

24 June 2019

Chiang Mai, Thailand

To:

General Prayuth Chan-ocha  
Prime Minister  
Government House, Thanon Nakhon Pathom, Bangkok 10300

Narong Woonsew  
Provincial Governor of Chaiyaphum  
Provincial Office of Chaiyaphum, 3rd Floor, City Hall, Bannakarn Road  
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### **Human Rights Organisations Urge Thai Government to Drop All Charges Against Women Land and Human Rights Defenders in Ban Sapwai community**

We, the undersigned organisations, express our concerns on the Appeals Court decisions in the ongoing cases against women land and human rights defenders from Ban Sapwai, Chaiyaphum, northeastern Thailand.[1] The decisions saw 14 peasants being punished for violating the relevant forest bills[2] despite their rights to community land use should be protected under the Thai constitution and the NCPO order 66/2014.

There are currently 14 land and human rights defenders from Ban Sapwai community in Chaiyaphum province who were prosecuted and facing disproportionate terms of imprisonment and fines exceeding one million Thai Baht (approximately USD 32,300). These charges are in direct contradiction to their pending cases before the Office of the Prime Minister where a task force has been set up to review their rights for community land use.

On 18 June, the Appeals Court reaffirmed the decision of the first court to uphold a four year imprisonment sentence for a cassava peasant Sakol Prakij, and increased the damage compensation fee from 900,000 Thai Baht (USD 29,072) to 1,587,211 Thai Baht (USD 52,270). A week earlier, it also upheld imprisonment sentences for the three women peasants and doubled and tripled the damage compensation fee for two of those defendants.[2] On 4 June 2019, the court also sentenced a 61-year-old woman to a five-month imprisonment and imposed a damage compensation fee of 150,000 Thai Baht (USD 4,845) for similar charges.

Similarly, last month on 15 May 2019 and 5 June 2019, the Appeals Court reaffirmed Chaiyaphum provincial court's decision[3] which sentenced Nittaya Maungklang, a leading women land rights

activist from Ban Sapwai community, in two cases to a 12 months imprisonment and 190,000 Thai Baht (6,137 USD) damage compensation fee.[4]

It is concerning that the women land and human rights defenders from farming communities are being criminalised for utilising less than one hectare of land to advance government's climate change policies, while these forest lands are being given away to coal mining companies and expansion of special economic zones.[5] Clearly these policies work against the Ban Sapwai and many other communities; and are 'false solutions' incapable of addressing urgent climate crisis. As communities continue to be displaced, land and human rights defenders fight harder to assert their right to land and livelihood. The Ban Sapwai is a community of estimatedly 9,000 families to be evicted due to Thai junta's NCPO Order 64/2014, 66/2014 and the Forest Master Plan.[6]

We believe that climate solutions and natural resource management must strive to uphold human rights, ecological justice and ensure peoples' democratic participation. It must put the livelihoods of the communities at the center and strive to achieve an ecological balance that sustains the forests in harmony with the traditional communities living there. The government must put Free, Prior and Informed Consent (FPIC) as a fundamental condition for creating and executing any government policy.

Recently, Thailand has been elected as a member of the UN Economic and Social Council (ECOSOC) for a two year term from 2020-2022, therefore it must uphold a higher standard of state obligations. However, the Thai Government has not yet implemented the recommendations of the Committee on Economic, Social and Cultural Rights and in its last Universal Periodic Review where recommendations were made for the Thai government to take all necessary measures to reduce poverty, paying special attention to disadvantaged and marginalised individuals and groups including women, children, older persons and people living in rural areas.

We join the human rights community in urging the Thai Government to fulfil its human rights obligations for its people in general and the Ban Sapwai community in particular. The Government of Thailand must demonstrate its human rights commitments with the following actions:

