

Thailand: The day Suphap Khamlae, land rights activist, walked free

Tuesday 6 February 2018, by [RITTIPIN Sarayuth](#) (Date first published: 24 January 2018).

Suphap Khamlae, wife of disappeared land rights activist Den Khamlae, has been released upon completing a six-month jail sentence for land encroachment. At 65, Ms Suphap, of Khok Yao Village, Khon San District, Chaiyaphum Province, insists that she will continue to fight for the Khok Yao community until justice is achieved.



Each night as darkness falls, desolation descends upon this lonely house as Mother Suphap awaits her husband's return to the place they call home

Charged under the Forest Act (1941) and the National Reserved Forest Act (1964) with encroachment on the Phu Sam Phak Nam Protected Forest in Chaiyaphum, Ms Suphap was sentenced to six months in Phu Khieo Prison, Chaiyaphum, beginning 27 June 2017. The sentence was confirmed by the Supreme Court and read out by the Phu Khieo Provincial Court.

Upon her 6 January release, she was joyfully received by members of people's movements nationwide under the umbrella of the People's Movement for a Just Society (P-Move). Human rights activists, ordinary citizens and students came to welcome "Mother Phap" to freedom, reuniting her with home in a spirit binding ceremony.

Suphap told Prachatai that prisoners are usually freed at 10 in the morning, giving them time for devotions, exercise and to bathe before singing the national anthem and eating at eight. However, she was released at seven, given no time to prepare and no opportunity to eat or say goodbye to friends.

She speculates, with a smile and a laugh, that prison officials released her early out of fear of the journalists and large crowds that might meet her at the prison gate. She was overjoyed and deeply moved at the many people who, in fact, did come to receive her.

With the early-morning release, some missed meeting her at the gates. Professor Alongkorn Akkasaeng, College of Politics and Governance, Mahasarakham University, left home on 5 January and took a room in Phu Khieo, eager to greet Suphap the morning of the seventh. He arrived at the prison at 10, the scheduled release time, only to find no one. Prison officials told him that she had been released at seven and that everyone had already left. Alongkorn then travelled to a temple in

Khon Kaen where ceremonies were being held for Mother Phap and offered his congratulations there.

Another academic who welcomed Suphap to freedom, Anuson Phatthanasan, Faculty of Political Science, Chaiyaphum Rajabhat University, says that in the course of researching land use issues he had spoken with Den, Suphap's husband, a few times before he disappeared. Though he had not had much opportunity to speak with Suphap, he had encountered her many times at land use seminars, and at an event in May of last year marking the one year anniversary of Den's disappearance.

"I've felt bound to their fate for a long time now, and after Mother Phap was imprisoned, I committed myself to welcoming her upon release and giving her encouragement," he says. "Why should anyone bear repeated hardship like this? Khok Yao Village takes up very little space, both for living and gardening. The houses are not much more than tin shacks, just enough to shut out the wind and with less than a tenth of a hectare, just enough for beans and vegetables to live day-to-day. And she has to go to jail. That's more than the poor should have to bear."

Mother Suphap's case is only one instance of injustice resulting from the improper exercise of government power in land disputes with the state. Protected forest status is designated for areas where people are already living and eking out their survival, and officials move to force the villagers out of their homes and off their land. When villagers petition for their rights, they are met with obstacles, threats and various forms of violence. Many are arrested and charged and must fight their cases from the Court of First Instance all the way to the Supreme Court. Some lose their freedom and are jailed. This endless cycle of injustice will continue as long as state agencies fail to cooperate in correcting problems with policy.

Sarayuth Rittipin

FACT BOX ON SUPHAP KHAMLAЕ

Ten villagers have been arrested on charges of encroachment in Phu Sam Phak Nam Protected Forest since 1 July 2011. The defendants are named in four cases:

Case 1: Khambang Kongthui, Samnieng Kongthui

Case 2: Thong Kunhong, Sompong Kunhong

Case 3: Sanam Chunlanan

Case 4: Den and Suphap Khamlae, Bunmi Wiyarot, Nupit Wiyarot and Tia Yamsanthia

The Phu Khieo Provincial Court read out the Appeals Court's sentence in the fourth case, involving Den and Suphap Khamlae and three others, on April 25, 2013. The Court of First Instance had sentenced Den and Suphap to six months imprisonment without parole and denied bail on appeal as they were considered a flight risk. Charges against the other three were dismissed. The Appeals Court upheld the verdict of the Court of First Instance.

On 9 May 2013, the People's Movement for a Just Society (P-Move) gathered in Bangkok to call for reform of state agencies and rallied at the Supreme Court calling for the defendants to be granted bail. The defendants' lawyers lodged an appeal, which the court accepted, also allowing bail for Den and Suphap, but raising the amount from 200,000 300,000 baht.

While awaiting the court's decision, on 16 April 2016 Den was forcibly disappeared in the border area between Phu Sam Phak Nam National Forest and Phu Khieo Wildlife Sanctuary. He had gone into the forest to look for bamboo shoots.

After examining human remains found 25 March 2017, the Central Institute of Forensic Science

released its initial finding that there was over a 90 percent probability that the remains were those of Den, based on DNA from his younger sister.

On July 27, 2017, the Supreme Court upheld the Court of First Instance conviction and sentence against Suphap Khamlae: six months in prison without parole.

P.S.

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