

## URGENT APPEAL - THE OBSERVATORY

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**THA 002 / 1119 / OBS 098**

Judicial harassment

**Thailand**

November 27, 2019

The Observatory for the Protection of Human Rights Defenders, a joint partnership of FIDH and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in **Thailand**.

### **Description of the situation:**

The Observatory has been informed by reliable sources about the judicial harassment of Ms. **Angkhana Neelapaijit**, a former commissioner of the National Human Rights Commission of Thailand (NHRCT). She has campaigned on numerous human rights issues in Thailand, including: human rights violations in the country's 'Deep South'; rights of ethnic minorities and stateless people; enforced disappearances; and protection of human rights defenders. She is a winner of the prestigious Ramon Magsaysay Award for 2019<sup>1</sup>.

According to the information received, on October 25, 2019, Thai company Thammakaset Co. Ltd., which operated chicken farms in Lopburi Province, filed a criminal defamation complaint against Ms. Angkhana Neelapaijit with the Bangkok South Criminal Court. Thammakaset alleged that Ms. Angkhana Neelapaijit violated Articles 326 ('defamation') and 328 ('libel') of Thailand's Criminal Code by publishing two tweets in support of woman human rights defender Ms. **Sutharee Wannasiri**<sup>2</sup> and lecturer Ms. Ngamsuk Ruttanasatien on December 3, 2018 and June 28, 2019, respectively. Thammakaset has filed criminal defamation complaints against both Ms. Sutharee Wannasiri and Ms. Ngamsuk Ruttanasatien.

In her first 2018 tweet, Ms. Angkhana Neelapaijit mentioned another tweet posted by a third person, which referred to a statement concerning the case of Ms. Sutharee Wannasiri. The statement to which Ms. Angkhana referred contained a hyperlink to a video clip published by the NGO Fortify Rights on October 4, 2017, in which Burmese migrant workers employed by Thammakaset, including Mr. **Nan Win**, described how the company filed criminal defamation complaints against them after the workers reported labour rights violations to the Thai authorities. In her second tweet, Ms. Angkhana Neelapaijit mentioned a Fortify Rights Press release that also contained a hyperlink to the above-mentioned video clip. Thammakaset considers the video clip defamatory and alleges that all reference to it is also defamatory.

The court scheduled a mediation hearing between Thammakaset and Ms. Angkhana Neelapaijit for February 12, 2020. If the mediation fails, a preliminary hearing in Ms. Angkhana Neelapaijit's case is set for February 24, 2020. If found guilty, Ms. Angkhana Neelapaijit could face up to four years in prison and a fine of up to 400,000 Thai baht (approximately 12,000 Euros).

The Observatory recalls that Thammakaset has already filed at least two dozen criminal and civil cases against a total of more than 20 defendants, including human rights defenders, workers, and journalists for alleged defamation of the company<sup>3</sup>.

<sup>1</sup> Ms. Angkhana Neelapaijit is also the wife of human rights lawyer Somchai Neelapaijit, who disappeared on March 12, 2004.

<sup>2</sup> Ms. Sutharee Wannasiri is one of the defendants against which Thammakaset filed a criminal defamation complaint. See Observatory Urgent Appeal THA 005 / 1118 / OBS 137.1, published on March 28, 2019.

<sup>3</sup> See the Observatory Factsheet, "Thammakaset vs. human rights defenders and workers in Thailand", published on May 23, 2019: <https://www.fidh.org/en/issues/human-rights-defenders/thailand-thammakaset-must-end-its-judicial-harassment-of-human-rights>

The Observatory also recalls that on April 4, 2018, at the end of its 10-day visit to Thailand, the United Nations (UN) Working Group on Business and Human Rights issued a statement that urged the Thai government to “ensure that defamation cases are not used by businesses as a tool to undermine legitimate rights and freedoms of affected rights holders, [civil society organizations] and HRDs.”

The Observatory condemns the judicial harassment of Ms. Angkhana Neelapaijit as it seems to be only aimed at punishing her for the legitimate exercise of her right to freedom of expression. The Observatory calls on Thai authorities to immediately put an end to any act of harassment against Ms. Angkhana Neelapaijit, Ms. Sutharee Wannasiri, Mr. Nan Win, and all the human rights defenders targeted over defamation charges by Thammakaset.

**Actions requested:**

Please write to the authorities of Thailand asking them to:

- i. Put an end to all acts of harassment, including at the judicial level, against Ms. Angkhana Neelapaijit, Ms. Sutharee Wannasiri, Mr. Nan Win as well as all human rights defenders in Thailand.
- ii. Ensure in all circumstances that human rights defenders in Thailand are able to carry out their legitimate activities without any hindrance or fear of reprisals.
- iii. Guarantee in all circumstances the right to freedom of expression as required by Article 19 of the International Covenant on Civil and Political Rights (ICCPR).
- iv. Amend defamation provisions (Articles 326 and 328 of the Criminal Code) in order to bring them into line with international standards.
- v. Comply with all the provisions of the United Nations Declaration on Human Rights Defenders adopted by the UN General Assembly on December 9, 1998, in particular Articles 1, and 12.
- vi. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments to which Thailand is a State party.

**Addresses:**

- Mr. Prayuth Chan-ocha, Prime Minister of Thailand, Fax: +66 (0) 2 282 5131
- Mr. Don Pramudwinai, Minister of Foreign Affairs of Thailand, Fax: +66 (0) 2 643 5320; Email: minister@mfa.go.th
- Mr. Somsak Thepsutin, Minister of Justice of Thailand, Fax: +66 (0) 2 953 0503
- Pol Gen Chaktip Chaijinda, Commissioner-General of the Royal Thai Police, Fax: +66 (0) 2 251 5956 / +66 (0) 2 251 8702
- Mr. Wat Tingsamit, Chairperson of the National Human Rights Commission of Thailand, Email: help@nhrc.or.th
- H.E. Mr. Thani Thongphakdi, Ambassador, Permanent Mission of Thailand to the United Nations in Geneva, Switzerland, Fax: +41 22 715 10 00 / 10 02; Email: mission.thailand@ties.itu.int
- Embassy of Thailand in Brussels, Belgium, Fax: +32 2 648 30 66; Email: thaibxl@popost.eunet.be

Please also write to the diplomatic representations of Thailand in your respective countries.

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The Observatory  
for the Protection  
of Human Rights Defenders

Paris-Geneva, November 27, 2019

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

*The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of [ProtectDefenders.eu](https://www.protectdefenders.eu), the European Union Human Rights Defenders Mechanism implemented by international civil society.*

To contact the Observatory, call the emergency line:

- E-mail: [Appeals@fidh-omct.org](mailto:Appeals@fidh-omct.org)
- Tel and fax FIDH +33 (0) 1 43 55 25 18 / +33 1 43 55 18 80
- Tel and fax OMCT +41 (0) 22 809 49 39 / +41 22 809 49 29