**JOINT STATEMENT**

**Freedom of Press Advocates and Civil Society Call on Thailand to Protect The Nation Newspaper**

***Nation News Agency and its Journalist Criminalized For Reporting on Problems of Thai-owned Heinda Mine in Myanmar***

Bangkok: 14 May, 2017

We, the undersigned organizations, urge the Myanmar Phongpipat Co. Ltd to immediately withdraw all criminal proceedings against Pratch Rujivanarong, journalist and the Nation News Network Co., Ltd. We urge the Thai government to protect freedom of press, decriminalize defamation, and align the 2007 Computer-related Crime Act with international law and standards, including the right to freedom of opinion and expression.

On 20 March 2017, the mining company, Myanmar Phongpipat Co., Ltd. (MPC) sued Mr. Pratch Rujivanarom, a journalist (first defendant) with the Nation News Agency (second defendant), for defamation under the Criminal Code section 59, 83, 91, 326, and 328 and violating the Computer Crime Act Section 14. We call on MPC to immediately and unconditionally withdraw all criminal proceedings against Pratch Rujivanarong and the Nation News Network Co., Ltd. In line with the UN Guiding Principles on Business and Human Rights, MPC should protect and respect human rights and remedy any adverse impacts that may be related to its operations.

MPC claims that Pratch Rujivanarom and The Nation damaged the reputation of the company when it reported on tailings from the tin mine draining directly into the river system, which is the main source of drinking water of villagers in Myaung Pyo village, Tanintharyi region, Myanmar.

Because Pratch Rujivanarom and The Nation released this information in print and online on March 1, 2017, they are now facing potential charges of criminal defamation under the Thai Criminal Code and the Computer-related Crime Act.

In the article, titled: Thai mine ‘destroyed Myanmar water sources’, Pratch quoted community members and reported first hand from Myaung Pyo, where community member’s drinking water was contaminated: “We cannot use this water, not even for watering the plants, as it flows directly from the mine,” Eyi We, a villager in Heinda said during the visit of National Human Rights Commission of Thailand.

The article also referenced research by a profound environmental engineering researcher from Naresuan University, Dr. Tanapon Penrat, who studied heavy metal contaminations and environmental toxicity in the area in 2015 based on 34 sampling points. Dr Tanapon Penrat presented his findings to the National Human Rights Commission (NHRC) Sub-Committee and NGOs at a meeting dated 22 February 2017 at the NHRC Office. The study found that water from the tailing ponds at the Heinda mine leaking into the river system was heavily contaminated with manganese, arsenic and lead. Dr. Tanapon Penrat’s research showed that there is from 53 up to 600 times higher than safe levels of Manganese was found in the water samplings near by the mine, which is the main source of village’s drinking water.

The complaints and charges against Pratch Rujivanarom and The Nation represent an overly broad application of criminal law which violates the right to freedom of expression. Criminalizing free expression creates a chilling effect on the media and human rights defenders whose reporting, not least of environmental and human rights issues, essentially serves the public interest. The right to freedom of expression is protected under Article 19 of the International Covenant on Civil and Political Rights (ICCPR), to which Thailand is a state party. Under international law, restrictions on freedom of expression are permissible only when provided by law, proportional, and necessary to accomplish a legitimate aim.

If convicted of criminal defamation under Section 328 of the Thai Criminal Code and Section 14 of the 2007 Computer Crime Act, The Nation journalist would face up to five years’ imprisonment, 200,000 Thai Baht (US$5,600) in fines, or both.

We are concerned about the use of criminal defamation laws and the Computer Crime Act to restrict the right to freedom of opinion and expression in Thailand, as well as to intimidate human rights defenders and journalists. We condemn the use of criminal defamation laws to threaten journalists and project affected communities as Strategic Litigation Against Public Participation (SLAPP).