1. Scrap the Forest Master Plan, NCPO Order 64/2014 and similar NCPO orders that fail to protect the people and communities' interest, rights and sovereignty;
2. Ensure that any policy development adheres to international human rights standards and obligations protecting peoples' right to land, life, development, livelihood, access to resources and justice;
3. Ensure that people's sovereignty is respected through affirming Free, Prior and Informed Consent (FPIC) in all stages of policy development and implementation;
4. Drop all charges against 14 land and human rights defenders from Ban Sapwai and cease all other judicial harassment against WHRDs in Thailand;
5. Ensure that the 14 land and human rights defenders under trial have immediate access to the Justice Fund that provides the financial means necessary for the defendants' legal processes including bail and uphold the defendants' rights to bail;
6. Conduct prompt and independent investigations on attacks against land and human rights defenders;
7. Recognise the important role of women land and human rights defenders in protecting human rights, communities and the planet, and provide support and protection for their work according to international human rights standards;
8. Cease all forms of judicial harassment, attacks, criminalisation and campaigns against women land and human rights defenders;

9. Fulfill the Thai government's international human rights obligations, particularly the UN General Assembly Resolution on Human Rights Defenders, CEDAW General Recommendations Nos. 33 and 34, the recommendations of ICCPR and UPR on human rights defenders, land and rural women's rights.

#### **For more information please contact**

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#### **Footnotes**

[1] *The most recent trial is on 25 June 2019, where the Appeals Court reaffirmed the sentence on Thongpum Muangklang (Nittaya's mother) for 8-month imprisonment and damage compensation fee of 100,000 baht (USD 3,260), Wanchai Arphonkaew for 6-month imprisonment with 860,395 baht (USD 28,050) damage compensation fee, and Samorn Somjit received probation with 366,663 (USD 11,957) baht damage compensation fee.*

[2] *In August 2018, 14 peasants who are land and human rights defenders from the Ban Sapwai community in Chaiyaphum, were found guilty by Chaiyaphum Provincial Court for violating 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).*

[3] *Supaporn Srisuk, elder sister of Nittaya Muangklang, received a jail term of five months and ten days, and an increased damage compensation fee from 190,000 baht to 380,000 baht. Sunee Narin, a 74-year-old woman received a jail term of five months and ten days, and increased damage compensation fee from 150,000 baht to 439,027 baht. Pattama Komet received an eight months imprisonment sentence and her damage compensation fee was reduced from 250,000 baht to 200,000 baht.*

[4] <https://apwld.org/statement-human-rights-groups-urge-thai-government-to-release-nittaya-muangklang-women-human-rights-defenders-working-on-land-rights-issues/>

[5] <https://prachatai.com/journal/2019/03/81398>

[6] <https://themomentum.co/reforestation-authoritarianism/>

#### **List of Signatories**

##### **Organisations:**

1. เครือข่าย We Fair เครือข่ายรัฐสวัสดิการ เพื่อความเท่าเทียมและเป็นธรรม -Thailand
2. ที่ปรึกษาจัดตั้งแรงงานข้ามชาติ มูลนิธิเพื่อสิทธิเพื่อการพัฒนา -Thailand

3. ภาควิชาสตรีศึกษา คณะสังคมศาสตร์ -Thailand
4. มูลนิธิชุมชนท้องถิ่นพัฒนา -Thailand
5. มูลนิธิพัฒนาภาคเหนือ(มพน.) -Thailand
6. มูลนิธิเอ็มพาวเวอร์ -Thailand
7. ศูนย์เผยแพร่และส่งเสริมงานพัฒนา (ผสพ.) -Thailand
8. สถาบันสร้างเสริมการจัดการทรัพยากรชุมชน -Thailand
9. สหกรณ์เกษตรอินทรีย์ จำกัด -Thailand
10. เอ็มพาวเวอร์ – Thailand
11. Rainbow Dream Group จ.เชียงใหม่ – Thailand
12. Asia Indigenous Peoples Pact (AIPP) Thailand
13. Community Resource Centre (CRC) – Thailand
14. Focus on the Global South – Thailand
15. Green South Foundation – Thailand
16. International Accountability Project – Thailand
17. Manushya Foundation – Thailand
18. Protection International (PI) – Thailand
19. Shan Women’s Action Network – Thailand
20. Sustainable Development Foundation – Thailand
21. WeMove – Thailand
22. Women’s Studies Center – Thailand
23. Network of Indigenous Peoples in Thailand (NIPT) – Thailand
24. ACLU – United States
25. Adivasi Navjeevan Gathan Navjyoti Agua(ANGNA) – India
26. Adivasi Women’s Network India
27. African Coalition on Green Growth Uganda
28. AFT United States
29. Aksi! for gender, social and ecological justice Indonesia
30. Alliance for Future Generations – Fiji
31. ALTSEAN – Myanmar
32. API Kartini – Indonesia
33. Arab watch coalition – MENA
34. Asia Dalit Rights Forum Nepal
35. Asia Pacific Forum on Women, Law and Development
36. Asia Pacific Mission for Migrants – Hong Kong
37. Association For Promotion on Sustainable development – India
38. Association for the Rights of Children in Southeast Asia (ARCSEA) – Philippines
39. Aube Nouvelle pour la Femme et le Développement (ANFD) – DR.Congo
40. Awaj Foundation – Bangladesh
41. AwazCDS – Pakistan
42. Bangladesh Indigenous Women’s Network – Bangladesh
43. Beyond Beijing Committee – Nepal
44. BirthStrike – United Kingdom
45. Borok Peoples’ Human Rights Organisation (BPHRO)
46. BPW – Nepal
47. BPW Sao Paulo – Brazil
48. Breaklight Counseling – United States
49. Bridges across borders – Estados Unidos
50. Business and Professional Women – United Kingdom
51. Cambodian Youth Network (CYN) – Cambodia
52. Camino Común Solidarity International – United States
53. Campaign Against Criminalising Communities (CAMPACC) – United Kingdom

