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Cross Cultural foundation and its partners' submission to the

Universal Period Review of

Thailand

Submitted

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- 1) In light of the 25<sup>TH</sup> Session of the Working Group on the Universal Periodical Review, CrCF and its partners civil society organizations (hereinafter "the Coalition") jointly prepared this alternative report, which aims at shedding light on the situation of marginalized population related to two main violations: 1) torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") and 2) Land and Forestry in the country.
- 2) The leading Thai organizations that prepared the 1<sup>st</sup> section of the submission are the Cross Cultural Foundation (CrCF), Hearty Support Group (Duayjai), and Patani Human Rights Network (HAP) who is jointly working on UNVFTV project since 2013 till the present. The 2<sup>nd</sup> section on land and forestry issues are contributed by Highland Peoples Taskforce (HPT) and Center for Protection and Revival of Local Community Rights (CPCR).

Section 1: Torture and ill treatment in Thailand

- 3) CrCF together with local partners under UNVTFV documented at least 92 cases of torture allegation from 2004-2013. In 2014, the project documented another 30 cases in the Deep South and 10 cases of torture allegation in the northern border region. In 2015, the project still continued documenting torture and ill treatment cases. Between 2004 to present, the National Human Rights commission has also reportedly received at least 130 complaints of torture from suspects arrested with respect to the insurgency in Deep South. Muslim Attorney Center operating in the Deep South provinces has also received 300 complaints. All victims allegedly subjected to torture and ill treatment are ethnic minority who were arrested under suppressive policies relating to counter insurgency and counter drug suppression. Torture is still under documented national wide and there is no adequate legal aid and human rights monitoring mechanism in place.
- 4) Situation on torture and ill treatment involves challenges and struggles on lacking of lacking of torture offenses, issues of independent investigation and healing and rehabilitation for torture victims.
- 5) Since the last coup there have been some reports of police interrogators using torture with impunity. For example, a suspect accused of planting a bomb Bangkok Criminal Court in March 2015 allegedly appeared in the national news with bruises on his face. In most cases no

independent investigation on torture allegations. In Nov 2014, Superintendent Unit 1 of Crime Suppression Unit, a high ranking police officer of Crime Suppression Unit, reportedly jumped and died during interrogation in detention under the martial law in an army camp in Bangkok. He was accused of being involved in high profile corruption case related to series of Les Majeste accusation against a number of police officers and civilians. There is no report of the investigation on this suspicious death.

- 6) Thai government has failed to comply with its obligations under the CAT in order to prevent torture and end the culture of impunity. Thai Government since ratified CAT in 2007 has not been able to ensure their conformity with international human rights standards. It failed to establish efficient mechanisms to combat and prevent torture and other ill-treatment. The current criminal justice related to perpetrators is not promising to bring those responsible to justice. Finally the victims of torture and ill treatment are not granted effective redress by law and practices.
- 7) Since the review of the CAT session on Thailand in 2013, Ministry of Justice has drafted the Protection and Prohibition of Torture and Enforced Disappearances Bill with the consultation of academic, CSO and concerned agencies. In 2014-2015, the MOJ has submitted the draft bill at the cabinet however; the bill was not passed yet.
- 8) Rationale of this draft bill drafted by MOJ is that an act of torture and enforced disappearance committed by a public official is a serious violation of human rights and it cannot be justified in whatever circumstances. Even though Thailand is a party to the Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and has signed the International Convention for the Protection of All Persons from Enforced Disappearance, there are still no legal provisions to criminalize the act, no prevention and suppression measures, no remedies for the affected parties and no other relevant measures in compliance with the Conventions. As a result, no legal action can be taken against the perpetrator and no remedies can be provided for the affected parties as prescribed for by the international conventions to which Thailand is a state party. In addition, the two Conventions share common characteristics that require a state party to promulgate a single law for the prevention and suppression of torture and enforced disappearance. In order to enhance the effectiveness of its enforcement and to raise human rights protection in Thailand to the same par with the international standard, the Act is necessary to prevention and suppress torture and Enforced Disappearance.
- 9) However, the challenge of how to prevent and suppress torture and disappearance in Thai context is the independent investigation. The cases below will highlights some of challenges and obstacles in investigation and issues of rehabilitation of torture victims.