Imprisonment for defamation is a disproportionate restriction on the right to freedom of expression and never an appropriate form of punishment for defamation, according to the United Nations Human Rights Committee, the expert body charged with overseeing the implementation of the ICCPR. Thailand should immediately decriminalize defamation and reject proposed amendments of the 2007 Computer Crime Act which have raised human rights concerns.

The right to freedom of opinion and expression is foundational for any society. These freedoms promote transparency, accountability, and the protection of other human rights. Thailand will only benefit when human rights defenders, journalists, and the media are allowed to practice their professions peacefully and carry out activities without fear of intimidation or judicial harassment.

Human Rights Defenders are active in support of human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination. A duty to gather information, report on human rights violations and monitor projects and activities that impacted local communities and the environment are responsibilities of human rights defenders which should be protected by states. SLAPP should not be used to stop those who defend their rights and the rights of others.

THAILAND

Organizations

1. Reporters Without Borders
2. เสมสิกขาลัย Spirit in Education Movement (SEM)
3. Earth Rights International
4. มูลนิธิศูนย์ข้อมูลชุมชน Community Resource Centre Foundation
5. โครงการฟื้นฟูนิเวศในภูมิภาคแม่น้ำโขง TERRA
6. สมาคมพิทักษ์สิทธิชุมชนเขาคูหา Kaokuha Community Rights Protection Association
7. มูลนิธินิติธรรมสิ่งแวดล้อม EnLaw
8. Focus on the Global South
9. มูลนิธิสืบนาคะเสถียร Seub Nakasatien Foundation
10. กลุ่มจับตาปัญหาที่ดิน Land Watch Thai
11. Sustainable Agriculture Foundation Thailand
12. มูลนิธิผสานวัฒนธรรม Cross Cultural Foundation
13. เครือข่ายเกษตรกรรมทางเลือก Alternative Agriculture Network
14. สมาคมส่งเสริมสิทธิมนุษยชนและสิ่งแวดล้อม Human Rights and Environment Promotion Association
15. โครงการขับเคลื่อนนโยบายสาธารณะด้านทรัพยากรแร่ Campaign for Public Policy for Mineral Resources
16. โครงการพัฒนาคนรุ่นใหม่เพื่อการเปลี่ยนแปลงสังคม Young Leadership for Social Change Program
17. องค์กรแม่น้ำนานาชาติ Internatioanl Rivers
18. เครือข่ายประชาชนไทย 8 จังหวัดลุ่มน้ำโขง The Network of Thai People in Eight Mekong Provinces
19. Mymekong.org
20. กลุ่มศึกษาข้อตกลงเขตการค้าเสรีภาคประชาชน (FTA Watch)
21. International Accountability Project (IAP)
22. มูลนิธิบูรณะนิเวศ Ecological Alert and Recovery - Thailand
23. ศูนย์ศึกษากะเหรี่ยงและพัฒนา [Karen Studies and Development Centre)](https://www.google.co.th/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwj0lZeAp-7TAhVDt48KHR3KByMQFgggMAA&url=http%3A%2F%2Fwww.geocities.ws%2Fklity_creek%2Fdata%2Fklityhaslead.htm&usg=AFQjCNGOWRU1txHV7JWkt9tRG-rwZzhTTw)
24. กลุ่มรักษ์เชียงของ Chiang Khong Conservation Group

**Individual**

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7. นายสุวิทย์  กุหลาบวงษ์ Suwit Kularbwong
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13. ประสาท นิรันดรประเสริฐ Prasat Nirundornprasert
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15. อำนาจ เกตุชื่น Amnat Ketchuen
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17. ญาศศิภาส์ สุกใส Yasasipa Suksai
18. ชวิศา อุตตะมัง Chawisa Uttamang
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20. ทวีศักดิ์ เกิดโภคา Taweesak Kerdpoka
21. รพีพัฒน์ มัณฑนะรัตน์ Rapeepat Mantanarat
22. จารยา บุญมาก Jaraya Boonmark
23. ลัลธริมา หลงเจริญ Lantharimar Longcharoen
24. จิตติมา ผลเสวก Jittima Pholsawek
25. สาธิต รักษาศรี Satit Raksasri
26. วิชัย จันทวาโร Wichai Juntavaro
27. จักรกริช ฉิมนอก Chakkrit Chimnok
28. นฤมล ทับจุมพล Assistant Professor Dr.Narumon Thabchumpon
29. สายัณห์ ชื่นอุดมสวัสดิ์ Sayan Chuenudomsavad
30. อารีวัณย์ สมบุญวัฒนกุล Areewan Sombunwatthanakun

