



Special Rules and Practices for Environmental Cases in Thailand Focusing on Wildlife Crime

The Environmental Case Division of
the Supreme Court of Thailand

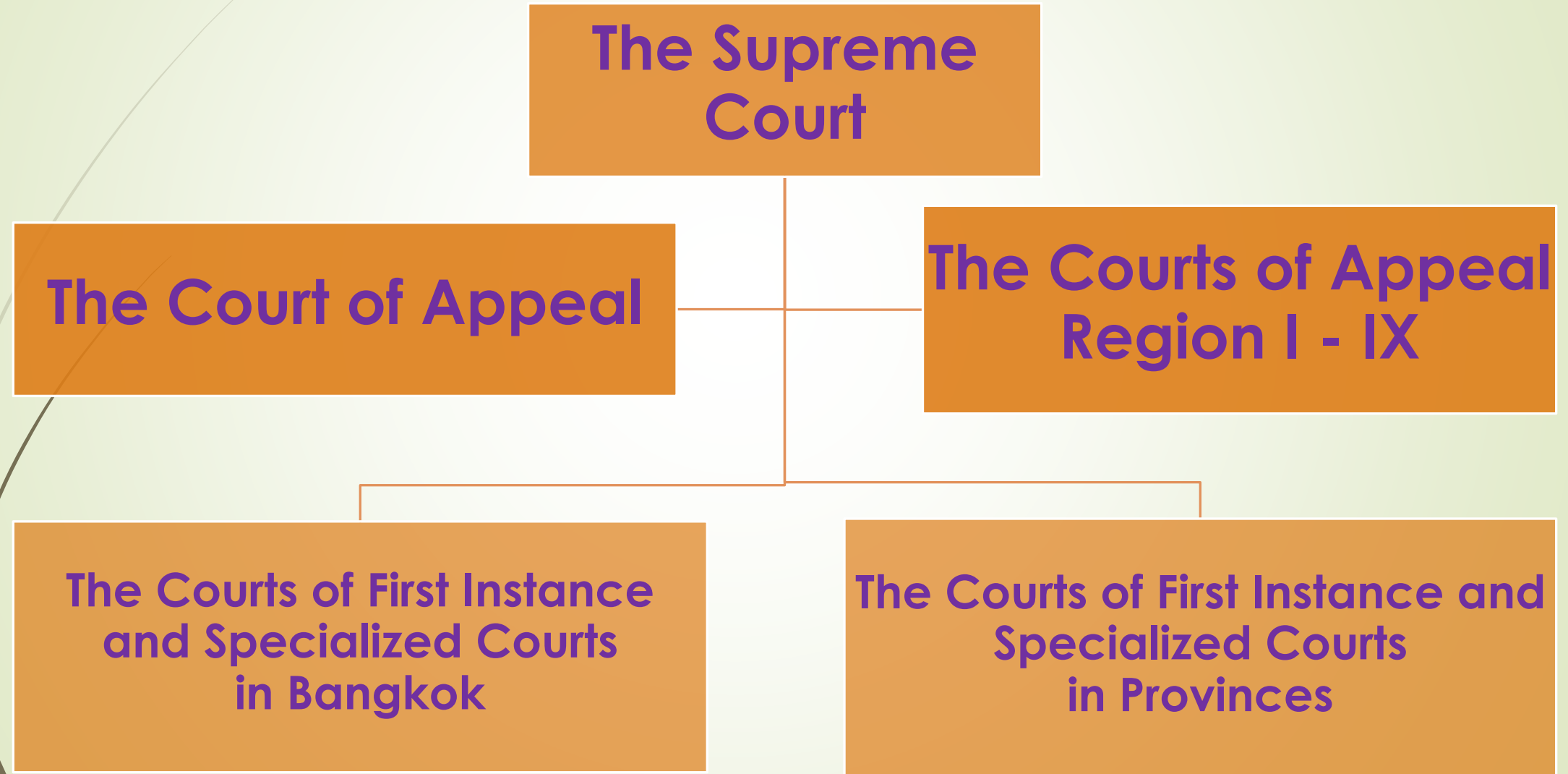
17th August 2023



outline

- *Structure and Jurisdiction of Thai Court of Justice in Environmental Cases*
- *Existing Legal tools for Handling Wildlife Crime Cases*
- *Wildlife Cases in the Thai Supreme Court Green bench*
- *Improvement of Wildlife Case Handling*