#### Case of Imam Yapha Kaseng

- 10) On 19 March 08, Imam Yapha Kaseng along with his two sons Mr. Arming Kaseng, Mr. Anan Kaseng, relative Masakri Layi and Sukri Salae, neighbor Mr. Rayoo Dorkor and Mr. Samah. They are arrested under Martial Law from Kortor Village, Ruesoh District, Narathiwat Province. After arrest the 7 persons are taken to Ruesoh Police Station. Mr. Samah is released at the Ruesoh Police Station. The rest of the detainees are not informed about the reasons for their arrest. No charges are imposed on them.

From Ruesoh Police Station, the detainees are taken to Muang Narathiwat Police Station, where a press conference is arranged. At the press conference the authorities inform the press that the arrested persons are insurgents. Incriminating evidence such as PVC pipes, metal

spikes, military uniforms are placed before the press. The detainees are not given any opportunity to say anything. The press does not question any of the detainees. In the afternoon the detainees are taken to Special Task Force (STF) Unit 39 where they are detained in a 6 wheel police truck. Another detainee, Sukrinai, then 26 years old is already under detention in the same truck. At the time of detention, Imam Yapha was in good health.

- 11) On 20th – 21st March 08, starts from 5 p.m. of 20th March till the early hours of 21st March three of the detainees in the truck are interrogated in the premises of STF Unit 39. Mr. Rayoo Dokor, then 18 years old is taken for interrogation 3 times during which he is tortured by hitting and kicking, hanging him upside down by a rope, piercing under his nails, eyes and genitals with a sharp object. Imam Yapha, 56 years old is taken for interrogation three times. The other detainees hear sounds of kicking and beating. They hear military persons shouting – ‘You killed our people’ and Imam Yapha crying out loud, ‘I don’t know’. The detainees say that the first time Imam Yapha returns from interrogation he complains of pain in the chest. The second time he returns from interrogation he cannot stand straight and is shoved into the detention truck. Imam complains that he has difficulty in breathing. The third time Imam Yapha is called for detention, he cannot walk. Other detainees help him to climb down from the truck and the military persons drag him by pulling his two legs to the interrogation place. The third time Imam Yapha returns from interrogation he is in lot of pain. When his sons were massaging his body they could feel something wrong with the ribs on his chest. They could hear noises from inside his body.
- 12) On 21st March 08, Imam Yapha dies around 6:30 a.m. in the police detention truck. The sons of Imam Yapha shout from the detention truck and inform the relatives who came to visit them about Imam Yapha’s death. The body of Imam Yapha is transferred to the hospital for autopsy. The autopsy report states Imam Yapha died from ‘blunt force trauma’.
- 13) Resulting of the violation, he was tortured and killed while in the custody of the military in March 2008.[i] as per the inquest trial case black no. Chor.9/2551 (2008) and in the decision released as the case red no. Chor.19/2551 (2008) on the same year in 2008.
- 14) On 20 July 2011, a mediation facilitated by the civil court of Bangkok, the family received 5.2 million Thai Baht in compensation. However, the criminal case has no progress till 7 years later.

#### Role of Civilian Court and Military court in torture cases

- 15) The criminal lawsuit on Imam Yapha case has launched followed the inquest decision in 2008, however, the Narathivaht Provincial court took 3.5 years to complete and found on 2 September 2010 that the criminal case is under military jurisdiction.
- 16) The civilian court in Narathivath reaffirmed on 2 Sep 2010 and October 2011 that the Court-Martial Procedure Act B.E. 2498 (1955) prescribes that only a judge advocate can be the plaintiff in a case filed against a military official. Any damaged party has to allow the judge advocate to be the sole plaintiff of their case and no other parties are allowed to be co-plaintiffs. It is deemed that criminal procedure in the Court Martial makes it impossible for the damaged parties to have access to genuine justice process, the right of which is provided for in the Constitution.
- 17) Narativath Province has declared under Martial law since 2004. According to the Martial Procedure code, 1955, military court under the declaration of the Martial law, the damage party has not rights to pursue the court case directly to the Pattani military court if the perpetrators are only military officers. Military judge advocate is an only entity that has the rights to file the criminal lawsuit on the death of Imam Yapha. Since then the military judge advocate of the case has not pursued the

criminal case related to murder charge (under section 288 criminal code) of Imam Yapha at the military court till today (as of Sep 2015)

