

[Fortify Rights: Decriminalize defamation, protect human rights defenders and press](#)

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By [Fortify Rights](#)

Fortify Rights welcomes a decision yesterday by a Thai criminal court in Bangkok to dismiss criminal defamation complaints against Thai Public Broadcasting Service (Thai PBS) and four journalists who worked with Thai PBS. The defendants faced criminal defamation and other charges for reporting on allegations of adverse environmental impacts connected to a controversial gold mine in northeast Thailand.

“The Court’s dismissal of this case puts Thailand on the right path to ensure press freedoms and protect journalists from unwarranted legal action,” said Amy Smith, Executive Director of Fortify Rights. “Thailand still has a long way to go to meet its obligations under international law to guarantee freedom of expression.”

Fortify Rights called on Thailand to immediately decriminalize defamation and ensure journalists and human rights defenders are able to engage in their legitimate work.

Tungkum Limited, a gold-mining company, lodged the complaint against Thai PBS alleging that Thai PBS damaged the reputation of the company when it reported on allegations of adverse environmental impacts connected to the company’s open-pit gold mine in Loei Province in northeastern Thailand.

Fortify Rights and members of the Youth Leadership for Social Change, a network of youth working for social justice issues in Thailand, observed the court hearing yesterday.

In reading its decision, the Criminal Court in Bangkok found that the complaint lacked merit, saying that Thai PBS and its journalists acted professionally and relied on credible sources, including the findings from government agencies and local villagers. The Court also cited Section 329(3) of the Thai Criminal Code, which provides that opinions or statements made in good faith and subject to public criticism shall not be guilty of defamation. The Court noted that natural resources and the environment are matters within the public's interest, particularly with regard to impacts on peoples' lives and livelihoods.



On November 16, the Thai criminal court in Bangkok dismissed criminal defamation complaints brought forward by the gold-mining company Tungcum Ltd. against former Director General of Thai PBS Ms. Wirada Saelim and three of her colleagues.

“It’s important that legal proceedings are not used to silence criticism or restrict the right to freedom of expression,” said Sor Rattanamanee Polkla, a human rights lawyer from the Community Resources Centre Foundation representing Thai PBS staff. “The Court’s decision endorsed the essential functions of the media to report critical information to the public, such as information on natural resources and the environment.”

Lawyers from the Community Resources Centre Foundation are also providing legal representation to several environmental rights defenders facing legal actions brought by Tungcum Ltd.

Tungcum Ltd. has brought at least 19 criminal and civil lawsuits against 33 villagers, including members of the Khon Rak Ban Kerd Group (KRBKG)—a group of villagers from six communities surrounding mining area committed to defending the local environment from negative impacts of the gold mine—in the past seven years. Through these lawsuits, the company has sought 320 million Thai Baht (US\$9 million) from villagers in Loei. Currently, six criminal and civil cases involving at least 25 villagers are pending.

The company has one month to appeal the Court's decision in the Thai PBS case.

"Tungkum should withdraw all other unwarranted complaints against environmental defenders and respect human rights," said Amy Smith. "Thailand and its business interests can only benefit from ensuring the right to freedom of expression."

Background

On November 12, 2015, Tungkum Ltd., a Thai registered gold-mining company, filed complaints against journalist Ms. Wirada Saelim; then-Director General of Thai PBS Mr. Somchai Suwanbun; Mr. Korkhet Chantalertluk, Director of the News Department at Thai PBS; Mr. Yothin Sitthibodeekul, Director of the Television and Radio Department at Thai PBS; and Thai PBS itself.

The complaint alleges that content of a citizen-journalist [news clip](#) damaged the reputation of the company. The disputed news clip reported allegations of adverse environmental impacts connected to the company's open-pit gold mine in Loei Province in northeastern Thailand. Thai PBS and its journalists faced potential charges of criminal defamation under the Thai Criminal Code and the Computer-related Crime Act as well as other charges.

The company is seeking 50 million Thai Baht (US\$1.4 million) in compensation as well as the revocation of Thai PBS's operating license for five years.

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