ประเทศพม่า

1. Myanmar ICT for Development Organization (MIDO)
2. IFI Watch Myanmar
3. Dawei Watch
4. Dawei Research Association (DRA)
5. Dawei Probono Lawyer Network (DPLN)
6. Tavoyan Women's Union
7. Dawei Development Association (DDA)
8. Tarkapaw Youth Group
9. Dawei Farmers' Union
10. Human Rights Watch (Dawei)
11. Karen Environmental and Social Action Network (KESAN)
12. Karen River Watch
13. Save the Salween Network
14. Burma Environmental Working Group
15. Association of Labor right defender
16. Kyunsu Youth Network
17. IFI watch (Kyunsu)
18. 88 Generation Open and Peace Society (Myeik)
19. ေတာင္သူလယ္သမားမ်ားနွင္႔ ေျမယာလုပ္သားမ်ားသမဂၢ ( ျမိတ္ခရိုင္)
20. Green Network Mergui Archipelago
21. ပဲခူးတိုင္း MATA အလုပ္အဖြဲ႕
22. Political and Civil Engagement Group (PACE-G)
23. ျမစ္မခေစာင့္ၾကည့္ေရးအဖြဲ႕
24. Public Network
25. မ်က္၀န္းသစ္ အသိပညာရပ္၀န္း
26. ေရႊရိပ္စစ္ အဖြဲ႕
27. ေရႊက်င္ခ်စ္သူအဖြဲ႕
28. ရိုးမခ်စ္သူ အဖြဲ႕
29. Edu-Wave Foundation
30. ေမာ္ကြန္းသစ္ အရပ္ဘက္လူမႈအဖြဲ႕အစည္း
31. အလင္းေစတမာန္ ေဒသဖြံ႕ၿဖိဳေရးအဖြဲ႕
32. သဲကုန္းလူငယ္အဖြဲ႕ခ်ဳပ္
33. Thuriya Sandra Environmental Watch Group
34. Chinland Natural Resources Watch Group
35. Mwetaung Area Development Group
36. Community Response Group
37. Ayearwaddy West Development Organization (AWDO) (Magway Region)
38. Satotetayar Development Orginization (SDO) (Magway Region)
39. Pwinphu Development Organization-PDO(Magway Region)
40. AWDO (Ngaphe)
41. လြတ္​လပ္​​ေသာအရိႈခ်င္​းမ်ားအင္​အားစု (နတ္​​ေရကန္​​ေတာင္​ထိန္​းသိမ္​း​ေရး) ငဖဲ။
42. ရိုးမခ်င္​းအဖဲြ႕ (​ေစတုတၲရာ)။
43. ေက်းလက္​လူငယ္​ကြန္​ယက္​ (​ေစတုတၲရာ)
44. Myanmar-China Pipeline Watch Committee
45. Peace & Open Society  Kyaukse Township
46. Myanmar Alliance for Transparency & Accountability Mandalay Division
47. Mong Pan Youth Association
48. လူထုမဟာမိတ္ ( ရွမ္းျပည္ )
49. Alin Ein Development Centre
50. Green Memo alternative newsletter
51. ေရွ႕ေျပးအသံ အဖဲြ႔
52. Twantay Youth
53. Land in our hand
54. Environmental Conservation And Farmers Development Organization E.C.F.D.O(Southern Shan)
55. Farmers And Land Workers Union (Myanmar)
56. ေပါင္းကူး