

WHAT IS SLAPP & WHY YOU SHOULD CARE

PRESENTED BY
HUMAN RIGHTS
LAWYERS
ASSOCIATION
& ILAW

SILENCING
VOICES
IN
THAILAND
AND
THE
REST
OF
THE
WORLD

SLAPP: Strategic Lawsuits Against Public Participation

These are lawsuits filed against individuals or groups who voice concerns about issues affecting their communities, e.g. illegal working conditions, environmental impact or police brutality. The plaintiff, or SLAPPer, is usually the government or a corporation, which uses existing laws on the books – like defamation – to intimidate people who legitimately express their concerns.

A SLAPP is an abuse of the law in an effort to silence critics. Because SLAPPers use existing laws, sometimes it's hard to tell what's a SLAPP and what's not. A telltale sign: if a case affects an issue of public concern – it's a SLAPP.



Speaking up = jail time

Most countries have defamation laws. They protect people when damaging or inaccurate information is spread about them. Thailand stands out because it has criminal defamation laws. This means that public criticism could lead to jail time. Over the last twenty years, the vast majority of SLAPP cases have had criminal charges, which have the most severe consequences.

Thailand stands out because it has criminal defamation laws.

MOST SLAPP CASES HAVE CRIMINAL CHARGES¹

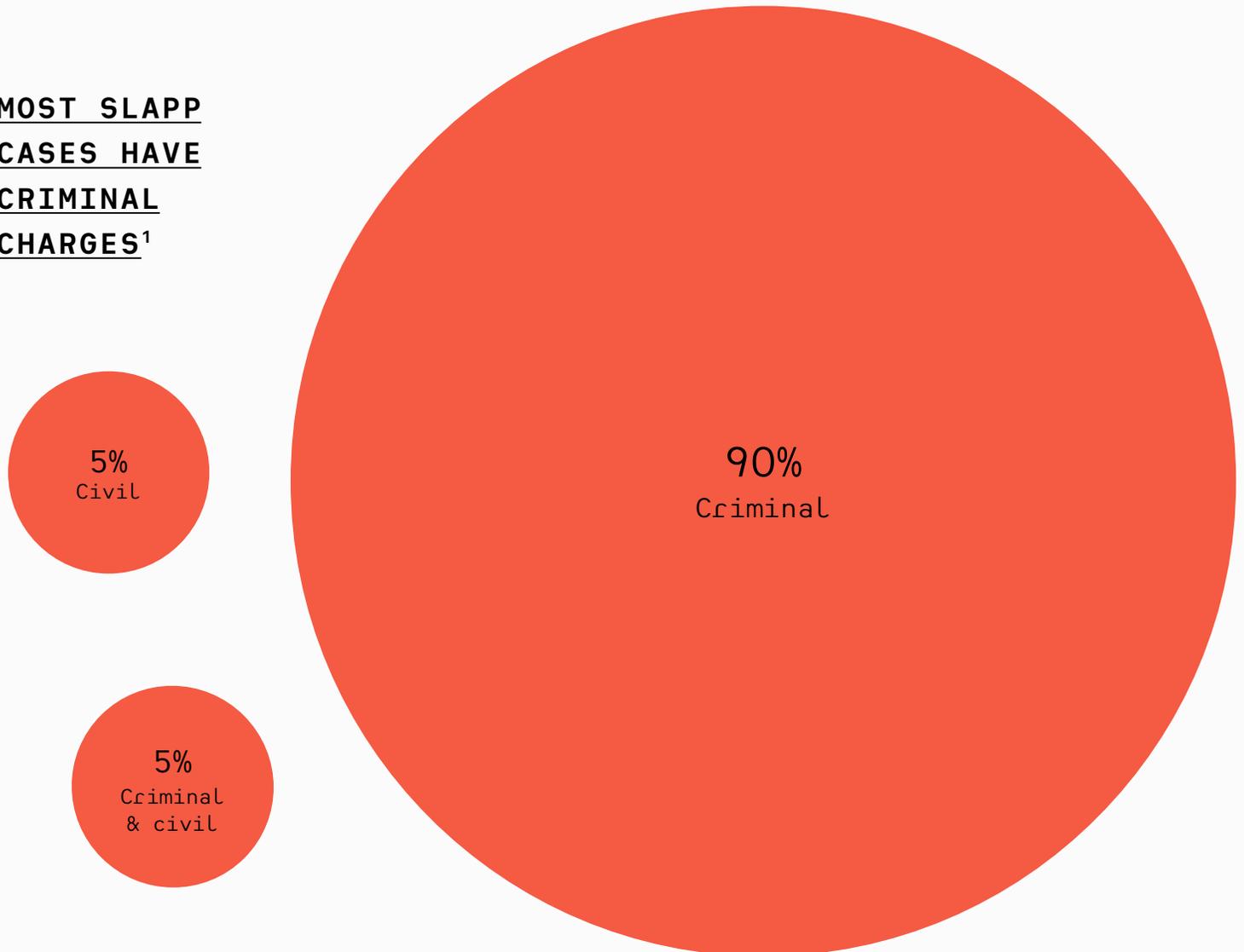


Figure shows the percent of total Thai SLAPP cases between Jan 1997 through May of 2019 associated with criminal charges, criminal and civil charges, or civil charges only. 1. HRLA "Overview of SLAPP cases collected from 1997 to 31 May 2019," Recommendations on the Protection of Those who Exercise Their Rights and Freedoms from Strategic Lawsuits Against Public Participations, p. 10

