



No. 52101/153

**PERMANENT MISSION OF THAILAND
GENEVA**

The Permanent Mission of Thailand to the United Nations and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to the joint communication from the Human Rights Council special procedures ref. AL THA 7/2019 dated 19 August 2019, has the honour to forward herewith Thailand's response to the said joint communication.

The Permanent Mission of Thailand to the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its high consideration.

Geneva, 10 June B.E. 2563 (2020)



**Thailand's response to the Joint Communication from HRC Special
Procedures No. AL THA 7/2019 dated 19 August 2019**

1. The Royal Thai Government notes the concerns expressed in the Joint Communication and wishes to provide the following information in response thereto.

The legal and factual basis of the prosecution of the 14 defendants, along with information on how these are compatible with international human rights law.

Legal and factual background

2. Human rights, dignity, liberties and equality of people are protected under the Constitution of the Kingdom of Thailand, B.E. 2560 (2017) (the Constitution). The Constitution provides a framework conducive to address the needs of people in a pluralistic and cohesive society. It prohibits all forms of discrimination and provides legal recognition of human rights for all.

3. Although there is no explicit reference to the right to land under international human rights law, the Constitution guarantees it in Section 37 (right to property and succession), Section 43 (right of a person and community to natural resources, environment and biodiversity and right to submit petition proposing a recommendation to a State agency for the benefit of a community) and Section 72 (obligations of the State to manage the contribution and utilization of land, water resources and energy). Several laws also recognize various forms of right to land, and manages the use of them. In the Joint Communication's context, forest land is generally regulated by the Forest Act, B.E. 2484 (1941), the National Reserved Forest Act, B.E. 2507 (1964) and the National Park Act, B.E. 2504 (1961). They have prescribed measures to preserve the forests, including by prohibiting forest encroachment, managing the utilization of natural resources and establishing national reserved forests.

4. To address practical challenges in protecting the right to land and right to housing of communities residing in the forests, the Government also sets certain conditions in the Cabinet Resolution dated 30 June B.E. 2541 (1998), under which former residents, having occupied land prior to the establishment of the reserved forest areas, can draw benefit from and inhabit the forests as provided by the National Reserved Forest Act, B.E. 2507 (1964).

5. These efforts illustrate that Thailand has extended the protection of the right to land beyond its obligations under international law while addressing a wide

range of issues, especially finding a balance between the right to land of certain groups of people and the right to environment of all.

Information on the prosecution of the 14 defendants

6. The time of settlement of the defendants (1970s), as mentioned in the Joint Communication, occurred long after the enactments of the Forest Act, B.E. 2484 (1941), the National Reserved Forest Act, B.E. 2507 (1964) and the National Park Act, B.E. 2504 (1961). This indicates a serious non-observance and violation of the laws.

7. Since the Cabinet Resolution dated 30 June B.E. 2541 (1998) entered into effect, the authorities have conducted surveys in 2003, 2006 and 2011 and requested all persons residing in the national reserved forests to formally register as former residents whose settlement was protected under the Resolution. However, there has been no record of the 14 defendants registering as former residents after the said surveys and registration. More significantly, [REDACTED] Ms. Nittaya Muangklang's [REDACTED] signed a document in 2015 indicating that the defendants themselves admitted to not being former residents and consented to vacate the land, as explained in more detail in paragraph 11.

8. Meanwhile, the Orders of the National Council for Peace and Order (the NCPO Orders) No. 64/2557 and No. 66/2557 of 2014 have as the object and purpose to stop deforestation resulting from exploitation of natural resources by investors, while at the same time protecting the "poor" registered as former residents in accordance with the Resolution. Therefore, the NCPO Orders in question have not been applied in these cases and the term "misuse" of the NCPO Orders as coined in the Joint Communication is not applicable.

9. The status of the cases in question is summarized in the Annex.

Information on how the evictions of forest-dependent communities from their lands, as being pursued under the Forest Reclamation Policy and supplemental NCPO orders, as well as the lack of corresponding relocation or compensation measures, are compatible with Thailand's obligations under international human rights law.