Structure of Thai Court of Justice



Jurisdiction over Environmental Cases

The Court of Justice




The Administrative Court





The Establishment of Green Bench in The Courts of Justice



In 2005 the Thai Supreme Court established the specialized environmental division and a year later the green bench established in the Court of Appeal in order to enhance cooperation among countries.

Environmental Division of the Supreme Court

➤ Compositions

- 1 President of the Environmental Case Division
- 15 Justices of the Supreme Court
- 1 Research Justice
- 1 Judge in Research Division of the Supreme Court
appointed as the secretary of the Division
- 12 Judges in Research Division of the Supreme Court

Jurisdiction of the Thai Green Bench

Natural Resources Laws

- The Wild Animal Reservation and Protection Act of 2019 (WARPA)
- The Elephant Ivory Trade Act of 2017
- The National reserved forests Act of 1964
- The National Park Act of 2019
- The Forestry Act of 1941
- The Fisheries Act of 2015

Pollution Laws

- The Enhancement and Conservation of National Environmental Quality Act of 1992 Section 96 and 97
- The Hazardous Substances Act of 1992
- The Factory Act of 1992



Existing Legal tools for Handling Wildlife Crime Cases

- ***Offenses at ports and Borders***
 - ***Offenses within national borders***
- 

Offenses at ports and Borders

The Wild Animal Reservation and Protection Act of 2019 (WARPA)

Customs Act of 2017

Prevention and Suppression of Involvement in Transnational Crime Organization Act of 2013

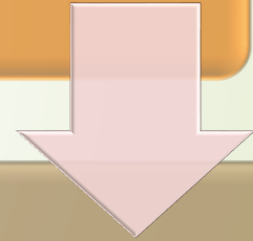
The Anti – Money Laundering Act of 1999



Offenses within national borders



The Wild Animal Reservation and
Protection Act of 2019 (WARPA)



The Elephant Ivory Trade Act of
2015




The Wild Animal Reservation and Protection Act of 2019 (WARPA) Section 4


“Reserved Wildlife” means rare wildlife or endangered wildlife that needs to be conserved and preserved in a strict manner as prescribed under this Act



“Protected Wildlife” means wildlife that is important to the ecosystem, or such wildlife species whose decreased population may affect the ecosystem, as prescribed under this Act



“Controlled Wildlife” means protected wildlife under CITES and other wildlife that require appropriate control measures as prescribed under this Act



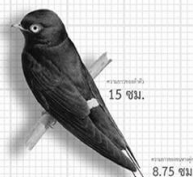
Reserved Wildlife in Thailand

Picture from Department of National Parks, Wildlife and Plant Conservation

สัตว์ป่าสงวนในประเทศไทย

RESERVED WILDLIFE OF THAILAND

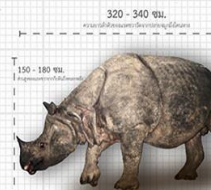
ตามพระราชบัญญัติสงวนและคุ้มครองสัตว์ป่า พ.ศ.2535



นกเจ้าฟ้าหญิงสิรินธร

WHITE EYED RIVER MARTIN
Eurochelidon sirintarae (Kitt, 1968)

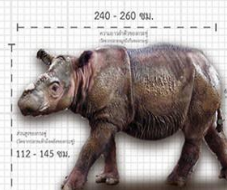
ภาพ: Bird & Nature Fund



แรดชวา

JAVAN RHINOCEROS
Rhinoceros sondaicus (Desmarest, 1822)

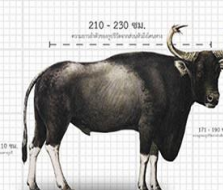
ภาพ: Ujung Kulon National Park/WWF



กระซู่

SUMATRAN RHINOCEROS
Dicerorhinus sumatrensis (G. Fischer, 1814)

