

# SUPPLYING SLAPPS

**CORPORATE ACCOUNTABILITY  
FOR RETALIATORY LAWSUITS IN  
THAILAND'S POULTRY SUPPLY CHAIN**

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## METHODOLOGY

This report is based on research conducted from 2020 to 2021 by a team of consultant researchers in Thailand and lawyers and advocates in the United States. The findings are based on a combination of field research and document analysis, in addition to corporate research and legal and policy analysis.

The report examines government databases and company documents available in the public domain, including company profiles, shareholder information, and financial reports to identify and map links in the poultry supply chain.

Information from desk research was supplemented by field visits. The research team conducted field visits to the locations of the former Thammakaset farms to verify the continued operation of the farms. During these visits, the team also documented ongoing business relationships between companies identified in the supply chain of the farms. The research team additionally used satellite imagery to confirm the farms' locations.

The report also draws on court judgments and documents, news reports concerning criminal and civil proceedings in relevant cases, and public statements by government and corporate spokespersons and officials. The research team reviewed court filings, official documents, and company and business data accessible to the public and using the trade database Import Genius to trace imports to the global market. All documents mentioned are either included in the annex of this report or held on file with the authors, available upon request.

Lastly, the research team submitted a copy of this report and a letter requesting an official response from the companies which are named in this report.<sup>1</sup> The companies had not responded at the time of publication.

# EXECUTIVE SUMMARY

This report—Supplying SLAPPs: Corporate accountability for retaliatory lawsuits in Thailand’s poultry supply chain—highlights the continued use of Strategic Lawsuits Against Public Participation (SLAPP suits)<sup>2</sup> by Thammakaset Co., Ltd. to harass migrant workers, lawyers, journalists, and other human rights defenders, and presents evidence to suggest a possible relationship between the companies Betagro and Thaifoods Group and key individuals linked to Thammakaset through the new corporate entity, Srabua Company Limited.

At the end of its visit to Thailand in April 2018, the U.N. Working Group on Business and Human Rights (Working Group) called on the Thai government to “ensure that defamation cases are not used by businesses as a tool to undermine legitimate rights and freedoms of affected rights holders, CSOs [civil society organisations] and HRDs [human rights defenders].”<sup>3</sup> A lawsuit brought to intimidate, harass, and silence human rights defenders is known as a SLAPP suit.<sup>4</sup>

While SLAPP suits are a favorite tool of businesses around the world, they have been particularly common in Thailand, where some of the highest numbers of SLAPP suits have been initiated by business actors worldwide.<sup>5</sup> Indeed, despite the Working Group’s exhortation, businesses in Thailand continue to file defamation suits against human rights defenders and their allies who have exposed business-related human rights abuses.

One such company is Thammakaset Co., Ltd., a Thai-owned poultry company in Lopburi Province that has filed 39 retaliatory civil and criminal lawsuits against 23 defendants since 2016.<sup>6</sup> The cases stem from a 2016 lawsuit in which 14 migrant worker employees of Thammakaset sued the company for labour abuses.<sup>7</sup> The workers won their case; however, since that time, Thammakaset has brought actions against the migrant workers, their lawyers, human rights defenders who investigated their treatment, journalists who reported the cases, and women human rights defenders who posted on social media in support of the workers.<sup>8</sup>

When news of Thammakaset’s labour abuses surfaced, Betagro—one of Thammakaset’s main buyers of poultry—ended its contractual relationship with Thammakaset. Betagro issued a public statement that it had stopped

business operations with the farm until there was a solution for the labour dispute, adding that Betagro was compliant with its human rights obligations.<sup>9</sup>

Following the end of contractual relationships between Betagro and Thammakaset, Thammakaset formally requested the cancellation of its government-provided certificates to operate three farms, including the farm at which the labour abuses took place.<sup>10</sup> At the same time, a new company, Srabua Company, was registered with the Ministry of Commerce.<sup>11</sup> This newly registered company is notably owned and run by individuals with links to Thammakaset.<sup>12</sup> In addition, the same three farms owned by the managers of Thammakaset have now been leased to three of the shareholders of Srabua Company.<sup>13</sup> Documents further reveal that those farms have an ongoing business relationship with Betagro’s subsidiary companies, Better Foods and B. Food Products International Company Limited (BFI).<sup>14</sup> Therefore, despite publicly breaking ties with Thammakaset farms in June 2016, it appears that Betagro has resumed business ties with key individuals from Thammakaset under the guise of a new business entity.<sup>15</sup> Meanwhile, another poultry exporter, Thaifoods Group, has also been found to be engaging in business operations with Srabua Company.<sup>16</sup>

In the five years since Betagro and Thaifoods Group resumed or were found to engage in business with farms linked to Thammakaset, Thammakaset has used the Thai judicial system to harass more than 20 human rights defenders—nearly all of them women—on baseless charges of defamation and other related crimes. The company has filed new lawsuits as recently as March 2020. Of the cases that have been decided, Thammakaset has lost every single case except one, which was overturned on appeal.<sup>17</sup> As of April 2022, four cases impacting two human rights defenders are ongoing.<sup>18</sup> These SLAPP suits constitute an abuse of the defendants’ fundamental rights to freedom of expression, association, and peaceful assembly, which are protected under international law and Thailand’s Constitution. Yet, despite the gravity of these suits, Betagro, Thaifoods Group, and other companies continue to do business with entities linked to Thammakaset and plaintiffs in the defamation suits.<sup>19</sup>

When a person’s fundamental rights are violated, international law and business and human rights principles

require that victims receive an effective remedy.<sup>20</sup> Under the U.N. Guiding Principles on Business and Human Rights (U.N. Guiding Principles), both the government and the businesses that caused or contributed to the harm bear obligations to remedy the harm caused. However, the Thai government has failed to protect the rights of the defendants, and neither Thai authorities nor the companies in question have provided remedies to the defendants in these cases.

As the State in whose jurisdiction the harm occurred, Thailand has a duty to protect the rights of these defendants, including by preventing such lawsuits from taking place through appropriate legal frameworks and providing remedies for when violations of these rights occur. In this case, Thailand must ensure that the defendants have access to an effective remedy that meets their needs and amend its laws to prevent future SLAPP suits from taking place.

Thammakaset also bears the responsibility to respect the rights of others. Under the U.N. Guiding Principles, businesses bear a responsibility to use a human rights due diligence process to “identify, prevent, mitigate and account for how they address their impacts on human rights” through their business relationships.<sup>21</sup> A company might not itself cause adverse human rights impacts, but may be tied to such impacts through its relationship with a rights-offending company. When businesses cause or contribute to human rights violations, the U.N. Guiding Principles note they should “provide for or cooperate in their remediation through legitimate processes.”<sup>22</sup> Such a requirement means “active engagement in remediation, by itself or in cooperation with other actors.”<sup>23</sup> In

implementing these principles, businesses should do so “with particular attention to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at a heightened risk of becoming vulnerable and marginalised, and with due regard to the different risks that may be faced by women and men.”<sup>24</sup> However, by filing SLAPP suits, Thammakaset has created adverse human rights impacts and failed to uphold its obligations under the U.N. Guiding Principles. As a result, Thammakaset must provide for or cooperate in the remediation of the adverse impacts through legitimate processes.

Meanwhile, Betagro, Thaifoods Group, and other companies in Thammakaset’s supply chain have the responsibility to undertake human rights due diligence processes to identify and assess the human rights impacts they are involved in as a result of their relationship with Thammakaset. Despite not engaging in SLAPP suits themselves, these companies are connected to the suits through their relationship with Thammakaset, a company that has continued to intimidate and harass migrant workers and human rights defenders with harmful and frivolous litigation. Instead of continuing business as usual, companies in Thammakaset’s supply chain have the responsibility to use their leverage over Thammakaset to mitigate their contribution to harmful human rights impacts and prevent Thammakaset from engaging in SLAPP suits going forward. Finally, these companies should play a role in providing an effective remedy to the victims of Thammakaset’s lawsuits and demonstrate policy commitment to refrain from engaging in SLAPP lawsuits.

## **BOX 1: GUIDE TO THE REPORT**

**SECTION 1** of this report provides information about the characteristics of the poultry sector in Thailand, including describing how Thailand became one of the world's major exporters of poultry, and provides information about the main poultry companies operating in Thailand. It includes information about the central poultry farm operator described in this report, Thammakaset Co., Ltd., as well as the two key poultry processors/exporters, Betagro and Thaifoods Group.

**SECTION 2** provides a summary of the allegations of labour rights abuses on the Thammakaset poultry farms and the resulting proceedings in Thai courts, which led to the workers being awarded 1.7 million Thai Baht (about \$52,000 USD) in owed wages. This section also describes the actions taken by Betagro to end the business relationship with the Thammakaset farm that was the subject of the labour abuses.

**SECTION 3** describes how Srabua Company Limited was set up by a former shareholder of Thammakaset and two individuals who may be his relatives, some of whom share the same registered home address as Thammakaset's legal representative in the defamation suits. Section 3 also shows how the three farms owned by Thammakaset were re-registered and re-certified under new names by the shareholders of Srabua Company and began supplying to Betagro subsidiaries and Thaifoods Group. Those three farms are now leased by the plaintiffs in the defamation suits to the current shareholders of Srabua Company. This evidence indicates that Betagro and Thaifoods Group have maintained or established business relationships with individuals who have strong links to Thammakaset, but who operate under the corporate name Srabua Company Limited.

**SECTION 4** defines SLAPP suits and provides an overview of SLAPP suits in Thailand. It provides a summary of the 39 SLAPP suits brought by Thammakaset against the 14 worker employees who sued the company for labour abuses, as well as their lawyers, journalists, and other human rights defenders who sought to raise awareness about the labour abuses.

**SECTION 5** lays out the international legal framework relating to SLAPP suits, describing how the Thai government has a duty to respect, protect, and fulfill the rights of human rights defenders to freedom of expression. States have an obligation to ensure these fundamental rights under customary international law, while the U.N. Guiding Principles makes clear that corporations have a responsibility to respect these rights, to conduct due diligence in supply chains, and to provide remedy to aggrieved workers who have been harmed by a violation of their rights to freedom of expression through retaliatory SLAPP suits.

**SECTION 6** includes recommendations to the Thai government, governments of the countries importing poultry from Thailand, and to companies, including Thammakaset, the Thai processors, and the international businesses importing Thai poultry.

**THE ANNEX (SECTION 7)** includes 25 documents and three maps that show the registration of a new company, Srabua Company, by individuals linked to Thammakaset; the certification of newly-named farms in the same location as the Thammakaset farms; and an ongoing contractual relationship between Srabua Company and these new farms with Betagro's subsidiaries and Thaifoods Group.

# 1

## BACKGROUND: THE THAI POULTRY SECTOR

### 1.1 THE POULTRY INDUSTRY IN THAILAND (2003–PRESENT)

In 2003, Thailand launched the “Kitchen of the World” campaign, which sought to make Thailand a major world food exporter.<sup>25</sup> Nearly 20 years later, Thailand has succeeded in that endeavor, with the poultry industry being one of its keys to success: Thailand produces 3.3 million tonnes of chicken meat annually, which is 3.3% of world output, making it the eighth largest chicken producer in the world.<sup>26</sup> Additionally, its chicken exports account for 10.8% of the global market by value, the third highest of any country.<sup>27</sup>

The success of the Thai poultry industry is due, in part, to its reaction to the avian flu of 2004, when Thai poultry producers overhauled their operations, instead focusing on the production of processed chicken.<sup>28</sup> This industry-wide shift has led to Thailand becoming the world’s largest exporter of processed chicken, enjoying 28.9% of global market share by volume and accounting for 86.8% of all Thai chicken exports.<sup>29</sup> Chickens produced in the Thai poultry industry are primarily broiler chickens, or chickens bred and raised in large farms for meat production.<sup>30</sup> They account for approximately 93% of the chicken meat production.<sup>31</sup>

The domestic Thai poultry sector is dominated by six operators: Charoen Pokphand Foods (CPF), Betagro, Cargill, Thaifoods Group, Sahafarms, and Laemthong Industries.<sup>32</sup> These producers invest in their own operations through the length of their supply chains (known as vertical integration) to achieve economies of scale.<sup>33</sup> As a result, “large operations are the source of about 90% of all chicken produced in Thailand, while the remaining 10% is produced by small operations and almost entirely sent for processing and sale in the domestic market.”<sup>34</sup>

The Thai domestic market consumes roughly 70% of the chicken produced in Thailand, while the remaining 30% is exported. In 2020, Japan imported 52.1% of all Thai poultry exports by volume, followed by the United Kingdom (16.2%), and China (10.6%).<sup>35</sup> As a group, European countries imported 6.48% of Thai poultry.<sup>36</sup> The European Union (EU) imports chicken meat based on a quota allocation system.<sup>37</sup> Thailand is annually granted 92,610 metric tons (MT) of the EU’s uncooked salted poultry meat quota and 5,100 MT for uncooked unsalted poultry meat.<sup>38</sup>

Precise statistics on the number of migrant workers labouring in the Thai poultry industry are unavailable. However, according to the Thailand Development

Research Institute (TDRI), Thailand's poultry industry is increasingly dependent on migrant workers.<sup>39</sup> Due to low wages and unpleasant working conditions, most of the migrant workers come from developing economies neighboring Thailand, such as Cambodia, Laos, and Myanmar. As of February 2021, the Thai Department of Employment (DoE) granted work permits to 1,931,650 migrant workers from Cambodia, Laos, and Myanmar. Of these 1.93 million registered migrant workers, at least 193,150 workers were employed in the agricultural and livestock sector.<sup>40</sup> In addition to registered migrant workers, the International Organization for Migration (IOM) estimates there are 1 to 2.5 million migrant workers in Thailand holding an irregular status.<sup>41</sup>

Compensating for labour shortages in the domestic workforce, these migrant workers are often employed to work in the agriculture sector, which historically has been excluded from some basic labour rights protections under Thai law.<sup>42</sup> In addition, agricultural workers often live and work in geographically remote areas and are isolated from other migrant communities.<sup>43</sup> These issues create barriers for migrant workers to access healthcare, education, and other government services.<sup>44</sup> Agricultural workers, particularly in the poultry industry, reportedly experience problematic working conditions, including working long hours, working without enough rest and holidays, and withholding of payment by employers.<sup>45</sup> In some cases, migrant workers are in debt because of the high cost of recruitment and labour migration.<sup>46</sup>

A survey in 2019 found that over 50% of migrant workers in the agricultural sector in Thailand are undocumented.<sup>47</sup> Irregular immigration status together with other factors, including language barriers, informal employment conditions, isolation of worksites and plantations, a lack of collective bargaining and trade unions, and weak domestic labour legislation and implementation, have increased migrant workers' vulnerability and risk of exploitation.<sup>48</sup>

## 1.2 MAJOR CHICKEN COMPANIES IN THE THAI POULTRY SUPPLY CHAIN

In the Thai poultry industry, large businesses typically invest “through the length of the supply chain, from upstream production of animal feed, through to raising chicken (both via their own, directly-managed operations and independent farmers that operate under contract farming arrangements) to slaughterhouses and downstream food processing plants that operate

according to recognised standards.”<sup>49</sup> As a result, these producers achieve economies of scale and account for roughly 90% of all chicken produced in Thailand.<sup>50</sup>

In general, there are two main broiler farms that are directly owned and managed by the major operators and the other independent farmers that operate under contract farming. These independent contracted farmers receive animal feed and hatchlings from major operators and sell chicken back to them. The chicken is then processed through traditional slaughterhouses or modern slaughterhouses owned by major operators. Modern slaughterhouses are equipped with processing mills that later produce chilled chicken, frozen chicken, and processed chicken. Only broiler meat processed through modern slaughterhouses is certified for export.<sup>51</sup>

### 1.2.1 THAMMAKASET COMPANY LIMITED

Thammakaset Co., Ltd. is a Thai-registered poultry farm company located in Lopburi Province, central Thailand.<sup>52</sup> Founded in 2005, it was managed by Mr. Khunnithi Permpol, who authorised Mr. Chanchai Permpol, his brother, to represent the company in the civil and criminal suits against human rights defenders discussed in this report.<sup>53</sup> Thammakaset is an example of an independently contracted farm. Thammakaset Co., Ltd. operates broiler farms; and its subsidiary farms directly supply chicken to domestic buyers who own modern slaughterhouses and poultry processing plants, such as those owned by Betagro Group. Betagro and other companies then export the processed chicken products to the global market. Thammakaset Co., Ltd.'s shareholders are Mr. Khunnithi Permpol, Mrs. Chirat Khunupatham, Mrs. Warangkhana Tangkokiatt, Mr. Sinuan Nokbin, Miss Surirat Chindasi, and Mr. Soem Sangbun.<sup>54</sup>

### 1.2.2 BETAGRO PUBLIC COMPANY LIMITED

Betagro Public Company Limited (also referred to as Betagro Group or Betagro) was founded in 1967 as a producer and distributor of animal feed. The company sees itself as “a thriving business empire” that “has grown to become a leading group of companies in the integrated agricultural and food industry.”<sup>55</sup> It is one of the largest agro-industrial and food companies in Thailand, with plans to invest “more than five billion baht (\$160,000,000 USD)” in the next decade in Thailand and factories upstream the supply



chain in Laos, Cambodia, and Myanmar.<sup>56</sup>

Betagro and its subsidiaries manufacture agricultural food products and offer animal feed, raise livestock, produce animal health products, and market meat products for human consumption.<sup>57</sup> In its financial statement, Betagro stated that its business operations include using contract farms to produce chicken. The company explained that under the contract farm agreement, Betagro distributes hatchlings, animal feed, and pharmaceutical products to farmers and purchases the chickens back once they have matured.<sup>58</sup> During the process of growing chickens by contracted farmers, the company maintains control over the live chickens as part of the company's biological assets and related products by establishing all chicken growing methods and conducting regular visits to their farms to monitor the chickens.<sup>59</sup>

Betagro serves customers worldwide.<sup>60</sup> Food products are sold under S-Pure, Betagro, and Itoham brands.<sup>61</sup>

Betagro listed B. Food Products International Company Limited (BFI) and Better Foods Company Limited (Better Foods) as its subsidiaries with 75% and 99% ownership, respectively. Both BFI and Better Foods are companies registered in Thailand; they manufacture frozen chicken products and operate chicken farms.<sup>62</sup>

Betagro Group is headquartered in Bangkok and is owned by the Taepaisitphongse family. Vasit Taepaisitphongse is the president and chief executive. His father, Chaivat Taepaisitphongse, is the chairman. According to Forbes, he is the 35th richest person in the country.<sup>63</sup>

### 1.2.3 THAIFOODS GROUP PUBLIC COMPANY LIMITED (THAIFOODS GROUP)

Thaifoods Group's principal business operations are "producing and distributing frozen and chilled chicken products, producing and distributing swine and producing and distributing feed mill."<sup>64</sup> Chicken sales are the main source of revenue for the company, accounting for 63.2%, 56.5%, and 51.2% of consolidated revenue in 2018, 2019, and 2020, respectively.<sup>65</sup> The company began to export chicken products to other countries including Japan and the European Union in the first quarter of 2015.<sup>66</sup> Headquartered in Bangkok, Thaifoods Group's poultry operations include breeder, broiler, and layer farms; hatcheries; feed manufacturing and chicken products; and distribution of products to customers.<sup>67</sup> Thaifoods Group stated in its 2020 Annual Report that the company utilised a network of more than 310 contract farmers to raise day-old chicks and was able to raise 3.137 million chickens at any given time.<sup>68</sup> As part of its vertically integrated business model, Thaifoods Group also has seven hatchery farms and three chicken slaughterhouses located in Kanchanaburi and Prachinburi provinces.<sup>69</sup>



*Thaifoods Group Public Company Limited (TFG) Logo*

Thaifoods Group operates other businesses including "development and manufacture of vaccines and medical supplies, as well as distribution of animal feed containers and plastic agricultural equipment."<sup>70</sup> Traded on the Thai Stock Exchange, Thaifoods Group's total revenue for 2020 was 31.3 billion Thai Baht.<sup>71</sup> Thaifoods Group was founded in 1987 by Winai Teawsomboonkij, a Thai national who owns 72% of the company's stock.<sup>72</sup> He is one of Thailand's richest people, with a net worth of \$740 million USD in 2021.<sup>73</sup>

# 2

## ALLEGATIONS OF LABOUR RIGHTS ABUSE ON THE THAMMAKASET POULTRY FARM



On 13 June 2016, 14 migrant workers from Myanmar filed a complaint against Thammakaset, their employer, with the Department of Labour Protection and Welfare (DLPW) in Lopburi Province, with the assistance of the labour rights organisation, the Migrant Workers Rights Network (MWRN).<sup>74</sup> They alleged labour abuses, such as confiscation of passports, withheld wages, and poor working conditions. Inspectors from the DLPW investigated the allegations and interviewed the workers on the farm.<sup>75</sup> That same month, Betagro Group announced they had cut ties with Thammakaset due to the labour conflict.<sup>76</sup> On 6 July, the 14 workers submitted a complaint to the National Human Rights Commission of Thailand (NHRCT). This complaint alleged that Thammakaset had violated Thailand's Labour Protection Act (1998) by failing to pay the workers the minimum wage, overtime, or holiday wages, and by confiscating their identity documents.<sup>77</sup>

On 1 August 2016, the DLPW found that violations of the Labour Protection Act had occurred and ruled that Thammakaset had to pay 1.7 million Thai Baht (around \$50,000 USD) in owed wages.<sup>78</sup> Later that month, the NHRCT similarly found that the workers had been underpaid, deprived of holidays and rest days, forced to work overtime, and had their identity documents withheld by the employer.<sup>79</sup> Thammakaset appealed the

DLPW ruling.<sup>80</sup> On 1 September 2016, the 14 workers filed an appeal against the DLPW order with the Labour Court for greater compensation, requesting approximately 44 million Thai Baht for alleged violations of the Labour Protection Act and damages for labour rights abuses.<sup>81</sup> Thammakaset and Betagro were made joint defendants.<sup>82</sup> The workers identified Betagro as a joint defendant because of its business ties with Thammakaset as a buyer of live chickens, who engaged in a contract farming agreement with the farm during the time when the alleged labour rights abuses took place at Thammakaset farms.<sup>83</sup> On 17 March 2017, the Labour Court in Saraburi Province, dismissed the workers' appeal against the DLPW order and confirmed that Thammakaset was obligated to compensate the workers for the underpaid wages as ordered by the DLPW.<sup>84</sup> The Court also dismissed Betagro as a joint defendant, citing a lack of evidence that Betagro was a direct employer of the 14 migrant workers.<sup>85</sup>

The Labour Court Region I ruled on 19 December 2016 to reaffirm the Labour Inspector's ruling and ordered Thammakaset to pay 1.7 million Thai Baht to the 14 migrant workers.<sup>86</sup> The ruling was later appealed by Thammakaset and sent to the Supreme Court for adjudication.<sup>87</sup> On 6 August 2018, the Supreme Court rejected Thammakaset's appeal and upheld the lower court's ruling and ordered Thammakaset to pay 1.7 million Thai Baht to the 14

migrant workers.<sup>88</sup> The workers received the money in August 2019.<sup>89</sup>

Betagro was one of the main buyers of poultry from one of Thammakaset's farms prior to the migrant workers' allegations of abuse.<sup>90</sup> After the allegations surfaced, Betagro issued a public statement on 13 July 2016, saying that it had stopped business operations with the farm until there is a solution for the labour dispute.<sup>91</sup> The statement claimed that Betagro was compliant with Thailand's labour laws and international human rights standards, and added that it would provide an "education programme for better understanding of partnering farmers, monitoring of the progress and labour management audit by the Group's Internal Audit."<sup>92</sup>

On 1 September 2016, Betagro released a follow-up statement, arguing that "the investigations by the Lopburi Labour Protection and Welfare Office and the Office of the National Human Rights Commission identified no signs of illegal detention of workers, nor were there any seizures of passports as alleged. In addition, no human rights violations or violations of anti-human trafficking laws were found in the investigations."<sup>93</sup>

Betagro's statement, claiming that Thammakaset did not seize the passports of the 14 migrant workers and that human rights abuses were not committed, was later contradicted by the Don Muang Magistrate Court's

verdict on 11 July 2018, which affirmed that Thammakaset had seized the passports and work permit documents of the migrant workers during the time of the allegations.<sup>94</sup> Migrant workers are entitled to equal rights and protection under Thailand's labour protection law.<sup>95</sup> Therefore, the court reiterated the NHRCT's findings that Thammakaset's failure to pay minimum wages and provide leave and holiday are violations of labour rights.<sup>96</sup>

Following the allegations of abuse, the DLPW, the Department of Livestock Development (DLD), and the Thai Broilers Processing Exporters Association signed a memorandum of understanding (MoU) in August 2016 to eliminate human rights abuses in the chicken processing sector.<sup>97</sup> The MoU requires companies that sign the agreement to not use forced labour, child labour, or human trafficking, and to prevent workplace discrimination.<sup>98</sup> Betagro, Thaifoods Group, and other companies signed the agreement.<sup>99</sup> As a result of the spotlight on workers' living and working conditions on the farms, the tri-partied collaboration adopted the 'Good Labour Practices Guidelines for Poultry Farms and Hatchery in Thailand,' which sets out eight voluntary standards for farms to improve employment and working conditions for workers.<sup>100</sup>

# 3

## BUSINESS RELATIONSHIPS BETWEEN THAMMAKASET-LINKED SRABUA COMPANY AND BETAGRO AND THAIFOODS GROUP

Despite publicly breaking ties with Thammakaset farms in June 2016, it seems that Betagro has resumed business ties with individuals with strong ties to Thammakaset under a newly registered company, Srabua Company Limited. Another poultry exporter, Thaifoods Group, has also engaged in business operations with those connected to Thammakaset through the new business entity.<sup>101</sup>

Section 3.1 shows how Thammakaset formally requested the cancellation of its government-provided certificates to operate three farms, including the farm at which the labour abuses took place. Section 3.2 explains how, at that same time, a new company, Srabua Company, was registered by individuals connected to the former Thammakaset Company and with three farms owned by the managers of Thammakaset, who filed the defamation suits against workers and labour rights defenders. Those three farms are now leased by the plaintiffs in the defamation suits to the current shareholders of Srabua Company. Section 3.3. shows how documents reveal that two of those farms have an ongoing business relationship with Betagro's subsidiary companies (Better Foods and BFI), while the third farm has a relationship with Thaifoods Group. Section 3.4 shows the business relationship between the Srabua Company's farms with Betagro and Thaifoods Group, and Section 3.5 describes what is known about Betagro and Thaifoods Group exports to the international market.