Critical change-makers are the most vulnerable

Political activists, journalists, community leaders, human rights defenders and even academics are especially vulnerable to SLAPP. These people are more important than ever in Thailand.

Thailand is providing a model to silence critics around the globe.

SLAPP cases & the wealth gap

Since 1997, and especially after the 2014 military coup, SLAPP cases have been on the rise. Wealth has increasingly concentrated in a small group while inequality has also skyrocketed, creating record-high numbers of vulnerable populations. The richest 1% own almost two-thirds of the entire country's wealth. It's the largest wealth gap in the world.

SLAPP CASES INCREASE² AS INEQUALITY GROWS³

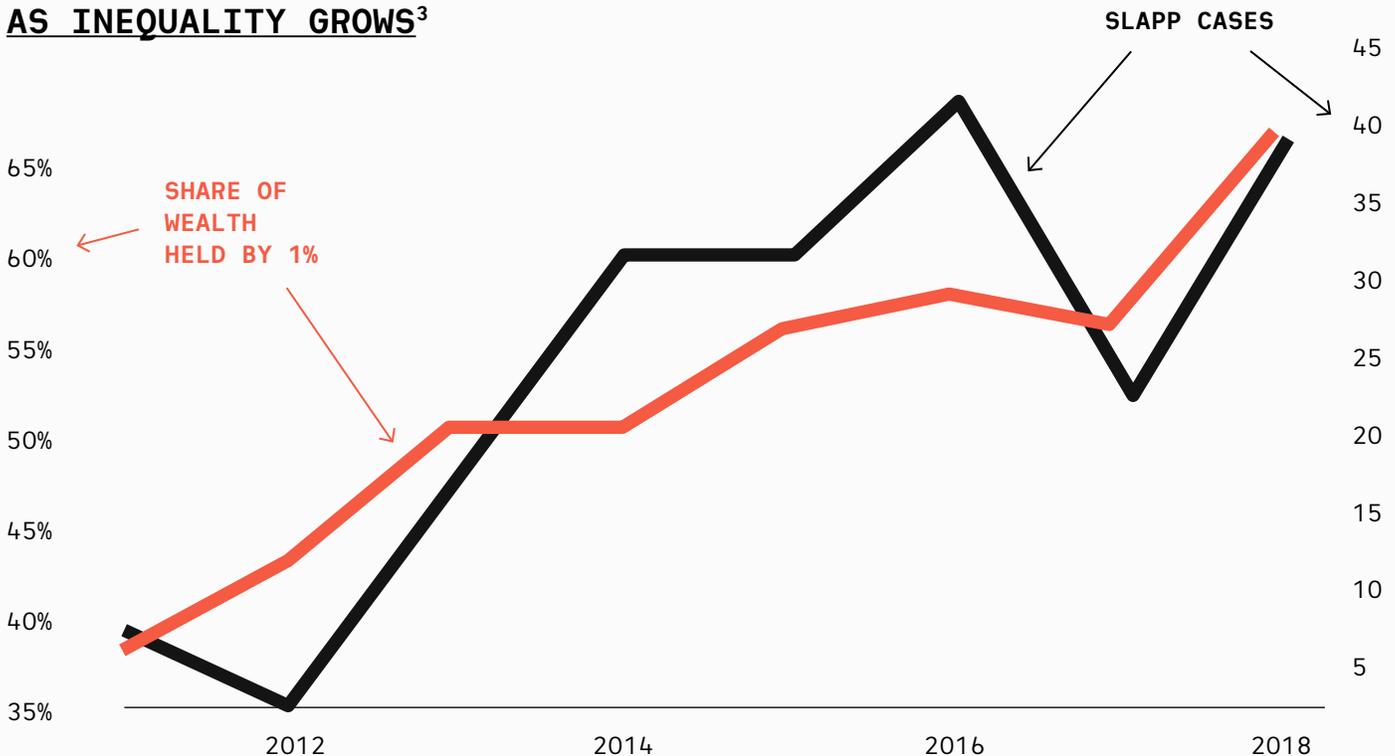


Figure shows the number of total annual Thai SLAPP cases between 2011 through 2018 (HRLA, 2019) and the % of total wealth held by the top 1% of the Thai population (Credit Suisse, 2011 - 2018). 2. HRLA "SLAPP cases from 1997 to 31 May 2019," Recommendations on the Protection of Those who Exercise Their Rights and Freedoms from Strategic Lawsuits Against Public Participations, p. 9; 3. Credit Suisse, "Share of wealth held by 1%, 2011 - 2018," The Global Wealth and Data Book



It's a growing, global issue

SLAPP cases aren't unique to Thailand. They are a legal maneuver that stem from a desire to squash opposition and criticism, and thrive when left unchecked.