10. All rights of the defendants are protected and guaranteed under the Constitution and related procedural laws, which are consistent with Thailand's obligations under international law as well as human rights and core principles of

equality under the law, accountability before the law and fairness in the protection of rights.¹

11. According to the Office of the Attorney-General, the authorities and concerned officials met ██████████ Ms. Nittaya Muangklang's ██████████ during an inspection of the forest area Klum-Ta-Mun, Sub-district (Tambon) Huay -Yae, District (Amphoe) Nong – Bua – Ra-We, Chaiyaphum Province on 17 May 2015. Mrs. ██████████ admitted that she and other defendants were not former residents, and signed a document stating their consent to vacate the land after the cultivating season or by 31 January 2016. However, Ms. N. Muangklang and other defendants failed to vacate the land within the agreed timeframe, so the public prosecutor at the Office of Provincial Public Prosecution of Chaiyaphum commenced the prosecution in the Provincial Court of Chaiyaphum against the 14 alleged offenders.

12. The prosecution of the 14 defendants' illegal forest encroachment is in accordance with the Forest Act, B.E. 2484 (1941), the National Reserved Forest Act, B.E. 2507 (1964) and the National Park Act, B.E. 2504 (1961). The prosecution order contained allegations of the offence under the said laws and requested that the defendants and their dependents remove property, demolish and remove their construction and other objects from the territory of the National Reserved Park, and pay for the damages with the interest rate of 7.5 percent per annum to the Department of National Parks, Wildlife and Plant Conservation, Ministry of National Resources and Environment.

13. Nevertheless, the defendants were eligible to apply for financial assistance from the Justice Fund, under the Justice Fund Act, B.E. 2558 (2015), to enhance their access to legal aid, lawyers, and judicial proceedings in line with Thailand's obligations under international human rights law.² Such assistance includes proof and evidence gathering, court fees and bail monies, compensation for victims of human rights violations, as well as public dissemination of basic legal knowledge.

14. The defendants who had applied for loan assistance received the bail money of THB 200,000 – 400,000 (USD 6,300 – 12,600) and were subsequently temporarily released.

¹ For example, the CESCR's General Comment No. 7: The right to adequate housing (art. 11 (1) of the ICESCR): Forced evictions, para 3.

² As such are, among others, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social and Cultural Rights (ICESCR).

Legal procedure and criteria invoked for identifying individuals excluded from protection under NCPO Order 66/2557 of 2014. Please provide information on the definition of the “poor” under the NCPO Order 66/2557 of 2014 and on how it is employed in the process of granting protection from the impacts of the NCPO Order 64/2557 of 2014.

15. As explained in paragraph 8, the NCPO Orders have not been applied in the cases of the 14 defendants.

16. According to the Internal Security Operations Command (ISOC), the “poor” under the NCPO Order No. 66/2557 of 2014 shall not fall in the scope of an “investor” and be jointly identified and verified by : 1) administrative officers; 2) police officers; 3) military officers; and 4) forest officers or the Department of Natural Parks, Wildlife and Plant Conservation or the Department of Marine and Coastal Resources of the Ministry of Natural Resources and Environment and other responsible agencies in the areas.

17. An ‘investor’ is identified in accordance with the following criteria: 1) the encroached land is larger than 25 Rai (40,000 square meters) unless the land is acquired by a local resident in accordance with the Cabinet Resolution dated 30 June B.E. 2541 (1998); 2) the encroached land is smaller than 25 Rai, if the land is acquired by a non-resident investor for other purposes such as building a vacation house, a hotel or a resort; 3) owners of land or rubber plantation with a size of more than 25 Rai; 4) the land is possessed by a non-resident owner or encroached by a nominated local resident; 5) the land or rubber plantation is a big business of high-value investment in construction, accommodation or management system; 6) a leader of the local community confirms that the owner is not poor; or 7) in case that the owner is non-resident, it shall be verified if they are poor.

18. The process of identification includes the participation of all stakeholders through written testimony containing evidence with a copy of their identity card and resident registration for the officers’ consideration, as mentioned in paragraph 4.

Please provide information as to what steps have been taken to ensure that human rights defenders, including land rights defenders, in Thailand are able to carry out their peaceful and legitimate work in a safe and enabling environment, free from any physical, judicial or other harassment.

19. Thailand acknowledges the important role of human rights defenders and civil society in ensuring full respect for human rights. The Government’s efforts to support their works include the following:

20. Since 2017 the Rights and Liberties Protection Department (RLPD) of the Ministry of Justice in consultation with civil society has developed the 'Human Rights Defender Protection Manual' based on related international instruments and domestic law. This project illustrates the strong partnership between the Government and human rights defenders in promoting respect for human rights and fundamental freedoms in Thailand.