### 3.1 THE CANCELLATION OF GOVERNMENT-PROVIDED CERTIFICATES FOR THE THREE FORMER THAMMAKASET FARMS

'Good Agricultural Practices' certification is one of the Thai agricultural standards that aims to standardise the quality and safety of agricultural products in Thailand to ensure the agricultural operations are safe for farmers and consumers, free from chemical contaminants, and environmentally friendly. These certifications are regulated and issued by the Ministry of Agriculture and Cooperatives.

Thammakaset was registered in 2005 as "Thammakaset Company Limited," with an address at 99, Nong Khaem, Khok Samrong, Lopburi.<sup>102</sup> It operated at least three poultry farms at the following locations:

1. **"Farm Thammakaset"** located at 4, Moo 4, Tambon Khok Salung, Amphue Phattananikhom, Lopburi Province;<sup>103</sup>
2. **"Farm Thammakaset 2"** located at 9/9 Moo 9, Tambon Khok Toom, Amphue Muang, Lopburi Province;<sup>104</sup> and
3. **"Thammakaset Farm"** located at 99 Moo 9, Tambon Nong Khaem, Amphue Khok Samrong, Lopburi Province.<sup>105</sup>

On 28 June 2016, Betagro publicly announced it was terminating its relationship with Thammakaset Co. Ltd. over the labour disputes filed against the Thammakaset farms.<sup>106</sup> On 14 July 2016 and 10 August 2016, Mr. Khunnithi Permpol, the manager and the majority shareholder of Thammakaset Co. Ltd., submitted official requests to cancel the ‘Good Agricultural Practices for Poultry Farm’ certifications obtained from the Department of Livestock for the three poultry farms: Farm Thammakaset, Farm Thammakaset 2, and Thammakaset Farm.<sup>107</sup> The cancellations were approved on 22 July 2016 and 26 August 2016.<sup>108</sup>

### 3.2 REGISTRATION OF SRABUA COMPANY AND SHAREHOLDERS’ LINKS TO THAMMAKASET

Following the termination of the relationship with Betagro, on 28 July 2016, Mr. Soem Sangbun, a former shareholder of Thammakaset Co. Ltd., registered a new poultry company under the name “Srabua Company Limited” with the Department of Business Development, Ministry of Commerce.<sup>109</sup> The four shareholders of Srabua Company Limited have various links to Thammakaset, summarized in Table 1 below.

Mr. Soem Sangbun, who holds 4,500 shares of Srabua Company, used to be a shareholder of Thammakaset Co., Ltd.<sup>110</sup> He may also be a family member or relative of Mr. Chanchai Permpol, Thammakaset’s legal representative in

the criminal and defamation SLAPP suits, as they have the same registered home address in certain documents.<sup>111</sup>

Mrs. Chula Sangbun, who is presumably a family member or relative of Mr. Soem Sangbun, also holds 4,500 shares of Srabua Company. In addition, she is the lessee of Srabua Farm, which was originally one of the Thammakaset farms (to be discussed further in Section 3.3).

Mrs. Nitaya Phusuwan holds 1,000 shares of Srabua Company. She shares the same registered home address as both Mr. Sangbun and Mr. Chanchai Permpol, meaning they may all be related.<sup>112</sup> In addition, Mrs. Nitaya Phusuwan is the lessee of Tonkla Farm, which also was originally one of the Thammakaset farms (to be discussed further in Section 3.3).

Lastly, Mrs. Sosuda Nuttauothin is a fourth shareholder of the company and is the lessee of Kru Thahan Farm, also originally one of the Thammakaset farms.<sup>113</sup>

The current shareholders of Srabua Company are temporarily leasing the three Thammakaset farms from Mr. Khunnithi Permpol and Mr. Chanchai Permpol. Mr. Chanchai Permpol, the legal representative of Thammakaset in the defamation suits, is the brother of Mr. Khunnithi Permpol, the former managing director and majority shareholder of Thammakaset who held 780,000 shares. The leasing of the farms to Srabua Company will be discussed in further detail in Section 3.3 below.

**TABLE 1: SRABUA COMPANY SHAREHOLDERS AND LINKS TO THAMMAKASET**

Name	Role in Srabua Company	Links to Thammakaset Company
Mr. Soem Sangbun	Registered the company Co-majority shareholder (4,500 shares) Director	Former shareholder of Thammakaset Has registered the same address and may be a family member or relative of Mr. Chanchai Permpol (who represented Thammakaset in the defamation suits)
Mrs. Chula Sangbun	Co-majority shareholder (4,500 shares) Director Lessee of Srabua Farm	Likely family member of Mr. Soem Sangbun due to the shared surname Leasing Srabua Farm (former ‘Thammakaset Farm’) from Mr. Khunnithi Permpol, managing director of Thammakaset
Mrs. Nitaya Phusuwan	Shareholder (1,000 shares) Lessee of Tonkla Farm	Has registered the same address and may be a family member or relative of both Mr. Sangbun and Mr. Chanchai Permpol (who represented Thammakaset in the defamation suits) Leasing Tonkla Farm (former ‘Farm Thammakaset 2’, where the labour abuses occurred) from Mr. Khunnithi Permpol, managing director of Thammakaset
Mrs. Sosuda Nuttauothin	Shareholder Lessee of Kru Thahan Farm	Leasing Kru Thahan Farm (former ‘Farm Thammakaset’) from Mr. Khunnithi Permpol, managing director of Thammakaset

### 3.3 LEASING OF THAMMAKASET FARMS TO SRABUA COMPANY

In addition to the shareholders register, the lease agreements for Srabua Company's farms further confirm the strong links between Thammakaset and Srabua Company. In quick succession, Srabua Company Ltd.–represented by Mrs. Chula Sangbun, Mrs. Nittaya Phusuwan, and Ms. Sosuda Nuttayothin<sup>114</sup>–signed three different land and construction (chicken farm) lease agreements with Thammakaset Co. Ltd.–represented by Mr. Khunnithi Permpol, the managing director of the three Thammakaset's farms–on 1 August 2016.<sup>115</sup>

The lease agreements stated that the lessees rented the lands and infrastructure from the managing director of Thammakaset Co. Ltd., Mr. Khunnithi Permpol, for the period of three years to be used as poultry farms.<sup>116</sup> Subsequently, Mrs. Chula Sangbun, Mrs. Nittaya Phusuwan, and Ms. Sosuda Nuttayothin applied for 'Good Agricultural Practices for Livestock on Chicken Farms' certification for Srabua Farm, Tonkla Farm, and Kru Thahan Farm.<sup>117</sup> The Department of Livestock Development approved the certifications for 'Good Agricultural Practices for Chicken Farm' for the three poultry farms: for Srabua Farm on 7 November 2016, for Tonkla Farm on 31 January 2017, and for Kru Thahan Farm on 7 November 2016.<sup>118</sup> These farms are in the exact same locations as the previous Thammakaset farms.<sup>119</sup>

The Thai government encourages poultry farm owners to apply for a 'Good Agricultural Practices for Broiler Farm' certificate.<sup>120</sup> As is shown in the following section, the three successors of the Thammakaset farms–Srabua Farm, Tonkla Farm, and Kru Thahan Farm–applied for certification in 2016 and received approval in November 2016 and January 2017.

### 3.4 SRABUA COMPANY FARMS' BUSINESS RELATIONSHIPS WITH BETAGRO AND THAIFOODS GROUP

The below sections show an ongoing business relationship between Srabua Farm and Tonkla Farm with Betagro's subsidiary companies, Better Foods and BFI, and a relationship between Kru Thahan Farm and Thaisfoods Group. Farm certification application documents and the transport of goods witnessed during on-the-ground field investigations provide evidence of these business relationships.

#### 3.4.1 SRABUA FARM

On 1 August 2016, Mrs. Chula Sangbun, one of Srabua Company's shareholders, signed a contract with Mr. Khunnithi Permpol to rent a plot of land and infrastructure for poultry farming at 99 Moo 9, Tambon Nong Khaem, Amphue Khok Samrong, Lopburi Province. This farm (to be called "Srabua Farm") is located at the same exact location as the former "Thammakaset Farm."<sup>121</sup>

Prior to November 2016, Ms. Supphamas Chaotale submitted an application on behalf of Mrs. Chula Sangbun to the Department of Livestock to request approval for a certification of 'Good Agricultural Practices for Livestock' for Srabua Farm.<sup>122</sup> The Department of Livestock, under the Ministry of Agriculture and Cooperatives, approved the certification on 7 November 2016.<sup>123</sup>

The certification application states that the Srabua Farm receives live hatchlings from Betagro and sells its live poultry products to B. Food Products International Company Limited (BFI) – a subsidiary company owned by Betagro Group – and operates a certified slaughterhouse, No. Br 01 06 013/2549.<sup>124</sup> In April 2020, investigators identified two hatcheries owned by Betagro that are located in Lopburi Province and one hatchery owned by Betagro located in Nakhon Ratchasima Province that likely supply hatchlings to two of the newly named farms (Srabua and Tonkla farms). On 6 April 2020, a truck brought the hatchlings to Srabua Farm next door.<sup>125</sup>

#### 3.4.2 TONKLA FARM

On 1 August 2016, Mrs. Nitaya Phusuwan<sup>126</sup> signed a contract with Mr. Khunnithi Permpol, on behalf of Thammakaset Company Limited, to rent a plot of land and infrastructure for poultry farming at the same location of Farm Thammakaset 2, where the 14 migrant workers who were targeted with SLAPP suits by Thammakaset used to work.<sup>127</sup> According to the Srabua Company shareholder document and a court document, Mrs. Nitaya Phusuwan's registered address is the same address as both Mr. Sangbun (the former shareholder of Thammakaset and current shareholder of Srabua Company) and Mr. Chanchai Permpol (legal representative of Thammakaset in all the criminal and civil cases discussed here and the brother of Mr. Khunnithi Permpol, Thammakaset's manager).<sup>128</sup>

In 2016, Mrs. Nitaya Phusuwan submitted an application to the Department of Livestock for approval of a certification for 'Good Agricultural Practices of Livestock' for Tonkla Farm.<sup>129</sup> The Department of Livestock approved the certification on 31 January 2017.<sup>130</sup>

The certification application stated that the farm receives hatchlings from Betagro and sells its live poultry products to a farm guarantor, Betagro.<sup>131</sup> The live poultry is reported to be transferred to a chicken slaughterhouse in Lopburi Province operated by BFI, which is owned by Betagro.<sup>132</sup> On 25 March 2020, live chickens from Tonkla Farm were transported to a slaughterhouse and processing factory, operated by Better Foods Company Limited, located in Krathum Baen District in Samut Sakhon Province.<sup>133</sup>

Research conducted for this report found discrepancies in how the slaughterhouse information was recorded by the farm manager in the certification application and where the live poultry were actually sent. The record listed BFI as the slaughterhouse; however, on-the-ground investigations showed the chickens were sent to Better Foods. Both slaughterhouses are operated by Betagro subsidiaries and are certified to export poultry meat to other countries.<sup>134</sup>

### 3.4.3 KRU THAHAN FARM

On 1 August 2016, Ms. Sosuda Nuttayothin signed a contract with Mr. Khunnithi Permpol, on behalf of Thammakaset Company Limited, to rent a plot of land and infrastructure

for poultry farming at 4, Moo 4, Tambon Khok Salung, Amphue Phattananikhom, Lopburi Province (at the same location as the former Farm Thammakaset), to be called “Khru Thahan Farm.”<sup>135</sup>

On 19 September 2016, Ms. Sosuda Nuttayothin submitted an application to the Department of Livestock for approval of a certification for ‘Good Agricultural Practices of Livestock’ for Kru Thahan Farm.<sup>136</sup> This application lists Thaifoods Group as the supplier of hatchlings and chicken feed, as well as the farm’s guarantor and buyer of the live chickens.<sup>137</sup> The Department of Livestock approved the certification on 7 November 2016.<sup>138</sup>

The live chickens are expected to be transferred to a slaughtered house owned by Thaifoods Group.<sup>139</sup> On 31 May 2020, live poultry was transported by trucks, including a truck with the Thaifoods Group logo, from Kru Thahan Farm in Lopburi Province to the poultry meat processing factory owned by Thaifoods Group Public Company Limited in Tha Maka District, Kanchanaburi Province. The transportation was carried out in the late afternoon and overnight.<sup>140</sup>

## TIMELINE

<p><b>2005</b> Thammakaset: Registers company at corporate address 99, Nong Khaem Sub-district, Khok Samrong District, Lopburi Province, and operates at least three farms.</p>	<p><b>28 JUNE 2016</b> Betagro publicly announces it is terminating its relationship with Thammakaset over the labour disputes.</p>	<p><b>28 JULY 2016</b> Srabua Co., Ltd. is registered at corporate address No. 222 Village No. 9, Nong Khaem Sub-district, Khok Samrong District, Lopburi Province, with Mr. Soem Sangbun, Mrs. Chula Sangbun, Mrs. Nittaya Phusuwan, and Ms. Sosuda Nuttayothin as shareholders.</p>
<p><b>14 JULY &amp; 16 AUGUST 2016</b> Manager of Thammakaset (Mr. Khunnithi Permpol) cancels the farm certifications of the three farms operated by Thammakaset.</p>	<p><b>22 JULY &amp; 26 AUGUST 2016</b> The cancellations are approved.</p>	<p><b>AUGUST 1, 2016</b> Srabua Company Ltd. (represented by Mrs. Chula Sangbun, Mrs. Nittaya Phusuwan, and Ms. Sosuda Nuttayothin) signs three land construction (chicken farm) lease agreements with Thammakaset (represented by Mr. Khunnithi Permpol).</p>
<p><b>2016</b> Mrs. Chula Sangbun, Mrs. Nittaya Phusuwan, and Ms. Sosuda Nuttayothin apply for farm certifications for Srabua Farm, Tonkla Farm, and Kru Thahan Farm, respectively (the same farms in the exact locations of the former Thammakaset farms).</p> <ul style="list-style-type: none"> <li>• The application for Srabua Farm states that it receives live hatchlings from Betagro and sells its live poultry to B. Foods Products International (BFI), a subsidiary of Betagro.</li> <li>• The application for Tonkla Farm states that it receives hatchlings and sells live poultry products to its guarantor, Betagro, and transfers poultry to a slaughterhouse operated by BFI.</li> <li>• The application for Kru Thahan Farm lists Thaifoods Group as the supplier of hatchlings and chicken feed and the farm’s guarantor and buyer of the live chickens.</li> </ul>		<p><b>7 NOVEMBER 2016</b> Farm certification for Srabua Farm and Kru Thahan Farm is approved.</p> <p><b>31 JANUARY 2017</b> Farm certification for Tonkla Farm is approved.</p>
<p><b>APRIL 2020</b> Investigators identify three hatcheries in Lopburi and Nakhon Ratchasima provinces owned by Betagro that likely supply hatchlings to two of the newly named farms (Srabua and Tonkla farms).</p>	<p><b>MARCH 2020</b> Live chickens from Tonkla Farm are transported to a slaughterhouse and processing factory, operated by a Betagro subsidiary in Samut Sakhon Province.</p>	<p><b>MAY 2020</b> Live poultry is transported by trucks including a truck with the Thaifoods Group logo, from Kru Thahan Farm in Lopburi Province to the poultry meat processing factory owned by Thaifoods Group Public Company Limited in Tha Maka District, Kanchanaburi Province.</p>

### 3.5 SUPPLY CHAIN ANALYSIS OF FARMS AND EXPORTERS

Both before and after the migrant workers made their labour complaint in 2016, the Thammakaset farms (now Srabua Company farms) had been supplying poultry to major national buyers and processors, including Betagro.<sup>141</sup> Since 2017, these farms have also been supplying to Thaifoods Group.<sup>142</sup> As confirmed by both companies' corporate statements, these processors were exporting chicken products to the international market, including Japan<sup>143</sup> and the European Union,<sup>144</sup> while Betagro was also found to export to the United States (see more in Section 3.5.1 below).

Tracing Betagro and Thaifoods Group's individual supply chains to specific countries and companies presents a serious challenge. An investigation by Finnwatch in 2015 into the supply chain of companies importing Thai broiler chicken into Finland summarised the challenges in the European context:

*“Imports of Thai broiler are difficult to clarify from the customs' foreign trade statistics as broiler products that have been further processed within Europe do not show as originating in Thailand in the statistics. Norvida, which also imports chicken to Finland, estimated ... that 50 per cent of broiler imported from Thailand is not visible in official import statistics. ... In practice, linking broiler meat processed in a specific factory in Thailand to a Finnish importer requires market research and submitting individual direct inquiries to well-known Finnish meat importers, companies that process and sell food in Finland (wholesale and retail) and restaurants.”<sup>145</sup>*

However, companies are under no duty to reveal such information upon request.

The below section outlines what little is known about Betagro and Thaifoods Group exports and their supply chains in relation to Srabua Company farms. Conducting a full supply chain investigation is outside the scope of this present report. However, corporate actors throughout supply chains have a responsibility to address adverse human rights impacts with which they are involved and avoid infringing on the rights of others, including refraining from filing retaliatory lawsuits that infringe on workers' freedom of expression rights. Therefore, all

companies with business ties to Srabua Company farms have a responsibility to mitigate any adverse human rights impacts they are contributing to as a result of their business relationship, such as labour rights violations or restrictions on the right to freedom of expression vis-à-vis SLAPP suits.

#### 3.5.1 BETAGRO

Betagro does not publish its export data. However, in statements online, the company has given general statements regarding its exports:

*“For the export market in 2020, Betagro still continues to export its fresh and cooked food product under the S-Pure and Betagro Brands to markets in Europe, Middle East, Canada and Asia including Japan, Hong Kong, Singapore and China. In addition, Betagro also exports ready-to-eat food products under the Betagro brand to Hong Kong, Singapore, and it will open a new market in the Philippines before the end of this year.”<sup>146</sup>*

Additionally, Betagro Group announced it would spend three billion Thai Baht (\$95 million USD) in 2021 to “upgrade its supply chain and increase production capacity to cash in on rising demand,” in a move to help the company achieve “its ambitious goal of becoming a major supplier for premium-grade chicken and pork products.”<sup>147</sup>

In addition, trade database information shows that Betagro's subsidiary, B. Foods International, shipped chicken products to the United States between 2017 and 2022.<sup>148</sup>

#### 3.5.2 THAIFOODS GROUP

Thaifoods Group has confirmed in its annual report that it exports poultry products to European countries and to Japan.<sup>149</sup> A Thaifoods Group executive confirmed that the company's poultry meat export to the EU market amounts to one-third of its total exports.<sup>150</sup> The company has a capacity to produce between 350,000 and 400,000 tonnes of poultry per year. Thaifoods Group published in its annual report that in December 2019 the company had seven hatchery farms, 342 contracted broiler farms, three slaughterhouse and processing mills, two factories in Kanchanaburi Province, and one factory in Prajeenburi Province.<sup>151</sup> The company's broiler sector generated an income of 16.3 billion Thai Baht (\$483 million USD) in 2020, which amounts to 51% of its total income.<sup>152</sup>

# 4

## SLAPP DEFINITION AND CONTEXT IN THAILAND



*A worker tends to chickens at a poultry farm in Thailand*

*© Copyright Sukree Sukplang, Reuters*

After the migrant workers filed complaints, first with the DLPW and then the NHRCT, Thammakaset began filing retaliatory lawsuits against anyone associated with the case: the 14 migrant workers themselves;<sup>153</sup> staff of Migrant Workers Rights Network (MWRN), a non-governmental organisation (NGO) assisting the workers;<sup>154</sup> human rights defenders investigating their treatment;<sup>155</sup> a journalist reporting on the cases;<sup>156</sup> and women human rights defenders posting on social media in support of the workers.<sup>157</sup>

These lawsuits—of which Thammakaset has lost all of the decided cases—were filed to harass, silence, and intimidate the people raising awareness of Thammakaset’s treatment of migrant workers.<sup>158</sup> Known as Strategic Lawsuits Against Public Participation (SLAPP suits), Thammakaset’s lawsuits constitute violations of the rights to freedom of expression, association, and peaceful assembly of the defendants in the cases.

While Betagro and others publicly distanced themselves from Thammakaset following the allegations of labour rights violations, no poultry company has publicly condemned or criticised Thammakaset for their use of SLAPP suits against human rights defenders and migrant workers’ rights supporters. However, these lawsuits are violations of human rights and should factor into any company’s due diligence

analysis when reviewing their supply chain.

The following sections provide an overview of SLAPP suits: what they are, their history in Thailand, and their specific use by Thammakaset in the migrant workers’ case. Human rights are indivisible and interdependent: the rights to freedom of expression and peaceful assembly must be equally protected alongside all other rights. As long as Thammakaset and companies like it can file SLAPP suits against human rights defenders without repercussion, these rights will go unprotected and unfulfilled.

### 4.1 WHAT ARE SLAPP SUITS?

SLAPP suits are criminal or civil “lawsuits that threaten the exercise of constitutional rights in relation to public concerns or actions in support of the exercise of constitutional rights in relation to public concerns.”<sup>159</sup> The U.N. Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association has explained that SLAPP suits are meant to “shut down critical speech by intimidating critics into silence and draining their resources. In the process, they distract and deflect discussions on corporate social responsibility, and – by masquerading as ordinary civil lawsuits – convert matters of public interest into technical private law disputes.”<sup>160</sup>

To differentiate between legitimate lawsuits and SLAPP suits, human rights practitioners have developed the

following considerations:<sup>161</sup>

- Is the claim based on some form of legal culpability, such as defamation, incitement, contempt of court, theft, trespass, or wrongful interference with property?
- Has the plaintiff filed multiple cases over a single incident?
- Was the claim filed in a jurisdiction of a court far from the homes of the defendants?
- Is the action in question protected by the constitution?
- Is the accused a member of a group of people who are active in political and public participation?
- Have efforts been made to exploit economic advantage or state authority to pressure the accused?
- Does the plaintiff have a history of using litigation to threaten critics or activists?
- Is the amount of the claim unusually high and disproportionate to the actual damage?
- Has the plaintiff provided authentic evidence that the accused actually participated in committing the offence?
- Has the plaintiff tried to prolong the case as much as possible?

## 4.2 SLAPP SUITS IN THAILAND

An investigation by the Human Rights Lawyers Association (HRLA) into the use of SLAPP suits in Thailand revealed that between 1997 and 31 May 2019 at least 212 cases qualified as SLAPP suits.<sup>162</sup> ARTICLE 19, an organisation that focuses on freedom of expression issues, analysed the data collected by the HRLA and the Freedom of Expression Documentation Center by iLaw (iLaw) to identify the cases in which “criminal defamation or CCA [The Computer Crimes Act] charges were used to target individuals who raised concerns about human rights abuses, government misconduct, or other issues of public concern.”<sup>163</sup> They identified 58 such cases between 2014 and 2020, with 54 cases including charges under Section 326 or 328 of the Criminal Code.<sup>164</sup>

ARTICLE 19 provides a helpful summary of the types of cases brought:

*“116 individuals faced charges in these cases, with some people being accused in multiple cases. 64 (55%) of the defendants were community leaders or environmental or human rights activists, and 21 (18%) were media outlets or journalists. Four (3%) were academics and three were politicians. The remaining 24 defendants (21%) were other individuals or private sector entities.*

*In Thailand, many defamation cases have been filed by business enterprises to suppress reporting of unlawful working conditions, environmental impacts, and other human rights abuses. 32 of the 58 cases (55%) from the HRLA and iLaw databases were filed by private companies or associations. However, cases were also brought by government officials (14%), government agencies (16%), private individuals (10%), and politicians (5%).*

*Of the 58 cases recorded, the prosecutor dropped six (10%), while nine (16%) resulted in convictions and prison sentences ranging from two months to eight years and fines ranging from 6,000 to 800,000 Thai Baht [\$178 to \$23,754 USD]. Nine cases (16%) were withdrawn and 20 cases (34%) resulted in acquittals. The most common basis for acquittal among these cases was the finding that the defendant had, in good faith, made a ‘fair comment’ on a public matter in line with the defence established by Section 329(3) of the Criminal Code.”<sup>165</sup>*

## 4.3 SLAPP SUITS BROUGHT BY THAMMAKASET

Since 2016, Thammakaset Co., Ltd. has filed a total of 39 criminal and civil cases against 23 defendants, including human rights defenders, workers, and journalists, for alleged defamation of the company.<sup>166</sup> Several human rights organisations have written extensively about these cases, detailing each case and trial.<sup>167</sup> This report will provide a discussion of the key cases.