#### Role of NACC and PACC torture cases

- 18) The act resulting the death in custody of Imam Yapha is a criminal offence involving an abuse of power (section 157), the inquiry officials at the Rusoh Police Station have submitted the case to the National Counter Corruption Commission (NACC) since June 2008.
- 19) In August 2015, the National Anti-Corruption Committee (NACC), which opened an investigation since 2008, indicated that there were grounds for one officer to face a charge of serious disciplinary misconduct and malfeasance but that the evidence was not sufficient for the other four officers implicated.[ii] The officer ranking.
- 20) The NACC has sent the finding to the supervisor to consider a disciplinary action and to the attorney General to consider whether to prosecute the case. To date, no prosecution on murder offence and abuse of power (section 157 criminal codes) has commenced and no perpetrators have been brought to justice.
- 21) The lawyer team of CrCF found that since the death of Imam Yapha could be filed by military advocate directly to the military court separately from the abuse of power case under section 157, the military judge advocate has failed to perform their duty and the intention to wait for the decision of NACC is cleared to be delay tactic and affirming impunity culture around human rights violation cases including Imam Yapha Kasang as a case study.
- 22) In addition the torture act described in para. 10-12 and described in the Narathivath court decision on inquest trial case no. chor.19/2551 (2008) resulting death of Imam Yapha and two adults severe injured could not be done by only one officer as stated by NACC decision dated 30 Aug 2015.
- 23) Principally, NACC and PACC serve as the two independent anti-corruption commissions in Thailand. NACC investigates allegations of corruption involving high-ranking public servants and elected officials. PACC concentrates on allegations involving lower-ranking public servants.

#### Case of Mr. Rithirong

- 24) Similar attempt by Mr. Rithirong Chuanjit, then 19 years old, a torture victim under police operation in Prachinburi Province. The PACC (Office of Public Sector Anti - Corruption Commission) received the complaint of Mr. Rithirong from Rights and liberties Department, Ministry of Justice, since 20 May 2009.
- 25) On 17 Jan 2012, Mr. Ruthirong sent another letter to PACC to urge the investigation to be fastened as he has not received any information since three year ago. On 27 Feb 2013, PACC set up a sub-committee to investigate the allegation of torture. Later, the sub-committee concluded that the allegation of torture against Mr. Rithirong was well founded. However, 14 Jan 2015, the PACC committee in order no. PACC 14/2558 (2015) reversely found that there is no ground of torture allegation against Mr. Rithirong.
- 26) It took 6 years after the complaints launched and PACC found no ground of torture allegation, therefore Mr. Rithirong decided to file the criminal lawsuit on 6 police officers of Prachinburi Province on 10 June 2015. The preliminary hearing by the court will determine whether the allegation was well grounded and the 7 police officers would then became the defendants of the torture accusation under criminal code section 157, 200 (abuse of power), 295, 309 and 310, 391 (assaulting and coercion)

- 27) The case of Mr. Rithirong has showed that it was extremely difficult to pursuit the torture allegation in the existing judicial system both at complaint mechanism and also the criminal judicial process.

