

Court's finds Somphon guilty of attempted assassination and sentenced him to 13 years and 16 months of imprisonment, and also ordered him to pay compensation to the victim, one Mr. Dam On-muang, a land rights defender of Santi Pattana Community, a member community of the Southern Peasants' Federation of Thailand (SPFT).

Today (26 August 2021), 9 am, the Wiang Sra Provincial Court, Surat Thani, delivered the verdict on the Black Case no. O18/2564 concerning the attempted assassination of Mr. Dam On-muang, a Land Rights Defender.

Mr. Dam was nearly killed by bullets fired at him on 20 October 2020 at about 1am, while he and four other members of the Santi Pattana Community were patrolling to guard the entrance of their community. The assailant (Somphon) charged in and fired his gun at Mr. Dam's head. Fortunately, Mr Dam was able to avoid the bullets and survived this outrageous attempt on his life.

The perpetrator was later identified to be one Mr. Somphon Chimrueng. He used to be employed by a private oil palm company, a party in dispute with the community. After the incident, he fled in a car. The police arrested him at his home and seized the firearm used in the commission of the crime. He was later indicted for attempted murder according to the Penal Code and for having in possession the firearm and ammunition without permission, carrying with him firearm into city, village or public way without permission and without reasonable ground, an offence pursuant to the Firearms, Ammunition, Explosives and Fireworks Act

The witness examinations in this case took place from 29-30 June 2021.

Mr. Dam's legal team had asked and became part of the plaintiff in this case, together with the Wiang Sra public prosecutors.

Today, the Wiang Sra Provincial Court convicted and sentenced Mr. Somphon Chimrueng (defendant/accused) to 13 years and 16 months of imprisonment and ordered him to pay

30,000 baht to Mr. Dam for compensation. Mr. Dam has asked for 60,000 baht as compensation, and Mr. Somphon (the defendant) had already previously paid him 30,000 baht (according to the summary of the verdict).

Mr. Dam On-muang, the victim, as injured party(Plaintiff) in this case, after hearing the verdict said that he was satisfied with the decision and feels that justice had been served.

To date, in the struggles of SPFT, Mr Dam had lost four of his comrades by reason of assassinations. He and another comrade have also been victims of attempted assassinations.

This was the first time that the perpetrator was identified and brought to justice. It bodes well for SPFT when justice was done this time.

Mr. Dam added that he owes a debt of gratitude to many including SPFT, Protection International and the legal team for the excellent assistance given until justice was obtained today.

Ms. Natthaphan Saengthap, a Women Human Rights Defender and member of the Southern Peasants' Federation of Thailand (SPFT) and an authorized legal representative of Mr. Dam said after hearing the verdict that she feels very thrilled and happy that Uncle Dam has received justice from the court. She feels justice is served 100% for him when the perpetrator in this case was brought to justice. She laments the fact that many other perpetrators in crimes against other members of SPFT have not yet been brought to trial. Many other groups in Thailand are demanding justice and such justice must be equally provided to all other groups as well.”

Ms. Amphon Sangthong, Mr. Dam's attorney, said after the verdict that she is happy with the decision since the perpetrator has been brought to justice according to the law. This case is very significant since it is the first time that a perpetrator who has committed crime against the SPFT has been brought to justice. Until now, four HRDs (two WHRDs) and SPFT members have been assassinated and another person was victim of an assassination attempt, yet no one has yet been brought to justice.

In this case, the injured party gave evidence as an eye witness confirming the identity of the perpetrator, and enough evidence had been acquired. She, however, feels concerned that the defendant/accused will appeal the decision, as per his right. She is sure that enough evidence had been acquired and she is ready to stand by and fight on for Mr. Dam.

Currently, Mr. Dam, SPFT and the legal team are monitoring as to whether this guilty verdict would be appealed. It has to be done so within 30 days. If the appeal motion has been filed, Ms. Amphon Sangthong and the legal team intend to file a counter argument/claim.

Angkhana Neelapaijit, Former National Human Rights Commissioner, said “That the court has convicted and punished the perpetrator involved in the attempted assassination of Mr. Dam On-muang, a SPFT member, serves as an initial victory for the villagers. However, since the police have failed to acquire evidence needed to bring to justice the mastermind/s, it still demonstrates a failure of justice and this may perpetuate the culture of impunity.” “I hope that this case shall prompt the government to come up with measures in compliance with international standards to protect HRDs, to offer remedy to heal the damages caused, and to put at rest this culture of impunity in Thailand.”

Pranom Somwong, Protection International’s Representative in Thailand said that “In Thailand the worst environmental and human rights abuses are caused by those involved in wrongful exploitation of land and natural resources. Corruption in the country’s political and economic structure both at the local and national level only facilitates such rights violation. Land and environmental rights defenders and their movements, such as Mr. Dam and The Southern Peasant Federation of Thailand (SPFT) as in this case, are the people who have been taking a strong stand in the hope of correcting this ‘ruined’ system. We reiterate our demand that the State discharge their duty to ‘ensure the prompt and independent investigation of all violations against Human Rights Defenders, the speedy prosecution of alleged perpetrators, and that victims are assured ‘just and effective remedies’, including compensation, for victims”.

Those protections duties on obligations depends on political will and action, as well as an effective cooperation between HRDs, authorities involved especially the government, the police and the Judiciary