On 6 October 2016, Thammakaset filed its first criminal complaint stemming from the migrant worker labour disputes case: it sued the 14 migrant workers, alleging they provided false information to the NHRCT regarding their labour complaint and defamed the company.<sup>168</sup> On 11 July 2018, the Don Muang Magistrate Court dismissed the criminal charges against the workers.<sup>169</sup> The acquittal verdict was later upheld by the Appeal Court on 30 May 2019.<sup>170</sup>

Following this first case, Thammakaset sued other individuals who made public comments regarding the NHRCT case.

On 4 November 2016, Thammakaset filed a criminal complaint with the Bangkok South Criminal Court against Andy Hall, a British national and human rights advocate, for social media posts he made regarding the criminal charges against the 14 migrant workers.<sup>171</sup> The charges included defamation, libel, and a computer crime charge, all of which are still pending at the Bangkok South Criminal Court.<sup>172</sup>

Thammakaset filed a private criminal complaint against Ms. Suchanee Cloitre, a Thai journalist, on 1 March 2019 for alleged defamation and libel over a Twitter post she made on 14 September 2017 regarding Thammakaset's labour rights abuses<sup>173</sup> after the Lopburi Public Prosecutor's Office chose not to prosecute the case.<sup>174</sup> On 24 December 2019, the Lopburi Provincial Court found Ms. Suchanee Cloitre guilty under sections 326 and 328 of the Criminal Code and sentenced her to two years in prison.<sup>175</sup> She was later granted temporary release after posting a cash deposit of 50,000 Thai Baht (\$1,485 USD) with the Lopburi Provincial Court.<sup>176</sup> On 27 October 2020, the Court of Appeals overturned the conviction and dismissed the case against her.<sup>177</sup>

On 8 and 12 October 2018, Thammakaset filed two complaints alleging criminal defamation under sections 326 and 328 of Thailand's Criminal Code against, respectively, Mr. Nan Win, one of the migrant workers who filed a complaint at the NHRCT, and Ms. Sutharee Wannasiri, a human rights activist and former Thailand Human Rights Specialist with Fortify Rights.<sup>178</sup> The defamation case against Mr. Nan Win was based on comments he made during a panel discussion held by the Foreign Correspondents Club of Thailand (FCCT), and in a video produced by Fortify Rights. The case against Ms. Sutharee Wannasiri was based on three Twitter posts she made in October 2017, which included a retweet of the video clip produced by Fortify Rights featuring the interview of Mr. Nan Win. The court combined the cases and on 8 June 2020, the Criminal Court in Bangkok found both Mr. Nan Win and Ms. Sutharee Wannasiri not guilty of defamation and dismissed the cases against them.<sup>179</sup> On 30 March 2022, the Court of Appeal upheld a Criminal Court ruling in 2020 that dismissed the defamation charges brought by Thammakaset against activists Ms. Sutharee Wannasiri and Mr. Nan Win.<sup>180</sup> On 27 July 2022, Thammakaset filed a motion to appeal the Appeal Court's acquittal verdict, which was accepted by the Supreme Court. The case is now pending before the Supreme Court.

On 26 October 2018, Thammakaset filed a separate civil defamation complaint against Ms. Sutharee Wannasiri, based on the same facts of the criminal defamation case. On 28 August 2019, Thammakaset decided to drop the complaint pursuant to an agreement whereby Ms. Sutharee Wannasiri agreed to state that she regretted if some information in the Fortify Rights' video clip was misleading and could cause damage to Thammakaset.<sup>181</sup>

On 25 October 2019, Thammakaset filed a criminal complaint alleging defamation and libel against Ms. Angkhana Neelaphajit, a human rights defender and former member of the NHRCT.<sup>182</sup> The complaint is based on posts Ms. Angkhana Neelaphajit made on Twitter that contained a hyperlink to the video produced by Fortify Rights featuring an interview with Mr. Nan Win (the subject of previous defamation suits by Thammakaset).<sup>183</sup>

On 9 December 2019, Thammakaset filed a criminal case against Ms. Puttanee Kangkun, Senior Human Rights Specialist with Fortify Rights, in relation to 14 social media engagements (three tweets, nine retweets, and two Facebook posts) she made between 25 January and 17 September 2019 to express support for fellow women human rights defenders involved in criminal and civil defamation cases filed by Thammakaset.<sup>184</sup>

On 30 March 2020, Thammakaset filed additional charges against both Ms. Angkhana Neelaphajit and Ms. Puttanee Kangkun, and a new charge against Ms. Thanaporn Saleephol, all of whom worked for Fortify Rights at that time, over social media posts they had made, which made reference to statements that contained a hyperlink to the video featuring the interview with Mr. Nan Win.<sup>185</sup> Their social media posts called for an end to judicial harassment of women human rights defenders.

At the request of the court, several of their cases were combined to minimise the number of hearings. However, due to the ongoing COVID-19 pandemic, the trials have been delayed. On 12 September 2022, the court ruled that the cases against Ms. Angkhana Neelaphajit, Ms. Puttanee Kangkun, and Ms. Thanaporn Saleephol would proceed to trial, for which the first hearing is scheduled on 14 November 2022.



## ENCOURAGED THAMMAKASET TO PURSUE CHARGES

A former high-ranking officer at the Ministry of Labour spoke at a business seminar sometime between 13 and 21 February 2018 (while the Thammakaset cases were ongoing) and made statements that could be perceived as to have encouraged Thammakaset to pursue charges against an NGO over their reporting of labour abuses:

*“News reported that Burmese workers suffered labour abuses, then they complained to an individual at an NGO. The NGO complained about the abuses internationally, [to] foreign countries to pressure a major chicken exporter in Thailand not to buy from this chicken farm, otherwise the order from this exporter will suffer. The exporter did not buy chicken from the farm and over 40,000 broilers were left to die and discarded. [The NGO] used international pressure to force major international buyers not to buy broilers due to the problem in the farm [the labour rights abuses]. If the exporter buys from the farm, all global buyers will not source the poultry meat from the company, thus the [poultry export] company was forced to agree. So I said, in this case, the NGO has given inaccurate information online so the Computer Crimes Act can be used against [the NGO worker]. The Court found that this NGO is guilty [in a prior case].<sup>186</sup> Then he complained internationally that Thailand [is] not toler[ant] and prosecutes NGOs. [However,] this NGO did a bad thing. The NGO attacked my country. Why would I let him do it? At that time, the military government asked me to oversee this issue. [The government] assigned it to me. They told me, “[name redacted], take care of this matter.” I said, “Yes, sir,” as I oversaw human trafficking issues at that time. Damn, what to do! Do not let him have a place in this country. Do not let this kind of NGO have a place here.”<sup>187</sup>*

As the comment appears to imply, this former high-ranking official initially encouraged Thammakaset to file a Computer Crimes Act charge against an NGO and their staff. Thammakaset did file two criminal complaints under Section 14 of the Computer Crimes Act, a charge often brought alongside criminal defamation charges when the alleged defamation took place or was shared online.<sup>188</sup> One of the complaints was against Mr. Andy Hall, a human rights advocate who made social media posts regarding the labour dispute between the migrant workers and Thammakaset between June and October 2016.<sup>189</sup> The case is still pending at the Bangkok South Criminal Court, as Mr. Hall left Thailand.<sup>190</sup> The other complaint, under the Computer Crimes Act, was filed against Ms. Suthasinee Kaewleklai, a woman labour rights activist and MWRN employee, with the Khok Toom Police Station in Lopburi Province in 2016. It alleged that her social media posts about the working conditions on the farm violated the Computer Crimes Act. Thammakaset subsequently dropped this criminal complaint after a discussion with Betagro.<sup>191</sup>

# 5

## INTERNATIONAL LEGAL FRAMEWORK RELATING TO SLAPP SUITS

Under international human rights law, Thailand is obligated to respect, protect, and fulfill the rights of human rights defenders to freedom of expression and peaceful assembly as guaranteed under customary international law and human rights treaties to which Thailand is a State Party, including the International Covenant on Civil and Political Rights (ICCPR).<sup>192</sup> These rights are also found in the Universal Declaration of Human Rights (UDHR), to which Thailand is a signatory, and the Declaration on Human Rights Defenders, which was adopted by consensus by the U.N. General Assembly while Thailand was a Member State.<sup>193</sup> Furthermore, Thailand's domestic law, as articulated in the 2017 Constitution, also protects the rights to freedom of expression and peaceful assembly.<sup>194</sup> In addition to the State, business entities also have human rights obligations flowing from international human rights law and the U.N. Guiding Principles related to human rights defenders.<sup>195</sup>

The following section uses international human rights law, domestic Thai law, and business and human rights principles to examine the obligations of Thailand, Thammakaset, and companies in Thammakaset's supply chain as pertaining to Thammakaset's SLAPP suits against human rights defenders. It finds that Thammakaset interfered with the rights to freedom of expression and peaceful assembly of human rights defenders by filing

meritless cases against them due to their work exposing or raising awareness of working conditions at Thammakaset farms. The defendants in those cases are entitled to an effective remedy under international and domestic law. Lastly, companies that are in Thammakaset's supply chain should either cease doing business with Thammakaset or use their leverage to pressure Thammakaset to stop filing these suits.

### 5.1 SLAPP SUITS VIOLATE THE RIGHTS TO FREEDOM OF EXPRESSION, ASSOCIATION, AND PEACEFUL ASSEMBLY

SLAPP suits are intended to have a dual "chilling effect" that discourages both the human rights defender being sued and other human rights defenders from speaking out due to the threat of costly, stressful, and time-consuming litigation. As such, SLAPP suits function in practice as a restriction on the right to freedom of expression, including the right to seek, receive and impart information.<sup>196</sup> Thailand is bound to respect, protect, and fulfill the right to freedom of expression under Article 19 of the ICCPR, a human rights treaty to which Thailand is a State Party, and Section 34 of Thailand's constitution.<sup>197</sup> The right to freedom of expression is "considered an essential foundation for a free and democratic society and a key factor in the realisation of good public administration

principles that result in the promotion and protection of human rights.”<sup>198</sup> Retaliatory litigation also acts as a barrier to workers exercising freedom of association and collective bargaining rights in the workplace, as it serves to frighten workers and potential organizers.<sup>199</sup>

While governments may restrict the right to freedom of expression, the restriction must be provided by law and be necessary and proportionate to achieve respect of the rights or reputations of others or for the protection of national security, public order (ordre public), public health, or morals.<sup>200</sup> The 2017 Constitution of Thailand similarly permits restrictions of expression only “for the purpose of maintaining the security of the State, protecting the rights or liberties of other persons, maintaining public order or good morals, or protecting the health of the people.”<sup>201</sup>

The ICCPR also requires the Thai government to uphold the right to freedom of peaceful assembly and the right to take part in the conduct of public affairs.<sup>202</sup> These rights are similarly protected under the U.N. Declaration on Human Rights Defenders, which defines human rights defenders as “individuals, groups and associations ... contributing to... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals.”<sup>203</sup> It further requires States to protect “everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.”<sup>204</sup>

In implementing the U.N. Declaration on Human Rights Defenders, the U.N. General Assembly urged States to promote a “safe and enabling environment ... in which human rights defenders can operate free from hindrance, reprisals and insecurity, ensuring, among other things, the right to take part in the conduct of public affairs and in cultural life, the freedom to seek, receive and impart information and equal access to justice.”<sup>205</sup>

The ICCPR similarly requires Thailand as a State Party to create an enabling environment for human rights defenders to work. The U.N. Human Rights Committee—the body who offers authoritative guidance on the provisions of the ICCPR and assesses States parties’ compliance with the treaty—explained that States must “ensure that persons are protected from any acts by private persons or entities that would impair the enjoyment of the freedoms of opinion and expression.”<sup>206</sup>

Despite these obligations, the Human Rights Committee noted in 2017 regarding Thailand’s compliance with the ICCPR that it was “concerned about criminal proceedings, especially criminal defamation charges, brought against human rights defenders, activists, journalists and other individuals” brought under the criminal code and other legislation.<sup>207</sup> It recommended that Thailand “take all measures necessary to guarantee the enjoyment of freedom of opinion and expression in all their forms” and “refrain from using its criminal provisions . . . as tools to suppress the expression of critical and dissenting opinions.”<sup>208</sup> Finally, the Committee admonished Thailand to “provide appropriate training to judges, prosecutors and law enforcement personnel regarding protection of freedom of expression and opinion.”<sup>209</sup>

## 5.2 THAI LAW GOVERNING SLAPP SUITS

SLAPP suits against human rights defenders most often take the following forms: criminal defamation (sections 326 and 328 of the Thai Criminal Code), Section 14 of the Computer-Related Crime Act B.E. 2550 (2007), Section 116 of the Thai Criminal Code, a sedition-like offence, and the Public Assembly Act B.E. 2558 (2015).<sup>210</sup>

Defamation charges under sections 326 and 328 of the Criminal Code are the most commonly used SLAPP suits.<sup>211</sup> However, defamation under Thai law contravenes human rights law and standards. For example, the penalties upon conviction for either Section 326 or Section 328 may include imprisonment, as well as a fine.<sup>212</sup> Criminal penalties for defamation restrict the right to freedom of expression in a manner that is neither necessary nor proportionate to protect a legitimate state interest that is recognised under international law.<sup>213</sup> In particular, the U.N. Human Rights Committee has written that imprisonment for defamation is “never an appropriate remedy.”<sup>214</sup>

Section 329 of the Thai Criminal Code enumerates possible defences to the charge of defamation on the grounds that the statement was made for the protection of a legitimate interest.<sup>215</sup> Section 330 provides a defence for statements that are both true and for the benefit of the public.<sup>216</sup> However, such defences do not provide adequate protection for human rights defenders. First, as argued by the International Commission of Jurists and Lawyers’ Rights Watch Canada in 2020, a defendant cannot “successfully raise the defence of truth if the statement concerns personal matters unless the statement is of benefit to the broader public.”<sup>217</sup> Second, as commented by HRDF specifically in the case of Thammakaset, when

the scope of labour rights violations is being litigated, “then the defence of ‘a statement made in good faith’ provided under Section 329 does not provide an adequate safeguard.”<sup>218</sup>

In response to growing criticism over SLAPP suits in Thailand, the Thai government amended sections 161/1 and 165/2 of the Thai Criminal Procedure Code.<sup>219</sup> Specifically, the Court of Justice proposed amending Section 161/1 to prevent private plaintiffs from filing lawsuits in bad faith, or with distorted facts, or in order to harass or take undue advantage of the defendant, or to procure undue benefits, including SLAPP suits.<sup>220</sup> In practice, Section 161/1 gives the court the power to dismiss or not accept a case if the court considers that the prosecution has the intention to distort the facts or to bully or take advantage of the defendant.<sup>221</sup> Additionally, the plaintiff in such dismissals is not allowed to file the case again, although prosecutors may do so.

The National Legislative Assembly also amended Section 165 of the Criminal Procedure Code regarding preliminary hearings conducted by the Court in cases involving private complaints.<sup>222</sup> The amendment allows the defendant to present evidence to the court, such as documents, witnesses, or material evidence, in a preliminary hearing to show that the complaint against him or her lacks merit.

While steps in the right direction, neither amended sections 161/1 or 165/2 provide adequate protection for human rights defenders. First, it is not clear that Thai courts have ever dismissed a case under Section 161/1, despite the defendants’ lawyers requesting such dismissal in several cases.<sup>223</sup> Furthermore, Section 161/1 only applies to cases filed for private prosecution and does not protect individuals from SLAPP suits filed by the government. Similarly, Section 165/2 is not implicated in cases filed by public prosecutors as a preliminary hearing is not necessary in those cases. Finally, even in cases where these protections are used, the process of traveling to court to challenge a case on these grounds or present evidence at a preliminary hearing is a time- and resource-consuming endeavor. Indeed, preliminary examinations to dismiss SLAPP complaints cause physical, emotional, and financial strain to those who are targeted.

Other legal routes exist for Thai government officials to prevent SLAPP suits from occurring, including Section 21 of the 2010 Public Prosecutor Organ and Public Prosecutors Act.<sup>224</sup> The U.N. Working Group on Business and Human Rights recommended that the Thai government should

use their discretion under Section 21 to vigilantly “screen out criminal defamation cases that might be intended to harass human rights defenders.”<sup>225</sup>

In its National Action Plan on Business and Human Rights, the Thai government, proposed for “the government and the business sector to issue circulars, letters, orders or internal regulations to improve understanding of their actions as ‘key partners’ that will work together creatively to prevent, alleviate and compensate the adverse human rights impacts and avoid criminal cases against human rights defenders that are working honestly.”<sup>226</sup> However, this framing suggests that there are human rights defenders that are not working honestly, a mischaracterisation that benefits companies’ attempts to discredit the legitimate work of human rights defenders. Such a characterisation stands in stark contrast to the role that governments are supposed to play in creating an enabling environment in which human rights defenders can work.<sup>227</sup>

## 5.3 BUSINESS AND HUMAN RIGHTS

Under international human rights law, States bear the obligation to respect, protect, and fulfill human rights. Corporations, on the other hand, have a responsibility to respect human rights. In terms of SLAPP suits, the contours of each actor’s respective obligations are detailed in the U.N. Guiding Principles and international human rights law and standards as discussed below.<sup>228</sup>

### 5.3.1 STATE OBLIGATIONS

In general, the duty to protect requires States to “protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises.”<sup>229</sup> Specifically, governments have a duty to “prevent, investigate, and redress” human rights abuses by business actors through “effective policies, legislation, regulation and adjudication,” as well as effective enforcement.<sup>230</sup>

SLAPP suits are a violation of the rights of human rights defenders to freedom of expression, association, and peaceful assembly, among other fundamental rights. The Thai government, therefore, has a duty to protect human rights defenders against SLAPP suits brought by companies in Thailand. Part of this duty requires States to “protect and promote the rule of law, including by taking measures to ensure equality before the law, fairness in its application, and by providing for adequate accountability, legal certainty, and procedural and legal transparency.”<sup>231</sup>

Thammakaset's use of SLAPP suits against human rights defenders requires Thailand to change its laws and policies. In 2018, six U.N. human rights experts urged the Thai government to "revise its civil and criminal laws as well as prosecution processes to prevent misuse of defamation legislation by companies."<sup>232</sup> The U.N. Working Group on Business and Human Rights has also called on the Thai government to "ensure that defamation cases are not used by businesses as a tool to undermine legitimate rights and freedoms of affected rights holders, CSOs and HRDs [civil society organisations and human rights defenders]."<sup>233</sup>

According to a joint report by the former Special Rapporteur on the rights to freedom of peaceful assembly and of association and the former Special Rapporteur on extrajudicial, summary or arbitrary executions: "States have an obligation to ensure due process and to protect people from civil actions that lack merit," such as "injunctions and other civil remedies against assembly organisers and participants on the basis, for example, of anti-harassment, trespass or defamation laws."<sup>234</sup>

The duty to protect also creates obligations for States to ensure that companies have human rights due diligence policies. For example, the Committee on Economic, Social and Cultural Rights has noted that, in the context of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the obligation to protect requires even greater action on the part of States Parties:

*"The obligation to protect entails a positive duty to adopt a legal framework requiring business entities to exercise human rights due diligence in order to identify, prevent and mitigate the risks of violations of Covenant rights, to avoid such rights being abused, and to account for the negative impacts caused or contributed to by their decisions and operations and those of entities they control on the enjoyment of Covenant rights. States should adopt measures such as imposing due diligence requirements to prevent abuses of Covenant rights in a business entity's supply chain and by subcontractors, suppliers, franchisees, or other business partners."*<sup>235</sup>

While the primary responsibility under the ICESCR is on the State to create such a framework, the

due diligence requirement for companies is also a feature of business and human rights principles.

### **5.3.2 CORPORATE RESPONSIBILITY TO RESPECT HUMAN RIGHTS**

According to the U.N. Guiding Principles, business entities hold a responsibility to respect human rights wherever they operate "over and above compliance with national laws and regulations protecting human rights."<sup>236</sup> This responsibility requires them to avoid infringing on the human rights of others, to address adverse human rights impacts they are involved in, and to carry out human rights due diligence.<sup>237</sup> Additionally, businesses' responsibilities "exist independently of States' abilities and/or willingness to fulfil their human rights obligations, and do not diminish those obligations."<sup>238</sup>

Corporations have a responsibility not to use SLAPP suits against human rights defenders. As noted above, SLAPP suits constitute a violation of human rights defenders' right to freedom of expression, among other fundamental rights corporations are obligated to respect. The use of such litigation to silence and harass human rights defenders therefore is an infringement on the rights of others and a contravention of their human rights obligations. As a result, Thammakaset violated its responsibility to respect human rights by filing SLAPP suits against human rights defenders in Thailand.

It should be noted that while domestic Thai law may permit lawsuits that amount to SLAPPs and deem them lawful, such labelling does not render the suits as rights-respecting. Under international law, an act that is characterised as internationally wrongful is governed by international law.<sup>239</sup> The wrongful nature of the act does not change because it is labelled as lawful by domestic law.<sup>240</sup> Thammakaset's obligation under international law to respect rights by not filing SLAPP suits thus prevails over the Thai criminal code that countenances such litigation.

### **5.3.3 DUE DILIGENCE OBLIGATION**

As part of their responsibility to respect the rights of others, corporations are also obligated to conduct human rights due diligence. Enshrined in Principle 15, the obligation requires, in part, business entities to have in place "a human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights."<sup>241</sup> Such an obligation is "not a passive responsibility: it requires action on the part of businesses ... an enterprise needs to know and be able to show that it is indeed respecting human rights in practice."<sup>242</sup>

Due diligence in practice requires companies to assess actual and potential “human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships.”<sup>243</sup> A company might not itself cause adverse human rights impacts, but may be tied to such impacts through its relationship with a rights-offending company. In such a case, the U.N. Guiding Principles recommend companies to “involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation” in order to gauge, identify, and assess any human rights risks they may be involved in as a result of their business relationship.<sup>244</sup>

To determine the appropriate action to take, companies in this situation should evaluate a number of factors, including “the enterprise’s leverage over the entity concerned, how crucial the relationship is to the enterprise, the severity of the abuse, and whether terminating the relationship with the entity itself would have adverse human rights consequences.”<sup>245</sup> However, if the business does have leverage to mitigate the adverse impact, it should exercise it.<sup>246</sup>

The leverage a company has over another is an intangible but powerful asset determined by a variety of factors:

- the size and weight of its economic and commercial presence—operations and/or sourcing relationships (including employment and tax contributions) in a host country;
- the level of access and degree of potential influence with the host country government;
- the support of its home country government and in turn that government’s access to and influence with the host country government; and
- the quality of relationships with local and global stakeholders, including those who affect the social license to operate.<sup>247</sup>

## 5.4 RIGHT TO REMEDY

When fundamental rights are violated, international law provides for the right to an effective remedy, including the right to equal and effective access to justice; adequate, effective, and prompt reparation for harms suffered; and access to relevant information concerning violations and reparation mechanisms.<sup>248</sup> Reparations specifically include “restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.”<sup>249</sup>

As noted above, SLAPP suits are a violation of the rights of human rights defenders to freedom of expression, among other fundamental rights. As part of their duty to protect, Thailand “must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/or jurisdiction those affected have access to effective remedy.”<sup>250</sup> This duty is triggered even when the violation was caused by a private actor and not a State agent.<sup>251</sup>

The U.N. Guiding Principles note that access to remedy may be “severely hindered” by SLAPP suits.<sup>252</sup> In this regard, the U.N. Guiding Principles argue governments should consider, inter alia, “enacting legislation ensuring the protection of human rights defenders who address corporate-related human rights harm in the country’s territory and/or jurisdiction”, and “collaborating with business enterprises to ensure that they help providing for the protection of human rights defenders and refrain from taking action which might put them at risk.”<sup>253</sup>

When businesses cause or contribute to human rights violations, the U.N. Guiding Principles note they should “provide for or cooperate in their remediation through legitimate processes.”<sup>254</sup> Such a requirement means “active engagement in remediation, by itself or in cooperation with other actors.”<sup>255</sup> In implementing these principles, businesses should do so “with particular attention to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at a heightened risk of becoming vulnerable and marginalised, and with due regard to the different risks that may be faced by women and men.”<sup>256</sup>

## 5.5 INTERNATIONAL LAW IMPLICATIONS FOR THE THAMMAKASET SLAPP SUITS

Thammakaset has filed 39 criminal and civil cases against 23 defendants including human rights defenders, workers, and journalists, for alleged defamation of the company since 2016 and shows no signs of stopping. These lawsuits are SLAPP suits and constitute a violation of the defendants’ fundamental rights to freedom of expression, association, and peaceful assembly.

