

Announcement of the Bangkok South Civil Court

Regarding Permission for Class Action Lawsuit

Between	{	Mrs. Hoy Mai 1 st , Mr. Smin Tet 2 nd	Plaintiff
		Mitr Phol Sugar Co., Ltd.	Defendant

The 1st plaintiff, Mrs. Hoy Mai, lives in Taman village, Kon Kreal Commune, Samrong district, Oddar Meanchey province, the Kingdom of Cambodia. The 2nd plaintiff, Mr. Smin Tet, lives in Taman village, Kon Kreal Commune, Samrong district, Oddar Meanchey province, the Kingdom of Cambodia.

The defendant, Mitr Phol Sugar Co., Ltd., is located at House no.2 Ploenchit Center Building, Sukhumvit Road, Klongtoey Sub-district, Klongtoey District, Bangkok.

The plaintiffs have 6 attorneys as: Ms. Sor.Rattanamanee Polkla, Mr. Teerapan Pankeeree, and Mr. Tittasat Sudsaen – who work for Community Resource Centre Foundation located at House no. 1865 Soi Charansanitwong 75, Bang Plad Sub-district, Bang Plad District, Bangkok, Tel. numbers 081 7725843, 086 7686226, and 089 8496838. Acting Sub Lt. Somchai Ameen, Mr. Thanu Akechote, and Mr. Wiroj Changsan – who work at the same office located at House no. 445 Soi Lad Phrao 112, Phlabphla Sub-district, Wang Thong Lang District, Bangkok, Tel. numbers 081 4071061, 086 3435569, and 081 1710375.

Summary of plaint and group characteristics

In this case, both plaintiffs have filed a lawsuit against the defendant on the grounds that both plaintiffs and class members who share common characteristics as:

- 1) are residents of communities in Bos village, O’Bat Moan village, Taman village, Trapain Veng village, Ktum village of Kon Kreal Commune, Samrong District, Oddar Meanchey Province, Cambodia, and had farmland or residences in the area of Economic Land Concession (ELCs) held by Angkor Sugar Co., Ltd. before 2008; and
- 2) are individuals or families whose human and environmental rights, life, body, and properties have been violated, as a result of operations in Economic Land Concession (ELC) areas by Angkor Sugar Co., Ltd., a representative of Mitr Phol Sugar Co., Ltd. the defendant, which operated in Cambodia in 2008 – 2015, causing damage to the individuals and families, including loss of houses, loss of farmland, damage to properties, loss of opportunity to make use of community forests, and being assaulted causing physical and mental harms.

Both plaintiffs and class members are a group of individuals who have the same rights, as they are directly affected by the violations against their human and environmental rights as a result of offenses against the domestic laws of Cambodia and Thailand, both criminal law and civil law, involving a civil liability in connection with criminal cases. This is the liability of Mitr Phol Sugar Company Limited (Defendant) as the principal which must be held responsible for the actions of Angkor Sugar Co., Ltd., the defendant's agent operating in Cambodia.

Both plaintiffs demand the defendant to pay compensation to the 1st plaintiff in an amount of 4,042,604 baht, and to the 2nd plaintiff in an amount of 1,802,600 baht, with 7.5 percent interest per year from the date of filing the lawsuit. And the defendant shall pay compensation to the class members based on the following criteria and method of calculation, with 7.5 percent interest per year of the amount to which each person is entitled, from the date of filing the lawsuit onwards until the defendant has completed the payment:

1. Medical expenses and related expenses

Class members who were injured and hospitalized during 2008 - 2015 shall receive travel expenses to the hospital, medication cost and medical expenses in an amount of 100,000 baht per person

2. Health deterioration caused by physical and mental sufferings

Class members whose health has deteriorated, having to recuperate, feeling anxious and distressed from the loss of rights to land during 2008 – 2015, shall receive compensation in an amount of 500,000 baht per person

3. Damage to property (for the head of family)

3.1 Loss of rice fields (paddy fields)

Class members, who are heads of family, in Bos village, O’Bat Moan village, Taman village, Trapain Veng village, and Ktum village, and who lost their family farmland during 2008–2015, shall receive compensation based on the size of the lost land at the rate of 930 baht per *rai* for 8 years, totaling 7,440 baht per *rai*

3.2 Loss of rice yield and lack of income from selling rice

Class members, who are heads of family in Bos village, O’Bat Moan village, Taman village, Trapain Veng village, and Ktum village, and who lost their rice yield and income from selling rice during 2008–2015, shall receive compensation for the lack of income at the rate of 1,500 baht per *rai* for 8 years, totaling 12,000 baht per *rai*

