnuek Tumsupap, the lawyer representing the villagers in their appeal petition before the Supreme Court.

“My hope remains that the Supreme Court will interpret the NCPO Orders in a way that benefits the villagers, in line with the Cabinet Resolution of 30 June 1998,” he added.

The 14 villagers and their families have had to fight through a judicial process, despite several attempts to resolve the case by working with Provincial government authorities to find a constructive solution.

Tai Oranuch, Board member of Isaan Land Reform Network (ILRN), pointed out: “We have made constant efforts to work with provincial authorities to reach a solution, even by providing a Sustainable Land and Natural Resources Management Plan. As a result of these negotiations, the Deputy Governor of the Chaiyaphum Province, who also serves as the Chairman of the Working Group to solve the Sai Thong National Park case only stated that he would provide a letter on the negotiations to the

relevant authorities, but so far we have not seen any concrete action in this respect, not even basic support for the affected family members.”

It is important to remember that rural and forest communities are always at the centre of the protection of forests. They do not harm the environment but live in peaceful harmony with Mother Nature.

Emilie Pradichit, founder and director of Manushya Foundation explained: “Forest conservation policies must be developed with the meaningful inclusion and participation of concerned communities, not to criminalize them in favor of business incentives. We will fight false climate solutions and continue to stand with the Sab Wai villagers and their families in their courageous fight for justice, by monitoring the appeal process before the Supreme Court.”

“This is an emblematic case for all of us as this is the first time in history that affected communities are challenging the misuse and adverse impacts of the forest reclamation policy and NCPO orders 64/2014 and 66/2014 against poor villagers. If the 14 Sab Wai human rights defenders win at the Supreme Court, their judicial battle could serve and protect a considerable number of communities all over Thailand, also facing criminal and civil charges due to badly drafted forest conservation policies,” she concluded.

Human rights organizations and academics working together in support of the 14 Sab Wai villagers will continue to find effective and actionable solutions to ensure that the fundamental rights of the affected communities, including their right to life, livelihood, housing, food and due process are fully restored and redressed. With numerous lives being harmed irreversibly as a result of the misuse of the forest reclamation policy in Sab Wai village and all over Thailand, they reaffirm their call to the Thai government and National Park Authorities to protect the fundamental rights of the 14 villagers by:

1. Immediately dropping all criminal and civil charges against the 14 villagers for the legitimate use of their land.

2. Stopping, without further delay, the abuse of forest conservation laws and policies, NCPO orders, to evict local communities and individuals from land they have been living on for generations.
3. Abolishing NCPO Orders 64/2014 and 66/2014 that disproportionately impact marginalized and impoverished local communities denying them of their right to land, their right to work and to sustainable livelihoods, instead of targeting investors and large-scale businesses.
4. Providing a fair remedy to those who have been affected by the unjust use of the concerned laws, policies, NCPO orders, and protecting their fundamental rights accordingly.
5. Guaranteeing the effective implementation of the Sustainable Land and Natural Resources Management Plan, inclusive of community participation, which had been approved by the Provincial Working Group (created to resolve land issues taking place in the Sai Thong National Park) on 19 March 2018.

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*This article was edited for readability by The Isaan Record*

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