Since Thammakaset caused adverse human rights impacts on the human rights defenders it has repeatedly sued, the defendants in the cases are entitled to an effective remedy under international law. The harm and the right

to remedy create obligations for the Thai government as the State Party in whose jurisdiction the harm was caused, Thammakaset as the company that caused the harm, and any company that conducts business with Thammakaset, including Betagro, Thaifoods Group, BFI, Better Foods, and brands and retailers downstream in the supply chain. As the State, Thailand has an obligation to protect the rights of these defendants, including by preventing such lawsuits from taking place, creating legal frameworks that protect these rights, and providing remedies for when violations of these rights occur. In this case, Thailand must ensure that the defendants have access to an effective remedy that meets their needs and amend its laws to prevent future SLAPP suits from taking place.

As the company, Thammakaset also bears the obligation to respect the rights of others, including the rights outlined above. By filing SLAPP suits, Thammakaset has failed to uphold its obligations under human rights law, and in creating adverse human rights impacts, Thammakaset has infringed on the rights of the defendants. As a result, Thammakaset must “provide for or cooperate in their remediation through legitimate processes.”<sup>257</sup> Furthermore, Thammakaset must refrain from filing

SLAPP suits in the future. To mark this commitment, Thammakaset should publicly declare its intention to not file SLAPP suits going forward.

Betagro and its subsidiaries, Thaifoods Group, and other companies in Thammakaset’s supply chain have obligations to undertake human rights due diligence processes to identify and assess the human rights impacts they are involved in as a result of their relationship with Thammakaset. Despite not engaging in SLAPP suits themselves, these companies may be tied to the suits through their relationship with Thammakaset, a company that has continued to intimidate and harass migrant workers and human rights defenders with SLAPP suits. The companies should use their leverage over Thammakaset to mitigate the adverse impacts caused by Thammakaset by meaningfully consulting with the affected groups and other stakeholders to determine the appropriate action to take, including dissolving its business relationship with Thammakaset, providing for remediation, or other actions.

# 6

## RECOMMENDATIONS



### 6.1 GOVERNMENT OF THAILAND

- End all arbitrary legal proceedings against human rights defenders, community leaders, and journalists involved in legitimate activities protected by international human rights law;
- Strengthen Thailand's anti-SLAPP legislation (i.e. Section 161/1 and 165/2 of the Criminal Procedure Code) by enacting a new law or amending existing laws so that they define SLAPP suits, facilitate early dismissal of such suits (with an award of costs), and penalise plaintiffs that use such suits;
- Hold trainings with members of the police and judiciary, including judges, court staff, and lawyers, on SLAPP suits and anti-SLAPP legislation;
- Decriminalise defamation and remove disproportionate penalties for civil defamation charges;
- Ensure proper reparations, including restitution, compensation, satisfaction, or guarantees of non-repetition, for all victims of human rights violations, including the defendants in Thammakaset's SLAPP suits;
- Establish a community grievance mechanism to allow business stakeholders to voice their concerns and have their complaints independently investigated when adverse human rights impacts occur;
- Enact mandatory human rights due diligence legislation for all companies in line with the U.N. Guiding Principles on Business and Human Rights; and
- Ensure that SLAPP suits are included as adverse impacts on human rights in required supply chain due diligence processes.

### 6.2 GOVERNMENTS OF THE COUNTRIES IMPORTING POULTRY FROM THAILAND

- Adopt mandatory human rights due diligence legislation for all companies in line with the U.N. Guiding Principles on Business and Human Rights;
- Ensure that SLAPP suits are included as adverse impacts on human rights in required supply chain due diligence processes; and
- Establish a community grievance mechanism to allow business stakeholders to voice their concerns and have their complaints independently investigated when adverse human rights impacts occur.

## 6.3 COMPANIES

### 6.3.1 THAMMAKASET CO. LTD.

- Immediately drop all charges against workers, human rights defenders, and other individuals connected to the migrant workers case and commit to undertaking no further litigation in this area;
- Provide an effective remedy to the workers and others whose rights were violated through the SLAPP suits;
- Uphold human rights protections in all of Thammakaset Co., Ltd.'s business activities, taking effective and concrete steps to prevent and address human rights abuses;
- Endorse and implement the U.N. Guiding Principles on Business and Human Rights; and
- Create and make public a human rights policy that guarantees human rights protections in all of Thammakaset. Co., Ltd.'s business activities and ensure redress for abuse.

### 6.3.2 THAI PROCESSORS (BETAGRO, THAIFOODS GROUP AND OTHERS)

- Call on Thammakaset to immediately drop all civil and criminal charges against workers, human rights defenders and other individuals who reported labour rights abuses on Thammakaset Co., Ltd. farms, and commit to undertake no further litigation;
- Publicly disclose supply chain information, including if your company is sourcing from Srabua Farm, Tonkla Farm, Krua Than Harn Farm, or any other farm owned or operated by Thammakaset or Srabua companies, in order to support effective human rights due diligence and protection of workers and human rights defenders; and
- Cooperate with Thammakaset, Srabua, and international buyers to conduct human rights due diligence in the supply chain and provide effective remedies to individuals whose rights were violated, including those whose rights to freedom of expression were violated by the defamation suits.

### 6.3.3 INTERNATIONAL BUSINESSES IMPORTING THAI POULTRY

- Cooperate with Betagro and Thaifoods Group to demand that Thammakaset immediately drop all charges against workers, human rights defenders, and other individuals who reported labour rights abuses, and commit to undertake no further litigation. If the suppliers do not agree to such cooperation, international buyers should end contractual relationships;
- Publicly disclose poultry supply chain information in Thailand and make all efforts needed to identify whether Srabua Farm, Tonkla Farm, or Kru Thahan Farm are currently in your supply chain;
- Immediately undertake human rights due diligence and work with processors and other suppliers to provide an effective remedy to workers or other individuals harmed by the defamation suits; and
- Issue a public statement that defamation suits targeting workers and other individuals who publicise labour abuses will not be tolerated.

The Annex includes the following 25 documents and three maps:

- Document 1: Shareholders Register for Thammakaset Co., Ltd. showing the link between Mr. Permpol and Mr. Sangbun
- Document 2: Unofficial translation of a copy of the Shareholders Register for Srabua Co., Ltd.
- Document 3: Unofficial translation of a copy of the Incorporation Certificate issued by the Department of Business Development, Ministry of Commerce for Srabua Co., Ltd.
- Document 4: Certificate of ‘Good Agricultural Practices for Chicken Farm’ for the Srabua Farm
- Document 5: Certificate of ‘Good Agricultural Practices for Chicken Farm’ for the Tonkla Farm
- Document 6: Certificate of ‘Good Agricultural Practices for Chicken Farm’ for the Kru Thahan Farm
- Document 7: List of Thai companies licensed to export poultry meat to EU countries
- Document 8: List of Thai slaughterhouses that were certified for export
- Document 9: Thai chicken exports by destination country, 2019 - 2021
- Document 10: Betagro statement of clarification regarding Myanmar labour dispute, 13 July 2016
- Document 11: Betagro statement of clarification regarding Myanmar labour dispute (No. 3), 1 September 2016
- Document 12: Example of letter sent to the companies named in this report
- Document 13: Thammakaset Company Registration
- Document 14: Import Genius data on B. Foods International Showing Links to U.S. Markets
- Document 15: Letter to Lopburi Provincial Livestock from Mr. Khunnithi Permpol, Subject: Facts about the request to cancel certification of good agricultural practices for broilers farm, Farm Thammakaset\*, 14 July 2016
- Document 16: Form to Cancel Certification of Good Agricultural Practices for Farm Thammakaset
- Document 17: Letter to Lopburi Provincial Livestock from Mr. Khunnithi Permpol, Subject: Facts about the request to cancel certification of good agricultural practices for broilers farm, Farm Thammakaset 2\*, 14 July 2016
- Document 18: Form to Cancel Certification of Good Agricultural Practices for Farm Thammakaset 2
- Document 19: Letter to Lopburi Provincial Livestock from Mr. Khunnithi Permpol, Subject: Facts about the request to cancel certification of good agricultural practices for broilers farm, Thammakaset Farm, 14 July 2016.
- Document 20: Form to Apply for Certification of Good Agricultural Practices in Livestock for Animal Farm by Mrs. Chula Sangbun for Srabua Farm
- Document 21: Form to Apply for Certification of Good Agricultural Practices in Livestock for Animal Farm by Mrs. Nittaya Phusuwan for Tonkla Farm
- Document 22: Form to Apply for Certification of Good Agricultural Practices in Livestock for Animal Farm by Mrs. Sosuda Nuttayothin for Kru Thahan Farm
- Document 23: Land and Construction Agreement between Thammakaset Co., Ltd. (represented by Mr. Khunnithi Permpol) and Mrs. Chula Sangbun for the Lease of Srabua Farm
- Document 24: Land and Construction Agreement between Thammakaset Co., Ltd. (represented by Mr. Khunnithi Permpol) and Mrs. Nittaya Phusuwan for the Lease of Tonkla Farm
- Document 25: Land and Construction Agreement between Thammakaset Co., Ltd. (represented by Mr. Khunnithi Permpol) and Mrs. Sosuda Nuttayothin for the Lease of Khru Thahan Farm
- Map 1: Satellite image of Kru Thahan Farm
- Map 2: Satellite image of Srabua Farm
- Map 3: Satellite image of Tonkla Farm

These documents show Thammakaset's shareholders register and company registration (Documents 1, 13); the registration of a new company, Srabua Co., Ltd, (Document 3) with shareholders linked to Thammakaset (Document 2); the cancellation of certifications for the Thammakaset farms (Documents 15-19); applications for certification (Documents 20-22) and certification of Srabua Company farms (Documents 4-6) in the exact same location as the Thammakaset farms (Maps 1-3); lease agreements between Thammakaset and the shareholders of Srabua (Documents 23-25); Betagro's disavowal of doing business with Thammakaset (Documents 10-11); supply chain analysis linking Srabua Company to Betagro (and its subsidiaries, Better Foods and BFI) and Thaifoods Group, as well as to the EU and U.S. markets (Documents 7-9, 14); and an example of a letter sent to the companies in this report (Document 12).

Some documents are not available in the Annex, but are available upon request. They establish Mr. Chanchai Permpol to be Mr. Khunnithi Permpol's brother and depict his shared registered home address with Mrs. Nitaya Phusuwan. One document also shows Mrs. Sosuda Nuttayothin to be a fourth shareholder of Srabua Co., Ltd. Other documents provide Betagro's staff testimony regarding the working conditions on Thammakaset Farm 2; the approval of cancellation requests for the certifications of the Thammakaset farms; and the requests of approval for certifications of the Srabua farms, which illustrate an ongoing contractual relationship between Srabua Co., Ltd. and Betagro's subsidiaries and Thaifoods Group.

# DOCUMENT 1: SHAREHOLDERS REGISTER FOR THAMMAKASET CO., LTD. SHOWING THE LINK BETWEEN MR. PERMPOL AND MR. SANGBUN

This shareholders register for Thammakaset Co., Ltd. shows that Mr. Khunnithi Permpol and Mr. Soem Sangbun, among others, are shareholders of Thammakaset Co., Ltd.

**TRANSLATION**

(Official Emblem) Department of Business Development  
Ministry of Commerce

No. 1-1003-62-4-063250 Date of issue: 15 August 2019  
Certified that this is the document submitted to Department of Business Development via electronics system  
-Signature-  
(Mr. Anan Sikasakon)  
The Registrar  
Office of the Company Limited and Partnership Registration, Bangkok Metropolis

Form BorOrJor. 5

### COPY OF SHAREHOLDERS REGISTER

<b>Name of Company</b>		Thammakaset Co., Ltd.			<b>Registration No.</b>				
					0 1 6 5 5 4 8 0 0 1 6 0				
Date <input type="checkbox"/> Company incorporation meeting <input type="checkbox"/> Statutory <input type="checkbox"/> General shareholder meeting <input type="checkbox"/> Extraordinary shareholder meeting No.:									
<input checked="" type="checkbox"/> Copy from Shareholders' Register on 30 April 2016									
Registered Capital Baht 80,000,000.00		divided into 800,000 shares, Other: 0 person,		shares at Baht 100.00		per share			
Thai shareholder 6 persons, Number of shares:									
No.	Shareholders Name			Number of shares held	Already paid up (1)	Share Certificate No.		Shareholder Registration Date	
	Identification Card No. / Juristic person registration No. / Other Card (Specify) No. ....				Considered paid up (2)	Certificate No.	Date	Active	Expired
	Nationality	Occupation	Address						
1.	Mr. Khunnithi Permpol	Businessman	80/335 Village No. 5, Alley, Phahon Yothin Road, Yan Matsi Sub-district, Phayuha Khiri District, Nakhon Sawan Province	780,000	100.00	000001-780000	18/06/2011	18/06/2011	
	Thai	Businessman							
2.	Mr. Chirat Khunupatham	Businessman	42/33 Village No. 2, Alley, Chaeng Watthana Road, Thung Song Hong Sub-district, Lak Si District, Bangkok Metropolis	5,000	100.00	780001-785000	18/06/2011	18/06/2011	
	Thai	Businessman							
3.	Mrs. Warangkham Tangkokiatt	Businesswoman	67/248 Village No. 5, Alley, Chaeng Watthana Road, Pak Kret Sub-district, Pak Kret District, Nonthaburi Province	4,000	100.00	785001-789000	18/06/2011	18/06/2011	
	Thai	Businesswoman							
4.	Mr. Sinuan Nokbin	Businessman	67/248 Village No. 5, Alley, Chaeng Watthana Road, Pak Kret Sub-district, Pak Kret District, Nonthaburi Province	2,999	100.00	789001-791999	18/06/2011	18/06/2011	
	Thai	Businessman							
5.	Miss Surirat Chindasi	Businesswoman	393/157 Village No. 1, Alley, San Sai Road, San Sai Noi Sub-district, San Sai District, Chiang Mai Province	1	100.00	792000	18/06/2011	18/06/2011	
	Thai	Businesswoman							
6.	Mr. Soem Sangbun	Businessman	36/12 Village No. 5, Alley, Road, Rai Khing Sub-district, Sam Phran District, Nakhon Pathom Province	8,000	100.00	792001-800000	18/06/2011	18/06/2011	
	Thai	Businessman							

Page 1 of 1 page This document was typed from the information sent by the juristic person via electronics system

**Remarks:** See "already paid up (1)", indicate the paid-up amount of each share, only those paid by cash.  
See "considered paid up (2)", indicate the amount considered as paid-up amount of each share, only those paid by assets or labor work.  
See "nationality (3)", in case of juristic person, indicate the Country where the company was registered.

SorJor. 3 11:49



**DOCUMENT 3: UNOFFICIAL TRANSLATION OF A COPY OF THE INCORPORATION CERTIFICATE ISSUED BY THE DEPARTMENT OF BUSINESS DEVELOPMENT, MINISTRY OF COMMERCE FOR SRABUA CO., LTD.**

This certificate of registration for the Srabua Co., Ltd. states that the company directors are Mr. Soem Sangbun, a previous shareholder of Thammakaset Co., Ltd. and Mrs. Chula Sangbun, the lessee of Srabua Farm. The certificate is dated 28 July 2016, right after the initial labour abuse complaints were made by the workers on Thammakaset farms

**TRANSLATION  
(Official Emblem)**

No. SorJor. 3 090675

Office of the Company Limited and Partnership Registration,  
Bangkok Metropolis,  
Department of Business Development,  
Ministry of Commerce

**CERTIFICATE**

This is to certify that this company has been registered under the Civil and Commercial Code as a juristic person, on 28 July 2016 Juristic Person Registration No. 0165559000794. The contents of which as shown in the registered documents of the juristic person on the date of issuance of this document are as follows:

1. Name of Company: Srabua Co., Ltd.
2. The Company has 2 directors according to the following names:
  1. Mr. Soem Sangbun
  2. Mrs. Chula Sangbun/
3. Number or name of director authorized to affix signature be binding on the company is:  
One director signs name and affixes the Company's seal /
4. The Registered capital: 1,000,000.00 Baht / One million Baht only/
5. The Head office located at: No. 222 Village No. 9, Nong Khaem Sub-district,  
Khok Samrong District, Lop Buri Province /
6. The Company's objectives contain 44 items as appeared in the copies of documents attached hereto, totaling 3 sheets, with the signature of the Registrar and the seal of the Office of the Company Limited and Partnership Registration being duly affixed as evidence.

Date of issue: 15 August 2019

-Signature-

(Mr. Anan Sikasokon)

**Registrar**

Civil Court  
Case No. Phor. 6237/61  
Claimer: the defendant  
Document No,  
Judge

**Warning:** Users should examine the useful information attached to this certificate every time.

**DBD**

Commerce

Department of Business Development "Smile, Transparency, Service Mind"

Creative Services

Tel. 02 528 7600

Hotline 1570 www.dbd.go.th

Ministry of

Printed at 11:00 hrs

## DOCUMENT 4: CERTIFICATE OF 'GOOD AGRICULTURAL PRACTICES FOR CHICKEN FARM' FOR THE SRABUA FARM

This is a translation of a certification for Srabua Farm, which has the same address as the former farm named "Thammakaset Farm." This indicates farm operations started again under this new name on 7 November 2016.

TRANSLATION

(Official Emblem)

**Department of Livestock Development  
Ministry of Agriculture and Cooperatives**

Hereby confers this Certificate to show that

**Srabua Farm**

No. 99 Village No. 9, Nong Khaem Sub-district, Khok Samrong District, Lop Buri Province  
**has been certified with Good Agricultural Practices for Chicken Farm**

**Certification No.** KorSor 02 22 06901 16030544 000

**Issued on** November 7, 2016

**Valid until** November 6, 2019

*-Signature-*

(Mr. Ekkaphop Thongsawatwong)

Regional Livestock 1

**Certified True Copy**

*-Signature-*

(Mr. Sakchai Phanitchitbun)  
Veterinarian, Senior Professional Level

## DOCUMENT 5: CERTIFICATE OF 'GOOD AGRICULTURAL PRACTICES FOR CHICKEN FARM' FOR THE TONKLA FARM

This is a translation of a certification for Tonkla Farm, which has the same address as the former farm named "Farm Thammakaset 2." This indicates farm operations started again under this new name on 31 January 2017.

TRANSLATION

(Official Emblem)

**Department of Livestock Development  
Ministry of Agriculture and Cooperatives**

Hereby confers this Certificate to show that

**Tonkla Farm**

No. 9/9 Village No. 9, Khok Tum Sub-district, Mueang Lop Buri District, Lop Buri Province  
**has been certified with Good Agricultural Practices for Chicken Farm**

**Certification No.** KorSor 02 22 06901 16010547 000

**Issued on** January 31, 2017

**Valid until** January 30, 2020

*-Signature-*

(Mr. Wiriya Kaeothong)

Regional Livestock 1

**Certified True Copy**

*-Signature-*

(Mr. Sakchai Phanitchitbun)

Veterinarian, Senior Professional Level 1

## DOCUMENT 6: CERTIFICATE OF 'GOOD AGRICULTURAL PRACTICES FOR CHICKEN FARM' FOR THE KRU THAHAN FARM

This is a translation of a certification for Kru Thahan Farm, which has the same address as the former farm named "Farm Thammakaset." This indicates farm operations started again under this new name on 7 November 2016.

TRANSLATION

(Official Emblem)

**Department of Livestock Development  
Ministry of Agriculture and Cooperatives**

Hereby confers this Certificate to show that

**Kru Thahan Farm**

No. 4, Village No. 4, Khok Salung Sub-district, Phatthana Nikhom District, Lop Buri Province  
**has been certified with Good Agricultural Practices for Chicken Farm**

**Certification No. KorSor 02 22 06901 16020543 000**

**Issued on November 7, 2016**

**Valid until November 6, 2019**

*-Signature-*

(Mr. Ekkaphop Thongsawatwong)  
Regional Livestock 1

**Certified True Copy**

*-Signature-*

(Mr. Sakchai Phanitchitbun)  
Veterinarian, Senior Professional Level 1

## DOCUMENT 7: LIST OF THAI COMPANIES LICENSED TO EXPORT POULTRY MEAT TO EU COUNTRIES

The Better Foods Co., Ltd.'s factory in Samut Sakhon Province was listed in approval number 10. B. Foods Product International Co., Ltd.'s factory in Lopburi Province received approval number 49. Thaifoods Group Public Company Limited's factory in Kanchanaburi Province received approval number 119. This document, together with Document 8, shows that poultry produced by the Srabua Company farms was approved for export to the European Union.

COUNTRY SECTION	Thailand Meat from poultry and lagomorphs		Validity date from 10/08/2007 Date of publication 04/03/2011				00117
<b>List in force</b>							
Approval number	Name	City	Regions	Activities	Remark	Date of request	
03	CPF (Thailand) Public Co., Ltd.	Min Buri	Bangkok	CP, CS, SH			
06	Laemthong Food Products Co., Ltd.	Sam Phran	Nakhon Pathom	CP, CS, SH			
10	Better Foods Co., Ltd.	Krathumban	Samut Sakhon	CP, CS, SH			
11	GFPT Public Company Limited	Bang Sao Thong	Samut Prakan	CP, CS, SH			
18	CPF (Thailand) Public Co., Ltd.	Bang Na	Bangkok	CP, CS, SH			
23	CPF (Thailand) Public Co., Ltd.	Kaeng Khoi	Saraburi	CP, CS, SH			
25	Sun Food International Co., Ltd.	Wang Muang	Saraburi	CP, CS, SH			
32	Cargill Meats (Thailand) Limited	Pira Phuthabut	Saraburi	CP, CS, SH			
34	TYSON POULTRY (THAILAND) LIMITED	Amphoe Lam Luk Ka	Pathum Thani	CP, CS, SH	A		
44	Saha Farms Co. Ltd.	Lopburi	Lopburi	CP, CS, SH			
49	B. Foods Product International Co., Ltd.	Phatthana Nikhom	Lopburi	CP, CS, SH			
51	Kaona Poultry Co., Ltd.	Warin Chamrap	Ubon Ratchathani	CP, CS, SH			
53	TYSON POULTRY (THAILAND) LIMITED	Amphoe Ongkharak	Nakhon Nayok	CP, CS, SH			
60	Chaveevan International Foods Co., Ltd.	Si Racha	Chon Buri	CP, CS			
79	PANUS POULTRY GROUP CO., LTD.	Phanat Nikhom	Chon Buri	CP, CS, SH			
<b>List in force</b>							
Approval number	Name	City	Regions	Activities	Remark	Date of request	
109	Thai Poultry Group Co., Ltd.	Si Racha	Chon Buri	CP, CS, SH			
119	THAI FOODS GROUP PUBLIC COMPANY LIMITED	Tha Maka	Kanchanaburi	CP, CS, SH			
129	Golden Line Business Company Limited	Bacungsampan	Phetchabun	CP, CS, SH			
139	CPF (Thailand) Public Co., Ltd.	Chokchai	Nakhon Ratchasima	CP, CS, SH			
160	F & F Food Co. Ltd.	Song Phi Nong	Suphanburi	CP, CS, SH			
165	Cargill Meats (Thailand) Ltd.	Chokchai	Nakhon Ratchasima	CP, CS, SH			
201	GFPT Nichirei (Thailand) Company Limited	Nong Yai	Chon Buri	CP, CS, SH		31/03/2011	
234	Betagro Agro Industry Co., Ltd.	Amphoe Muang Phatthalung	Phatthalung	CP, CS, SH	A	30/01/2015	
244	THAI FOODS GROUP PUBLIC CO., LTD.	Kabin Buri	Prachinburi	CP, CS, SH	A	12/12/2014	
250	JPK COLD STORAGE CO., LTD.	Bang Phli	Samut Prakan	CS	A	18/09/2015	
257	SCG NICHIREI LOGISTICS CO., LTD.	Bang Sao Thong	Samut Prakan	CS	A	26/01/2016	
258	MMP FROZEN FOODS CO., LTD.	Mueang	Samut Sakhon	CS	A	16/03/2016	
262	VANEDA FOODS CO. LTD.	Ratchasan	Chachoengsao	CP, CS	A	23/08/2016	
<b>Activities Legend :</b>							
CP	Cutting Plant						
CS	Cold Stores						
SH	Slaughterhouse						
<b>Remarks Legend :</b>							
A	Poultry						

Source: European Commission on Food Safety, List of Non-EU countries establishments database, Thailand

## DOCUMENT 8: LIST OF THAI SLAUGHTERHOUSES THAT WERE CERTIFIED FOR EXPORT

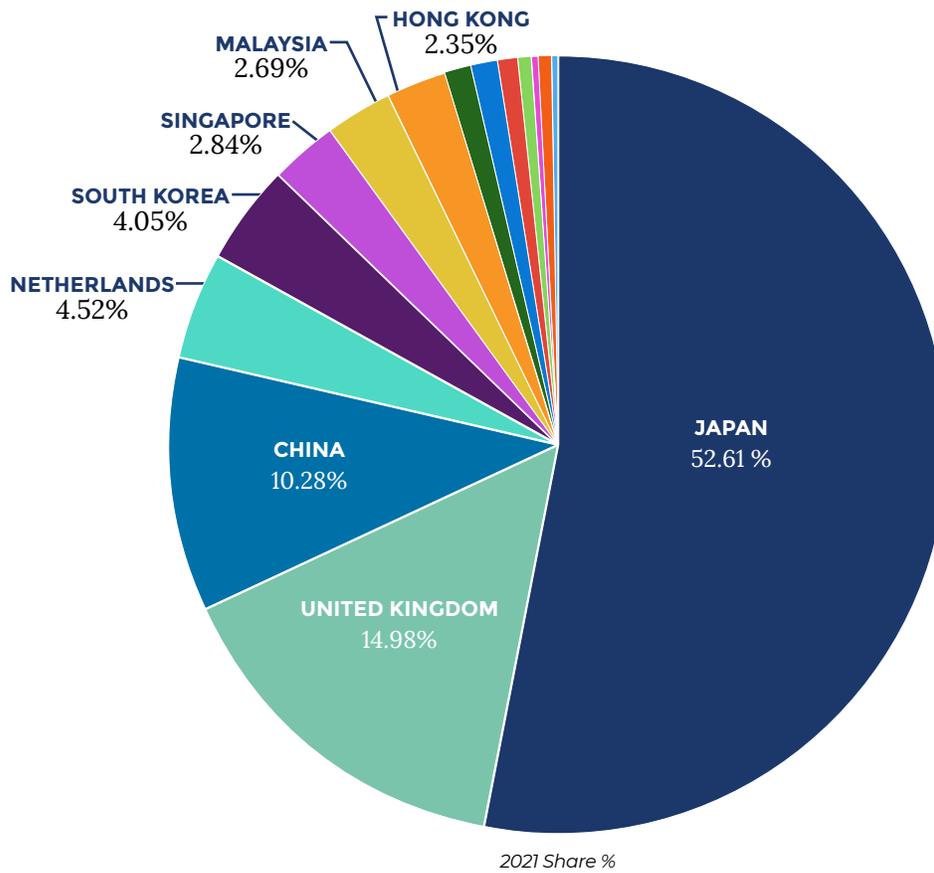
The slaughterhouses listed below were identified as having business engagement with the Srabua Company farms: No. 4, Better Foods Co., Ltd.'s slaughterhouse in Samut Sakhon Province; No. 14, B. Foods Product International Co., Ltd.'s slaughterhouse in Lopburi Province; and No. 23, Thaifoods Groups Public Company Limited's slaughterhouse in Kanchanaburi Province.

