

UA 70/19

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## THAILAND

### 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. 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.

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 include less pay than the minimum wage, failure to pay overtime, failure to provide adequate rest time and holidays, and confiscation of identity documents.

The abuses 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 were charged under Articles 326 and 328 of the Thai Penal Code. 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, who report 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. In practice, the support of other rights defenders and advocacy groups has played a role in helping report and prevent abusive working conditions.



*Sutharee Wannasiri via Twitter*

**Please send a fax, email or letter to the prime minister.**

\*Urge his government to oppose the legal actions taken by Thammakaset Co. Ltd against their former employees, human rights activists and journalists in relation to comments made about labour conditions at the company's chicken farm. Insist that the legal actions do not proceed.

\*Urge the government to support human rights defenders' work to highlight and prevent violations in the workplace.

\* Insist that they take effective measures to protect human rights defenders from reprisal. This will include protection against prosecution for peacefully exercising their rights to publicize violations and must include decriminalizing defamation.

**Write to**

Prime Minister Prayut Chan-O-Cha  
Pitsanulok Road  
Bangkok 10300 Thailand

Fax: 011 66 2282 5131

Email: [prforeign@gmail.com](mailto:prforeign@gmail.com)

Salutation: Dear Prime Minister

**Please copy**

His Excellency Maris Sangiampongsa  
Ambassador, The Royal Thai Embassy  
180 Island Park Drive  
Ottawa, Ontario K1Y 0A2

Fax: 613 722 6624

Phone: 613 722 4444 or 613 863 3506

Email: [contact@thaiembassy.ca](mailto:contact@thaiembassy.ca)

**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 decriminalize 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 penalized, 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.



If you wish to receive updates on this case, email [urgentaction@amnesty.ca](mailto:urgentaction@amnesty.ca). In the subject line, write “Keep me updated on Asia Bibi”.

