

**The Complaint No. 411/2554: Rights of person on property with unjust practices, Case of Allegation against Officials of the Mangrove Resource Development Station, No.18 (Bangwan) searching and seizing rattan gathered by a complainant with unfairness;**

Mr. Komsan Padthan lodged a Complaint to the National Human Rights Commission of Thailand (NHRCT) with expression that on 10<sup>th</sup> February 2011, officials of the Mangrove Resource Development Station, No.18 (Bangwan) joining with officials in the Center for Coordination and Suppression towards Deforestation in total 32 persons entered to search and seize rattan (*Calamus longisetus* Griff) gathered by a Complainant. The Complainant experienced various actions with suspicions, as: to mobilize massive manpower to storm and search and to behave discriminatory acts with searching and seizure of rattan gathered only by the Complainant. The others nearby with possession of great amount of rattan were left without seizure. In addition, The Complainant also claimed his legal possession of rattan, so he lodged a complaint to the Phang Nga Provincial Office. Later on, Mr. Parinya Yingyong, an Official under a list of Officials searching and seizing rattan, was appointed to be a Member of Committee examining alleged actions taken by officials. Responding to the complaint lodged by the Complainant which certainly the Complainant felt unfairness and illegitimacy under the Administrative Practice Act, B.E. 2539 (1996) that might be bias or prejudice for consideration of his complaint. The Complainant thereupon filed a complaint to the Ministry of Natural Resources and Environment with requesting for fair treatment and then also asked the NHRCT to follow up the result of such consideration.

The National Human Rights Commission of Thailand (NHRCT) has acquired and considered the facts gained from examination of relevant laws and opined that ground of the Complaint being considered shall be divided into 2 main issues, as follows:

Issue No.1: In response to unlawful actions of seizure of Complainant's rattan taken by officials of the Mangrove Resource Development Station, No.18 (Bangwan), that a public attorney of Takuapah Judicial Province had opined with no accusation due to the presentation of evidences showing clearly legal possession of rattan of the Complainant. A public attorney accordingly issued an Order to return such exhibited rattan to the Complainant. In reference to the facts gained with duties of the Mangrove Resource

Development Station, No.18 (Bangwan), on behalf of a unit retaining exhibits, it insisted that the Station bearing duties to keep and maintain such rattan in appropriate manners. Once it shall not return such exhibit, this shall be considered as infringement of rights of a Complainant indeed.

Therefore, the NHRCT deems expedient to regulate measures solving problems given to the Mangrove Resource Development Station, No.18 (Bangwan) for consideration of paying of remedies or compensations to the Complainant in appropriateness with the Case. This shall be automatically responded without the exercise of rights of the Complainant in the Court of Justice. Under these recommendations, the NHRCT acquires the Station to give more updates on its progress within 60 days, while also proposes policy recommendations to the Ministry of Natural Resources and Environment for its reiteration and firm insisting to their all affiliated line agencies to strictly act in pursuance of laws, regulations and orders of it.

Issue No.2: In response to the discriminatory actions of seizure of Complainant's rattan taken by officials of the Mangrove Resource Development Station, No.18 (Bangwan) and also the appointment of an official alleged to take part in searching and seizure of Complainant's rattan to be a Member of Committee examining alleged actions taken by officials, there is none of facts found that the Ministry of Natural Resources and Environment, as a direct and superior authority to carrying-on investigation and giving fairness to the Complainant, appointed any alleged party to be a Member of that Committee examining alleged actions. Only one fact found was the assignment to alleged parties to gather and compile all information and detailed evidences to report to the Phang Nga Provincial Office. Therefore, it deems expedient to terminate and dismiss this Issue.

Later on, the Ministry of Natural Resources and Environment has submitted a written letter to the NHRCT notifying that Mr. Padthan has exactly received exhibited rattan upon a Criminal Case, No. 30/2555, in total 225 canes and does not want to continually pursue the Case on requesting of remedies or compensations from government authorities. The Case with problems is now solved with solutions above.