### รายชื่อโรงฆ่าสัตว์ที่ได้รับรองมาตรฐานเพื่อการส่งออก

ลำดับที่	ชื่อ โรงฆ่าสัตว์	ชื่อผู้ประกอบการ	เลข กม.1	ชนิดสัตว์	เลขที่	
1	บริษัท ซีพีเอฟ ผลิตภัณฑ์อาหาร จำกัด	บริษัท ซีพีเอฟ ผลิตภัณฑ์อาหาร จำกัด	Br 01 02 007/2551	ไก่เนื้อ	48	
2	บริษัท แผลมทองผลิตภัณฑ์อาหาร จำกัด	บริษัท แผลมทองผลิตภัณฑ์อาหาร จำกัด	Br 07 56 027/2552	ไก่เนื้อ	87	
3	บริษัท โกสัดเซนทาโก จำกัด	บริษัท โกสัดเซนทาโก จำกัด โดย นายพิฑิตย์ ลือชาธัญพัฒน์	Br 01 01 016/2553	ไก่เนื้อ	54	
4	บริษัท อาหารเบทเทอร์ จำกัด	บริษัท อาหารเบทเทอร์ จำกัด	Br 07 62 001/2551	ไก่เนื้อ	4/2	
5	บริษัท จีเอฟพีที จำกัด (มหาชน)	บริษัท จีเอฟพีที จำกัด (มหาชน)	Br 02 18 010/2551	ไก่เนื้อ	209	
6	บริษัท บางกอกแรมซ์ จำกัด (มหาชน)	บริษัท บางกอกแรมซ์ จำกัด (มหาชน)	D 02 18 011/2551	เป็ด	18/1	
7	บริษัท ซีพีเอฟ ผลิตภัณฑ์อาหาร จำกัด (บางนา)	บริษัท ซีพีเอฟ ผลิตภัณฑ์อาหาร จำกัด (บางนา)	BrD 01 02 008/2551	ไก่เนื้อ/เป็ด	111	บางนา
8	บริษัท เฟรชมีท โพรเซสซิง จำกัด	บริษัท เฟรชมีท โพรเซสซิง จำกัด	P 07 56 002/2547	สุกร	12/2	
9	บริษัท ซีพีเอฟ จำกัด (มหาชน)	บริษัท ซีพีเอฟ (ประเทศไทย) จำกัด (มหาชน) โดยนางภัครดา	Br 01 07 016/2555	ไก่เนื้อ	150	
10	บริษัท ชันฟู้ด อินเตอร์เนชั่นแนล จำกัด	บริษัท ชันฟู้ด อินเตอร์เนชั่นแนล จำกัด โดยนายวอน หนองสกุล	Br 01 07 014/2550	ไก่เนื้อ	69	
11	บริษัท คาร์กิลล์มีทส์ (ไทยแลนด์) จำกัด	บริษัท คาร์กิลล์มีทส์ (ไทยแลนด์) จำกัด โดยนายไพโรจน์ นภา	Br 01 07 017/2551	ไก่เนื้อ	23/1	
12	บริษัท ไทสัน โพลทรี (ไทยแลนด์) จำกัด	บริษัท ไทสัน โพลทรี (ไทยแลนด์) จำกัด โดย นายตัน ชัน และน	Br 01 01 013/2551	ไก่เนื้อ	34/1	
13	บริษัท สหฟาร์ม จำกัด	บริษัท สหฟาร์ม จำกัด โดยนางมณูศรี ชาติเทเวัญ	Br 01 06 014/2549	ไก่เนื้อ	99	
14	บริษัท บี ฟู้ดส์ โปรดักส์ อินเตอร์เนชั่นแนล จำกัด	บริษัท บี ฟู้ดส์ โปรดักส์ อินเตอร์เนชั่นแนล จำกัด โดยนางสมใจ	Br 01 06 013/2549	ไก่เนื้อ	39	
18	บริษัท พนัส โพลทรี จำกัด	บริษัท พนัส โพลทรี จำกัด โดย นายวรวิทย์ แซ่ลือ	Br 02 13 049/2552	ไก่เนื้อ	1/1	
19	บริษัท วีพีเอฟ กรุ๊ป (๑๙๗๓) จำกัด สาขา ๔	บริษัท วีพีเอฟ กรุ๊ป (๑๙๗๓) จำกัด	P 05 39 011/2548	สุกร	39	
20	โรงงานแปรรูปสุกรบางค้ำ	โรงงานแปรรูปสุกรบางค้ำ โดย นายมานิต พันธุ์ประภา	P 02 11 011/2547	สุกร	163/1	
21	บริษัท ไทย โพลทรี กรุ๊ป จำกัด	บริษัท ไทย โพลทรี กรุ๊ป จำกัด โดย นางจิวรรณ คำพา	Br 02 13 043/2552	ไก่เนื้อ	209/55	
22	บริษัท เบทาโกรเกษตรอุตสาหกรรม จำกัด	บริษัท เบทาโกรเกษตรอุตสาหกรรม จำกัด	P 01 06 001/2547	สุกร	215	
23	บริษัท ไทยฟู้ดส์ กรุ๊ป จำกัด (มหาชน) plant2	บริษัท ไทยฟู้ดส์ กรุ๊ป จำกัด (มหาชน) plant2 โดยนายวินัย เตีย	Br 07 57 119/2556	ไก่เนื้อ	46/19	
24	บริษัท โกลเด้นไลน์บิสซิเนส จำกัด	บริษัท โกลเด้นไลน์บิสซิเนส จำกัด โดยนายคารพ อานโธสง	Br 06 52 008/2550	ไก่เนื้อ	99	
25	บริษัท เจริญโภคภัณฑ์อาหาร จำกัด (มหาชน)	บริษัท เจริญโภคภัณฑ์อาหาร จำกัด (มหาชน)	Br 03 20 033/2551	ไก่เนื้อ	333,333/1-2	

Source: Bureau of Livestock Standards and Certification; available: [https://docs.google.com/spreadsheets/d/1neZo2tm3JEIKCtCMx37a9cca8S5EbLk\\_YR/edit#gid=611289967](https://docs.google.com/spreadsheets/d/1neZo2tm3JEIKCtCMx37a9cca8S5EbLk_YR/edit#gid=611289967)

## DOCUMENT 9: THAI CHICKEN EXPORTS BY DESTINATION COUNTRY, 2019–2021



Country	2019 Share (%)	2020 Share (%)	2021 Share (%)
Japan	52.12	51.95	52.61
United Kingdom	16.21	16.32	14.98
China	10.68	10.95	10.28
Netherlands	3.76	3.67	4.52
South Korea	3.76	3.68	4.05
Singapore	3.27	3.36	2.84
Malaysia	2.39	2.33	2.69
Hong Kong	2.37	2.30	2.35
Germany	1.42	1.44	1.17
Ireland	0.88	0.85	1.17
Canada	0.91	0.98	0.86
Cambodia	0.27	0.25	0.46
Myanmar	0.33	0.29	0.39
Laos	0.23	0.23	0.33
France	0.25	0.25	0.23

## DOCUMENT 10: BETAGRO STATEMENT OF CLARIFICATION REGARDING MYANMAR LABOUR DISPUTE, 13 JULY 2016

This statement announces that Betagro will discontinue doing business with the controversial farm (Farm Thammakaset 2) as of 28 June 2016.



13 July, 2016

**Subject: Statement of clarification regarding Myanmar labour dispute**

To whom it may concern

In response to the labour dispute that the Migrant Worker Rights Network (MWRN) has brought Myanmar workers to file a petition to the National Human Right Committee, Betagro Group as one of the buyers has announced to discontinue doing business with the controversial farm since 28 June 2016. This status will be held up until the labour dispute between the farm as an employer and its workers has been resolved. The case is currently processed by government officials including those representing the Department of Labour Protection and Welfare in Lopburi Province. In the meantime Betagro Group will closely follow up the case, and for any enquiries from the government officials, Betagro Group will be willing to cooperate in all reasonable respects.

Realising the importance of raising labour management in the food industry to a higher standard across the entire supply chain, Betagro Group has therefore specified and announced BETAGRO Labor Standard (BLS), which is not only compliant with Thailand's labour laws but also adhere to international human rights standards and labour relations. Moreover, the Group aims to further enhance its labour management practices in the future, starting from April 2015 and has expanded the scope of this effort to partnering farmers in its contract farming scheme in November 2015, an initiative in which government agencies have been actively participated.

To ensure our operations are in full compliance with BLS, key steps in the process include training sessions designed to get consultants well prepared for the task, education programme for better understanding of partnering farmers, monitoring of the progress and labour management audit by the Group's Internal Audit. If there is any incorrect action or practice, partnering farmers are requested for immediate correction with the help of a team of consultants, who is always ready to provide useful advice. Betagro Group has decided to upgrade its employment agreements to include requirements regarding immediate termination of agreement when a labour dispute occurs with a contractual party.

As a result of the implementation, it has been found that all contracted farmers of Betagro Group have demonstrated positive attitude towards fair labour treatment and they have an intention to comply with applicable laws as well as BLS without any idea for labour abuse.

Your sincerely,

(Mr. Rungroj Tuntivechapikul)  
Vice President Corporate Human Resources,  
Betagro Group

**BETAGRO GROUP**

Betagro Tower (North Park),  
323 Vibhavadi Rangsit Road,  
Lak Si, Bangkok 10210, Thailand

Tel. +66 (0) 2833 8000  
Fax. +66 (0) 2833 8001  
[www.betagro.com](http://www.betagro.com)

# DOCUMENT 11: BETAGRO STATEMENT OF CLARIFICATION REGARDING MYANMAR LABOUR DISPUTE (NO. 3), 1 SEPTEMBER 2016



1 September 2016

To whom it may concern

Re: Statement of clarification regarding Myanmar labour dispute (No.3)

With respect to the ongoing case of labour dispute between a chicken farm owner and migrant labours from Myanmar, the Betagro Group, as one of the buyers of chickens from this particular farm, has been monitoring the situation closely and would like to report the following update.

Said labour dispute between the owner of a chicken farm and 14 of their migrant labours from the Republic of the Union of Myanmar is under the purview of the Department of Labour Protection and Welfare (DLPW). Upon the completion of the formal investigation, DLPW issued an official report on August 1<sup>st</sup> 2016, stipulating that the employer should pay the 14 workers a total sum of Baht 1.7 million (approximately USD 48,000) within 30 days of their acknowledgement of the report. However, the investigation also concluded that there was NO trafficking, NO document confiscation, NO overworking, and NO violation of 350 working days per annum condition, as publicly alleged by the workers/their representative.

In any event, we deeply regret to learn of the incident and do hope that the settlement can be finalized in the near future, to the satisfactory conclusion for all parties involved. In the meantime, Betagro would like to extend the courtesy of providing Baht 50,000 to the 14 workers through Thai Broiler Processing Exporters Association, to help cover basic necessity.

Not wishing to remain complacent or remain idle by, we have been working closely with officials from DLPW, in particular engaging with various owners of Betagro contract farms, to ensure that Betagro Labour Standard (BLS) is observed by every operations across our supply chain in its entirety. This particular incidence seems to have arisen out of sheer unfamiliarity with relevant labour laws, rather than from a real intention to take advantage of the workers. And so it serves to help us steer the organization of several meetings geared towards educating farm owners of the relevant labour laws and coaching them on compliance in full spirit of the laws. Hopefully this will reduce the likelihood of another such event in the future.

P. 1/2

**BETAGRO GROUP**

Betagro Tower (North Park),  
323 Vibhavadi Rangsit Road,  
Lak Si, Bangkok 10210, Thailand

Tel. +66 (0) 2833 8000  
Fax. +66 (0) 2833 8001  
[www.betagro.com](http://www.betagro.com)



The BLS is not only compliant with Thai labour laws, but is also in line with all relevant international human rights standards and standards on labour relations. The internal process BLS implementation commenced in April 2015, and has since expanded the scope to partnering farmers in its contract farming scheme by November 2015. This initiative has been well recognized and participated by all government agencies concerned.

Moreover, the Betagro Group has launched a campaign to vet our contractor's labour management practice, conducted with joint participation by governmental officials. Uncovered infractions of any kind would be raised and the contractors would be called upon to remedy, with Betagro providing the necessary consultative assistance as necessary, so as to ensure proper and just practice in accordance of the law of the land.

Finally, the Betagro Group would also like to take this opportunity to confirm that we have not further suspended supply contracts with any other suppliers in its supply chain.

Yours sincerely,

(Mr.Rungroj Tuntivechapikul)  
Vice President Corporate Human Resources  
Betagro Group

P. 2/2

**BETAGRO GROUP**

Betagro Tower (North Park),  
323 Vibhavadi Rangsit Road,  
Lak Si, Bangkok 10210, Thailand

Tel. +66 (0) 2833 8000  
Fax. +66 (0) 2833 8001  
[www.betagro.com](http://www.betagro.com)

**DOCUMENT 12: EXAMPLE OF LETTER SENT TO THE COMPANIES NAMED IN THIS REPORT**

 **Kimberly Rogovin** 

Add example of a letter sent to a company once complete

2021-12-09 6:16 PM

Reply 



# DOCUMENT 14: IMPORT GENIUS DATA ON B. FOODS INTERNATIONAL SHOWING LINKS TO U.S. MARKETS

This is an excerpt of data available on Import Genius using the search 'Betagro'. Information accessed on 15 March 2022. Full records are available upon request.

		<a href="https://importgenius.com">ImportGenius.com</a> <a href="mailto:info@importgenius.com">info@importgenius.com</a> Toll Free: 855-573-9976 International: +1 480-745-3396						
PRODUCT DESCRIPTION	CONSIGNEE	SHIPPER	ARRIVAL DATE	GROSS WEIGHT	GROSS WEIGHT (KG)	FOREIGN PORT	US PORT	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		03/09/2022	52562	23892	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		03/09/2022	55042	25019	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		03/09/2022	52562	23892	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/28/2022	46836	21289	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/28/2022	53240	24200	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/28/2022	51286	23312	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/28/2022	42843	19474	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/28/2022	45536	20698	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/28/2022	49287	22403	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/28/2022	52562	23892	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/19/2022	52562	23892	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/10/2022	49507	22503	Laem Chabang	Tacoma, Washington	
COOKED CHICKEN BREAST ( REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/10/2022	50921	23146	Laem Chabang	Tacoma, Washington	
CHICKEN BREAST (FROZEN F REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/10/2022	52716	23962	Laem Chabang	Tacoma, Washington	
COOKED SEASONED CHICKE REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/10/2022	50921	23146	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		02/10/2022	48008	21822	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		01/17/2022	46332	21060	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		01/17/2022	52562	23892	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		01/17/2022	50921	23146	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		01/17/2022	55081	25037	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		01/17/2022	52716	23962	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		01/17/2022	52562	23892	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		01/17/2022	48319	21963	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		01/02/2022	55211	25096	Laem Chabang	Tacoma, Washington	
ANIMAL FEED ADDITIVES AN C.H. ROBINSON FREIGHT SE	C.H. ROBINSON INTERNATIC		12/15/2021	41180	18718	Vancouver, BC	Los Angeles, California	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		12/11/2021	55042	25019	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		12/11/2021	50921	23146	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		12/11/2021	50921	23146	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		12/11/2021	52716	23962	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		12/11/2021	55198	25090	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		12/11/2021	52716	23962	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		12/11/2021	55304	25138	Laem Chabang	Tacoma, Washington	
(FROZEN FULLY COOKED CH REUVEN INTERNATIONAL LI	B. FOODS PRODUCT INTERN		12/11/2021	49152	22342	Laem Chabang	Tacoma, Washington	

**DOCUMENT 15: LETTER TO LOPBURI PROVINCIAL LIVESTOCK FROM MR. KHUNNITHI PERMPOL, SUBJECT: FACTS ABOUT THE REQUEST TO CANCEL CERTIFICATION OF GOOD AGRICULTURAL PRACTICES FOR BROILERS FARM, FARM THAMMAKASET\*, 14 JULY 2016**

At Thammakaset Farm

July 14, 2016

Subject: Facts about the request to cancel certification of Good Agricultural Practices for the Chicken Farm, Thammakaset Farm

To: Lop Buri Provincial Livestock

I, the undersigned, Mr. Khunnithi Permpol, Entrepreneur of Thammakaset Farm, located at No. 4 Village No. 4, Khok Salung Sub-district, Phatthana Nikhom District, Lop Buri Province which has been certified with Good Agricultural Practices for our chicken farm No. KorSor 02 22 06901 16020518 000, wish to cancel the certification of Good Agricultural Practices for our chicken farm due to business closure following a labor conflict in Thammakaset Farm 2. The facts about labor have not yet been proved. So, we want to suspend our business for the time being. After proving the facts, we will resume our farming business again.

This testimony has been given without being forced or threatened by any officers. As evidence thereof, I sign my name therein.

*-Signature-* Testifier,  
(Mr. Khunnithi Permpol)

*-Signature-* Questioner,  
(Mr. Wasan Trirotchanathawon)  
Veterinarian, Senior Professional Level

*-Signature-* Questioner,  
(Mr. Sakchai Phanitchitbun)  
Veterinarian, Senior Professional Level

*-Signature-* Questioner,  
(Miss Butsaba Than-atna)  
Veterinarian, Professional Level

*-Signature-* Questioner,  
(Miss Wann Noinadi)  
Animal Husbandry Technical Officer

**Certified True Copy**

*-Signature-*  
(Mr. Sakchai Phanitchitbun)  
Veterinarian, Senior Professional Level

\*This document is titled "Thammakaset Farm"; however, based on the address, it is for "Farm Thammakaset". Document 19 contains the cancellation letter for "Thammakaset Farm".

**DOCUMENT 16: FORM TO CANCEL CERTIFICATION OF GOOD AGRICULTURAL PRACTICES FOR FARM THAMMAKASET**

Organization	Form to cancel certification of Good Agricultural Practices	Code	Correction	Page
Bureau of Livestock Standards and Certification, Department of Livestock Development		FM-GAP-FAM-00	0	1/1
<b>1. Entrepreneur's general information</b>				
Owner/Manager (Mr./Mrs./Miss) <u>Khunnithi Permpol</u>				
(in case of juristic entity, specify the company) <u>-</u>				
Identification Card No. <u>3-6599-00615-66-1</u>				
Residing at No. <u>1</u> Village No. <u>9</u> , <u>-</u> Road, <u>Nong Khaem</u> Sub-district, <u>Khok Samrong</u> District,				
<u>Lop Buri</u> Province, Postcode: <u>15120</u> , Tel.: <u>-</u> Fax: <u>-</u>				
Mobile Phone: <u>086-3067552</u> , email: <u>-</u>				
<b>2. Information about the business facility</b>				
Business Facility: <u>Thammakaset Farm</u> , Type: <u>Chicken</u> , located at No. <u>4</u> Village No. <u>4</u> , <u>-</u> Road, <u>Khok Salung</u> Sub-district, <u>Phatthana Nikhom</u> District, <u>Lop Buri</u> Province, Postcode: <u>-</u>				
Tel.: <u>086-3446298</u> , Farm Position (Lat-Long) N <u>-</u> , E <u>-</u>				
Certification No. <u>Kor Sor 02 22 06901 16020518 000</u>				
Issued on <u>November 20, 2014</u> , to expire on <u>November 19, 2017</u>				
Veterinarian in charge of the Farm: <u>Veterinarian Surasak Onnom</u>				
Farm Veterinary Control Certificate No. <u>713/2549</u> , issued on <u>July 28, 2016</u> , to expire on <u>July 27, 2019</u>				
First Class Veterinary Practice License from the Veterinary Council No. <u>01-4014/2546</u>				
Issued on <u>March 24, 2013</u> , to expire on <u>March 23, 2018</u>				
<b>3. Reasons and evidences for the request to cancel the certification</b>				
I wish to cancel the certification of Good Agricultural Practices in livestock and reasons for the cancellation are as follows: (Please specify) <u>Business closure</u>				
I will return the original Certificate of Good Agricultural Practices in Livestock (or police report of document loss in case the original certificate has been lost) to the Provincial Livestock Office in 15 days upon learning approval of the cancellation, and I certify that all the information is true.				
For Entrepreneur		For Livestock Officer		
Signed: <u>-Signature-</u> Entrepreneur (Mr. Khunnithi Permpol) 14/7/2016		Signed: <u>-Signature-</u> Application Receiver (Mr. Winai Na-ek) Phatthana Nikhom Livestock Officer July 14, 2016		
In case the entrepreneur does not show up in person				
Signed: <u>-Signature-</u> Applicant (Miss Suphamat Chaothale) 14/7/2016				
<b>Certified True Copy</b>				
-Signature- (Mr. Sakchai Phanitchitbun) Veterinarian, Senior Professional Level				

\*This document is titled "Thammakaset Farm"; however, based on the address, it is for "Farm Thammakaset". Document 19 contains the cancellation letter for "Thammakaset Farm".

**DOCUMENT 17: LETTER TO LOPBURI PROVINCIAL LIVESTOCK FROM MR. KHUNNITHI PERMPOL, SUBJECT: FACTS ABOUT THE REQUEST TO CANCEL CERTIFICATION OF GOOD AGRICULTURAL PRACTICES FOR BROILERS FARM, FARM THAMMAKASET 2\*, 14 JULY 2016**

At Thammakaset Farm 2

July 14, 2016

Subject: Facts about the request to cancel certification of Good Agricultural Practices for the Chicken Farm, Thammakaset Farm 2

To: Lop Buri Provincial Livestock

I, the undersigned, Mr. Khunnithi Permpol, Entrepreneur of Thammakaset Farm 2, located at No. 9/9 Village No. 9, Khok Tum Sub-district, Mueang District, Lop Buri Province which has been certified with Good Agricultural Practices for our chicken farm No. KorSor 02 22 06901 16010453 000, wish to cancel the certification of Good Agricultural Practices for our chicken farm due to business closure following a labor conflict in the farm. Consequently, we want to prove facts about labor and standards of the certification of Good Agricultural Practices for our chicken farm. So, we want to suspend our business for the time being. After proving the facts, we will resume our farming business again.

This testimony has been given without being forced or threatened by any officers. As evidence thereof, I sign my name therein.

-Signature- Testifier,  
(Mr. Khunnithi Permpol)

-Signature- Questioner,  
(Mr. Wasan Trirotchanathawon)  
Veterinarian, Senior Professional Level

-Signature- Questioner,  
(Mr. Sakchai Phanitchitbun)  
Veterinarian, Senior Professional Level

-Signature- Questioner,  
(Miss Butsaba Than-atna)  
Veterinarian, Professional Level

-Signature- Questioner,  
(Miss Wannin Noinadi)  
Animal Husbandry Technical Officer

**Certified True Copy**

-Signature-  
(Mr. Sakchai Phanitchitbun)  
Veterinarian, Senior Professional Level

\* This document refers to the farm as "Thammakaset Farm 2", while this report refers to it as "Farm Thammakaset 2".