3.3 Loss of land, houses and other buildings

Class members, who are heads of family in Bos village, Ktum village, Taman village, Trapain Veng village, and O’Bat Moan village, and who lost land, houses and fences during 2008–2015, shall receive compensation for the loss of land and houses in an amount of 200,000 baht per family, and for the loss of fences at the rate of 44 baht per post

3.4 Loss of materials, equipment, utensils in the house and tools in the field

Class members, who are heads of family in Bos village, Ktum village, Taman village, Trapain Veng village, and O’Bat Moan village, and who lost other assets during 2008–2015, shall receive compensation in an amount of 8,500 baht per family

3.5 Loss of livestock:

Class members, who are heads of family in Bos village, Ktum village, Taman village, Trapain Veng village, and O’Bat Moan village, and who lost their livestock during 2008–2015, shall receive compensation in an amount of 10,000 baht per family

4. Damages for other rights

4.1 Loss of children's rights to education

Class members, who are heads of family in Bos village, Ktum village, Taman village, Trapain Veng village, and O’Bat Moan village, and whose children lost the opportunity to receive education as normal during 2008–2015, shall receive compensation in an amount of 50,000 baht per child per family

4.2 Loss of access to forest and water resources

Class members, who are heads of family in Bos village, O’Bat Moan village, Taman village, Trapain Veng village, and Ktum village, and who lost income from gathering wild products during 2008–2015, shall receive compensation for the lost income in an amount of 18,500 baht per family for 8 years, totaling 148,000 baht, and also for the lack of benefit from using natural water sources in an amount of 17,000 baht for 8 years, totalling 136,000 baht

4.3 Violations of human rights and environmental rights

4.3.1 Class members, who are heads of family in Bos village, Ktum village, Taman village, Trapain Veng village, and O’Bat Moan village, and whose houses were burned down, deprived of the opportunity to live up to their own will and to live in their house and land during 2008-2015, shall receive compensation for the violation of human rights in an

amount of 1,000,000 baht per family and also for the violation of their rights to live in a good environment for another 100,000 baht per family

4.3.2 Class members, who are heads of family in Bos village, Taman village, Trapain Veng village, and Ktum village, and who were forced to leave their farmland during 2008–2015, shall receive compensation for the violation of human rights in an amount of 500,000 baht per family and also for the violation of their rights to live in a good environment for another 100,000 baht per family

5. The defendant shall pay the (court) fees and expenses for both plaintiffs, and court shall set the reward at the highest rate for the class lawyers

Court order

Therefore, this notice is to inform class members that the Appeals Court issued an order to permit class action lawsuit on 16 March 2020, and the Bangkok South Civil Court read the appeal order on 31 July 2020, and arrange an appointment with both party to set the guideline for procedure on 3 May 2021 at 09.00a.m.

Rights of class members

Class members, who have not left the group, have the following rights:

- 1) To attend the hearing;
- 2) To request the court to order that both plaintiffs do not qualify as stakeholders or are not eligible to be class members;
- 3) To request to inspect the entire or part of documents or to make copies of those documents in the plaint;
- 4) To replace the group's lawyers with new ones if the court finds that the plaintiffs' attorneys cannot adequately proceed to protect the rights of the group, or in the event that the plaintiffs' attorneys have withdrawn from the class action;

- 5) To request to replace the plaintiffs by virtue of the rights as per the provisions of the Code of Civil Procedure in respect of class action lawsuit;
- 6) To object the request to replace the plaintiffs, the withdrawal of the case by the plaintiffs, the agreement or mediation on the matters of the plaint, the agreement to allow an arbitrator to decide on the dispute;
- 7) To check and contend the request for debt repayment;
- 8) To appoint personal attorneys to proceed as per 1) to 7).

Time period for class members who wish to leave the group

Class members are able to submit their intention to leave the group in writing within 60 days of the notice of this court order last taking legal effect.

Results of leaving the group

Class members who have left the group will not be able to rejoin the group or to interplead as co-plaintiffs in the class action by virtue of the rights as per Section 57 of the Code of Civil Procedure. Class members, who leave from the class, shall cease their membership since the day of their notification to the court of their intention to leave the group. Also, class members who have left the group have the right to pursue a lawsuit on their own independently.

The outcome of the court's ruling that will bind class members

The court's ruling shall be binding only for class members who have not left the group.

Announced on 9 February 2021

(Signature)

(Mr. Thaweesak Nakanan)

Chief Judge in the Bangkok South Civil Court