21. The RLPD has organized different activities to ensure a safe and enabling environment for human rights defenders such as: 1) conducting training programmes for government officers with different disciplines on human rights defenders protection; 2) jointly organizing field operations in different parts of Thailand with the OHCHR; 3) submitting the Weekly Report on human rights status to the Cabinet; 4) amending the Witness Protection Act, B.E. 2546 (2004); 5) including protection of human rights defenders in different national plans, among them are the National Action Plan on Business and Human Rights launched in 2019 and the draft 4th National Human Rights Plan B.E. 2562-2566 (2019-2023); and 6) developing a mechanism and strengthening networks of human rights defender protection among the public sector and civil society in different provinces of Thailand.

22. Thailand acknowledges that people can be human rights defenders at times, regardless of their profession and qualification, while contributing to the promotion and protection of human rights. Nevertheless, under circumstances, Thailand finds it necessary to give careful consideration regarding those who are parties of a dispute or any third party, whose interests shall be presented in the case.

23. Thailand objects to a disputable and misleading use of the term "land rights defenders" in this Joint Communication, as follows:

- First, while there is no explicit reference to the right to land under international human rights law, such use may create a new legal term inconsistent with the current developments of international law. Against this background, Thailand has indeed guaranteed the right to land beyond its obligations under international law as part of its agenda of promoting and protecting human rights for all, as mentioned in paragraph 3.

- Second, as mentioned in paragraph 6, the 14 defendants have been prosecuted for specific violations of the law over specific periods of time, not because of their activities or performance as human rights defenders.

- Third, in relation to the above, the 14 defendants are parties in the present cases and their interests are inextricably involved, as mentioned in paragraph 22. Since they were prosecuted with periodic violations of the law, they have participated in the legal process in the capacity of "defendants".

24. Regardless of their conditions, the 14 defendants have full access to appropriate forms of legal protection during the process and will be compensated in accordance with related laws and regulations and Thailand's obligations under international law, as mentioned in paragraphs 10-13.

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Annex

Black Case No.	Red Case No.	Plaintiff	Defendant	Legal Assistance from the Justice Fund	Information / Status of the case
1739/60	1875/61	The Public Prosecutor, Chaiyaphum	Ms. Nittaya Muangklang	Financial loan in the amount of THB 400,000	<ul style="list-style-type: none"> - The court of first instance sentenced the defendant to 4-month imprisonment, which would be consecutive to the defendant's prior imprisonment in the black case no. 1738/60 and the red case no. 1869/61. The defendant, workers, employees, representatives, and followers of the defendant shall demolish or remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and the National Park. The defendant shall pay for the damages in the amount of THB 40,000 with the interest rate of 7.5 percent per annum from 8 April 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation. - The plaintiff and the defendant appealed the case. The Court of Appeal upheld the judgment of the Court of First Instance. The fees of both courts shall be vested to the State. - The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 23 July 2019.
1738/60	1869/61	The Public Prosecutor, Chaiyaphum	Ms. Nittaya Muangklang	Financial loan in the amount of THB 200,000	<ul style="list-style-type: none"> - The court of first instance sentenced the defendant to 8-month imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the National Reserved Forest out of the National Reserved Forest and National Park. The defendant shall pay for the damages in the amount of THB 150,000 with the interest rate of 7.5 percent per annum from 11 July 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation. The consecutive sentence was dismissed because the verdict of the red case no. 1739/60 of the Chaiyaphum court had not been presented. - The plaintiff and the defendant appealed the case. The court of appeal upheld the judgment of the court of first instance. The fees of both courts shall be vested to the State. - The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 20 August 2019.
1736/60	1688/61	The Public Prosecutor, Chaiyaphum	Mrs. Seenuan Phasang	Financial loan in the amount of THB 200,000	<ul style="list-style-type: none"> - The court of first instance sentenced the defendant to 5-month-and-10-day imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and National Park. The defendant shall pay for the damages in the amount of THB 150,000 with the interest rate of 7.5 percent per annum from 6 July 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation. - The plaintiff and the defendant appealed the case. The Court of Appeal amended the judgment of the Court of first instance. Since the defendant's offense under the Forest Act, B.E. 2484 (1941), Section 54, Paragraph 1, 72 <i>ter</i>, Paragraph 1, the National Reserved Forests Act, B.E. 2507 (1964), Section 41,31 (newly amended), the National Park Act, B.E. 2504 (1961), Section 16 (1)(2)(4)(13), 24, and 26 was a divisible offence, the punishment shall be taken under the National Reserved Forest Act, B.E. 2507 (1964), Section 14,31 (newly amended), and the rest of the decision of the court of the first instance shall remain. The fees of both courts shall be vested to the State. - The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 15 August 2019.