**DOCUMENT 18: FORM TO CANCEL CERTIFICATION OF GOOD AGRICULTURAL PRACTICES FOR FARM THAMMAKASET 2**

<b>Organization</b>	<b>Form to cancel certification of Good Agricultural Practices</b>	Code	Correction	Page
Bureau of Livestock Standards and Certification, Department of Livestock Development		FM-GAP-FAM-00	0	1/1
Effective Date: September 19, 2015				

**1. Entrepreneur's general information**  
 Owner/Manager (Mr./Mrs./Miss) Khunnithi Permpol  
 (in case of juristic entity, specify the company) -  
 Identification Card No. 3-6599-00615-66-1  
 Residing at No. 1 Village No. 9, - Road, Nong Khaem Sub-district, Khok Samrong District,  
Lop Buri Province, Postcode: 15120, Tel.: 086-3067552, Fax: -  
 Mobile Phone: 086-3067552, email: -

**2. Information about the business facility**  
 Business Facility: Thammakaset Farm 2, Type: Chicken, located at No. 9/9, Village No. 9, - Road,  
Khok Tum Sub-district, Mueang District, Lop Buri Province, Postcode:  
 Tel.: 086-3446298, Farm Position (Lat-Long) N - E  
 Certification No. KorSor 02 22 06901 16010453 000  
 Issued on June 3, 2014, to expire on June 2, 2017  
 Veterinarian in charge of the Farm: Veterinarian Apiradee Sotthayasai  
 Farm Veterinary Control Certificate No. 764/2549, issued on August 21, 2014, to expire on August 20, 2016  
 First Class Veterinary Practice License from the Veterinary Council No. 01-5007/2548  
 Issued on May 19, 2015, to expire on May 18, 2020

**3. Reasons and evidences for the request to cancel the certification**  
 I wish to cancel the certification of Good Agricultural Practices in livestock and reasons for the cancellation are as follows:  
 (Please specify) Business closure  
 I will return the original Certificate of Good Agricultural Practices in Livestock (or police report of document loss in case the original certificate has been lost) to the Provincial Livestock Office in 15 days upon learning approval of the cancellation, and I certify that all the information is true.

<b>For Entrepreneur</b>	<b>For Livestock Officer</b>
Signed: <u>-Signature-</u> Entrepreneur (Mr. Khunnithi Permpol) 14/7/2016	Signed: <u>-Signature-</u> Application Receiver (Mr. Chaiya Hanchana) July 14, 2016
In case the entrepreneur does not show up in person	
Signed: <u>-Signature-</u> Applicant (Miss Suphamat Chaothale) 14/7/2016	

**Certified True Copy**

-Signature-  
 (Mr. Sakchai Phanitchitbun)  
 Veterinarian, Senior Professional Level

**DOCUMENT 19: LETTER TO LOPBURI PROVINCIAL LIVESTOCK FROM MR. KHUNNITHI PERMPOL, SUBJECT: FACTS ABOUT THE REQUEST TO CANCEL CERTIFICATION OF GOOD AGRICULTURAL PRACTICES FOR BROILERS FARM, THAMMAKASET FARM, 14 JULY 2016.**

At Thammakaset Farm

July 14, 2016

Subject: Facts about the request to cancel certification of Good Agricultural Practices for the Chicken Farm, Thammakaset Farm

To: Lop Buri Provincial Livestock

I, the undersigned, Mr. Khunnithi Permpol, Entrepreneur of Thammakaset Farm, located at No. 99 Village No. 9, Nong Khaem Sub-district, Khok Samrong District, Lop Buri Province which has been certified with Good Agricultural Practices for our chicken farm No. KorSor 02 22 06901 16030293 000, wish to cancel the certification of Good Agricultural Practices for our chicken farm due to business closure following a labor conflict in Thammakaset Farm. The facts about labor have not yet been proved. So, we want to suspend our business for the time being. After proving the facts, we will resume our farming business again.

This testimony has been given without being forced or threatened by any officers. As evidence thereof, I sign my name therein.

-Signature- Testifier,  
(Mr. Khunnithi Permpol)

-Signature- Questioner,  
(Mr. Wasan Trirotchanathawon)  
Veterinarian, Senior Professional Level

-Signature- Questioner,  
(Mr. Sakchai Phanitchitbun)  
Veterinarian, Senior Professional Level

-Signature- Questioner,  
(Miss Butsaba Than-atna)  
Veterinarian, Professional Level

-Signature- Questioner,  
(Miss Wannin Noinadi)  
Animal Husbandry Technical Officer

**Certified True Copy**

-Signature-  
(Mr. Sakchai Phanitchitbun)  
Veterinarian, Senior Professional Level

**DOCUMENT 20: FORM TO APPLY FOR CERTIFICATION OF GOOD AGRICULTURAL PRACTICES IN LIVESTOCK FOR ANIMAL FARM BY MRS. CHULA SANGBUN FOR SRABUA FARM**

Organization	Form to apply for certification of Good Agricultural Practices in Livestock for animal farm	Code	Correction	Page
Bureau of Livestock Standards and Certification, Department of Livestock Development		FM-GAP-FAM-01	0	1/3
Effective Date: September 19, 2015				
<b>1. Entrepreneur's general information</b>				
Owner/Manager (Mr./Mrs./Miss) <u>Chula Sangbun</u>				
Residing at No. <u>47/10</u> , Village No. <u>4</u> , ..... Road, <u>Ban Ko</u> Sub-district, <u>Mueang</u> District, <u>Samut Sakhon</u> Province, Postcode: <u>74000</u> , Tel.: ....., Fax: .....				
Mobile Phone: <u>086-0180810</u> , email: .....				
who have passed a training course on "Good Agricultural Practices in Livestock" for <u>chicken farm</u> entrepreneurs from the Department of Livestock Development since <u>26/7/2016</u> , organized by <u>Livestock Zone 1</u> at <u>Rama Garden Hotel, Bangkok</u> , wish to .....				
<input checked="" type="checkbox"/> apply for certification for a new farm (in case of being certified and the certificate has expired, specify the Kor Sor number) <input type="checkbox"/> extend the farm life (specify Kor Sor registration number)				
Kor Sor Registration No. ...., received on ....., to expire on .....				
<b>2. Farm information</b>				
Farm Name: <u>Srabua Farm</u> , located at No. <u>99</u> , Village No. <u>9</u> , ..... Road, <u>Nong Khaem</u> Sub-district, <u>Khok Samrong</u> District, <u>Lop Buri</u> Province, Postcode: <u>15120</u> , Tel.: <u>086-3446268</u>			<b>Type of Animals in the Farm</b>	
Farm Position (Lat-Long) N ....., E .....			<input type="checkbox"/> ducks for breeding, <input type="checkbox"/> chicken for breeding, <input type="checkbox"/> cows for meat, <input type="checkbox"/> ducks for meat, <input checked="" type="checkbox"/> chicken for meat, <input type="checkbox"/> goats for meat, <input type="checkbox"/> ducks for eggs, <input type="checkbox"/> chicken for eggs, <input type="checkbox"/> sheep for meat, <input type="checkbox"/> quails, <input type="checkbox"/> cows for milk, <input type="checkbox"/> goats for milk, <input type="checkbox"/> pigs, <input type="checkbox"/> geese, <input type="checkbox"/> Others: ....., Breed: ....., AA ....., Animal Registration: ....., <input type="checkbox"/> Yes, <input checked="" type="checkbox"/> No, Animal Marking: ....., <input type="checkbox"/> Yes, <input checked="" type="checkbox"/> No	
Farm area: <u>99 rai</u> , - <u>ngan</u> , - <u>sq.wah</u>				
Source of animals: <input checked="" type="checkbox"/> bought from Betagro Company/farm, Lop Buri Province, <input type="checkbox"/> bought from weekend/animal market, ..... Province, <input type="checkbox"/> self production, <input type="checkbox"/> others, specify .....				
Farm Style: <input type="checkbox"/> free farm, <input type="checkbox"/> corporate farm, <input checked="" type="checkbox"/> guaranteed farm by Betagro Company				
Farm location from the following sites: <u>5</u> km. from main road, <u>13</u> km. from the community, .. km. from animal market, .. km. from a public water source, <u>65</u> km from a slaughter house, others ..				
Production capacity	<input checked="" type="checkbox"/> Quantity: <u>600,000</u> chicks/batch, <input type="checkbox"/> ..... eggs/month, For pigs/cows/goats/sheep for meat, ..... male breeders, ..... female breeders, fattening ....., others ....., For cows/goats for milk: ..... cows for milking, producing ..... kilograms of milk/farm/day			
Destination for distribution	<input checked="" type="checkbox"/> BFI slaughter house, <u>Lop Buri</u> Province, Certificate No. <u>Br0106013/2549</u> <input type="checkbox"/> Farm name: ..... Province, Certificate No. .... <input type="checkbox"/> Raw milk center: ..... Province, Certificate No. .... <input type="checkbox"/> Egg collection center ..... Province, Certificate No. .... ***** (if there is more than one, list it in an attachment.)			
Fence <input type="checkbox"/> No, <input checked="" type="checkbox"/> Yes, made from metal sheets, concrete and barbed wires				
No. of farmhouse: <u>26</u> . Size of each farmhouse (width×length×height) <u>16×120×2.2</u> meters				
No. of office building: <u>1</u> , <u>5</u> living houses, <input checked="" type="checkbox"/> outside farming areas/fence, <input type="checkbox"/> inside farming areas/fence				
Features of farmhouse:	Cages before taking into the farm: <input checked="" type="checkbox"/> None,			
Farm system: <input type="checkbox"/> open, <input checked="" type="checkbox"/> closed	<input type="checkbox"/> Yes, size (width×length×height) ..... meters. No. of cages: .....			
Farmhouse: <input type="checkbox"/> on ground,	Cages/detention of sick animals, <input checked="" type="checkbox"/> None,			
<input checked="" type="checkbox"/> raised from the ground,	<input type="checkbox"/> Yes, size (width×length×height) ..... meters. No. of cages: .....			
<input type="checkbox"/> floating on water	Animal loading/unloading area: <input checked="" type="checkbox"/> No, <input type="checkbox"/> Yes, (material) .....			
Farmhouse floor: <u>concrete</u>	Animal channel: <input checked="" type="checkbox"/> No, <input type="checkbox"/> Yes, No. of channels: .....			
Roof: <u>metal sheets</u>				
Water sources for farming	Animal feeds: <input checked="" type="checkbox"/> company's finished feeds from Betagro,			
<input type="checkbox"/> tap water, <input type="checkbox"/> artesian water,	<input type="checkbox"/> self mixing, specify source of raw materials .....			
<input type="checkbox"/> canal/river, <input type="checkbox"/> pond,	<input type="checkbox"/> others, (specify)....			
<input type="checkbox"/> others: .....				
<b>Certified True Copy</b>				
-Signature- (Mr. Sakchai Phanitchitbun) Veterinarian, Senior Professional Level				

**DOCUMENT 21: FORM TO APPLY FOR CERTIFICATION OF GOOD AGRICULTURAL PRACTICES IN LIVESTOCK FOR ANIMAL FARM BY MRS. NITTAYA PHUSUWAN FOR TONKLA FARM**

Organization	Form to apply for certification of Good Agricultural Practices in Livestock for animal farm	Code	Correction	Page
Bureau of Livestock Standards and Certification, Department of Livestock Development				
<p><b>1. Entrepreneur's general information</b>            Owner/Manager (Mr./Mrs./Miss) Nittaya Phusuwan,            Residing at No. 44, Phet Kasem 77 Alley, 4-5 Sub-alley, Nong Khang Phlu Sub-district, Nong Khaem District, Bangkok Metropolis,            Postcode: _____, Tel.: _____, Fax: _____            Mobile Phone: 086-3067552, email: _____            who have passed a training course on "Good Agricultural Practices in Livestock" for chicken farm entrepreneurs from the Department of Livestock Development since 26/7/2016, organized by Livestock Zone 1 at Rama Garden Hotel, Bangkok, wish to  <input checked="" type="checkbox"/> apply for certification for a new farm (in case of being certified and the certificate has expired, specify the Kor Sor number)  <input type="checkbox"/> extend the farm life (specify Kor Sor registration number)            Kor Sor Registration No. _____, received on _____, to expire on _____</p>				
<p><b>2. Farm information</b>            Farm Name: Tonkla Farm, located at No. 9/9, Village No. 9, _____ Road Khok Tum Sub-district, Mueang District, Lop Buri Province,            Postcode: 15320, Tel: 086-3446298,            Farm Position (Lat-Long) N _____, E _____            Farm area: 80 rai, - ngan, - sq.wah            Source of animals: <input checked="" type="checkbox"/> bought from Betagro Company/farm, Lop Buri Province,  <input type="checkbox"/> bought from weekend/animal market, _____ Province,  <input type="checkbox"/> self production, <input type="checkbox"/> others, specify _____            Farm Style: <input type="checkbox"/> free farm, <input type="checkbox"/> corporate farm, <input checked="" type="checkbox"/> guaranteed farm by Betagro Company,            Farm location from the following sites:            1.5 km. from main road, 5 km. from the community, _____ km. from animal market,            3 km. from a public water source, 17 km. from a slaughter house, others _____</p>		<p style="text-align: center;"><u>Type of Animals in the Farm</u></p> <input type="checkbox"/> ducks for breeding, <input type="checkbox"/> chicken for breeding, <input type="checkbox"/> cows for meat, <input type="checkbox"/> ducks for meat, <input checked="" type="checkbox"/> chicken for meat, <input type="checkbox"/> goats for meat, <input type="checkbox"/> ducks for eggs, <input type="checkbox"/> chicken for eggs, <input type="checkbox"/> sheep for meat, <input type="checkbox"/> quails, <input type="checkbox"/> cows for milk, <input type="checkbox"/> goats for milk, <input type="checkbox"/> pigs, <input type="checkbox"/> geese, <input type="checkbox"/> Others: _____ <u>Breed:</u> AA <u>Animal Registration:</u> <input type="checkbox"/> Yes, <input checked="" type="checkbox"/> No, <u>Animal Marking:</u> <input type="checkbox"/> Yes, <input checked="" type="checkbox"/> No		
Production capacity	<input checked="" type="checkbox"/> Quantity: 400,000 chicks/batch, <input type="checkbox"/> _____ eggs/month, For pigs/cows/goats/sheep for meat, _____ male breeders, _____ female breeders, fattening _____, others _____ For cows/goats for milk: .... cows for milking, producing .... kilograms of milk/farm/day			
Destination for distribution	<input checked="" type="checkbox"/> BFI slaughter house, Lop Buri Province, Certificate No. Br0106013/2549 <input type="checkbox"/> Farm name: _____ Province, Certificate No. _____ <input type="checkbox"/> Raw milk center: _____ Province, Certificate No. _____ <input type="checkbox"/> Egg collection center _____ Province, Certificate No. _____ ***** (if there is more than one, list it in an attachment.)			
Fence <input type="checkbox"/> No, <input checked="" type="checkbox"/> Yes, made from concrete. No. of farmhouse: 14, Size of each farmhouse (width×length×height) 18×132×3.5 meters No. of office building: 1, 7 living houses, <input checked="" type="checkbox"/> outside farming areas/fence, <input type="checkbox"/> inside farming areas/fence				
Features of farmhouse:	Cages before taking into the farm: <input checked="" type="checkbox"/> None, <input type="checkbox"/> Yes, size (width×length×height) _____ meters. No. of cages: _____ Cages/detention of sick animals, <input checked="" type="checkbox"/> None, <input type="checkbox"/> Yes, size (width×length×height) _____ meters. No. of cages: _____ Animal loading/unloading area: <input checked="" type="checkbox"/> No, <input type="checkbox"/> Yes, (material) _____ Animal channel: <input checked="" type="checkbox"/> No, <input type="checkbox"/> Yes, No. of channels: _____			
Water sources for farming	Animal feeds: <input checked="" type="checkbox"/> company's finished feeds from Betagro, <input type="checkbox"/> self mixing, specify source of raw materials _____ <input type="checkbox"/> others, (specify) _____			
<p><b>Certified True Copy</b>            -Signature-            (Mr. Sakchai Phanitchitbun)            Veterinarian, Senior Professional Level</p>				

**DOCUMENT 22: FORM TO APPLY FOR CERTIFICATION OF GOOD AGRICULTURAL PRACTICES IN LIVESTOCK FOR ANIMAL FARM BY MRS. SOSUDA NUTTAYOTHIN FOR KRU THAHAN FARM**

Organization	Form to apply for certification of Good Agricultural Practices in Livestock for animal farm	Code	Correction	Page
Bureau of Livestock Standards and Certification, Department of Livestock Development			0	1/3
Effective Date: September 19, 2009				
<b>1. Entrepreneur's general information</b>				
Owner/Manager (Mr./Mrs./Miss) <u>Sosuda Nuttayothin</u>				
Residing at No. <u>4</u> , <u>Seri Thai 44</u> Alley, <u>5</u> Sub-alley, <u>Khan Na Yao</u> Sub-district, <u>Khan Na Yao</u> District, <u>Bangkok</u> Metropolis,				
Postcode: _____, Tel.: _____, Fax: _____				
Mobile Phone: <u>086-3067552</u> , email: _____				
who have passed a training course on "Good Agricultural Practices in Livestock" for chicken farm entrepreneurs from the Department of Livestock Development since <u>26/7/2016</u> , organized by <u>Livestock Zone 1</u> at <u>Rama Garden Hotel, Bangkok</u> , wish to				
<input checked="" type="checkbox"/> apply for certification for a new farm (in case of being certified and the certificate has expired, specify the Kor Sor number)				
<input type="checkbox"/> extend the farm life (specify Kor Sor registration number)				
Kor Sor Registration No. _____, received on _____, to expire on _____				
<b>2. Farm information</b>				
Farm Name: <u>Khru Thahan Farm</u> , located at No. <u>4</u> , Village No. <u>4</u> , <u>Khok Salung</u> Sub-district, <u>Phatthana Nikhom</u> District, <u>Lop Buri</u> Province, Postcode: <u>15140</u> , Tel.: <u>098-8977948</u> ,			<b>Type of Animals in the Farm</b>	
Farm Position (Lat-Long) N _____ E _____			<input type="checkbox"/> ducks for breeding, <input type="checkbox"/> chicken for breeding, <input type="checkbox"/> cows for meat,	
Farm area: <u>100</u> rai, <u>-</u> ngan, <u>-</u> sq.wah			<input type="checkbox"/> ducks for meat, <input checked="" type="checkbox"/> chicken for meat,	
Source of animals: <input checked="" type="checkbox"/> bought from <u>Thai Foods Company/farm</u> , <u>Chon Buri</u> Province,			<input type="checkbox"/> goats for meat, <input type="checkbox"/> ducks for eggs, <input type="checkbox"/> chicken for eggs,	
<input type="checkbox"/> bought from weekend/animal market, _____ Province,			<input type="checkbox"/> sheep for meat, <input type="checkbox"/> quails,	
<input type="checkbox"/> self production, <input type="checkbox"/> others, specify _____			<input type="checkbox"/> cows for milk, <input type="checkbox"/> goats for milk,	
Farm Style: <input type="checkbox"/> free farm, <input type="checkbox"/> corporate farm, <input checked="" type="checkbox"/> guaranteed farm by Thai Foods Company,			<input type="checkbox"/> pigs, <input type="checkbox"/> geese, <input type="checkbox"/> Others: _____	
Farm location from the following sites:			Breed: _____ AA _____	
<u>3</u> km. from main road, <u>4</u> km. from the community, <u>-</u> km. from animal market,			Animal Registration: <input type="checkbox"/> Yes, <input checked="" type="checkbox"/> No,	
<u>-</u> km. from a public water source, <u>-</u> km. from a slaughter house, others <u>-</u>			Animal Marking: <input type="checkbox"/> Yes, <input checked="" type="checkbox"/> No	
Production capacity	<input checked="" type="checkbox"/> Quantity: <u>600,000</u> chicks/batch, <input type="checkbox"/> _____ eggs/month, For pigs/cows/goats/sheep for meat, _____ male breeders, _____ female breeders, fattening _____, others _____ For cows/goats for milk: _____ cows for milking, producing _____ kilograms of milk/farm/day			
Destination for distribution	<input checked="" type="checkbox"/> Slaughter house: <u>Thai Foods Group Co., Ltd.</u> , <u>Prachin Buri</u> Province, Certificate No. <u>244</u> <input type="checkbox"/> Farm name: _____ Province, Certificate No. _____ <input type="checkbox"/> Raw milk center: _____ Province, Certificate No. _____ <input type="checkbox"/> Egg collection center _____ Province, Certificate No. _____ **** (if there is more than one, list it in an attachment.)			
Fence <input type="checkbox"/> No, <input checked="" type="checkbox"/> Yes, made from concrete.				
No. of farmhouse: <u>22</u> . Size of each farmhouse (width×length×height) <u>20×120×2.30</u> meters				
No. of office building: <u>1</u> , <u>1</u> living house, <input checked="" type="checkbox"/> outside farming areas/fence, <input type="checkbox"/> inside farming areas/fence				
Features of farmhouse:	Cages before taking into the farm: <input checked="" type="checkbox"/> None,			
Farm system: <input type="checkbox"/> open, <input checked="" type="checkbox"/> closed	<input type="checkbox"/> Yes, size (width×length×height) _____ meters. No. of cages: _____			
Farmhouse: <input type="checkbox"/> on ground,	Cages/detention of sick animals, <input checked="" type="checkbox"/> None,			
<input checked="" type="checkbox"/> raised from the ground,	<input type="checkbox"/> Yes, size (width×length×height) _____ meters. No. of cages: _____			
<input type="checkbox"/> floating on water	Animal loading/unloading area: <input checked="" type="checkbox"/> No, <input type="checkbox"/> Yes, (material) _____			
Farmhouse floor: <u>concrete</u>	Animal channel: <input checked="" type="checkbox"/> No, <input type="checkbox"/> Yes, No. of channels: _____			
Roof: <u>metal sheets</u>				
Water sources for farming	Animal feeds: <input checked="" type="checkbox"/> company's finished feeds from Thai Foods,			
<input type="checkbox"/> tap water, <input checked="" type="checkbox"/> artesian water,	<input type="checkbox"/> self mixing, specify source of raw materials _____			
<input type="checkbox"/> canal/river, <input type="checkbox"/> pond,	<input type="checkbox"/> others, (specify) _____			
<input type="checkbox"/> others: _____				
<p><b>Certified True Copy</b>                      -Signature-                      (Mr. Sakchai Phanitchitbun)                      Veterinarian, Senior Professional Level</p>				

**DOCUMENT 23: LAND AND CONSTRUCTION AGREEMENT BETWEEN THAMMAKASET CO., LTD. (REPRESENTED BY MR. KHUNNITHI PERMPOL) AND MRS. CHULA SANGBUN FOR THE LEASE OF SRABUA FARM**

**Land and Construction Lease Agreement  
(Chicken Farm)**

This Agreement is made at No. 99, Village No. 9, Nong Khaem Sub-district, Khok Samrong District, Lop Buri Province on August 1, 2016

by and between Thammakaset Co., Ltd. by Mr. Khunnithi Permpol, Managing Director authorized to sign for the Company as shown in the attachment, located at No. 99, Village No. 9, Nong Khaem Sub-district, Khok Samrong District, Lop Buri Province, hereinafter referred to as the "Landlord," and

Mrs. Chula Sangbun, aged 40 years, residing at house No. 47/4 Ban Ko Sub-district, Mueang District, Samut Sakhon Province, hereinafter referred to as the "Tenant."

Both parties have agreed as follows:

**Section 1. Objectives of the Agreement**

The Landlord agrees to let and the Tenant agrees to rent land bearing NorSor. 3 Kor., No.1835-6, 1838, Nong Khaem Sub-district, Khok Samrong District, Lop Buri Province and constructions on those plots of land, which is a chicken farm featuring 26 16×120-meter chicken houses and other constructions, located at No. 99 Village No. 9, Nong Khaem Sub-district, Khok Samrong District, Lop Buri Province to use as a farmhouse (chicken for meat), shown in the copy of the land title deeds and copy of house registration attached to the Agreement, considered part of this Agreement, hereinafter collectively referred to as "leased properties."

**Section 2. Duration of the Agreement**

Both parties agree that the Lease Agreement is for 3 years from August 1, 2016 to July 31, 2019.

Before Agreement expiration, if the Tenant wishes to continue with the lease, the Tenant has to notify the Landlord of her wish in writing at least 30 days before Agreement expiration. Both parties shall settle criteria, conditions and rental rates specified in this Agreement and make a new lease agreement.

**Section 3. Rent and Rent Payment**

The Tenant agrees to pay rent to the Landlord on a monthly basis at Baht50,000 (fifty thousand Baht only) per month. Payment shall be made at the Landlord's office or where the Landlord has specified in 7 days upon receiving an invoice from the Landlord. First payment shall be made on August 1, 2016.

