

General Prayut Chan-o-cha
Prime Minister of Thailand
Royal Thai Government
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OPEN LETTER TO THE PRIME MINISTER OF THAILAND ON THE HARASSMENT OF HUMAN RIGHTS DEFENDERS AND LACK OF ACCOUNTABILITY FOR LABOUR RIGHTS VIOLATIONS

Your Excellency,

We, the undersigned, are writing to express our deep concern regarding the ongoing judicial and other harassment of human rights defenders, including journalists and researchers who report on human trafficking, or otherwise bring to light violations of labour and migrants' rights, and the lack of accountability for labour rights violations in Thailand.

A case in point is the upcoming final preliminary hearing on 20th July in a criminal defamation and computer crimes case, brought by Natural Fruit against researcher Andy Hall. Natural Fruit filed the charges following the publication of a Finnwatch report *Cheap Has a High Price*¹, which exposed serious human rights violations including forced labour, at the Natural Fruit pineapple processing plant in Prانبuri, Prachuap Khiri Khan province. The report findings were based on interviews with the workers at the plant.

If the court, following Monday's hearing, decides to indict him, Andy Hall will be arrested and detained pending bail. He then faces a trial, and if found guilty and convicted, up to seven years imprisonment.

This is just one of four criminal cases brought against Andy Hall following the publication of the report. One case, on criminal defamation charges, was initially abandoned by the Prakanong Court.² Thailand's Attorney General has appealed to have the case reopened. A decision on the appeal is expected in late 2015 or early 2016. The remaining two civil defamation cases are yet to be heard.

Since the publication of *Cheap Has a High Price*, violations of labour rights at the Natural Fruit Prانبuri plant have been partially confirmed by the Ministry of Labour's own investigation. Also a Natural Fruit employee, who gave testimony to the Bangkok Prakanong Court in September 2014, told the court that he had been working at the Natural Fruit Prانبuri plant for years without papers

¹ Finnwatch, 2013, Halvalla on hintansa (Cheap has a high price), available at http://www.finnwatch.org/images/pdf/finnwatch_private_label_web_2_rev.pdf (in Finnish). An English language executive summary of the report is available at http://www.finnwatch.org/images/cheap%20has%20a%20high%20price_exec%20summary_final.pdf.

² Finnwatch, 2014, Finnwatch researcher Andy Hall trial in Thailand: Charge is dismissed due to unlawful interrogation process, available at <http://www.finnwatch.org/en/news/216-finnwatch-researcher-andy-hall-trial-in-thailand:-charge-is-dismissed-due-to-unlawful-interrogation-process>.

and receiving wages below the minimum wage, and that unlawful deductions were made from his salary. He testified without hesitation that the factory hired dozens of children and commissions for long hours of overtime that were not voluntary.

However, to date no one has been held responsible for the human rights violations at the Natural Fruit Pranburi plant. We are calling on the Thai government to, without further delay, bring to justice those responsible for human rights violations at the Natural Fruit Pranburi plant in a fair and public hearing by a competent, independent and impartial court of law.

Since the beginning of the first criminal case against Andy Hall, several international, independent observers, including the UN Working Group on human rights and transnational companies and four UN Special Rapporteurs, have expressed concern that the ongoing criminal cases against him are an act of retaliation for his human rights work. As such, they may have a chilling effect on other human rights defenders and civil society activists working in Thailand and elsewhere to expose human rights violations perpetrated by non-State actors, including business enterprises.³

Therefore, it is of utmost importance that all court proceedings against Andy Hall meet the international criteria for fairness. Unfortunately, the previous hearings have been marred with the prosecution's failure to make full disclosure to the defence of all evidence available to them, Thai authorities' failure to provide critically important information to the defence when requested, and witness intimidation among other issues.⁴

We are calling on the Thai government to guarantee that human rights defenders in Thailand, including journalists and researchers, can carry out their legitimate human rights work without fear of harassment, reprisals, arbitrary detention, criminal charges and unfair trials.

This includes the abolition of the laws that allow for criminal responsibility and possible deprivation of liberty in alleged defamation cases as we consider this a disproportionate punishment and a violation of the right to freedom of expression. As such, criminal defamation charges against Andy Hall should be immediately and unconditionally dropped.

Yours sincerely,

International

1. Fortify Rights
2. International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders
3. International Trade Union Confederation (ITUC)
4. International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Association (IUF)
5. UNI Global Union
6. International Transport Workers' Federation (ITF)
7. Walk Free Movement to end modern slavery

³ For more information please see http://burmacampaign.org.uk/media/public_-_AL_Thailand_26.04.13_4.2013.pdf

⁴ For more information please see <http://www.ictur.org/Eng/Plunkett.html>

8. Word Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders

Asia / Pacific

9. Australian Council of Trade Unions (ACTU)
10. Community Legal Education Center (CLEC), Cambodia
11. Equitable Cambodia
12. State Enterprises Workers' Relations Confederation (SERC), Thailand
13. Transient Workers Count Too, Singapore
14. Uniting Church in Australia, Synod of Victoria and Tasmania

Europe

15. Burma Campaign UK, United Kingdom
16. Fairfood International, Netherlands
17. Finnish Food Workers' Union (SEL), Finland
18. Finnish League for Human Rights
19. Finnwatch, Finland
20. Industrial Union TEAM, Finland
21. Kepa, Finland
22. Polish Institute for Human Rights and Business, Poland
23. Service Union United (PAM), Finland
24. Trade Union Pro, Finland
25. Trade Union for the Public and Welfare Sectors (JHL), Finland
26. Trades Union Congress (TUC), United Kingdom
27. Union of Health and Social Care Professionals (Tehy), Finland

North America

28. Fair World Project, United States
29. International Labor Rights Forum, United States