Situation of torture in the Deep south and issues of lacking of rehabilitation

- 28) Since Torture is not criminal offence in Thai domestic law, therefore the health scheme or legal aid scheme is not covered. Thailand has ratified CAT and signed CED. There is no independent investigation on torture allegation under normal circumstance and it would be even harder to get independent investigation if it comes the conflict zone as in the Deep South.
- 29) From our preliminary research study called “Feasibility of Establishing a Torture Rehabilitation Centre in the Deep South of Thailand’ , we found that one of the outcomes from the insurgency in the Deep South of Thailand is allegations of torture by the local authorities. These allegations have been documented and testimonies taken, and although there is an international obligation to prevent torture and provide redress/rehabilitation to victims, there is still an immense requirement for an increase in torture rehabilitation services in the Deep South of Thailand. In response, the research paper written under “promoting of redress of torture victims in the Deep South” funded by Canada Fund between Nov.2014-Feb 2015. It documents the torture situation in the Deep South of Thailand, explains the psychosocial effects of torture, analyses the requirements for a rehabilitation centre, assesses the feasibility of establishing such a centre, and makes recommendations on the next steps required for the establishment of a rehabilitation centre for torture victims in the Deep South of Thailand.
- 30) The effects of torture go far beyond the original pain and physical damage received by a victim. Generally, it is considered that the victim will suffer from PTSD; however, PTSD is an inadequate description of the magnitude and complexity of the effects torture can have on a victim. The effects also go beyond the original victim, effecting the families and local communities.
- 31) There are many projects implemented that have laid down suitable foundations for the establishment of a rehabilitation centre for torture victims; however, none are meeting the needs for rehabilitation. This is because the professionals working in the field, are only trained generally in rehabilitation or in diagnosis of torture, none are specifically trained in the rehabilitation of torture.
- 32) In order for a rehabilitation centre for torture victims to be established, there are steps that need to be taken to fulfil the requirements of such a centre; such as obtaining funding, training staff, and gaining support from grass roots to an international level. The United Nations Committee against Torture stated there is an “absence of systematic state provision of rehabilitation and redress for the physical psychological consequences of torture, including appropriate medical and psychological care”.
- 33) Thailand’s Ministry of Justice has shown a strong willingness to tackle this issue of torture, along with the support of NGOs and local communities; however, the lack of specific expertise in the country and current national laws have made it very difficult to rehabilitate victims at this stage without mutual understanding and support from the government.
- 34) There are no mental health providers specifically designed for the recovery from torture in Thailand. However, under the Department of Mental Health (DMH), within the Ministry of

Public Health (MOPH), the 12th Mental Health Centre (Southern Branch) was founded in late 2004 in response to the eruption of brutal violence. It hired three psychologists, three social workers, and three public health officers. After training 74 local psychology graduates in four years, the Rehabilitation and Mental Health Healing Centre (RMHC) was set up in each of the 37 district hospitals across the three southernmost provinces and four districts in Songkhla province. Each unit is staffed with a general practitioner, a psychiatric nurse and at least one psychologist. They also run a home visit activity, whereby they visit the victim at least three times.

- 35) Under the DMH as well, there has also been a programme implemented specifically for victims of torture. Set up at the end of 2014, practitioners meet with groups of five people at a time, sent to them after screening by local NGOs. They meet with these victims twice a month, with the intention of meeting for between six months to a year. This project has only been running for a few months and the longest any of the victims has spent in the programme is two months at this point, making it virtually impossible to analyse the success of the work being done.
- 36) The DMH are also responsible for implementing other strategies for the victims of violence in the south of Thailand. They are training and promoting psychological care programmes for health professionals, basic and advanced, including a four months post-graduate training and a master's degree for psychiatric nurses.
- 37) The DMH have also provided a resiliency enhancement training course for local NGOs, as well as basic training courses on Psychological First Aid (PFA), for village health volunteers, NGOs, community leaders, and religious leaders. The Central Institute for Forensic Science (CIFS) and Department for Rights and Liberty Protection (DRLP), within the Ministry of Justice, supported by the United Nations Office of the High Commission for Human Rights (OHCHR) is in the process of beginning a project to recruit doctors and psychologists from all over the country, and to train them in the evaluation and diagnosis of torture. The aim is to be able to train at least one doctor and one psychologist in every province in Thailand, allowing for an accurate/easier diagnosis of torture, by the end of 2015.
- 38) There are 127 forensic doctors currently active within Thailand and they are hoping to be able to train some of these. The training will only be for diagnostic purposes at this stage, there will be no rehabilitation training carried out as of yet.
- 39) The project by CIFS and DRLP in Feb 2015 is definitely a big step forward in respect to the state's involvement in diagnosing torture victims; however, at this stage this is all it will be, it will not provide the much needed rehabilitation that these victims are requiring. Although the local NGOs have the trust of the victims, they do not have the funding, professionals or skills to be able to provide beyond diagnosis and PFA.
- 40) This all amounts to a completely inadequate level of treatment being provided to the victims, as can be seen by the fact that many of these victim's incidents occurred many years ago, however, they are still suffering greatly from symptoms of anxiety, depression, and PTSD. There appears to be a need for a centre whereby it has the funding, professional, and training support of the government, but has its interaction with victims through trusted NGOs or similarly trusted persons.