Black Case No.	Red Case No.	Plaintiff	Defendant	Legal Assistance from the Justice Fund	Information / Status of the case
1745/60	1754/61	The Public Prosecutor, Chaiyaphum	Ms. Pattama Komet	Financial loan in the amount of THB 200,000	<p>- The court of first instance sentenced the defendant to 8-month imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish or remove the construction, cassavas or anything out of the venue within 15 days from the date that the court's decision was presented. The rest of allegations were dismissed. The defendant shall pay for the damages in the amount of THB 250,000 with the interest rate of 7.5 percent per annum from 3 July 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation. (This case was considered jointly with the red case no. 1753/60.)</p> <p>- The case was appealed. The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 1 August 2019.</p>
1744/60	1753/60	The Public Prosecutor, Chaiyaphum		Financial loan in the amount of THB 200,000	<p>- The Court of First Instance sentenced the defendant to 8-month imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction, cassavas or anything out of the venue within 15 days from the date that the court's decision was presented. The rest of allegations were dismissed. The defendant shall pay for the damages in the amount of THB 250,000 with the interest rate of 7.5 percent per annum from 3 July 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation.</p> <p>- The defendant appealed the case. The court of appeal amended the judgment of the court of first instance. The defendant shall pay for the damages in the amount of THB 200,000 with the interest rate of 7.5 percent per annum from 3 July 2016. The fees of both courts shall be vested to the State. The rest of the decision of court of first instance shall remain.</p> <p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 1 August 2019.</p>
1735/60	2017/61	The Public Prosecutor, Chaiyaphum	Ms. Sunee Nalin	Financial loan in the amount of THB 200,000	<p>- The Court of First Instance sentenced the defendant to 8-month imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forests out of the National Reserved Forest and the National Park. The defendant shall pay for the damages in the amount of THB 150,000 with the interest rate of 7.5 percent per annum from 11 September 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal amended the judgment of the court of first instance. The offense under the National Reserved Forest Act, B.E. 2507 (1964), Section 14 shall be punished under the National Reserved Forests Act (No.4), B.E. 2559 (2016), Section 31, Paragraph 1 (newly amended). The defendant shall pay for the damages in the amount of THB 439,027 with the interest rate of 7.5 percent per annum from 11 September 2016. The rest of the decision of the court of first instance shall remain. The fees of both courts shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 15 August 2019.</p>
1732/60	2048/61	The Public Prosecutor, Chaiyaphum	Mrs. Sakol Prakit	Financial loan in the amount of THB 200,000	<p>- The Court of first instance sentenced the defendant to 4-year imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forests out of the National Reserved Forest and the National Park. The defendant shall pay for the damages in the amount of THB 900,000 with the interest rate of 7.5 percent per annum from 25 June 2016 until the amount is fully paid to the Department of National</p>