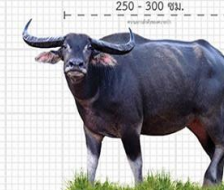
ภาพ: Peta & Longshot



กูปรี

KOUPREY
Bos sauveli (Linhai, 1937)

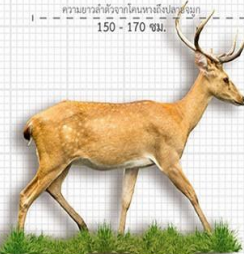
ภาพ: Harriet Johnson-Guthrie



ควายป่า

WILD WATER BUFFALO
Bubalus arnee (Kerr, 1792)

ภาพ: แผนที่อุทยานแห่งชาติ เขตรักษาพันธุ์สัตว์ป่าห้วยขาแข้ง
กรมอุทยานแห่งชาติ สัตว์ป่า และพันธุ์พืช

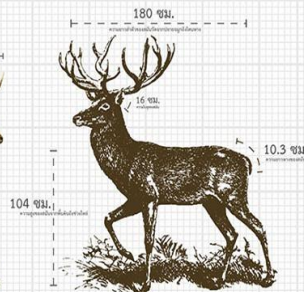


ละอง/ละมั่ง

ELD'S DEER
Rucervus eldi (McClelland, 1842)

ภาพ: ธัญญ์ ชนตรี

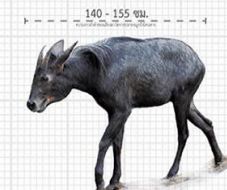
กรมอุทยานแห่งชาติ สัตว์ป่า และพันธุ์พืช



สมัน

SCHOMBURGK'S DEER
Rucervus schomburgkii (Blyth, 1863)

ภาพ: Corinne Clapart

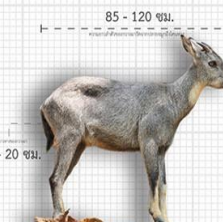


เสียงฟา

SUMATRAN SEROW
Capreolus sumatrensis (Bechstein, 1799)

ภาพ: J. Jansz

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กวางฟา

CHINESE GORAL
Naemorhedus griseus (Milne-Edwards, 1871)

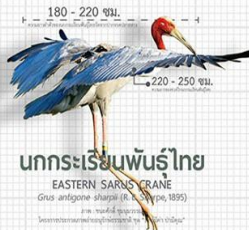
ภาพ: ธัญญ์ ชนตรี



นกแต้วแล้วท้องดำ

GURNEY'S PITTA
Hydrophas gurneyi (Hume, 1875)

ภาพ: Pichan Pongpikul



นกกระเรียนพันธุ์ไทย

EASTERN SARUS CRANE
Grus antigone sharpei (K. J. P. J. 1895)

ภาพ: นกกระเรียน

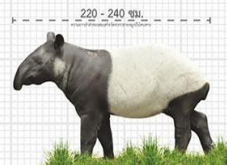
กรมอุทยานแห่งชาติ สัตว์ป่า และพันธุ์พืช



แมวลายหินอ่อน

MARBLD CAT
Pardofelis marmorata (Muller, 1837)

ภาพ: Joel Sartore



ส่มเสี้ยว

MALAYAN TAPIR
Tapirus indicus (Desmarest, 1819)

ภาพ: Happongsa-Pichay



เก้งหม้อ

FAA'S MUNTJAC
Muntiacus faae (Thomas & Don, 1889)

ภาพ: Peta & Longshot

License: commons.wikimedia.org



พะยูน

DUGONG
Dugong dugong (Müller, 1776)

ภาพ: Suptee

กรมอุทยานแห่งชาติ สัตว์ป่า และพันธุ์พืช



Four Thai marine species
announced as “reserved
wildlife”

Picture from
Department of
Fisheries





WARPA Section 22

Import/Export Offenses of Reserved Wildlife

Importing or Exporting reserved wildlife, reserved wildlife carcasses and reserved wildlife products without a license