## **42. Recommendation on Section 1 (Torture and ill treatment)**

42.1 . Supporting Ministry of Justice to enact a law on the suppression and prevention of torture and disappearances. The Ministry of Justice is currently drafting a Bill on Prohibition and Prevention of Torture and Enforced Disappearance, in order to implement the CAT and the CED domestically.

42.2 Supporting both government agencies/CSOs to follow up and implement CAT concluding observations released on 23 May 2014 on investigation, rehabilitation and redress for all torture victims.

42.3 Reviewing role of NACC and PACC in involving in investigating torture and disappearance allegation as it has showed its failure to show their substantive result and independency.

43.4 Supporting CSOs /NGOs to monitor detention facilities in both army detention and police detention under special laws and normal criminal procedure, to provide legal aid and to conduct human rights activities in addressing torture /ill treatment.

44.5 Establish or supporting independent psychological health unit for Deep south detainees and supporting CSOs /NGOs to address torture /ill treatment survival without threat and intimidation.

44.6 Survey the situation of all torture victims in all national wide corrections, prisons both adults and juvenile detainees, both men and women especially their mental health and psychological impact from allegedly torture and ill treatment during the interrogation and while in their incarceration.

## **Section 2: Land and Forestry**

45) In 2014, the NCPO made a number of orders and announcements calling for an end to deforestation and forest encroachment (NCPO Order No. 64/2557 & NCPO Order 66/2557). In July 2014, the Internal Security Operation Command (ISOC) released 10th Action plan on the same objective and set up specific objective to increase forestry land of Thailand to 40% of total area in 10 years.

46) This situation has created serious challenges for the ethnic/Indigenous peoples (IPs) to maintain their traditional way of life in close interaction with nature and has resulted in many ethnic and IP communities in the Northern provinces of Thailand being considered by the NCPO to be in violation of these orders and announcements leading to the loss of what the communities consider to be their land. Efforts by the NCPO to enforce these orders and announcements and using martial law have led to human rights violations.

47) The rights of communities affected are not limited to the rights to be free from force eviction but also relate to other discriminatory policies related citizenship and other prejudice over ethnic/IPs communities it could extend to violation to rights to food, rights to housing, rights to works and rights to health care and education.

48) Under the Action Plan developed by the NCPO, the Upper Northern region of Thailand has been classified as the most crisis area and has been targeted in the first and second year of the Action plan. The focus of the First year of the plan is to bring forest area under state control (Kun Pun Pa) and in the second year the focus is on reforestation (Puk Pa) through state projects under the management of ISOC. From website of ISOC, Internal Security Command Operation Office no. 4 (<http://www.isoc04.go.th/>) Since these NCPO orders no. 44 and 46 and announcements, at least 173 communities in 9 provinces of the upper northern region are reported to be affected by the joint

operation of ISOC, Military, Police and forestry department, national park department under Ministry of Natural Resource Management who have threatened to take strict legal action against communities living in the restricted forestry areas in the northern provinces.