Black Case No.	Red Case No.	Plaintiff	Defendant	Legal Assistance from the Justice Fund	Information / Status of the case
1743/60	2245/61	The Public Prosecutor, Chaiyaphum	Mrs. Saiphon or Narisara Muangklang	-	<p>Parks, Wildlife and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal amended the judgment of the court of first instance. The defendant shall be punished under the National Reserved Forests Act (No.4), B.E. 2559 (2016), Section 31, Paragraph 2 (newly amended). The defendant shall pay for the damages in the amount of THB 1,587,211 with the interest rate of 7.5 percent per annum from 11 September 2016. The rest of the decision of the court of first instance shall remain. The fees of both courts shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 2 August 2019.</p>
1742/60	2244/61	The Public Prosecutor, Chaiyaphum	Mrs. Saiphon or Narisara Muangklang	-	<p>- The court of first instance sentenced the defendant to 9-month-and-10-day imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and the National Park. The defendant shall pay for the damages on the 3 Rai 1 Ngan and 87 square meters of land and the 8 Rai³ 3 Ngan and 51 square meters of land in the amount of THB 40,000 and THB 90,000 with the interest rate of 7.5 percent per annum from 11 July 2016 and 8 April 2016, respectively, until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation. (This case was considered jointly with the red case no. 2244/61.)</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal amended the judgment of the court of first instance. The defendant shall be punished under the National Reserved Forests Act (No.4), B.E. 2559 (2016), Section 31, Paragraph 2 (newly amended) and pay for the damages in the amount of THB 1,587,211 with the interest rate of 7.5 percent per annum from 11 September 2016. The rest of the decision shall be in accordance with the court of first instance. The fees of both courts shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 2 September 2019.</p>
1742/60	2244/61	The Public Prosecutor, Chaiyaphum	Mrs. Saiphon or Narisara Muangklang	-	<p>- The court of first instance sentenced the defendant to 9-month-and-10-day imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and National Park. The defendant shall pay for the damages on the 3 Rai 1 Ngan and 87 square meters of land and the 8 Rai 3 Ngan and 51 square meters of land in the amount of THB 40,000 and THB 90,000 with the interest rate of 7.5 percent per annum from 11 July 2016 and 8 April 2016, respectively, until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal amended the judgment of the court of first instance. The defendant's offense under National Reserved Forests Act, B.E. 2507 (1964), Section 14, shall be punished under the National Reserved Forests Act (No.4), B.E. 2559 (2016), Section 31, Paragraph 1 (newly amended). The defendant shall pay for the damages on the 3 Rai 1 Ngan and 87 square meters of land and the 8 Rai 3 Ngan and 51 square meters of land in the amount of THB 162,805 and THB 444,356 with the interest rate of 7.5 percent per annum from 11 July 2016 and 8 April 2016, respectively, until the amount is fully paid. The appeal of the plaintiff in the offense under the National Park Act, B.E. 2507 (1964), Section 16 (13), 27 was dismissed. The fees on both civil cases shall be vested to the State. The rest of the decision of the court of first instance shall remain.</p>

Information / Status of the case						
Black Case No.	Red Case No.	Plaintiff	Defendant	Legal Assistance from the Justice Fund	Information / Status of the case	
1740/60	2018/61	The Public Prosecutor, Chaiyaphum	Mrs. Thongpan Muangklang	Financial loan in the amount of THB 200,000	<p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 2 September 2019.</p> <p>- The court of first instance sentenced the defendant to 9-month-and-10-day imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and the National Park area. The defendant shall pay for the damages on the 5 Rai 3 Ngan and 11 square meters of land and the 2 Rai 2 Ngan and 50 square meters of land in the amount of THB 70,000 and THB 30,000 with the interest rate of 7.5 percent per annum from 8 April 2016 and 6 July 2016, respectively, until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal amended the judgment of the court of first instance to 8-month imprisonment. The rest of the decision of the court of first instance shall remain. The fees of both courts shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 2 September 2019.</p> <p>This case was considered jointly with the black case no. 1740/60 and the red case no. 2018/60.</p>	
1741/60	2019/61	The Public Prosecutor, Chaiyaphum				
1748/60	2171/61	The Public Prosecutor, Chaiyaphum	Ms. Suwalee Phongam	Financial loan in the amount of THB 200,000	<p>- The court of first instance sentenced that the defendant had committed an offense under the forest act, B.E. 2484 (1941), Section 54, Paragraph 1, 72 <i>ter</i>, Paragraph 1, the National Reserved Forests Act, B.E. 2507 (1964), Section 14,31, Paragraph 1, the National Park Act, B.E. 2504 (1961), Section 16 (1)(2)(4)(13), 24, and 27. Since the offense was a divisible one, the punishment shall be taken under the National Reserved Forests Act, B.E. 2507 (1964), Section 14,31, Paragraph 1 which provides maximum punishment under the Criminal Code, Section 90, i.e. 8-month imprisonment. Given the extenuating circumstances, as the information provided by the defendant during the investigation was useful for the process, the punishment was reduced to one third according to the Criminal Code, Section 78, i.e. 5-month-and-10-day imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and the National Park. The defendant shall pay for the damages in the amount of THB 160,000 with the interest rate of 7.5 percent per annum from 3 July 2016 onwards until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal had amended the judgment of the court of first instance. The defendant's offense under the National Forests Act, B.E. 2507 (1964), Section 14, shall be punished under the National Reserved Forests Act (No.4), B.E. 2559 (2016), Section 31, Paragraph 1 (newly amended). The rest of the decision of the court of first instance shall remain. The fees on both civil cases shall be vested to the State.</p> <p>-The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 6 September 2019.</p>	
1731/60	1895/61	The Public Prosecutor,	Mrs. Suphaphorn	Financial loan in the amount of	<p>- The Court of First Instance sentenced the defendant to 5-month-and-10-day imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the</p>	

