

28 July 2017

## **Thailand: human rights defender and wife of disappeared land rights defender sentenced to six months in jail**

On 27 July 2017, a Thai Court in Chaiyaphum province found human rights defender **Suphap Khamlae** guilty of encroaching on forest reserves and sentenced her to six months' imprisonment under the National Forest Reserve Act. She is the wife of land rights defender **Den Khamlae**, who was also sentenced in absentia and subject to an arrest warrant despite being missing since April 2016.

[Suphap Khamlae](#) is a land rights defender from the Khok Yao community in Kon San district, Chaiyaphum province, in Northeastern Thailand. Her community is currently facing forced eviction from a land they have occupied for decades, before it became a protected reserve. She has been advocating along with her husband [Den Khamlae](#) for the right to a legal title to the land for their community. Since 2015, Den Khamlae was leading the network of local villagers who have been trying to re-establish their right over this land. The prominent land rights defender is also a member of Essan Land Reform Network (ELRN), a union of local villagers opposing the Kon San Forest Project, which has caused significant destruction in parts of the Laohai forest area. The land was appropriated by the Forest Industry Organization which has evicted more than one-thousand people from local villages.

Den Khamlae disappeared on 16 April 2016 in Khok Yao forest near his village. Since then, his wife has been struggling to have the police properly investigate his disappearance and for the perpetrators of what she believes to be a murder, to be brought to justice.

On 27 July 2017, Suphap Khamlae was sentenced to six months in prison by the Phu Khiao Provincial Court after she was found guilty of trespassing on the Phu Sam Phaknam National Reserve forest under section 31 of the National Forest Reserve Act (1964). Suphap Khamlae is now detained in Chaiyaphum provincial prison. Her husband, Den Khamlae, was sentenced in absentia in the same case, as the Court estimates that the defender might still be alive. An arrest warrant was issued against him as well, despite the fact that a man's skull believed to be his as well as some of his belongings were found in March 2017 in the forest where he went missing.

In July 2011, Suphap Khamlae, Den Khamlae were arrested along with a dozen other Khok Yao villagers for allegedly trespassing on protected forest land. After being sentenced to six months imprisonment by a first court and briefly detained, they were released on bail pending an appeal. In 2013, the Appeal Court upheld the earlier ruling. The defenders appealed again to the Supreme Court, whose verdict has been repeatedly delayed until 27 July because of the uncertainties surrounding Den Khamlae's disappearance.

This sentence comes only a few days after the UN Committee on the Elimination of Discrimination against Women (CEDAW) expressed serious concern that women human rights defenders in Thailand, particularly those advocating for land rights and the protection of the environment, have increasingly become targets of lawsuits, harassment, violence and intimidation by authorities and

business enterprises due to their work.

Front Line Defenders strongly condemns the conviction of human rights defender Suphap Khamlae, which it believes is solely motivated by her peaceful and legitimate work for human rights.

**Front Line Defenders urges the authorities in Thailand to:**

1. Immediately release Suphap Khamlae and quash her conviction as Front Line Defenders believes that she has been targeted solely as a result of her legitimate human rights work;
2. Ensure that the investigation into the disappearance of Den Khamlae is thorough and impartial, with a view to bringing those responsible to justice in accordance with international standards, and inform his family of any new element pertaining to the investigation;
3. Guarantee in all circumstances that all human rights defenders in Thailand, and in particular women human rights defenders, are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, including judicial harassment.

Front Line Defenders condemns this act of intimidation against human rights defender XXXX, which it believes is solely motivated by his peaceful and legitimate work for human rights in XXXXX.

**Front Line Defenders urges the authorities in XXX to:**

1.

*Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw your attention to Article 6 (b and c): “Everyone has the right, individually and in association with others: (b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters”, and to Article 16: “Individuals, non-governmental organizations and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, inter alia, understanding, tolerance, peace and friendly relations among nations and among all racial and religious groups, bearing in mind the various backgrounds of the societies and communities in which they carry out their activities.*

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson

Executive Director