The Tenant agrees to pay for land, property, household and all other taxes, incurred from the use of the leased properties.

**Section 4. The Landlord's certification**

The Landlord agrees and certifies that the Landlord holds sole rights in the leased properties, and also certifies that the leased properties are free from derogation of rights and claims of rights in the leased properties by other people. In addition, the Landlord agrees that.....

**Certified True Copy**

*-Signature-*

(Mr. Sakchai Phanitchitbun)

Veterinarian, Senior Professional Level

**DOCUMENT 24: LAND AND CONSTRUCTION AGREEMENT BETWEEN THAMMAKASET CO., LTD. (REPRESENTED BY MR. KHUNNITHI PERMPOL) AND MRS. NITTAYA PHUSUWAN FOR THE LEASE OF TONKLA FARM**

**Land and Construction Lease Agreement  
(Chicken Farm)**

This Agreement is made at No. 9/9 Village No. 9, Khok Tum Sub-district, Mueang District, Lop Buri Province on August 1, 2016

by and between Thammakaset Co., Ltd. by Mr. Khunnithi Permpol, Managing Director authorized to sign for the Company as shown in the attachment, located at No. 99 Village No. 9, Nong Khaem Sub-district, Khok Samrong District, Lop Buri Province, hereinafter referred to as the "Landlord," and

Mrs. Nittaya Phusuwan, aged 66 years, residing at house No. 44, Nong Khang Phlu Sub-district, Nong Khaem District, Bangkok Metropolis, hereinafter referred to as the "Tenant."

Both parties have agreed as follows:

**Section 1. Objectives of the Agreement**

The Landlord agrees to let and the Tenant agrees to rent land bearing title deed No. 29656, 32399, Khok Tum Sub-district, Mueang Lop Buri District, Lop Buri Province and constructions on those plots of land, which is a chicken farm featuring 14 20×132-meter chicken houses and other constructions, located at house No. 9/9 Village No. 9, Khok Tum Sub-district, Mueang Lop Buri District, Lop Buri Province to use as a farmhouse (chicken for meat), shown in the copy of the land title deeds and copy of house registration attached to the Agreement, considered part of this Agreement, hereinafter collectively referred to as "leased properties."

**Section 2. Duration of the Agreement**

Both parties agree that the Lease Agreement is for 3 years from August 1, 2016 to July 31, 2019.

Before Agreement expiration, if the Tenant wishes to continue with the lease, the Tenant has to notify the Landlord of her wish in writing at least 30 days before Agreement expiration. Both parties shall settle criteria, conditions and rental rates specified in this Agreement and make a new lease agreement.

**Section 3. Rent and Rent Payment**

The Tenant agrees to pay rent to the Landlord on a monthly basis at Baht50,000 (fifty thousand Baht only) per month. Payment shall be made at the Landlord's office or where the Landlord has specified in 7 days upon receiving an invoice from the Landlord. First payment shall be made on August 1, 2016.

The Tenant agrees to pay for land, property, household and all other taxes, incurred from the use of the leased properties.

**Section 4. The Landlord's certification**

The Landlord agrees and certifies that the Landlord holds sole rights in the leased properties, and also certifies that the leased properties are free from derogation of rights and claims of rights in the leased properties by other people. In addition, the Landlord agrees that

**Certified True Copy**

*-Signature-*

(Mr. Sakchai Phanitchitbun)

Veterinarian, Senior Professional Level

**DOCUMENT 25: LAND AND CONSTRUCTION AGREEMENT BETWEEN THAMMAKASET CO., LTD. (REPRESENTED BY MR. KHUNNITHI PERMPOL) AND MRS. SOSUDA NUTTAYOTHIN FOR THE LEASE OF KHRU THAHAN FARM**

**Land and Construction Lease Agreement  
(Chicken Farm)**

This Agreement is made at No. 9/9 Village No. 9, Khok Tum Sub-district, Mueang District, Lop Buri Province on August 1, 2016

by and between Thammakaset Co., Ltd. by Mr. Khunnithi Permpol, Managing Director authorized to sign for the Company as shown in the attachment, located at No. 99 Village No. 9, Nong Khaem Sub-district, Khok Samrong District, Lop Buri Province, hereinafter referred to as the "Landlord," and

Mrs. Sosuda Nuttayothin, aged 54 years, residing at House No. 4 Khan Na Yao Sub-district, Khan Na Yao District, Bangkok Metropolis, hereinafter referred to as the "Tenant."

Both parties have agreed as follows:

**Section 1. Objectives of the Agreement**

The Landlord agrees to let and the Tenant agrees to rent land bearing title deed No. 14258, 17078, Khok Salung Sub-district, Phatthana Nikhom District, Lop Buri Province and constructions on those plots of land, which is a chicken farm featuring 22 20×132-meter chicken houses and other constructions, located at No. 4 Village No. 4, Khok Salung Sub-district, Phatthana Nikhom District, Lop Buri Province to use as a farmhouse (chicken for meat), shown in the copy of the land title deeds and copy of house registration attached to the Agreement, considered part of this Agreement, hereinafter collectively referred to as "leased properties."

**Section 2. Duration of the Agreement**

Both parties agree that the Lease Agreement is for 3 years from August 1, 2016 to July 31, 2019.

Before Agreement expiration, if the Tenant wishes to continue with the lease, the Tenant has to notify the Landlord of her wish in writing at least 30 days before Agreement expiration. Both parties shall settle criteria, conditions and rental rates specified in this Agreement and make a new lease agreement.

**Section 3. Rent and Rent Payment**

The Tenant agrees to pay rent to the Landlord on a monthly basis at Baht50,000 (fifty thousand Baht only) per month. Payment shall be made at the Landlord's office or where the Landlord has specified in 7 days upon receiving an invoice from the Landlord. First payment shall be made on August 1, 2016.

The Tenant agrees to pay for land, property, household and all other taxes, incurred from the use of the leased properties.

**Section 4. The Landlord's certification**

The Landlord agrees and certifies that the Landlord holds sole rights in the leased properties, and also certifies that the leased properties are free from derogation of rights and claims of rights in the leased properties by other people. In addition, the Landlord agrees that.....

**Certified True Copy**

*-Signature-*

(Mr. Sakchai Phanitchitbun)

Veterinarian, Senior Professional Level

## MAP 1: SATELLITE IMAGE OF KRU THAHAN FARM

This map shows the location of Kru Thahan Farm, which is in the same location as the former farm named Farm Thammakaset.



## MAP 2: SATELLITE IMAGE OF SRABUA FARM

This map shows the location of Srabua Farm, which is in the same location of the former farm named Thammakaset Farm.



### MAP 3: SATELLITE IMAGE OF TONKLA FARM

This map shows the location of Tongkla Farm, which is in the same location of the former farm named Farm Thammakaset 2.



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46. Ibid.
47. Mekong Migration Network, Migrant Agricultural Workers in Thailand.
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50. Ibid.
51. Krungsri Research, Figure 9: The Supply Chain of Thai Chicken Industry (2019), <https://www.krungsri.com/en/research/industry/industry-outlook/Food-Beverage/Frozen-Processed-Chicken/IO/io-frozen-processed-chicken-en>.
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- representative of Thammakaset Co. Ltd., authorized by Mr. Khunnithi Permpol, 4 October 2018. Mr. Chanchai told the judge at the Criminal Court that he is Mr. Khunnithi's brother. Document is on file with the authors and is available upon request.
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  71. Ibid.
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  75. See Betagro's staff testimony to the Department of Labour Protection and Welfare of Lopburi Province in The Order of the Labour Inspector No. 20/2559 on wage, holiday wages, overtime wages and interest between Tun Tun Win and 13 other workers, the plaintiffs and Thammakaset Company Limited (Farm 2), the employer, 1 August 2016. This document is on file with the authors and is available on request.
  76. See Betagro's public statements that acknowledge its supply chain relationship with Thammakaset, a poultry farm in Lopburi Province, which was subject to the investigations by the Thai Department of Labour Protection and Welfare of Lopburi Province and the National Human Rights Commission of Thailand; statements were dated 13 July 2016 and 1 September 2016, see Annex, Documents 10-11; see also "Betagro dumps chicken farm over labour abuses," Bangkok Post, 30 June 2016, <https://www.bangkokpost.com/thailand/general/1023209/betagro-dumps-chicken-farm-over-labour-abuses>.
  77. See Thammakaset Company Limited, Tun Tun Win and 13 other plaintiffs, Don Muang Kwaeng Court, Black case no. Aor. 2769/2559 Red case no. Aor. 1353/ 2561.
  78. National Human Rights Commission of Thailand, Fact-finding report of the NHRCT No. 114/2559, 31 August 2016.
  79. Ibid.
  80. See Thammakaset Company Limited, Tun Tun Win and 13 other plaintiffs v the Lopburi Provincial Office of the Department of Labour Protection and Welfare, Labour Court Region 1, Verdict on Civil Case, Black Case No.296/2559 and Red Case No.381/2559, 19 December 2016.
  81. See Tun Tun Win and 13 other plaintiffs v. 1st defendant - Labour Inspector Official, 2nd defendant - Thammakaset Company Limited, 3rd defendant Betagro Public Company Limited, Labour Court Region 1, Verdict on Civil Case, Black Case No. 298-331/2559, Red Case No. 33-64/2560, 17 March 2017; see also Betagro's staff testimony to the Department of Labour Protection and Welfare of Lopburi Province in The Order of the Labour Inspector No. 20/2559 on wage, holiday wages, overtime wages and interest between Tun Tun Win and 13 other workers, the plaintiffs and Thammakaset Company Limited (Farm 2), the employer, 1 August 2016. Files are available upon request.
  82. See Tun Tun Win and 13 other plaintiffs v. 1st defendant - Labour Inspector Official, 2nd defendant - Thammakaset Company Limited, 3rd defendant Betagro Public Company Limited, Labour Court Region 1, Verdict on Civil Case, Black Case No. 298-331/2559, Red Case No. 33-64/2560, 17 March 2017.
  83. Ibid., pp. 14-15
  84. Ibid., pp. 64-65
  85. Ibid., pp. 63-64.
  86. See Thammakaset Company Limited, Tun Tun Win and 13 other plaintiffs v the Lopburi Provincial Office of the Department of Labour Protection and Welfare, Labour Court Region 1, Verdict on Civil Case, Black Case No.296/2559 and Red Case No.381/2559, 19 December 2016.
  87. See Tun Tun Win and 13 other plaintiffs v. 1st defendant - Labour Inspector Official, 2nd defendant - Thammakaset Company Limited, 3rd defendant Betagro Public Company Limited, Verdict on Civil Case, Supreme Court, Case No. Kor Ror Por Ror 2507-2520/2561, 6 August 2018.
  88. See Tun Tun Win and 13 other plaintiffs v. 1st defendant - Labour Inspector Official, 2nd defendant - Thammakaset Company Limited, 3rd defendant Betagro Public Company Limited, Civil Case, Supreme Court's Decision, Case No. Kor Ror Por Ror 2507-2520/2561, 6 August 2018; see also Bangkok Post, "Myanmar farm workers get B1.7m," 13 March 2019, <https://www.bangkokpost.com/thailand/general/1643436/myanmar-farm-workers-get-b1-7m>. Note: The date is the stamped date on the Supreme Court decision, but in general, the decisions are read to the parties of conflict months later. In this case, the Supreme Court made its decision on 6 August 2018, but the verdict was read on 15 January 2019, when it takes effect. See Prachatai, "Court rejected the appeal from Thammakaset Company upheld the order of the Labour Inspector to pay back wages to 14 migrant workers," [in Thai], 16 January 2019, <https://prachatai.com/journal/2019/01/80554>
  89. Interview with a legal representative of the migrant workers in 2020.
  90. Betagro's public statements acknowledged a supply chain relationship with a poultry farm in Lopburi Province where Thammakaset Co. Ltd. operated and during which time was identified and subjected to the investigations by the Department of Labour Protection and Welfare of Lopburi Province and the National Human Rights Commission of Thailand. See Betagro's Public Announcement, Subject: Statement of clarification regarding Myanmar labour dispute, 13 July 2016; see also Betagro's Public Announcement, Subject: Statement of clarification regarding Myanmar labour dispute No. 3, 1 September 2016; see also Betagro's staff testimony to the Department of Labour Protection and Welfare of Lopburi Province in The Order of the Labour Inspector No. 20/2559 on wage, holiday wages, overtime wages and interest between Tun Tun Win and 13 other workers, the plaintiffs and Thammakaset Company Limited (Farm 2), the employer, 1 August 2016. Files are available upon request.
  91. See Betagro's Public Announcement, Subject: Statement of clarification regarding Myanmar labour dispute, 13 July 2016. See Annex, Document 10.
  92. Ibid.
  93. Betagro's Public Announcement, Subject: Statement of clarification regarding Myanmar labour dispute No. 3, 1 September 2016, see Annex, Document 11. Note: The report No.114/2559 of the human rights investigation by the Office of the National Human Rights Commission of Thailand, pp. 4-5 found that "the (employer's) seizure of the identity document of the 14 workers was not intended to hold back or force the complainants to work for the alleged party...nor a restriction on freedom of movement of the 14 complainants." The report also stated that "labour rights including the right to receive fair living wages and the right to take leave are human rights upheld by Article 7 of the International Covenant on Economic, Social and Cultural Rights...guaranteed by the Constitutions and the Thai Labour Protection Act B.E.2541 (1998)." ... "The allegations of deduction of daily wages and the absence of weekly rest are considered as labour rights violations hence violations of human rights of the 14 complainants."
  94. See Thammakaset Co. Ltd. v Tun Tun Win and 13 others, Don Muang Magistrate Court, Verdict, Black Case No. Aor 2769/2559, Red Case No. Aor 1353/2561, 11 July 2018, p. 20.
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  96. Ibid., pp. 22-23.
  97. Oscar Rousseau, "Thailand: chicken sector to boost standards following abuse claims," Food Navigator, 21 August 2016, <https://www.foodnavigator-asia.com/Article/2016/08/22/Thai-chicken-sector-agrees-to-end-human-rights-abuse>.
  98. Ibid.
  99. Other companies that signed it include Charoen Pokphan Foods (CPF),

- Cargill, and BRF.
100. Department of Welfare and Labour Protection, Department of Livestock Development and the Thai Broilers Processing Exporters Association, Good Labour Practices Guidelines for Poultry Farms and Hatchery in Thailand, 2016, <http://tls.labour.go.th/attachments/article/876/GLP%20Poultry.pdf>.
  101. Research conducted for this report only found evidence of a business relationship between Thaifoods Group and Srabua Company beginning in 2017.
  102. Ministry of Commerce, Department of Business Development, Certification of Incorporation, Thammakaset Company Limited, 17 September 2018. Document is held on file with the authors and available upon request.
  103. Letter to Lopburi Provincial Livestock from Mr. Khunnithi Permpol, Subject: Facts about the request to cancel certification of good agricultural practices for broilers farm, Farm Thammakaset, 14 July 2016. See Annex, Document 15.
  104. Letter to Lopburi Provincial Livestock from Mr. Khunnithi Permpol, Subject: Facts about the request to cancel certification of good agricultural practices for broilers farm, Farm Thammakaset 2, 14 July 2016. See Annex, Document 17.
  105. Letter to Lopburi Provincial Livestock from Mr. Khunnithi Permpol, Subject: Facts about the request to cancel certification of good agricultural practices for broilers farm, Thammakaset Farm, 14 July 2016. See Annex, Document 19.
  106. Betagro's public statements acknowledged a supply chain relationship with a poultry farm in Lopburi Province where Thammakaset Co. Ltd. operated and during which time was identified and subjected to the investigations by the Department of Labour Protection and Welfare of Lopburi Province and the National Human Rights Commission of Thailand. See Annex, Documents 10 and 11.
  107. Letter to Lopburi Provincial Livestock from Mr. Khunnithi Permpol, Subject: Facts about the request to cancel certification of good agricultural practices for broilers farm, Farm Thammakaset, 14 July 2016 (See Annex, Document 15); Form to Cancel Certification of Good Agricultural Practices for Farm Thammakaset (Document 16); Letter on Farm Thammakaset 2, 14 July 2016 (Document 17); Form to Cancel Certification of Good Agricultural Practices for Farm Thammakaset 2 (Document 18); and Letter on Thammakaset Farm, 14 July 2016 (Document 19).
  108. The Office of Livestock Region I, Letter No. KorSor 0616(1)/1354, dated 22 July 2016; and The Office of Livestock Region I, Letter No. KorSor 0616(1)/1611, dated 5 September 2016. Document available upon request.
  109. See Annex, Document 2 for the shareholders register list, which lists three shareholders of Srabua Company; Mr. Soem Sangbun, Mrs. Chula Sangbun, and Mrs. Nitaya Phusuwan. See Annex, Document 3 for the Incorporation Certificate issued by the Department of Business Development, Ministry of Commerce, which lists two directors of the company; Mr. Soem Sangbun and Mrs. Chula Sangbun.
  110. See Annex, Document 1.
  111. See Annex, Document 2, in which Mr. Soem Sangbun and Mrs. Nitaya Phusuwan have listed the same address: Phet Kasem 77 Alley, 4-5 Sub-alley, Nong Khang Phlu Sub-district, Nong Khaem District, Bangkok Metropolitan. In other documents, Mr. Chanchai Permpol and Mrs. Nitaya Phusuwan have listed the same address: 44, Thet Kasem 77 Alley, 4-5 Sub-alley, Nong Khang Phlu Sub-district, Nong Khaem District, Bangkok. This same address is listed in "Form to Apply for Certification of Good Agricultural Practices in Livestock for Animal Farm by Mrs. Nittaya Phusuwan for Tonkla Farm" (Document 21) and "Testimony of Mr. Chanchai Permpol, Serving as Witness for Prosecutor, Thammakaset Co. Ltd., Against Defendant Mrs. Ye Ye or Yin Yin" (Document available upon request). These two addresses are likely the same, only that the first (in Document 2) is missing the house number.
  112. Ibid.
  113. An additional document states Mrs. Sosuda Nuttathoithin is also a shareholder of the company; document is in Thai language and available upon request.
  114. Mr. Soem Sangbun, Mrs. Chula Sangbun and Mrs. Nittaya Phusuwan were listed as shareholders of Srabua Co. Ltd. as of July 2016; see Annex, Document 2. An additional document states Mrs. Sosuda Nuttathoithin is also a shareholder of the company; document is in Thai language and available upon request.
  115. Land and Construction (chicken farm) Lease Agreement between Thammakaset Co. Ltd. and Ms. Chula Sangbun, 1 August 2016; Land and Construction (chicken farm) Lease Agreement between Thammakaset Co. Ltd. and Ms. Nittaya Phusuwan, 1 August 2016; and Land and Construction (chicken farm) Lease Agreement between Thammakaset Co. Ltd. and Ms. Sosuda Nuttathoithin, 1 August 2016. See Annex, Documents 23, 24 and 25, respectively.
  116. See the three Land and Construction (chicken farm) Lease Agreements in Annex, Documents 23-25.
  117. Bureau of Livestock Standards and Certification, Department of Livestock Development, Form to Apply for Certification of Good Agricultural Practices in Livestock for Animal Farm by Mrs. Chula Sangbun for Srabua Farm; Form to Apply for Certification of Good Agricultural Practices in Livestock for Animal Farm by Mrs. Nittaya Phusuwan for Tonkla Farm; and Form to Apply for Certification of Good Agricultural Practices in Livestock for Animal Farm by Mrs. Sosuda Nuttathoithin for Kru Thahan Farm. See Annex, Documents 20, 21 and 22, respectively.
  118. See Annex, Documents 4-6.
  119. The document of the Department of Livestock and satellite imagery confirm that the newly registered farms are in the same exact geographic location as the previous Thammakaset farms. See Annex, Maps 1-3 for the satellite imagery. See Annex, Documents 4-6 for Department of Livestock Development, Ministry of Agriculture and Cooperatives, Certification of 'Good Agricultural Practices for Chicken Farm' for Srabua Farm, 7 November 2016; Certification of 'Good Agricultural Practices for Chicken Farm' for Tonkla Farm, 31 January 2017; and Certification of 'Good Agricultural Practices for Chicken Farm' for Khru Thahan Farm, 7 November 2016.
  120. Thai Agriculture Standard, 'Good Agricultural Practices For Broiler Farm', [https://www.acfs.go.th/standard/download/GAP\\_broiler\\_farm\\_2017.pdf](https://www.acfs.go.th/standard/download/GAP_broiler_farm_2017.pdf).
  121. Land and Construction (chicken farm) Lease Agreement between Thammakaset Co. Ltd. and Ms. Chula Sangbun, 1 August 2016. See Annex, Document 23. See Map 2 for a satellite image of Srabua farm, which is in the same location as Thammakaset Farm.
  122. Department of Livestock Development, Ministry of Agriculture and Cooperatives, Application Document for a Certification of Good Agricultural Practices of Livestock for Srabua Farm. Document is in Thai language and is available upon request.
  123. See Annex, Document 4.
  124. Department of Livestock Development, Application Document For A Certification of 'Good Agricultural Practices of Livestock' for Srabua Farm, 11 August 2016. Document is in Thai language and is available upon request. The application document lists Betagro as the supplier of hatchlings and chicken feed as well as the farm's guarantor and buyer of the live chickens; See also Bureau of Livestock Standards and Certification, List of slaughterhouses certified for export as of 13 November 2021, Thai language, accessed on 29 November 2021, see relevant part of the list in Annex, Document 8; see full list here [https://docs.google.com/spreadsheets/d/1neZo2tm3JEiKcHCmX37a9ca8SEbLk\\_YR/edit#gid=611289967](https://docs.google.com/spreadsheets/d/1neZo2tm3JEiKcHCmX37a9ca8SEbLk_YR/edit#gid=611289967).
  125. Information collected during the field research for this report is consistent with the information written in Thai Department of Livestock Development, Application Document For A Certification of 'Good Agricultural Practices of Livestock' for Srabua Farm, November 2016. Document is in Thai language and is available upon request. The information is also consistent with Betagro's model of poultry business operations via agreements with contract farms.
  126. In other reports, her name may be transliterated from Thai as 'Nittaya Phosuwan.'
  127. Land and Construction (chicken farm) Lease Agreement between Thammakaset Co. Ltd. and Ms. Nittaya Phusuwan, 1 August 2016. See Annex, Document 24. See Map 3 for a satellite image of Tonkla Farm, which is in the same location as Farm Thammakaset 2.
  128. See Annex, Document 2.
  129. Department of Livestock Development, application document for a certification of 'Good Agricultural Practices of Livestock' for Tonkla Farm. Document is in Thai language and is available on request.
  130. See Annex, Document 5.
  131. Department of Livestock Development, application document for a certification of 'Good Agricultural Practices of Livestock' for Tonkla Farm. Document is in Thai language and is available on request. The application document lists Betagro as the supplier of hatchlings and chicken feed as well as the farm's guarantor and buyer of the live chickens.
  132. Department of Livestock Development, application document for a certification of 'Good Agricultural Practices of Livestock' for Tonkla Farm. Document is in Thai language and is available on request. In addition, Betagro Group listed B. Food Product International Company Limited as a company under Betagro Group as of November 2022, <https://www.betagro.com/en/about-us/committee-group-business-structure/group-business-structure>.
  133. Information collected during field research for this report. Better Foods Company Limited was certified as a slaughterhouse of broiler meat for export with the certification no. Br 07 62 001/2551. See Annex, Document 7 for the list of companies licensed to export; see Annex, Document 8 for a relevant expert of the Bureau of Livestock Standards and Certification, List of slaughterhouses certified for export as of 13 November 2021, Thai language, [https://docs.google.com/spreadsheets/d/1neZo2tm3JEiKcHC-Mx37a9ca8SEbLk\\_YR/edit#gid=611289967](https://docs.google.com/spreadsheets/d/1neZo2tm3JEiKcHC-Mx37a9ca8SEbLk_YR/edit#gid=611289967).
  134. Bureau of Livestock Standards and Certification, Department of Livestock, List of slaughterhouses certified for export meat products. See Annex, Document 8.
  135. Land and Construction (chicken farm) Lease Agreement between Thammakaset Co. Ltd. and Ms. Chula Sangbun, 1 August 2016. See Annex, Document 23.