46) National Human Rights Commission issued a Preliminary Recommendations of the National Human Rights Commission's Sub-Commission on the Rights Related to Lands and Forest and the Sub-Commission on Community Rights regarding the Orders of the National Council for Peace and Order (NCPO) No. 64/2557 and 66/2557 stated that the said order has affected livelihoods of the communities in the forest. It suggested that hereby request that all relevant agencies cease or suspend their operations in the areas designated in the Master Plan and launch a process that allows peoples to participate in the consideration and decision-making related to the Master Plan and its associated action plans.

48) The implications of the NCPO Orders no. 64 and 66/2014 invoked by the military and forestry officials that a satellite image made in 2002 would be an only evidence used to verify forest encroachment. Only land tilled prior to 2002 is regarded as legal for use. This blanket policy by NCPO to apply as verification of land used is a threat to local villagers even though the village has not been visited by army and park officers since policy announced and applied in other national parks already. They are living in fear but ready to prepare themselves to defense themselves that they settled in this land prior to National park and ready to deal with the officials who wanted to enforce the NCPO Order. The same situation also explained to us by villagers of Ban Huay Lu Luang, Muang District, Chiang Rai during our trip on 27-29 August 2014.

49) On 10-11 October 2014, around 30 ethnic Hmong villagers from various villagers in districts of Mae Hong Son. Mae Hong Son Network of the Ethnic Hmong together with community leaders including district headman, village Headmen, members of Tambon Administration Organization shared similar concerns. Most of the ethnic Hmong in Mae Hong Son live in area classified as forest reserve and continue to live their traditional way of life. Many have changed to grow cash crops and expand their farmland. Though the land has been tilled for a long time, the authorities accuse them of forest encroachment and they are being affected by the NCPO Orders no. 64 and 66/2014. The villagers has the same respond asking how to prepare in dealing with the officials who wanted to enforce the NCPO Order and forced us to leave or not to cultivate.

50) On 2-3 December 2014, documenting from a gathering of around 30 participants including the ethnic Parong, Lahu, Shan and Muang villagers, most of whom are community leaders, voluntary teachers and volunteers of the Fang River Basin Project. Fang, Chiang Mai, Fang River Basin Project and PLAN shared that the river basin is consisting of three districts including Chai Prakan, Fang and Mae Ai district. The authorities do not recognize community land title deeds, some officers allegedly extorted for money if found the villagers cultivate or use forest reserve land due to lacking of citizenship of a number of villages.

51) The Northern part of Thailand is also classified as having the most forestry land and predominantly under sustainable cultivation by ethnic/IPs communities. Therefore if policy continues without consultation with concerned communities, rights of communities affected are not limited to the rights to be free from forced eviction but also other rights relating to citizenship, the right to food, right to work, right to health care and right to education. In addition, many communities still lack the capacity to access justice for defending their basic human rights and are often not able to effectively deal with lawsuits regarding land disputes with government agencies such as Forestry Department, Ministry of Natural Resource Management or criminal charges of trespassing on their own land.

55) In May 2015 at Ban Mae Hoy, Tambon Mae Nachon, Mae Chaem District, Chiang Mai, the Karen ethnic community of four neighboring villages including Ban Mae Sa, Ban Mae Kho, Ban Mae Ao Nai, and Ban Mae Sob Ruam complained that most of villagers have been affected by an order from the Provincial Governor banning slash and burn agricultural system for 120 days. It was accused that this rotating cultivation produced the smoke and dust problem in the area. But traditionally, highland villagers have to burn their farmland toward the end of February until April every year to prepare the land for paddy rice farming. If they are prohibited from burning the land, they will not be able to attain enough yield from their production and have no enough to eat.

In addition, the state forest reclamation policy of the National Council for Peace and Order (NCPO) has confined the area on which the villagers are allowed to farm. Even it has got into June - July 2015, they have not yet started their growing as they used to do. From the attempt to educate the villagers about their community right, the villagers did not seem to be so eager to learn. They are not barred from burning their farmland within the period of time and their land has not been confiscated yet by the NCPO policy.