Penalty : 3 to 5 years imprisonment or a fine between 300,000 Baht to 1.5 million Baht (8,756 USD to 43,783 USD) or both (Section 89)



WARPA Section 17

Possession of Reserved and Protected Wildlife

Possessing a reserved or protected wildlife species or carcasses of such wildlife

Penalty : Maximum 5 years imprisonment or a fine of up to 500,000 Baht (14,595 USD) or both (Section 92)



WARPA Section 19

Possession of Controlled Wildlife

Possessing a controlled wildlife species or its carcasses

Penalty : Maximum 1 year imprisonment or a fine of up to 100,000 Baht (2,920 USD) or both (Section 90)

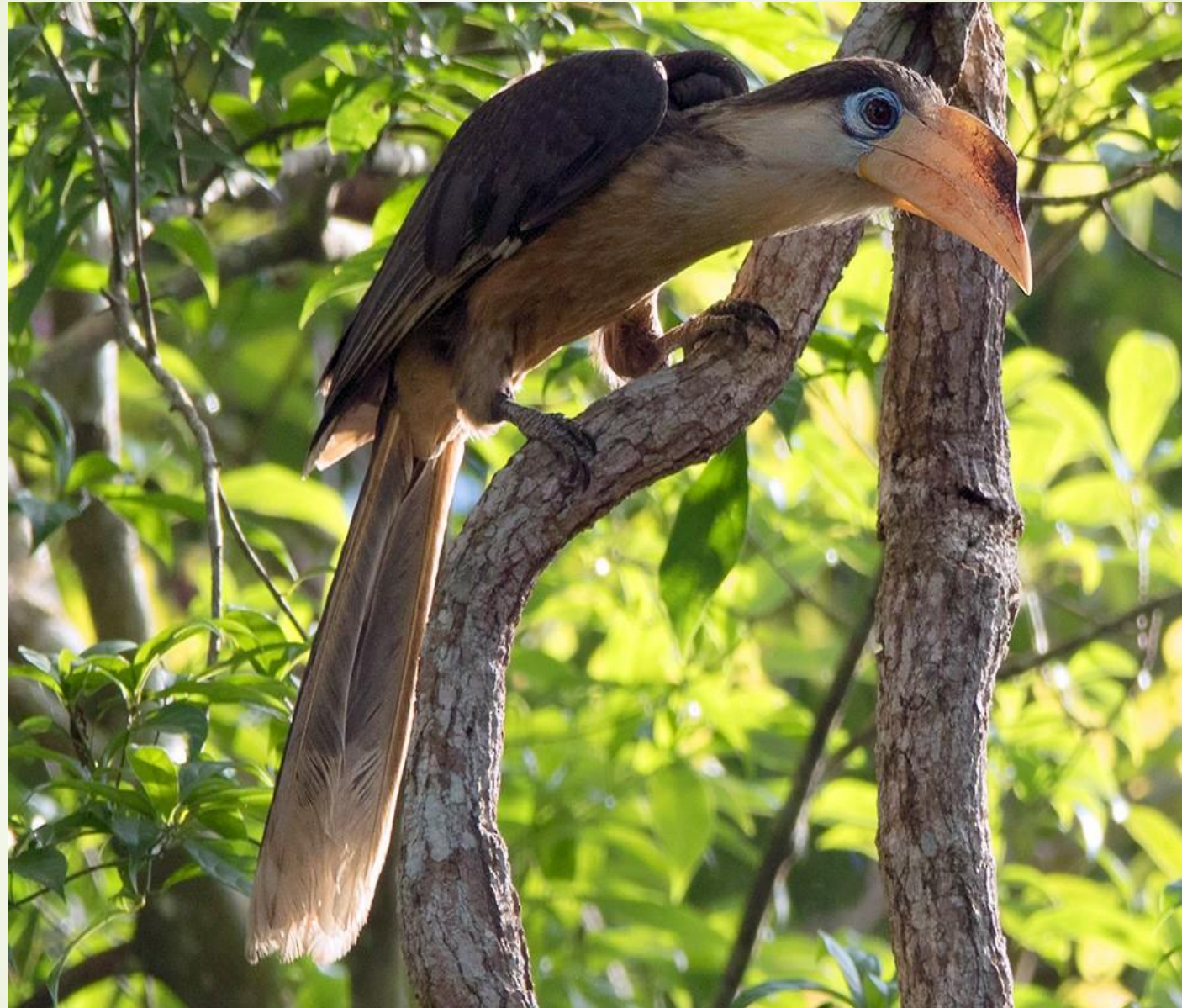
Protected Wildlife in Thailand

Picture from Thairath
online



Protected Wildlife in Thailand

Picture from
eBird
<https://ebird.org/species/brnh>
or1?siteLanguage=th



Protected Wildlife in Thailand

Picture from
<https://www.sundestinations.co.za/blog/collection-of-photos-of-pangolin-sightings-in-the-greater-kruger/>



Picture from
<http://realmetro.com/endangered-mountain-gorillas/>

Picture from <https://pxhere.com/>

Controlled Wildlife



WARPA Section 29

Trade Offenses of Reserved and Protected Wildlife

Trading in a reserved or protected wildlife species or carcasses of such wildlife or products from carcasses of such wildlife

Penalty for reserved species: Between 3 to 15 years imprisonment or a fine of between 300,000 baht to 1.5 million baht (8,756 USD to 43,783 USD) or both (s89)

Penalty for protected species: Maximum 10 years imprisonment or a fine of up to 1,000,000 Baht (29,188 USD) or both (S89)




WARPA Section 23

Import/Export Offenses Protected Wildlife and Controlled Wildlife

Importing and exporting protected/controlled wildlife, carcasses of such wildlife or products from carcasses of such wildlife

Penalty : Maximum 10 years imprisonment or fine of 1 million Baht (29,188 USD) (Section 93)



The Elephant Ivory Trade Act of 2015

Commercial Trading of Elephant Ivory

Section 4: Unauthorized commercial trading of elephant ivory