- makaset Co. Ltd. and Ms. Sosuda Nuttayothin, 1 August 2016. See Annex, Document 25. See Map 1 for a satellite image of Kru Thahan Farm, which is in the same location as Farm Thammakaset.
136. Department of Livestock Development, Application document for a certification of Good Agricultural Practices of Livestock of Kru Thahan Farm. Document is in Thai language and is available on request.
  137. Ibid.
  138. See Annex, Document 6.
  139. Department of Livestock Development, Application document for a certification of Good Agricultural Practices of Livestock of Kru Thahan Farm. Document is in Thai language and is available on request.
  140. Information collected during field research for this report. See also Bureau of Livestock Standards and Certification, Department of Livestock, List of slaughterhouses certified for export meat products, [https://docs.google.com/spreadsheets/d/1neZo2tm3JEIKcHcMx37a9ca8SEBlk\\_YR/edit#gid=611289967](https://docs.google.com/spreadsheets/d/1neZo2tm3JEIKcHcMx37a9ca8SEBlk_YR/edit#gid=611289967).
  141. Department of Livestock Development, application document for a certification of 'Good Agricultural Practices of Livestock' for Tonkla Farm, Srabua Farm, and Khu Thahan Farm. Document is in Thai language and is available upon request. With regards to Thaifoods Group, our research only shows evidence of a business relationship until 2020.
  142. Our research did not find a business relationship prior to 2017.
  143. Betagro's Executive, Wasin Taepaisitpong, confirmed that the company exports approximately 70,000 tonnes of poultry meat to Japan (50%), Europe (45%) and other countries (5%); see Kom Chad Luek News, [in Thai] "Betagro aims to increase its poultry export growth at 10%," 17 March 2017, <https://www.komchadluek.net/news/economic/265747>.
  144. A Thaifoods Group's executive confirmed that the company's poultry meat export to the European Union market, which amounts to one third of its total exports, has slowed down because of the COVID-19 pandemic; see Kho Hoon News, [in Thai] "TFG reduced growth target to 8% after European COVID-19 lockdown measures stalled its poultry export to Europe," 3 April 2020, <https://www.kaohoon.com/breaking-news/352762>.
  145. Finwatch, "Employment available in exchange for debt: Working conditions in the Thai broiler industry," September 2015, p. 12, <https://fin-watch.org/images/pdf/chickenproductionThailand.pdf>.
  146. RYT9, Economy News, "Betagro elevates its high quality and safety food manufacturing chain Readily prepared for any situations through the concept of sustainability," 29 September 2020, <https://www.ryt9.com/en/prg/244487>.
  147. The Poultry Site, "Betagro Raises Capacity to Meet Export Demand," 11 January 2011, <https://www.thepoultrysite.com/news/2011/01/betagro-raises-capacity-to-meet-export-demand>.
  148. These shipments were made to Reuven International Limited and C.H. Robinson Freight Services. See Annex, Document 14. While it was not possible to ascertain where the poultry is transported or sold after arrival in U.S. ports, it is possible that the poultry is sold in Walmart stores as Walmart works with C.H. Robinson for distribution throughout the U.S.; see "C.H. Robinson 3-Peats With Walmart 3PL Award," 22 June 2017, C.H. Robinson Newsroom, <https://www.chrobinson.com/en-us/newsroom/press-releases/2017/06-22-17-c-h-robinson-3-peats-with-walmart-3pl-award/>.
  149. Thaifoods Group, 2020 Annual Report, p. 23, <https://investor.tfg.co.th/misc/ar/20210402-tfg-ar2020-th.pdf>.
  150. Kho Hoon News, "TFG Reduced Growth Target to 8% After European Covid-19 Lockdown Measures Stalled Its Poultry Export to Europe," 3 April 2020, <https://www.kaohoon.com/breakingnews/352762>.
  151. Thaifoods Group, 2020 Annual Report, p. 11.
  152. Thaifoods Group, 2020 Annual Report, p. 12.
  153. Thammakaset Co. Ltd., v Mr. Tun Tun Win and 13 other workers, Don Muang Kwaeng Court, Black case no. Aor. 2769/2559, Red case no. Aor. 1353/2561 and Thammakaset Co. Ltd., v Mr. Nan Win, Criminal Court, Black case no. 3011/2561.
  154. Thammakaset Co. Ltd., v Ms. Ye Ye, Ms. Soe Young and Ms. Suthasinee Kaewleklai, Lopburi Provincial Court, Black case no. Aor. 2045/2560 and Thammakaset v Mr. Andy Hall, Bangkok South Criminal Court, Black Case No. Aor 3644/2559.
  155. Thammakaset Co. Ltd. v Sutharee Wannasiri, Criminal Court, Black Case No. 3054/2561.
  156. Thammakaset Co. Ltd., v Suchanee Cloitre, Lopburi Provincial Court, Black Case No. 118/2562.
  157. For example, Thammakaset Co. Ltd., v Angkhana Neelapaijit, Bangkok South Criminal Court, Black case no.2492/2562 and Thammakaset Co. Ltd., v Ngamsuk Rattanasatien, Criminal Court, Black case no. 1133/2562.
  158. GLJ-ILRF, Joint Open Letter: New Lawsuits Brought by Thammakaset Company Limited Against Human Rights Defenders, 14 February 2019, <https://laborrights.org/antislapp>.
  159. Human Rights Lawyers Association, Recommendations on the Protection of Those who Exercise Their Rights and Freedoms from Strategic Lawsuits Against Public Participations, October 2019, [https://th.boeell.org/sites/default/files/2020-04/Final\\_TRANS-report-SLAPP\\_A5.pdf](https://th.boeell.org/sites/default/files/2020-04/Final_TRANS-report-SLAPP_A5.pdf), p. 8. The concept of SLAPP suits has evolved over time. The term was first coined by Professors George W. Pring and Penelope Canan in their book "SLAPPs: Getting Sued for Speaking Out" in 1996, in which they defined SLAPPs as civil suits that are filed against NGOs or groups in cases concerning communications made to influence a government action or outcome in cases of public concern or social significance. George W. Pring and Penelope Canan, SLAPPs: Getting Sued for Speaking Out, Temple University Press, First Edition (1996), p. 209; see also, George W. Pring, SLAPPs: Strategic Lawsuits against Public Participation, 7 Pace Envtl. L. Rev. 3 (1989), p. 8.
  160. Ms. Annalisa Ciampi, United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, "SLAPPs and FoAA Rights: Info Note of the U.N. Special Rapporteur on the Rights to Freedom Assembly and of Association," Info Note, U.N. Office of the High Commissioner for Human Rights, <https://www.ohchr.org/Documents/Issues/FAssociation/InfoNoteSLAPPsFoAA.docx>.
  161. These considerations are drawn from Human Rights Lawyers Association, "Recommendations on the Protection of Those who Exercise Their Rights and Freedoms from Strategic Lawsuits Against Public Participations," p. 8, citing George W. Pring and Penelope Canan, SLAPPs: Getting sued for speaking out, pp. 150-151; see also Protect the Protest, "What is SLAPP?," <https://www.protecttheprotest.org/category/resource-categories/what-is-slapp/>.
  162. Human Rights Lawyers Association, SLAPP Database, <https://naksit.net/slappdatabase-center/>.
  163. ARTICLE 19, Truth Be Told: Criminal defamation in Thai law and the case for reform, March 2021, p. 16, [https://www.article19.org/wp-content/uploads/2021/03/Thailand\\_Truth\\_be\\_told\\_decriminalise\\_defamation-1.pdf](https://www.article19.org/wp-content/uploads/2021/03/Thailand_Truth_be_told_decriminalise_defamation-1.pdf).
  164. Id., pp. 16-17.
  165. Ibid.
  166. FIDH, Thammakaset Watch, <https://www.fidh.org/en/issues/human-rights-defenders/thailand-thammakaset-watch>.
  167. See generally, FIDH, Thammakaset Watch; see also HRDF, "Judicial Harassment Against Labor Rights Activists: An Analysis;" see also Fortify Rights, "Thailand: Drop Criminal Defamation Cases against Angkhana Neelapaijit and other Human Rights Defenders," 12 August 2021, <https://www.fortifyrights.org/tha-inv-2021-08-12/>; see also International Commission of Jurists, "Thailand: Drop Criminal Defamation Cases against Angkhana Neelapaijit and other Human Rights Defenders," 27 November 2019, <https://www.icj.org/thailand-icj-condemns-the-use-of-criminal-defamation-law-to-harass-angkhana-neelapaijit/>; see also U.N. Special Rapporteurs, "Thailand: judicial system abused by business to silence human rights defenders," 12 March 2020, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25714&LangID=E>; see also ARTICLE 19, Truth Be Told.
  168. Thammakaset Co. Ltd. v Tun Tun Win and 13 others, Don Muang Magistrate Court, Verdict, Black Case No. Aor 2769/2559, Red Case No. Aor 1353/2561, 11 July 2018; see also FIDH, Thailand Thammakaset Watch, <https://www.fidh.org/en/issues/human-rights-defenders/thailand-thammakaset-watch#ancr2>.
  169. Thammakaset Co. Ltd. v Tun Tun Win and 13 others, Don Muang Magistrate Court, Verdict, Black Case No. Aor 2769/2559, Red Case No. Aor 1353/2561, 11 July 2018.
  170. Thammakaset Co. Ltd. v Tun Tun Win and 13 others, Appeal Court, Verdict, Black Case No. Aor 2769/2559, Red Case No. Aor 1353/2561, 31 May 2019.
  171. FIDH, Thailand Thammakaset Watch, <https://www.fidh.org/en/issues/human-rights-defenders/thailand-thammakaset-watch#ancr2>.
  172. FIDH, Thailand Thammakaset Watch, <https://www.fidh.org/en/issues/human-rights-defenders/thailand-thammakaset-watch#ancr2>.
  173. Thammakaset Co. Ltd. v Suchanee Cloitre, Lopburi Provincial Court, Complaint, Black Case No. Aor 118/2019, 1 March 2019.
  174. Under the Thai legal system, there are two main ways in which a plaintiff can bring a case to the courts; they can (1) file a complaint with the police which is reviewed by the prosecutor's office and (2) file the complaint directly to the court. Thammakaset used both avenues.
  175. Thammakaset Co. Ltd. v Suchanee Cloitre, Lopburi Provincial Court, Verdict, Black Case No. Aor 118/2019, Aor 775/2562, 24 December 2019.
  176. Thammakaset Co. Ltd. v Suchanee Cloitre, Lopburi Provincial Court, Verdict, Black Case No. Aor 118/2019, Aor 775/2562, 24 December 2019.
  177. Thammakaset Co. Ltd. v Suchanee Cloitre, Appeal Court Region 1, Verdict, Black Case No. Aor 1407/2563, Red Case No. 2716/2563, 1 September 2020.
  178. Thammakaset Co. Ltd. v Nan Win, Criminal Court, Complaint, Black Case No. Aor 3011/2561, 8 October 2018; and Thammakaset Co. Ltd. v Sutharee Wannasiri, Criminal Court, Complaint, Black Case No. Aor 3054/2561, 12

- October 2018.
179. Thammakaset Co. Ltd. v Nan Win and Sutharee Wannasiri, Criminal Court Verdict, Black Case No. Aor 3011/2561, Red Case No. Aor 1128/2563, 8 June 2020.
  180. "Activists call for end to 'Slapp' cases," Bangkok Post, 2 April 2022, <https://www.bangkokpost.com/thailand/general/2289222/activists-call-for-end-to-slapp-cases>.
  181. FIDH, Thammakaset Watch.
  182. The Observatory for the Protection of Human Rights Defenders and FIDH, Urgent Appeal, "Thailand Judicial Harassment of Ms. Angkhana Neelapajit over defamation complaint by Thammakaset Company," 27 November 2019, <https://www.fidh.org/en/issues/human-rights-defenders/thailand-judicial-harassment-of-ms-angkhana-neelapajit-over>.
  183. The Observatory for the Protection of Human Rights Defenders and FIDH, Urgent Appeal, "Thailand Judicial Harassment of Ms. Angkhana Neelapajit over defamation complaint by Thammakaset Company," 27 November 2019, <https://www.fidh.org/en/issues/human-rights-defenders/thailand-judicial-harassment-of-ms-angkhana-neelapajit-over>.
  184. The Observatory for the Protection of Human Rights Defenders and FIDH, Urgent Appeal, "Thailand: Judicial harassment against staff of NGO Fortify Rights Ms. Puttanee Kangkun in relation to social media publications," 14 February 2020, <https://www.fidh.org/en/issues/human-rights-defenders/thailand-judicial-harassment-against-member-of-ngo-fortify-rights-ms>.
  185. FIDH, Thammakaset Watch, and The Observatory for the Protection of Human Rights Defenders and FIDH, Urgent Appeal, "Thailand: Judicial harassment against Ms. Thanaporn Saleephol," 21 April 2020, <https://www.fidh.org/en/issues/human-rights-defenders/thailand-judicial-harassment-against-ms-thanaporn-saleephol>.
  186. The official is likely referring to Mr. Andy Hall's conviction in the Natural Fruit Co. case. See "Thai Court orders defender Andy Hall's payment of 10 million baht in damages to Natural Fruit co.; companies & business associations express concern," Business and Human Rights Resource Center, 11 April 2019, <https://www.business-humanrights.org/en/latest-news/thai-court-orders-defender-andy-halls-payment-of-10-million-baht-in-damages-to-natural-fruit-co-companies-business-associations-express-concern/>.
  187. English translation of statements made by a high-ranking government official with the Ministry of Labour, Bangkok, Thailand, 13–21 February 2019. (Emphasis added).
  188. International Commission of Jurists, "Dictating the Internet: Curtailing Free Expression, Opinion and Information Online in Southeast Asia," December 2019, <https://www.icj.org/wp-content/uploads/2019/12/South-east-Asia-Dictating-the-Internet-Publications-Reports-Thematic-reports-2019-ENG.pdf>.
  189. HRDF, "Judicial Harassment Against Labor Rights Activists: An Analysis."
  190. FIDH, Thammakaset Watch.
  191. Interview with a representative of a migrant worker rights organization, 11 May 2021.
  192. International Covenant on Civil and Political Rights (ICCPR), adopted 23 March 1976, G.A. Res. 2200A (XXI), U.N. Doc. A/6316 (1966), ratified by Thailand on 29 October 1996; International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted 16 December 1966, G.A. Res. 2200A (XXI), U.N. Doc. A/6316, entered into force 3 January 1976, ratified by Thailand on 5 September 1999; Convention on the Rights of the Child (CRC), adopted 2 September 1990, G.A. Res. 44/25, U.N. Doc. A/44/49 (1990), ratified by Thailand on 27 March 1992; Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), adopted 3 September 1981, G.A. Res. 34/180, U.N. Doc. A/34/46 (1981), ratified by Thailand on 9 August 1985; and customary international law (Gillian Triggs, *International Law: Contemporary Principles and Practices* (Sydney: LexisNexis Butterworths, Second Edition, 2006).
  193. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted 9 December 1998, G.A. Res. 53/144, U.N. Doc. A/RES/53/144 (1999), [hereinafter "U.N. Declaration on Human Rights Defenders"].
  194. Constitution of the Kingdom of Thailand, B.E. 2560 (2017), arts. 28, 34, 35, 43, 44, and 57.
  195. U.N. Office of the High Commissioner for Human Rights (OHCHR), "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework," 2011, [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf) [hereinafter "U.N. Guiding Principles on Business and Human Rights"].
  196. International Corporate Accountability Roundtable (ICAR), "Defending Dissent: SLAPP Lawsuits and the Fight For Free Speech," 31 May 2018, <https://icar.ngo/defending-dissent-slapp-lawsuits-and-the-fight-for-free-speech/>.
  197. ICCPR, Art. 19; Thai Constitution, Section 34.
  198. U.N. Human Right Committee, General Comment No. 34: Article 19: Freedoms of Opinion and Expression, U.N. Doc CCRP/C/GC/34, 12 September 2011, para. 2.
  199. Freedom of Association. Compilation of decision of the Committee of Freedom of Association. International Labour Office – Geneva: ILO, 6th edition, 2018, [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---normes/documents/publication/wcms\\_632659.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---normes/documents/publication/wcms_632659.pdf).
  200. ICCPR, Art. 19(3).
  201. Thailand Constitution, arts. 4, 34, 35, and 45.
  202. ICCPR, arts. 21, 25; Thai Constitution, arts. 42, 44.
  203. U.N. Declaration on Human Rights Defenders, Article 1.
  204. *Ibid.*, Article 12. See also U.N. General Assembly, Twentieth anniversary and promotion of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedom, A/RES/72/247, 24 December 2017, available at: [https://digitallibrary.un.org/record/1467235/files/A\\_RES\\_72\\_247-EN.pdf](https://digitallibrary.un.org/record/1467235/files/A_RES_72_247-EN.pdf), which "strongly condemns the violence against and the targeting, criminalization [...] of any individuals, including human rights defenders, for reporting and seeking information on human rights violations and abuses," para. 7.
  205. Implementing the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms through providing a safe and enabling environment for human rights defenders and ensuring their protection, G.A. Res. 74/146, U.N. Doc. A/RES/74/146, 8 January 2020, para. 4.
  206. Human Rights Committee, General Comment No. 34, para. 7.
  207. Human Rights Committee, Concluding observations on the second periodic report of Thailand, U.N. Doc. CCRP/C/THA/CO/2, 25 April 2017, para. 35.
  208. *Ibid.*, para. 36.
  209. *Ibid.*
  210. International Commission of Jurists and Thai Lawyers for Human Rights, "Joint Submission to the U.N. Human Rights Committee in advance of the Committee's examination of Thailand's second periodic report under Article 40 of the Covenant," 6 February 2017, [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT\\_CCPR\\_CSS\\_THA\\_26602\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/THA/INT_CCPR_CSS_THA_26602_E.pdf).
  211. The analysis was from 1997 to May 2019 and included a total of 212 cases, 26% of which included defamation charges. See Human Rights Lawyers Association, Recommendations on the Protection of Those who Exercise Their Rights and Freedoms from Strategic Lawsuits Against Public Participations, Heinrich Boll Stiftung Southeast Asia, p. 13, <https://th.boell.org/en/2019/12/03/recommendations-protection-those-who-exercise-their-rights-and-freedoms-strategic>.
  212. Thai Criminal Code, sections 326 and 328.
  213. See International Commission of Jurists, Lawyers' Rights Watch Canada, Amicus Curiae Brief in the case of the defendant Mr. Nan Win (Black Case Number Aor.3011/2561) and Ms. Sutharee Wannasiri (Black Case Number Aor. 3054/2561), for a full human rights analysis of defamation under Thai law [hereinafter "Amicus Curiae Brief"]
  214. Human Rights Committee, General Comment 37, para. 47. See also, U.N. Human Rights Council, Report of the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression, Abid Hussain, 29 January 1999, U.N. Doc. E/CN.4/1999/64, para. 28(h): "penal sanctions, in particular imprisonment, should never be applied."
  215. Thai Criminal Code, Section 329. These exceptions include expressions made for the "protection of legitimate interests," expressions made by an "official in the exercise of his/her functions," expressions of "fair comment on a person or thing subjected to public criticism," and expressions of fair reporting on the "open proceeding of any Court or meeting."
  216. Thai Criminal Code, Section 330.
  217. International Commission of Jurists, Lawyers' Rights Watch Canada, Amicus Curiae Brief, para. 19(e).
  218. Human Rights and Development Foundation, Judicial Harassment Against Labor Rights Activists: An Analysis, p. 25.
  219. For a full legal analysis of both amended sections, see International Commission of Jurists and Human Rights Law Foundation, Re: Recommendations on draft National Action Plan on Business and Human Rights (Dated 14 February 2019), <https://www.icj.org/wp-content/uploads/2019/03/Thailand-SLAPP-Analysis-Advocacy-Analysis-brief-2019-ENG.pdf>. See also ARTICLE 19, "Truth Be Told: Criminal defamation in Thai law and the case for reform," March 2021, <https://www.article19.org/wp-content/uploads/2021/03/Thailand-Truth-be-told-criminalise-defamation-1.pdf>.
  220. Criminal Procedure Code of Thailand, Section 161/1; National Action Plan on Business and Human Rights, p. 105. The text of the Section reads in full: "In a case filed by a private complainant, if it appears to the court – or through examination of evidence called at trial – that the complainant has filed the lawsuit in bad faith or distorted facts in

- order to harass or take undue advantage of a defendant, or to procure any advantage to which the complainant is not rightfully entitled to, the court shall order dismissal of the case, and forbid the complainant to refile such case again. The filing of a lawsuit in bad faith as stated in paragraph one includes incidents where the complainant intentionally violated a final court's orders or judgments in another case without providing any appropriate reason." Act on amendment of Criminal Procedure Code (No. 34) B.E. 2562 (2019) was announced in the Royal Gazette on 17 March 2019.
221. National Action Plan on Business and Human Rights, p. 105.
222. The full text of the Section reads: "During the preliminary hearing, the defendant may submit to the court a significant fact or law which may bring the court to the conclusion that the case before it lacks merit, and may include in the submission as evidence, persons, documents or materials to substantiate the defendant's claims provided in the submission. In such case, the court may call such persons, documents or materials to provide evidence in its deliberation of the case as necessary and appropriate, and the complainant and the defendant may examine this evidence with the consent of the court." Available at [http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/020/T\\_0001.PDF](http://www.ratchakitcha.soc.go.th/DATA/PDF/2562/A/020/T_0001.PDF).
223. See International Commission of Jurists, Thailand: ICJ submits recommendations to strengthen Thailand's Anti-SLAPP Law, March 2020, available at: <https://www.icj.org/thailand-icj-submits-recommendations-to-strengthen-thailands-anti-slapp-law/>, p. 6 ("The ICJ has no knowledge of Article 161/1 having been applied to strike out any SLAPP cases. The defence lawyers the ICJ consulted also indicated that where the lawyer submitted to the court requests for an application of Article 161/1, such requests were sometime not considered by the court.")
224. Public Prosecutor Organ and Public Prosecutors Act, 2010, Section 21.
225. Working Group on Business and Human Rights, End of trip statement, 4 April 2018.
226. National Action Plan on Business and Human Rights, p. 107.
227. The UN Declaration on Human Rights Defenders recognises the legitimacy and importance of the activities of human rights defenders, including their right to participate in peaceful activities against violations of human rights, and calls on States to ensure that they can carry out their activities without fear of reprisals. Article 2 of the Declaration highlighted the responsibility of States to create all conditions necessary for all persons to enjoy the exercises of rights and freedom in practice, through adopting legislative and administrative measures.
228. U.N. Office of the High Commissioner for Human Rights (OHCHR), Guiding Principles on Business and Human Rights: Implementing the United Nations, 'Protect, Respect and Remedy' Framework, 2011, [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf). The Guiding Principles have been established as the authoritative global standards for all States and businesses with regard to preventing and addressing the risk of business-related human rights impact.
229. Guiding Principles, Principle 1.
230. U.N. Human Rights Council, Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises, U.N. Doc. A/HRC/17/31, March 2011.
231. U.N. Guiding Principles, Principle 1, commentary.
232. Thailand: U.N. experts condemn use of defamation laws to silence human rights defender Andy Hall, 17 May 2018, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23095&LangID=E>.
233. Working Group on Business and Human Rights, End of trip statement.
234. U.N. Human Rights Council, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies, U.N. Doc. A/HRC/31/66, February 4, 2016, para. 84.
235. U.N. Committee on Economic, Social and Cultural Rights, General comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities. U.N. Doc. E/C.12/GC/24, August 10, 2017, para. 16.
236. U.N. Guiding Principles, Principle 11, commentary.
237. Ibid.
238. Ibid.
239. Vienna Convention on the law of treaties, 1969 (Art. 27); Draft Articles on Responsibilities of States for Internationally Wrongful Acts, 2001 (Art. 3).
240. Ibid.
241. U.N. Guiding Principles, Principle 15.
242. U.N. Office of the High Comm'r for Human Rights, The Corporate Responsibility to Respect Human Rights: An Interpretive Guide, U.N. Doc. HR/PUB/12/02 (2012), p. 23, [http://www.ohchr.org/Documents/Publications/HR.PUB.12.2\\_En.pdf](http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf) [hereinafter Corporate Responsibility to Respect Human Rights].
243. U.N. Guiding Principles, Principle 17. (Emphasis added).
244. U.N. Guiding Principles, Principle 18(b).
245. U.N. Guiding Principles, Principle 19, commentary.
246. U.N. Guiding Principles, Principle 19, commentary. The OECD Guidelines for Multinational Enterprises similarly advises companies that appropriate responses include a range of actions, such as "continuation of the relationship with a supplier throughout the course of risk mitigation efforts; temporary suspension of the relationship while pursuing ongoing risk mitigation; or, as a last resort, disengagement with the supplier either after failed attempts at mitigation, or where the enterprise deems mitigation not feasible, or because of the severity of the adverse impact. The enterprise should also take into account potential social and economic adverse impacts related to the decision to disengage." OECD Guidelines, principle 22.
247. The list is drawn from Shared Space Under Pressure: Business Support For Civic Freedoms and Human Rights Defenders Guidance For Companies, September 2018, p. 45, <https://media.business-humanrights.org/media/documents/5e0f36fc20b47da5465a230beeb34e5ee084f30c.pdf>.
248. U.N. General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ("The Right to Remedy Principles"), G. A. Res. 60/147, U.N. Doc. A/RES/60/147, March 21, 2006, Principle 11. See also, UDHR, Art. 8; ICCPR, Art. 3.
249. U.N. Guiding Principles, The Right to Remedy Principles, Principle 18.
250. U.N. Guiding Principles, Principle 25. See also, General Comment 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, noting that the duty to protect may "give rise to violations by States Parties of those rights, as a result of States Parties' permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities." Para. 8.
251. Ibid.
252. U.N. Guiding Principles, Principle 25, commentary.
253. U.N. Guiding Principles, Principle 25, commentary.
254. U.N. Guiding Principles, Principle 22.
255. U.N. Guiding Principles, Principle 22, commentary.
256. U.N. Guiding Principles, Principle 18.
257. U.N. Guiding Principles, Principle 22.