

HRLA would like to bring to your attention information we have received concerning the judicial harassment of human rights defender Miss Suchanee Rungmueanporn or Mrs. Suchanee Cloitre, the reporter who reports on the labor rights violation of migrant workers in a Thai company, Thammakaset Co. Ltd (Thammakaset). HRLA was asked by Ms. Suchanee to assist her on the criminal case filed by Thammakaset.

From our work, we learn that Ms. Suchanee was a reporter from the alternative TV Chanel, Voice TV. One of her responsibility as a news reporter was to following and reporting on the case of labor exploitation in Thailand. She was following the case of labor rights exploitation in a Thai chicken farm, Thammakaset Co. Ltd (Thammakaset) since 2016 when the 14 Migrant workers were initiating a request for compensation for labor violation from Thammakaset and continue to monitor and report of the case development though the Voice TV.

On 14 September 2017 Ms. Suchanee report the Supreme court judgment via her Twitter wrote: "The High Court judgment order the owner of the chicken farm in Lobburi, one of the farms who used to deliver chickens to Betagro Company to pay compensation to the 14 Myanmar workers of 1.7 Million Baht, on as slaved labor case", with the appeal court judgment attached.

Following her tweet, Thammakaset filed criminal defamation against her.

Mid-April 2018 Ms. Suchanee received a summons from Koptum investigation police station, requesting her to testify with the police on 1 May 2018.

On 1 May 2018 Koptum police inform Ms. Suchanee that Thammakaset claim statement on her tweeter was dated 14 September 2017 was false information and damaged its reputation. She testifies that as a reporter she just report the fact and the word she uses was not intended to defame anyone, but it was just a common world use by reporter reporting of the right labor violation during the time. Additionally, twitter limited words use. The appeal court judgment was also attached for the public to review.

On 14 May 2018, the Koptum investigation police conclude that Suchanee tweet was a fair report of the court judgment, though the word used was not appropriate it was not intended to harm Thammakaset reputation and order, the case did not meet the element of defamation and made a decision not to indict her. On 16 October 2018, the Lobburi provincial prosecutor confirms the Koptum police decision and order not to indict her as well.

On 15 January 2019 the Supreme Court's confirm the appeal court judgment and order Thammakaset to pay compensation 1.7 Million Baht to the fourteen migrant workers.

On 1 March 2019, Thammakaset continue to privately file criminal defamation charge against Suchanee, based on the same twitter post even though Suchanee case was already review by the police and prosecutor. She is charged with section 326 and 328 of the Thai Criminal Code for which she could face up to six years of imprisonment and/or a fine of up to 600,000 Thai Baht (USD 20,000).

Thammakaset claims that on the 14 September 2018 Ms. Suchanee Rungmueanporn or Mrs. Suchanee Cloitre has done a wrongful act by advertising false information via her Twitter (<https://twitter.com>) name Suchanee R. which defame Thammakaset. The statement on her Twitter wrote: "The High Court judgment order the owner of the chicken farm in Lobburi, one of the farms who used to deliver chickens to Betagro Company to pay compensation to the 14 Myanmar workers of 1.7 Million Baht, on as slaved labor case."

When considering the words the owner of the chicken farm in Lobburi, one of the farms who used to deliver chickens to Betagro Company and the court's judgment the third party can immediately understand it is Thammakaset. The statement that Ms. Suchanee has posted and shared is accessible by the public as it was a public post. The post or publication has caused defamation to the plaintiff, impair the plaintiff's reputation is being hated as the third party understands that the plaintiff had illegally operated the business. The word "slave labor" means that the Thammakaset exploited the alien workers. This word means that the Thammakaset has seriously violated human rights, which is untrue. Such actions are despised by society, violates the worker's rights, bullies the employees, and is illegal. The judgment of the Special Court of Appeal that the defendant posted did not appear that the plaintiff had "slave labor." The defendant's post caused the third party to hate, insult, and look down upon the plaintiff. This has caused defamation to the Thammakaset.

On 3 June 2019, the preliminary hearing was set, the lawyer provides evidence of labor violation occurred in Thammakaset farm and provide police and prosecutor opinion not to prosecute the case. The lawyer also submitted a motion to strike under Criminal Procedure Code section 165/2, asking the judge to dismiss the case as this case was a SLAPP case. The judge received the motion but concluded the case has reasonable ground and admitted to court for further hearing.

On 18 July 2019, the judge reading the order from the preliminary hearing that the case has reasonable ground to admit to court for further hearing. The next hearing set on 14 August 2019 at 13:00. Suchanee must pay 70,000 Baht bail on the day, and there will be at least 4 days of hearing set in the future.

The use of criminal defamation by Thammakaset is clearly aiming to intimidate Ms. Suchanee as it has been 17 criminal and civil defamation cases file by Thammakaset against human rights defenders, and migrant workers who denouncing the exploitative working conditions.

Currently, there is no legal protection against the human rights defenders in Thailand. The government mechanism that put in place, claiming it should stop judicial harassment at the earliest stage also ineffective. Additionally, Thammakaset action might be an example for other big corporation to take the same recourse when questioned of the violation of their human right.