54. Carbone Guinée – Guinea
55. Center for International Environmental Law (CIEL) – United States
56. Center for Sustainable Community Development (SCODE) – Vietnam
57. Center for Trade Union and Human Rights (CTUHR) – Philippines
58. Center for Women’s Resources – Philippines
59. Centre for Sustainable Development in mountainous areas – Vietnam
60. Civic Union Public Association – Kyrgyz Republic
61. CLEAN (Coastal Livelihood and Environmental Action Network) – Bangladesh
62. Coalition of Services of the Elderly, Inc. – Philippines
63. Community Alliance for Global Justice – United States
64. Community Care for Emergency Response and Rehabilitation- Bangladesh
65. CNS and Asha Parivar – India
66. Coalition of Services of the Elderly, Inc. – Philippines
67. Community Alliance for Global Justice – United States
68. Community Care for Emergency Response and Rehabilitation – Myanmar
69. Community Science Centre, Vadodara – India
70. Community volunteer – Cambodia
71. Cordillera Women’s Education Action Research Center (CWEARC) – Philippines
72. Corner House – United Kingdom
73. Cross Roads – United States
74. Decolonising Our Minds – United Kingdom
75. DPAC – United Kingdom
76. Dristi Nepal – NEPAL
77. EarthRights International – United States
78. Education as a Vaccine – Nigeria
79. Emmaus International Trust – Zimbabwe
80. EMPOWER INDIA – India
81. Extinction Rebellion – UK
82. Fiji Women’s Crisis Centre – Fiji
83. FOKUS-Forum for Women and Development – Norway
84. Football Against Apartheid – United Kingdom
85. FOREM – Kenya
86. Forest Peoples Programme – United Kingdom
87. FOUNDATION FOR WOMEN – THAILAND
88. FRIDA the Young Feminist Fund – Global
89. Friends with Environment in Development (FED) – Uganda
90. Fuel Poverty Action – United Kingdom
91. Gatef organization – Egypt
92. Gender Academy – Myanmar
93. Gender and Development for Cambodia (GADC) – Cambodia
94. Global Women’s Strike – United States
95. Global Women’s Strike – United Kingdom
96. Gram Bharati Samiti (GBS) – India
97. Granny Peace Brigade – United States
98. Green Advocates International (Liberia) – Liberia
99. Green Party – United Kingdom
100. Grupo de Educación Popular con Mujeres, A.C. – Mexico
101. Guyana Book Foundation – Guyana
102. Haiti Action Committee – USA
103. Hands Off Our Homes Leeds – United Kingdom
104. IDEA – Cambodia
105. Indonesia Women’s Coalition – Indonesia

