

URGENT ACTION

DEFAMATION CHARGES FOR EXPOSING LABOUR ABUSE

Human rights defenders, activists, journalists and former employees are facing criminal defamation lawsuits for their public comments on labour rights abuses faced by many workers at Thammakaset Co. Ltd, a chicken farm in central Thailand. Nan Win, a former farm worker and Sutharee Wannasiri, a human rights specialist and former employee of Amnesty International Thailand, go on trial on 24 May 2019 while Tun Tun Win, a migrant worker from Myanmar, will stand trial on 5 June 2019. They are three of at least 22 individuals who have faced criminal and civil proceedings initiated by this company.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Prime Minister Prayut Chan-O-Cha
Pitsanulok Road
Bangkok 10300 Thailand
Fax: +66 2282 5131
Email: prforeign@gmail.com

Dear Prime Minister,

I write to urge your government to oppose the legal actions taken by Thammakaset Co. Ltd against their former employees, human rights activists and journalists in relation to their reporting and comments on labour conditions at the company's chicken farm, and act to ensure that they do not proceed.

In 2016, 14 employees at Thammakaset Co. Ltd reported abusive work conditions to Thai authorities. In response, their former employer has subjected former employees, activists and journalists to apparently retributive criminal and civil proceedings, including criminal defamation and computer crimes. The labour rights abuses raised by these employees – paid less than the minimum wage; failure to pay overtime; failure to provide adequate rest time and holidays and confiscation of identity documents - have previously been confirmed through several orders by Thai courts.

While the Bangkok Court dismissed the lawsuit filed against the 14 migrant workers, Thammakaset Co. Ltd continues to file new complaints of criminal defamation. Most recently in October 2018 **Sutharee Wannasiri** and **Nan Win**, a human rights specialist and former farm worker respectively, were charged under Articles 326 and 328 of the Thai Penal Code. They are scheduled to stand trial on 24 May 2019. In addition, former employee **Tun Tun Win** received a court summons in May 2019 announcing that a trial on charges of criminal defamation and defamation by publication against him would commence on 5 June 2019. Sutharee is also scheduled to appear in court to face further civil defamation charges in August 2019.

Amnesty International is concerned that these criminal proceedings threaten the protection of labour rights in Thailand, with a chilling effect on individuals – including those from vulnerable groups such as migrant workers - reporting on labour and other human rights violations for fear of prosecution and imprisonment. Under Thai law, migrant workers – who make up more than 10% of the Thai work force - may not form their own trade unions, and in practice the support of other rights defenders and advocacy groups has played a role in helping report and prevent abusive working conditions.

We request that your government act to support human rights defenders' work to highlight and prevent violations in the workplace, and protect human rights defenders from reprisal, including prosecution for peacefully exercising their rights to publicise violations, including by decriminalising defamation.

Yours sincerely,

ADDITIONAL INFORMATION

The most recent charges stem from publicity in October 2017 by human rights organization Fortify Rights of Thammakaset Co. Ltd's criminal defamation suit against the 14 workers. The organization issued a short campaigning video in which Nan Win and other workers spoke about labour rights abuses and the criminal defamation suits filed against them, and held a press conference, also streamed on Facebook live, at which Nan Win spoke. Sutharee Wannasiri, a former human rights specialist at Fortify Rights, posted the video on Twitter with three comments.

If convicted, Nan Win and Tun Tun Win would face up to four years' imprisonment and/or fine of up to 400,000 Thai Baht (c.US\$12,528), and Sutharee Wannasiri up to six years and a fine of up to 600,000 Thai Baht (c.US\$18,793), under Articles 326 and 328 of the Thai Penal Code, for defamation and defamation by publication.

In June 2016 Nan Win, Tun Tun Win and 12 other chicken farm workers from Myanmar, who were employed at Thammakaset Farm, central Thailand filed complaints about labour rights violations at the farm. State officials found evidence supporting their claim, including Thammakaset's failure to pay minimum and overtime wages or provide adequate leave. Thai Courts have ordered their employer to pay workers compensation for unpaid wages.

Since then these workers alongside human rights activists and journalists have faced extensive apparently retributive legal action amounting to an estimated 16 separate criminal and civil legal complaints against them filed by Thammakaset.

The situation of Nan Win, Tun Tun Win and Sutharee Wannasiri also highlights the need for Thailand to end labour rights abuses by removing criminal penalties for defamation, in line with recommendations by UN human rights experts to decriminalise defamation and protect peaceful exercise of the right to freedom of expression. Criminal defamation laws pose an active threat to human rights defenders seeking to report publicly on human rights violations and abuses— publicity often being a necessary tool to trigger moves for redress in an environment in which many human rights violations and abuses have gone unpunished or not even investigated. While the government has acknowledged that human rights defenders should not be penalised, and courts have dismissed cases on this basis, the existence of criminal defamation laws continues to restrict human rights and undermine the activities of human rights defenders including by tying them up in lengthy and costly criminal proceedings, regardless of the outcome.

PREFERRED LANGUAGE TO ADDRESS TARGET: [English/Thai]

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 3 July 2019

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Nan Win (he/him); Tun Tun Win (he/him); Sutharee Wannasiri (she/her)