Date: 26.06.2019

To

NAME
ADDRESS

SUB: Urgent Appeal Letter for the Land and Human Rights Defenders of Ban Sapwai

Dear\_\_\_\_\_\_\_\_\_\_\_\_\_

We are writing to express our concern 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 protections to their right to community land use 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 now 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.

Together with the human rights community we urge the Thai Government to fulfil its human rights obligations for its people in general and the Ban Sapwai community in particular, by doing the following:

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 judicial all other 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.

Best Regards

NAME

ORGANISATION