



# Human Rights Now

## Human Rights Now

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### **Statement: Human Rights Now Protests the Judicial Harassment of Sutharee Wannasiri and Nan Win in Thailand for their Labor Rights Activities**

Human Rights Now, a Tokyo-based international human rights NGO, protests the judicial harassment of Ms. Sutharee Wannasiri, a human rights worker in Thailand, and Mr. Nan Win, a Myanmar migrant worker in Thailand. They have been charged for statements describing labor rights violations against migrant workers committed by the Thai company prosecuting them (private parties such as companies can file criminal charges in Thailand). This harassment follows multiple other harassing charges filed by the same company over the last several years, all of which have been unsuccessful, and it highlights the problem of SLAPP (Strategic Litigation Against Public Participation) lawsuits in Thailand. Such lawsuits have been a persistent method companies have used in Thailand to intimidate and silence labor rights activists and workers alleging violations.

Human Rights Now requests that Thai authorities dismiss the harassing charges against Sutharee Wannasiri and Nan Win and amend the law to abolish criminal defamation, to prevent harassing SLAPP lawsuits which hinder legitimate labor and human rights work, and to guarantee that human rights defenders are able to conduct their legitimate activities without hindrance or fear of reprisals.

#### **A Pattern of Judicial Harassment in Thailand**

The Thai company, Thammakaset, which owns and operates chicken farms in Lopburi, Thailand, filed criminal defamation charges against Wannasiri on 12 October 2018 and against Nan Win on 8 October 2018. The charges against Wannasiri relate to three Twitter posts she made in October 2017 commenting on a video clip produced by Fortify Rights, an NGO where Wannasiri worked at the time. The video describes how Thammakaset filed criminal defamation charges against its ex-workers for statements they made about labor rights violations committed by Thammakaset against them after they reported the violations to the authorities. Nan Win, a former worker at Thammakaset, was similarly charged for two interviews he gave in October 2017 to Fortify Rights describing the same violations.

The charges come with a potential penalty of a six-year prison sentence and/or fine up to 600,000 baht for Wannasiri and a four-year sentence and/or fine up to 400,000 baht for Nan Win. Preliminary hearings for the case will begin in the Bangkok Criminal Court on 3 December 2018. Thammakaset also filed separate civil defamation charges against Wannasiri at the Bangkok Civil Court for 5,000,000 baht for damage to its reputation. The preliminary hearing for this case is set to begin from 24 December 2018.

These charges follow a long line of other harassing prosecutions brought by Thammakaset, including the aforementioned criminal defamation and other charges against 14 of its ex-workers; criminal

defamation and computer crime charges against the labor rights defender Mr. Andy Hall for his social media posts bringing attention to the workers' labor rights case; and theft charges against two of the workers and a labor rights activist assisting them for submitting their work timecards to the labor inspector officer as evidence of labor rights violations against them. The charges against the workers were dismissed by their respective courts, and the charges against Hall are still pending. Hall has also been subject to criminal and civil claims filed by another company, Natural Fruit, for his work related to a labor rights case against that company. As for the underlying labor rights violations alleged against Thammakaset, the Appeal Court in September 2017 upheld an official order that Thammakaset pay 1.7 million baht to the workers for labor violations against them, including illegal underpayment, overwork, and having their identity documents confiscated.

### **Thailand Should Dismiss Harassing Charges and Amend Its Law to Abolish Judicial Harassment**

This pattern of harassing lawsuits indicates that judicial harassment of workers and labor rights activists for their statements continues in Thailand despite consistent losses of previous harassing charges and even when the underlying statements have been validated by Thai courts. This severely impairs the ability of workers and labor rights activists in Thailand to defend workers' rights under Thai law without fear of harassment and reprisals.

Human Rights Now thus calls on Thai authorities to dismiss the charges against Sutharee Wannasiri and Nan Win and to amend the law to abolish criminal defamation and the practice of harassing SLAPP lawsuits against workers and labor and human rights activists for their legitimate activities.