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HTUR/JB

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Criminal charges against human rights defender Andy Hall

Prime Minister,

The International Trade Union Confederation (ITUC), which represents over 174 million workers through its 315 affiliates in 156 countries and territories, including Thailand, hereby expresses its serious concern with the criminal lawsuit against human rights defender Andy Hall, charged with defamation at the Nakhon Prathom court on 14 February 2013, following a complaint filed by the Thai fruit processor Natural Fruit Company Limited, located in Prانبuri Prachuapkirikhan Province.

The human rights defender is accused of defaming and damaging the company by “broadcasting false statements to public media”, following the publication of a report in January 2013 which he co-authored and researched. We have been informed that the trial is set to take place on 10 April 2013, while evidence would be heard on 28 April. If convicted, Andy Hall faces a fine of 300 million Baht (approximately EUR 7.7 million).

An additional lawsuit was lodged against Andy Hall for broadcasting false statements, in accordance with Sections 90, 91, 326, 328 and 332 of the Criminal Code, Sections 3 and 4 of the Penal Code Amendment Act (No. 11), and Sections 3 and 4 of the Computer Crime Act, based on a complaint filed by the same Natural Fruit Company. If found guilty under these latter charges, the human rights defender could be imprisoned for up to 2 years, with an additional fine of 200,000 Baht (approximately EUR 5,100).

Established in 2001, the Natural Fruit Company processes canned fruit products. In January 2013, a report entitled “Cheap has a high price: Responsibility problems relating to international private label products and food production in Thailand” was published by Finnwatch, a Finnish non-profit organisation that studies the responsibility of global business. The report investigated the production practices of private label juices sold in Finland, including the Natural Fruit Company. Andy Hall was field researcher of the report, working at the time as Associate Researcher at Mahidol University in Thailand.

Based on testimonies taken in November 2012 from employees working in various departments of the company's Pranburi plant in Pranburi Prachuapkirikhan Province, the report found that the Natural Fruit Company had committed serious labour and human rights violations against its workers, in particular against migrant and irregular workers, as well as other illegal activities. The interviews were carried out in secret, as workers feared acts of reprisal following their participation in the research.

Despite being approached by Finnwatch and Andy Hall on numerous occasions, the Natural Fruit Company did not agree to meet with the researchers or contribute to the report. The only contact Andy Hall had with the company was during the launch of the report at the offices of the Foreign Correspondents' Club of Thailand (FCCT), when an individual who introduced himself as a representative of the Natural Fruit Company approached him. Upon the release of the report in December 2012, Finnwatch sent communications to the authorities of Finland, the European Union and Thailand, as well as several labour and human rights organisations.

We hereby express our serious concern with the lawsuits filed against Andy Hall as the charges are based solely on legitimate human rights work, in particular his research and co-authoring of the above mentioned report. These legal actions are an attempt to silence human rights defenders in Thailand who, peacefully and legitimately, exercise their right to freedom of opinion and expression, in order to defend and promote human rights.

We therefore urge the Thai authorities to:

1. Drop the two criminal charges mentioned above against Andy Hall, as they incriminate legitimate and peaceful human rights work;
2. Ensure that the right to freedom of opinion and expression, as guaranteed under international law and as stated, inter alia, in Article 19 of the International Covenant on Civil and Political Rights, to which Thailand is a state party since 29 Oct 1996, is duly respected;
3. Guarantee in all circumstances that all human rights defenders in Thailand are able to carry out their legitimate human rights activities without fear of reprisals and free from any restrictions, including judicial harassment.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'A. R.', written in a cursive style.

General Secretary