106. Innabuyog – Philippines
107. International Federation of Business and Professional Women – Switzerland
108. International Women’s Rights Action Watch Asia Pacific – Malaysia
109. IWGIA – Denmark
110. JAGO NARI – Bangladesh
111. Jamaa Resource Initiatives – Kenya
112. Judith Trust – United Kingdom
113. Karapatan – Philippines
114. Kashmir Women’s collective – India
115. Kelompok Studi dan Pengembangan Prakarsa Masyarakat (KSPPM) – Indonesia
116. Khpal Kore Organization – Pakistan
117. Ladlad Caraga Incorporated – Philippines
118. LAGAI – Queer Insurrection – United States
119. Lancaster Chapel – United States
120. Left Unity – United Kingdom
121. Legal Action for Women – United Kingdom
122. Love Alive – United States
123. LVC – United Kingdom
124. Malaysians Against Death Penalty & Torture (MADPET) – Malaysia
125. Manabdhikar Shangkriti Foundation (MSF) – Bangladesh
126. MARUAH – Singapore
127. Murna foundation – Nigeria
128. National Alliance of Women Human Rights Defenders (NAWHRD) – Nepal
129. National Campaign on Dalit Human Rights – India
130. National Fisheries Solidarity Movement – Sri Lanka
131. NATIONAL FORUM OF WOMEN WITH DISABILITIES – Pakistan
132. National Health Service – United Kingdom
133. National Indigenous Disabled Women Association Nepal (NIDWAN) – Nepal
134. National Indigenous Women Forum – Nepal
135. National Indigenous Women’s Federation (NIWF) – Nepal
136. National Network of Young Indigenous Women – Nepal
137. Nepal Disabled Women Association Nepal
138. NGO “Otifa”- Tajikistan
139. NGO Forum on ADB – Philippines
140. Nljera Kori – Bangladesh
141. North-East Affected Area Development Society (NEADS) – India
142. Northern Forests Defense / İstanbul Urban Defence – Turkey
143. Not1More – United States
144. NQBSS Livestock Breeders – Zimbabwe
145. NUPL – Philippines
146. Offside Books – United Kingdom
147. Organized Centre for Empowerment and Advocacy in Nigeria(OCEAN) – Nigeria
148. OT Watch – Mongolia
149. OWRPO PU – Azerbaijan
150. PA Women’s organisation Alga – Kyrgyzstan
151. Pakistan Fisher Folk Forum – Pakistan
152. Palangkaraya Ecological and Human Rights Studies (PROGRESS) – Indonesia
153. PANG – Fiji
154. Pas d’organisation – Sénégal
155. Payday men’s network- United States
156. Payday men’s network / Refusing to Kill Initiative – United Kingdom
157. Peace in Kurdistan Campaign – United Kingdom

158. PEREMPUAN AMAN – Indonesia
159. Persatuan Kesedaran Komuniti Selangor (EMPOWER) – Malaysia
160. Philippine Task Force for Indigenous Peoples Rights (TFIP) – Philippines
161. Physicians for Social Responsibility Philadelphia – United States
162. Plateforme Femmes, Développement Durable et Sécurité Alimentaire – Comores
163. Poor People’s Campaign – United States
164. Psychological Responsiveness NGO – Mongolia
165. Public Foundation “Development of Civil Society”- Kazakhstan
166. Radha Paudel Foundation – Nepal
167. RADP – Nepal
168. Raging Grannies & Women in Media & Entertainment – Ireland
169. Rainforest Action Network – United States
170. Ranao Women and Children Resource Center, Inc. (RWCRC) – Philippines
171. Rapad Maroc – Morocco
172. Reclaim the Power – United Kingdom
173. Red Thread – Guyana
174. Redgreen Labour – United Kingdom
175. Regional Center for International Development Corporation (RCIDC) – Uganda
176. Regions Refocus – United States
177. REPEM – Colombia
178. RITES Forum – India
179. Roots for Equity – PAKISTAN
180. Roshni Tariqiyati Tanzeem Ghotki – Pakistan
181. Rutgers University – USA
182. Sanctuary Movement of Philadelphia – United States
183. Shelter Participatory Organization (SPO) – Pakistan
184. SILAKA – CAMBODIA
185. Single Mothers’ Self-Defence – United Kingdom
186. Socialist resistance – United Kingdom
187. Society for Rural Education and Development. – India.
188. South Central Farm Restoration Committee – United States
189. Southern Africa Climate Change Coalition – Botswana
190. Special Talent Exchange Program – Pakistan
191. SRS Livestock Development Foundation – Zimbabwe
192. Stuttgart – Australia
193. Success Capital Organisation – Botswana
194. Tarangini Foundation – Nepal
195. The Association for Women’s Rights in Development (AWID) – Mexico
196. The Federation of Business and Professional Women New Zealand – New Zealand
197. The Men’s Resource Center – United States
198. Topanga Peace Alliance; MLK Coalition of Greater Los Angeles – United States
199. UNITE – United Kingdom
200. Vision GRAM-INTERNATIONAL – Canada
201. Volunteer Action for Peace – United Kingdom
202. WALHI (THE INDONESIAN FORUM FOR ENVIRONMENT) – Indonesia
203. WALHI Jatim – Indonesia
204. War Against Rape (WAR) – Pakistan
205. We Women Lanka – Sri Lanka
206. WeGovern Institute – Philippines
207. WILPF – United States
208. WINS – India
209. Winvisible – United Kingdom