Black Case No.	Red Case No.	Plaintiff	Defendant	Legal Assistance from the Justice Fund	Information / Status of the case
		Chaiyaphum	Seesuk	THB 200,000	<p>construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and the National Park. The defendant shall pay for the damages for THB 190,000 with the interest rate of 7.5 percent per annum from 11 July 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal amended the judgment of the court of first instance. The defendant's offense under the National Reserved Forests Act, B.E. 2507 (1964), Section 14, shall be punished under the National Reserved Forests Act (No.4), B.E. 2559 (2016), Section 31, Paragraph 1 (newly amended). The defendant shall pay for the natural resources damages in the amount of THB 381,010 with the interest rate of 7.5 percent per annum from 11 July 2016 onwards. The rest of the decision of the court of first instance shall remain. The fees on both civil cases shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The case document was sent to the Supreme Court on 14 August 2019.</p>
1747 /60	2170 /61	The Public Prosecutor, Chaiyaphum	Mr. Suwit Rattanachaisi	Financial loan in the amount of THB 200,000	<p>- The court of first instance sentenced the defendant to 8-month imprisonment. The investigation found that before being arrested, the defendant had been arrested for the same offense at a place nearby. It presented the defendant's disrespect for the law, i.e., the recidivism of the crime. With this reason, the suspension of a sentence of imprisonment should not be applied in this case, and the suspension of a sentence for 9-month imprisonment in the red case no. 1773/57 of Chaiyaphum Provincial Court would be applied with the punishment for imprisonment in this case, altogether 17-month imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the National Reserved Forest out of the National Reserved Forest and National Park. The defendant shall pay for the damages in the amount of THB 40,000 with the interest rate of 7.5 percent per annum from 3 July 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal amended the judgment of the court of first instance. The defendant's offense under National Reserved Forests Act, B.E. 2507 (1964), Section 14, shall be punished under the National Reserved Forests Act (No.4), B.E. 2559 (2016), Section 31, Paragraph 1 (newly amended). The defendant shall pay for the natural resources damages in the amount of THB 110,762 with the interest rate of 7.5 percent per annum from 3 July 2016. The rest of the decision of the court of first instance shall remain. The fees of both courts shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The case document was sent to the Supreme Court on 16 September 2019.</p>
1503/57	1773/57	The Public Prosecutor, Chaiyaphum			<p>- The Court of first instance sentenced the defendant to 9-month imprisonment and a fine of THB 9,250. The imprisonment punishment was suspended for 2 years under the Criminal Procedure Code, Section 56. The property in dispute is subject to be confiscated. The defendant, workers, employees, representatives, and followers of the defendant shall move out of the area of the National Reserve Forest.</p> <p>The plaintiff inquired the reward for the information, leading to the arrest of other defendants, given by the defendant. As the court punished the defendant under the National Reserved Forests, B.E. 2507 (1964), and the National Park Act, B.E. 2504 (1961), which do not provide any reward for such information, therefore no reward was granted. The plaintiff's request was dismissed.</p> <p>- The case was not appealed.</p>
1640/51	1592/51	The Public Prosecutor,			<p>- The court of first instance sentenced the defendant to 1-year-and-6-month imprisonment and fine of THB 15,000. It appeared that the defendant had never been imprisoned, therefore, the suspension of a sentence</p>

