



## Southern Shrimp Alliance

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March 7, 2013

Ambassador-at-Large Luis CdeBaca  
Director, Office to Monitor and Combat Trafficking in Persons  
United States Department of State  
2201 C St., NW  
Washington, DC 20520  
Fax: (202) 312-9637

***Re: Criminal Defamation Charges Against Labor Activist in Thailand***

Dear Ambassador CdeBaca,

The Southern Shrimp Alliance is an organization of shrimpers, shrimp unloading docks, supply companies, processors, wholesalers, and other members of the industry across the eight warmwater shrimp producing states of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Texas. Founded in 2002, the Southern Shrimp Alliance works to ensure the continued vitality and existence of the U.S. shrimp industry.

We are writing to express our grave concern over reports that criminal defamation charges have been brought against Andy Hall, a British citizen resident in Thailand, related to his activities advocating on behalf of migrant workers in Thailand.

On March 5<sup>th</sup>, the Bangkok Post published an article online (“Migrants’ Workers Advocate Sued”)<sup>1</sup> describing the criminal defamation charges brought by Natural Fruit Co. Ltd. against Mr. Hall. Per that article, this is not the first time that Natural Fruit has pursued legal action against Mr. Hall, while the consequences of this suit are potentially severe:

Mr. Hall, 32, well-known in Thailand although he was reportedly in Myanmar on Tuesday, faces charges under the Computer Crimes Act that carry penalties of up to five years in prison on each count.

In addition, the company filed a civil suit at the Nakhon Pathom Court claiming 300 million baht in civil damages caused by Mr. Hall's discussion of Natural Fruit and the migrant workers.

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<sup>1</sup> <http://www.bangkokpost.com/breakingnews/338945/british-advocate-andy-hall-sued>  
(March 5, 2013).

It is the second time Natural Fruit has instituted legal action against the British advocate. A previous suit cited interviews and allegedly libellous remarks Mr. Hall made Jan 15-21 in Bangkok, including at a panel discussion at the Foreign Correspondents' Club of Thailand (FCCT).

In a February 28<sup>th</sup> article in London's The Telegraph,<sup>2</sup> Mr. Hall described the charges as politically motivated:

"There have been official attempts to silence me, and this court case is the last stage of harassment," he said. "I think it's ridiculous to bring a court case against someone like me. It sends a very negative message to the outside world."

According to reporting by the journalist Andrew Drummond, this action comes after Mr. Hall was dismissed in January from the Institute of Population and Social Research at Mahidol University in Thailand following "meetings between fruit processing company executives and Thailand's Thai Prime Minister Yingluck Shinawatra."<sup>3</sup> Mr. Drummond reports that Mr. Hall was described as a "spy" to University officials.

The Bangkok Post article confirms reports from non-government organizations, including Front Line Defenders,<sup>4</sup> Migrant Forum in Asia,<sup>5</sup> and Finnwatch,<sup>6</sup> the organization that issued the report ("Cheap Has A High Price")<sup>7</sup> that is the subject of the criminal action. Front Line Defenders raised alarm at the news, stating:

Front Line Defenders expresses concern at the lawsuits filed against human rights defender Andy Hall, and believes them to be solely motivated by his work as a prominent migrant rights defender in Thailand, in particular his role as researcher and co-author of the above mentioned report. Front Line Defenders believes this legal action to be an attempt to silence human rights defenders in Thailand who, peacefully and legitimately, exercise their right to freedom of opinion and expression, in order to defend and promote migrant and labour rights.

For its part, the Migrant Forum in Asia "urgently" called for "The Thai government as well as international concerned stakeholders should take all means at their disposal to ensure Natural Fruit withdraws immediately all lawsuits filed against Mr. Hall."

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<sup>2</sup> <http://www.telegraph.co.uk/news/worldnews/asia/thailand/9900745/British-human-rights-activist-faces-Thai-jail-threat.html>.

<sup>3</sup> <http://www.andrew-drummond.com/2013/02/british-spy-on-run-from-thai-authorities.html>.

<sup>4</sup> <http://www.frontlinedefenders.org/node/21806>.

<sup>5</sup> <http://www.mfasia.org/home/495-solidarity-for-human-rights-activist-andy-hall>.

<sup>6</sup> <http://apu.fi/artikkeli/ananasmeihuyhtio-haastoi-tutkijan-oikeuteen>

<sup>7</sup> An English-language summary of the report is available here:  
<http://prachatai.com/english/sites/default/files/Finnwatch%20final%20report%20summary%20%28English%29.pdf>.

Ambassador Luis CdeBaca

March 7, 2013

Page 3

I have not met Mr. Hall. However, I have come to know his work both directly through his analysis and indirectly through collaboration with numerous objective third-party investigators, researchers, and reporters who have travelled to Thailand, Myanmar, and Cambodia to validate his reporting. What is striking about Mr. Hall's efforts is the extent to which he advocates on behalf of migrant workers in Thailand *in order to secure a life free from exploitation in Thailand*. Mr. Hall does not indiscriminately condemn Thai export industries; he instead appears to wish that the country's government would set its house in order thereby improving the Thai economy and the livelihoods of all who work in the Thai seafood and fruit production and processing sectors.

To our knowledge, Mr. Hall has been a leader in fairly and carefully documenting labor abuse and human trafficking in the Thai seafood processing sector without hyperbole. He and his team have spent the better part of a decade attempting to engage the Thai government to address validated, abhorrent practices without success. These threatened legal sanctions would appear to further preclude meaningful cooperation on a problem that must be resolved.

Because of Mr. Hall's pro-Thailand advocacy, the Southern Shrimp Alliance is gravely troubled by the impact that a legal action potentially resulting in a severe prison sentence and a 300 million baht damage award will have on public reporting of continuing abuse of migrant labor, including human trafficking. There can be no question that the criminal defamation suit was brought with the intent to silence an activist on issues of direct relevance to your office.

It is our understanding that the Thai government has asked to be removed from the Trafficking in Persons Report to be issued by your office this year.<sup>8</sup> We do not believe that the actions taken to punish an activist that has worked extensively on combating trafficking in persons in Thailand are consistent with that request.

Sincerely,



John Williams  
Executive Director

cc: The Honorable John F. Kerry  
United States Secretary of State  
United States Department of State  
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<sup>8</sup> The Bangkok Post, "U.S. Asked to Take Thailand Off Watch List," (March 2, 2013), <http://www.bangkokpost.com/news/crimes/338389/us-as>.