#### Case of Nondindaeng, Burirum Province: Force eviction & violation of rights to housing

56) At least 46 families have been forced-evicted from their homes and farmland inside the Dong Yai National Forest Reserve, Burirum, in June 2014. In the past one year, no solutions have been implemented to address their landlessness and impoverishment. Worse, on 18 June this year, pressure has been put against the owners of rubber plantations who on humanitarian basis have offered temporary shelter to the affected and evicted villagers. The pressure has been mounting to push the villagers of 28 families who set up temporary shelter in a rubber plantation in Ban Sub Kaning, Tambon Sompoy, Non Din Daeng District, six families in temporary shelter in Wat Hua Khuan Lamnangrong, Non Din Daeng District, and 12 families in Wat Lamnangrong, out of the land. They are told to desert the area within seven days, even though no relocation site has been offered to them. It has been over seven days, and the villagers have no idea where they can turn to to seek refuge. They continue to live in fear of another forced eviction.

57) On 22 June 2015, the Committee on Economic, Social and Cultural Rights (CESCR) has distributed a recommendation to the Thai government after a hearing in a panel review relating to the situation of human rights situation in Thailand attended by a delegation from Thai authorities, over 20 of them. During the discussion on 4-5 June, one of the 18 members of the Committee has inquired about forced eviction against the villagers in Non Din Daeng, Burirum.

58) In June 2015, the CESCR Committee has written and distributed an official concluding observation on 22 June 2015 and tendered it to the Thai government via the Permanent Mission of Thailand to the United Nations in Geneva, Switzerland as well as the UN website. In the Concluding Observations no. United Nations E/C.12/THA/CO/1-2, it states that;

“The Committee is concerned at:

(a) The denial of the traditional rights of ethnic minorities to their ancestral lands and natural resources and the concentration of land ownership in the hands of a very small proportion of the population;

(b) Information received that the implementation of its forest conservation policy, in particular NCPO Orders No. 64/2557 and 66/2557 of 2014, has resulted in the destruction of crops and forced evictions;

The Committee recommends that the State party take all necessary steps, including revising its legal and policy framework...to ensure that forced evictions are only used as a measure of last resort and persons forcibly evicted are provided with adequate compensation and/or relocation, bearing in mind the Committee's general comments no. 4 (1991) on the right to adequate housing and no. 7 (1997) on forced evictions;

59) However, in Aug 2015, the solution based on humanitarian principle has not be forged to address impoverishment and landlessness of the villagers and the long term solutions should ensure protection of fundamental human rights to housing and farmland. No solutions can be found by swiftly and forcibly evicting the villagers without any remedies provided for them. It is proposed that the eviction order be suspended and more negotiation is made. At least 12 families evicted from Dongyai National park previously reside in Ban Talad Kway villagers should be allowed to stay in their temporary shelter while awaiting other measures from relevant agencies.

## **60. Recommendations on Section 2 (Land and forestry policies)**

60.1. Withdraw NCPO orders no. 64/2014 and 66 /2014, which gives authority to local officers to arrest, threaten, destroy crops, evict local communities arbitrarily without due notice to the affected communities and without prior consultation with civilian local agencies. For the case of forced evicted, the compensation shall be paid including finding long team solution on rights to housing and land.

60.2. After lifting of martial law on 1 April 2015, the NCPO issued order 4/2015 which may lead to eviction operations by authorities. All government officers should stop any arrests relating to allegation of land encroachment and stop threatened local communities to evict or move out prior to consultation and verifying the land location with participatory approaches.

60.3 Further, a review of the 10 years forestry plan under Internal Security Operation command and Ministry of Natural resources management should be made to assess their impact on the rights of people dwelling inside forests

60.4. The National Park Act, National Forest Reserve Act, Wildlife Conservation and Protection Act and other forest and natural resource management laws should be reviewed and amended accordingly. Indigenous peoples who have been displaced or relocated according to these laws should be given redress: either restitution, or where not possible "just, fair and equitable compensation".

60.5 Supporting the Community land title act drafted by CSOs to solve the issues of land and natural resource management.