Black Case No.	Red Case No.	Plaintiff	Defendant	Legal Assistance from the Justice Fund	Information / Status of the case
1737/60	2016/61	Chaiyaphum The Public Prosecutor, Chaiyaphum	Mr. Samon Somchitr	-	<p>could be applied for 2 years according to the Criminal Code, Section 56. The property in dispute is subject to be confiscated. The half of the fine amount is to be paid to the informant for information leading to arrest.</p> <p>- The case was not appealed.</p> <p>- The court of first instance sentenced the defendant to one-year imprisonment and a fine of THB 20,000. The defendant's sentence was suspended for 3 years with a probation of 1 year. The defendant shall report himself to the probation officers 4 times a year and do social services related to natural resources and environment conservation, such as planting trees, restoring natural resources, and conserving water resources as deemed appropriate by probation officer for 24 hours. The defendant was prohibited to be involved in any activity related to degradation of natural resources and environment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and National Park within 30 days from the date of receiving the judgment. The defendant shall pay for the damages in the amount of THB 80,000 with the interest rate of 7.5 percent per annum from 3 July 2016 until the amount is fully paid to the Department of National Parks, Wildlife, and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal amended the judgment of the court of first instance. The defendant shall pay for the damages in the amount of THB 366,663 with the interest rate of 7.5 percent per annum from 3 July 2016 until the amount is fully paid to the Department of National Parks, Wildlife, and Plant Conservation. The court dismissed an appeal of the plaintiff in the offense under the National Park, B.E. 2507 (1964), Section 16 (13), 27. The rest of the decision of the court of first instance shall remain. The fees of both courts shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 28 August 2019.</p>
1734/60	2120/61	The Public Prosecutor, Chaiyaphum	Mr. Put Sukbongkot	Financial loan in the amount of THB 200,000	<p>- The court of first instance sentenced the defendant to 6-month-and-20-day imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and National Park. The defendant shall pay for the damages in the amount of THB 370,000 with the interest rate of 7.5 percent per annum from 6 July 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal amended the judgment of the court of first instance. The defendant's offense under the National Reserved Forests Act, B.E. 2507 (1964), Section 14, shall be punished under the National Reserved Forests Act (No.4), B.E. 2559 (2016), Section 31, Paragraph 1 (newly amended). The court dismissed an appeal of the plaintiff in the offense under the National Park Act, B.E. 2504 (1961), Section 16 (13), 27. The rest of the decision of the court of first instance shall remain. The fees of both courts shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 20 August 2019.</p>
1733/60	2033/61	The Public Prosecutor, Chaiyaphum	Mr. Wanchai Arphonkiao	-	<p>- The court of first instance sentenced the defendant to 6-month-and-20-day imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and National Park. The defendant shall pay for the damages in the amount of THB 300,000</p>

Black Case No.	Red Case No.	Plaintiff	Defendant	Legal Assistance from the Justice Fund	Information / Status of the case
1746/60	1755/61	The Public Prosecutor, Chaiyaphum	Mr. Sompitir Taennok	Financial loan in the amount of THB 200,000	<p>with the interest rate of 7.5 percent per annum from 11 July 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal amended the judgment of the court of first instance. The defendant's offense under National Reserved Forests Act, B.E. 2507 (1964), Section 14, shall be punished under the National Reserved Forests Act (No.4), B.E. 2559 (2016), Section 31, Paragraph 1 (newly amended). The defendant shall pay for the natural resources damages in the amount of THB 860,395 with the interest rate of 7.5 percent per annum from 11 July 2016. The rest of the decision of the Court of First Instance shall remain. The fees of both courts shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 29 August 2019.</p> <p>- The Court of First Instance sentenced the defendant to 10-month imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and National Park within 30 days from the date of receiving the judgment. The defendant shall pay for the damages in the amount of THB 100,000 with the interest rate of 7.5 percent per annum from 11 September 2016 until the amount is fully paid to the Department of National Parks, Wildlife, and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The court of appeal upheld the judgment of the court of first instance. The fees of both courts shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 29 August 2019.</p>
2452/60	2223/61	The Public Prosecutor, Chaiyaphum			<p>- The court of first instance sentenced the defendant to 1-year-and-4-month imprisonment. The information, leading to the arrest of other defendants, given by the defendant, was useful for investigation and became extenuating circumstances, therefore, one third of the punishment was reduced according to the Criminal Code, Section 78, i.e. 10-month-and-20-day imprisonment. The defendant, workers, employees, representatives, and followers of the defendant shall demolish and remove the construction or anything that causes the deterioration to the national reserved forest out of the National Reserved Forest and National Park. The defendant shall pay for the damages in the amount of THB 160,000 with the interest rate of 7.5 percent per annum from 3 June 2016 until the amount is fully paid to the Department of National Parks, Wildlife and Plant Conservation.</p> <p>- The plaintiff and the defendant appealed the case. The Court of Appeal upheld the judgment of the Court of First Instance. The fees of both courts shall be vested to the State.</p> <p>- The defendant filed the petition to the Supreme Court. The document of the case was sent to the Supreme Court on 17 September 2019.</p>