**For Release 13th August 2018: Thammakaset Poultry Farm Files Fifth Set of Criminal Charges in Thailand, Prosecutes Former Myanmar Migrant Workers Again for Theft**

Today two of 14 migrant workers from Myanmar, who alleged suffering labour and human rights abuses whilst working at Thammakaset Farm Co. Ltd. poultry farm in Lopburi Province of Thailand, reported alongside lawyers from NSP Legal Office to give statements at Khok Dtum police station in the province. This follows the farm’s filing of a fifth set of criminal charges in relation to an ongoing dispute against them, other workers and NGO activists.

Thammakaset Farm Co Ltd. was at the time of the alleged abuse against the migrant workers part of Thailand agro-giant Betagro’s European and Japanese poultry export supply chains.

If convicted of the latest criminal charges filed by Thammakaset on 1st August 2018 under section 335 (11) of Thailand’s Criminal Code, the two workers face up to five years in prison and/or a 100, 000 baht fine. These latest charges concern alleged theft of the worker’s own timecards showing working hours of up to 20 hours per day. The timecards were broadcast on 27th July 2016 alongside worker interviews concerning this dispute on Thai PBS news channel.

This increasingly publicised SLAPP (Strategic Litigation Against Public Participation) case has seen Thammakaset already file two separate criminal cases against the 14 workers for defamation, giving false information to public officials and theft. Both cases, dismissed by a first instance Court and Lopburi Public Prosecutor respectively, are still however being pursued on appeal and through private prosecutions by Thammakaset within the Thai justice system.

In addition, Thammakaset has filed three additional criminal cases against the workers, NGO activists and has also threatened more prosecutions including against local Thai journalists.

In June 2016, the 14 former Thammakaset workers originally filed a complaint with the Department of Labour Protection and Welfare (DLPW) in Lopburi Province about conditions at the Thammakaset 2 farm. On 1st August 2016, the DLPW ruled the company had violated Thailand’s Labour Protection Act by failing to pay workers the minimum wage, adequately compensate workers for overtime, and provide adequate leave. The DLPW ordered Thammakaset to pay 1.7 million Thai Baht to the workers. The case remains pending as Thammakaset requested in October 2017 to appeal all previous case rulings to the Supreme Court. The workers remain without any of the awarded 1.7 million baht compensation.

On July 11th 2018, Don Muang Magistrates Court ruled the 14 former Thammakaset workers were not guilty of criminal defamation and giving false information to public officials. This private criminal prosecution on two separate charges, filed by Thammakaset against the workers in October 2016, concerned allegations of rights abuses contained in the worker’s additional July 2016 complaint to the National Human Rights Commission of Thailand (NHRCT). The company claimed this complaint damaged its reputation. In this complaint, the workers alleged Thammakaset paid the workers less than the minimum wage, failed to pay overtime and holiday wages, and forced workers to work up to 20 hours per day without weekly, monthly, annual or public holidays. The workers also alleged their passports were confiscated and their freedom of movement limited by the farm owner.

[Don Muang Court ruled](https://freedom.ilaw.or.th/yii/images/uploads/%E0%B8%A8%E0%B8%B2%E0%B8%A5%E0%B9%81%E0%B8%82%E0%B8%A7%E0%B8%87%E0%B8%94%E0%B8%AD%E0%B8%99%E0%B9%80%E0%B8%A1%E0%B8%B7%E0%B8%AD%E0%B8%87.pdf) (*see attached unofficial English language translation of the Court verdict*) the worker’s complaint was submitted to the NHRCT for further investigation in good faith and in accordance with Thai law and human rights standards. Further, the court ruled that the workers four key allegations were supported by admissible and reliable evidence at trial.

Earlier in 2017, Lopburi Public Prosecutor refused a Khok Dtum police station request to prosecute two of the 14 migrant workers for theft in relation to the presenting of worker time to Lopburi DLPW officials in their claim for the awarded 1.7m baht compensation. In response to this refusal to prosecute the case, Thammakaset filed the same case as a private criminal prosecution in Lopburi Court against the workers, to which an additional prosecution was added against Suthasinee Kaewleklai, Thailand coordinator of the Migrant Worker Rights Network (MWRN), an organisation assisting the 14 worker’s case. Lopburi Court is due to rule on 3rd September 2018 whether to accept this private prosecution for a full criminal trial.

Thammakaset also filed a complaint against Andy Hall in November 2016, alleging criminal defamation and violations of the Computer-related Crimes Act in connection with his use of social media to highlight the case against the workers. Thammakaset is utilising the legal team also used by Natural Fruit Company Ltd., the pineapple export company that has launched multiple criminal and civil defamation and computer crimes cases against Hall since 2013.

According to internal Thai government documents, major German retailers and companies suspended sourcing poultry from Thailand following the original publication of [The Guardian's reporting](https://www.theguardian.com/global-development/2016/aug/01/thai-chicken-farm-workers-slept-on-the-floor-next-to-28000-birds) of the Thammakaset case in August 2016.

In contrast, Nordic companies, alongside the UK’s Ethical Trading Initiative, the EU’s [Amfori](http://www.fta-intl.org/sites/default/files/letter%20to%20Thai%20Embassy%20July%202017.pdf) and a Thai poultry exporter, continue to seek to promote reconciliation in the dispute. These actors also continue to support the 14 workers through provision of legal defence funds and funds sufficient to cover any fines or bail costs to which the workers may become subject.

Following dissemination of information on the Thammakaset dispute, Thailand’s main poultry associations, whose members include leading poultry export companies, have submitted demands to the Ministry of Labour and the NHRCT seeking amendments to Thai labour laws. In contrast to international standards of decent work mandated by many international buyers, these demands instead seek to ensure workers in poultry farms can work more hours per day without pay during break times and for up to 8 weeks without a weekly day off.

Thailand’s Ministry of Justice claims it is currently developing measures to protect human rights defenders and whistle-blowers against SLAPP cases in Thailand. The Ministry, alongside the country’s National Human Rights Commission of Thailand (NHRCT), continues however to be unable and/or unwilling to mediate a peaceful settlement in this dispute.

Referring to the Thammakaset case, on 17th May 2018 six U.N. human rights experts issued a [joint statement](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23095&LangID=E), calling on the Thai government “to revise its civil and criminal laws as well as prosecution processes to prevent misuse of defamation legislation by companies.”

**For additional and more detailed information on this Thammakaset dispute, see the attached Thammakaset Case Fact Sheet (updated 13th Aug 2018).**