

# JOINT STATEMENT

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March 6, 2021

Twenty-two indigenous Karen peoples - including women and a disabled person - detained by Thai park authorities must be immediately released on bail, according to a coalition of human rights organisations, urging a swift end to their judicial harassment over rights to ancestral lands.

Since February 22, Kaeng Krachan National Park authorities have forcibly moved around 100 villagers from their homes in the Bang Kloi - Jai Pandin high land, accusing them of encroaching on the forest.

But the community - known Bang Kloi Bon Karen - has refused to leave an area they have called home for over a century and a Petchaburi court issued an arrest warrant for them leading to the detention of 22 in Phetchaburi Central Prison.

Among those detained are women - including mothers separated from their children - as well as at least one person with a physical impairment.

The Karen villagers have been coerced to sign legal documents in the language they cannot read. Their lawyers were denied access during the first few hours of the legal process. Without a legal representative they have been charged with forest lands encroachment.

Seven human rights organisations, including the Cross Cultural Foundation and the Human Rights Lawyers Association, say the harassment of the community goes against Thai law and constitutes a gross violation of the Bang Kloi community's rights.

We strongly condemn the park authorities and all relevant parties in this judicial harassment - an act of human rights violation.

The Phetchaburi court must grant bail without condition. The court should drop charges over the land dispute against the Karen Indigenous Peoples community.

The state must also protect, respect and restore the rights of these IPs as stated in an August 3, 2010 cabinet resolution.

That resolution agreed to restore the Karen Indigenous Peoples way of life, prohibit forest officials from arresting Karen in the disputed-ancestral land, set up a demarcation committee to resolve land disputes and promote biological diversity in the highlands including the building of food security for the community.

We call on the state to use a constructive dialogue mechanism and a neutral, multi-party committee to resolve this dispute once and for all.

Lastly, we strongly urge the state to cease all discriminatory acts and prejudices targeting the Bang Kloi Karen Indigenous peoples as well as other indigenous groups in accordance with the international human rights and environmental conservation agreements Thailand has ratified.

Those include the Convention on the Elimination of Racial Discrimination (CERD), the International Convention on Civil and Political Rights (ICCPR) fair trial and the International Covenant on Economic, Social and Cultural Rights (ESCR) to name a few.

“This is an act of judicial harassment by the state against the Karen Indigenous Peoples of Bang Kloi. It is brutal, discriminatory and illegal,” said Pornpen Khongkachonkiet, the director of Cross Cultural Foundation.

“The Thai state has adopted the mentality that the forest is reserved only for trees and animals, but not the people who are native to the forestland. There needs to be a national reconciliation, or else this issue will persist,” added Pornpen, director of Cross Cultural Foundation.

The Indigenous Karen Communities of Kaeng Krachan have lived in the highlands and deep in forest close to the Thai-Myanmar border for decades cultivating more than 50 different kinds of vegetables in a rotational farming culture. The most senior community member, Ko-I Meemi, aka Grandpa Ko-I, was born on the forestland in 1911 according to his Thai national i.d. card. He died in 2018 at the age of 107.

The area was declared a forest reserve in 1965, but it was incorporated into Kaeng Krachan National Park in 1981. In 1996 these Bang Kloi Bon (Upper Bang Kloi) Karen were forced to relocate to Bang Kloi Lang (Lower Bang Kloi) and Pong Luek as the Thai authorities claim that their sustainable cultivation of the forest as encroachment.

Thailand proposed for the Kaeng Krachan Forest Complex to be listed as one of the UNESCO natural world heritage sites in 2015. But the decision has been postponed in 2019 as a result of unresolved human rights violations against the Indigenous Karen population.

Cross Cultural Foundation (CrCF)

ENLAWTHAI Foundation (ENLAW)

Human Rights and Development Foundation (HRDF)

Human Rights Lawyers Association (HRLA)

Manushya Foundation

Northern Development Foundation (NDF)

Union for Civil Liberty (UCL)