210. Witnessradio.org – Uganda
211. Women Educators Association of Nigeria – Nigeria
212. Women for Justice and Peace in Sri Lanka – United Kingdom
213. Women Forum For Women In Nepal (WOFOWON) – Nepal
214. Women Network for Energy and Environment(WoNEE) – Nepal
215. Women of Colour Global Women’s Strike – United Kingdom
216. Women of Courage Program of the National Council of Churches in the Philippines (NCCP) – Philippines
217. Women Working Group ( WWG) – Indonesia
218. Women’s Fund Asia – Nepal
219. Women’s Global Network for Reproductive Rights – Philippines
220. Women’s Global Strike – United Kingdom
221. Women’s Major Group – United States
222. WRM – Uruguay
223. Yayasan Perlindungan Insani Indonesia – Indonesia
224. Youth For Environment Education And Development Foundation (YFEED Foundation) – Nepal
225. Zimbabwe Climate Change Coalition – Zimbabwe
226. Zimbabwe Women’s Bureau – Zimbabwe

## Individuals

1. Chann Somnang – Cambodia
2. Sunita Kotnala – India
3. Govind kelkar – India
4. Miguel Lopes – Portugal
5. Ogo – Portugal
6. Diana Riddle – United States
7. Dr Janna Graham – United Kingdom
8. Nicole Rinier – United States
9. Elizabeth Thippawong – Lao PDR
10. J. Billy – United Kingdom
11. Rowan Mace – United Kingdom
12. Sophia Vassilakidis – United States
13. Barbara Rath – United States
14. Shiyani Douglas – Sri Lanka
15. Maggie Ronayne – Ireland
16. Martha-Luise Scholz – United Kingdom
17. Emily Burnham – United Kingdom
18. Nicolette king – United Kingdom
19. Jacey Turner – Wales
20. Jane Belli – United Kingdom
21. Paul Barbara – United Kingdom
22. Fran Brackley – United Kingdom
23. Maria Marasigan – United States
24. Paul Gouge – United Kingdom
25. Anne Turner – Wales
26. Dominique Simpson – United Kingdom
27. Heath Key – United Kingdom
28. lam lewis – United States
29. Naomi – United Kingdom



30. Shauna Gundersom – United States
31. Stephanie mathivet – United Kingdom
32. Umut Erel – United Kingdom
33. Joan Landes – United States
34. Jacqueline Mulhallen – United Kingdom
35. Juliette de la Mer – Ireland
36. Dr. Nancy Holmstorm – United States
37. Mo Manklang – United States
38. Nora Roman – United States
39. Alicia Logan – United Kingdom
40. Prof. Felix Padel – United Kingdom
41. Bridget Anderson – United Kingdom
42. Alice Rossetti – United Kingdom
43. Marie Joyce Godio – Philippines
44. Anang – Philippines
45. Ava Farrington – Ireland
46. Georgia Anderson – United Kingdom
47. Rita Addressa – United States
48. Carla willard – United States
49. Natalie Bennett – United Kingdom
50. Martha-Luise Scholz – United Kingdom