Penalty : Maximum 3 years imprisonment or a fine of up to 6,000,000 Baht (174,775 USD) or both (Section 13)



The Elephant Ivory Trade Act of 2015

Import/Export/Transport Offenses of Elephant Ivory

Section 5: Importing, exporting, transporting of elephant ivory

Penalty : Maximum 3 years imprisonment or a fine of up to 6,000,000 Baht (174,775 USD) or both (Section 13)



The Elephant Ivory Trade Act of 2015

Possession of Elephant Ivory

Section 6: Possessing elephant ivory for non-commercial purposes, and failing to notify the Director General of the Department of National Parks, Wildlife and Plant Conservation

Penalty : A fine of up to 3,000,000 Baht (87,390 USD) (Section 14)

Wildlife Crime Cases in the Thai Supreme Court Green bench





The Supreme Court Case No. 1203/2564

- **The “Black Panther” poaching case**
- **A Thai billionaire and three employees were arrested at Thung Yai Naresuan Wildlife Sanctuary in February 2018 in possession of a black leopard carcass, skinned carcasses of other protected wildlife, and guns**
- **The billionaire accused of poaching wildlife in a national park has been given prison sentence for three years and two months**

Possession of Austen's Brown Hornbill

(The Supreme Court Case No.
6570/2561)

ภาพจาก hornbill.or.th



Picture from
Hornbill Research
Foundation



Possession of pangolins

(The Supreme Court Case No.
10581/2559)

ภาพจาก wikipedia





ภาพจากมูลนิธิสืบนาคะเสถียร

**Smuggling rhino
horns worth over
50 million baht
(1,445,025 USD)
at Suvarnabhumi
airport**

**The case is
pending.**

Picture from Thai PBS



Importing and Possessing of Elephant Ivory

The Case is pending





Improvement of Wildlife Case Handling

- To impose severe sentences and severe more than formerly
- To stress the importance of environmental values
- To suppress or deter environmental crime
- To assure environmental compliance
- To have specialized environmental procedure law



The Draft of Environmental Procedure Act B.E. ...

- **Punitive Damage**
- **Value based confiscation**



Thank you