In the UK, millionaire Arron Banks has sued independent journalist Carole Cadwalladr for her exposé on Cambridge Analytica's role in Brexit.

Thailand is providing a model to silence critics around the globe. As the world's wealthy consolidate their power, SLAPP cases – and the number of people at risk of facing judicial harassment – are rapidly increasing.

It's a legal maneuver that stems from a desire to squash opposition and criticism, and thrives when left unchecked.

Who are the SLAPPers?

Primarily the Thai government. But out of 212 cases, 59 of them were brought by private corporations.

Who can get SLAPPed?

Almost anyone. About 1 in 4 SLAPP victims are political activists. But everyone from white collar professionals to migrant workers can be targets.

SLAPP CASE EXAMPLES:

- ▶ A community leader collected signatures to oppose a new sugar factory that would impact access to their community's roads and water. The sugar manufacturer sued them.
- ▶ A journalist posted a single tweet promoting a news story about an ongoing labour rights dispute. She is currently facing criminal defamation charges brought by a poultry company.
- ▶ Migrant workers in a chicken farm reported labour rights abuses to the authorities. They are facing multiple criminal charges including defamation brought by the same poultry company.

SLAPP'S MOST LIKELY TARGETS⁴

All are at risk

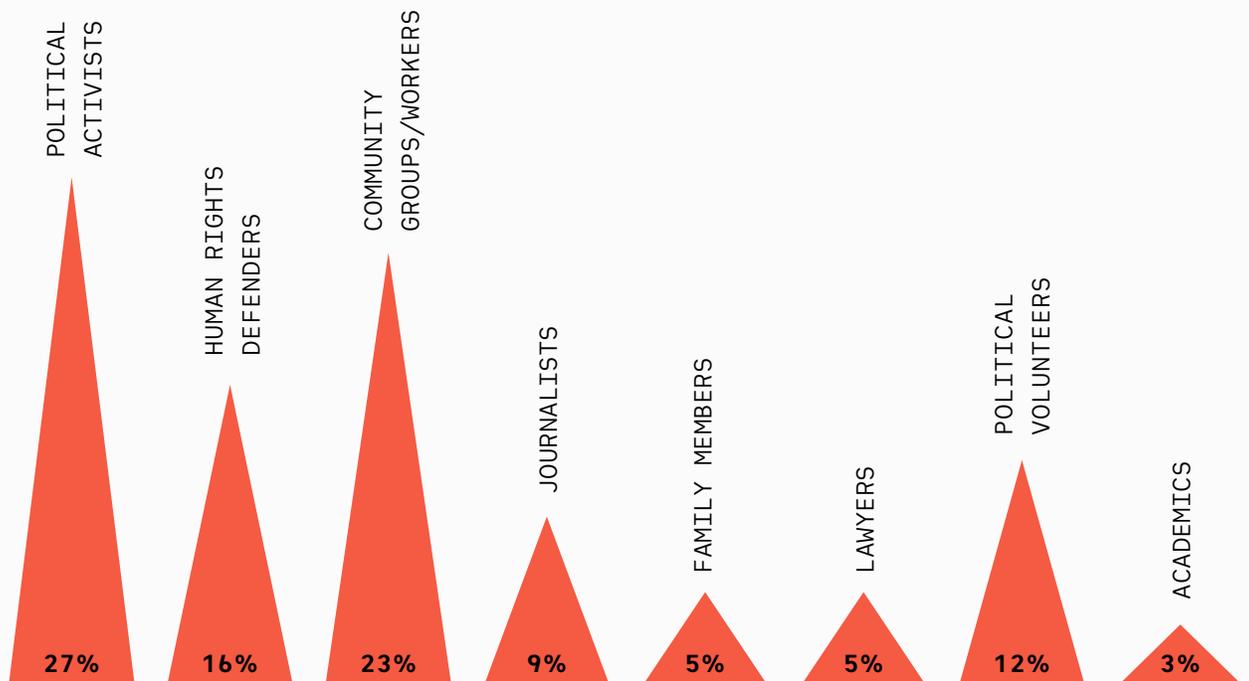
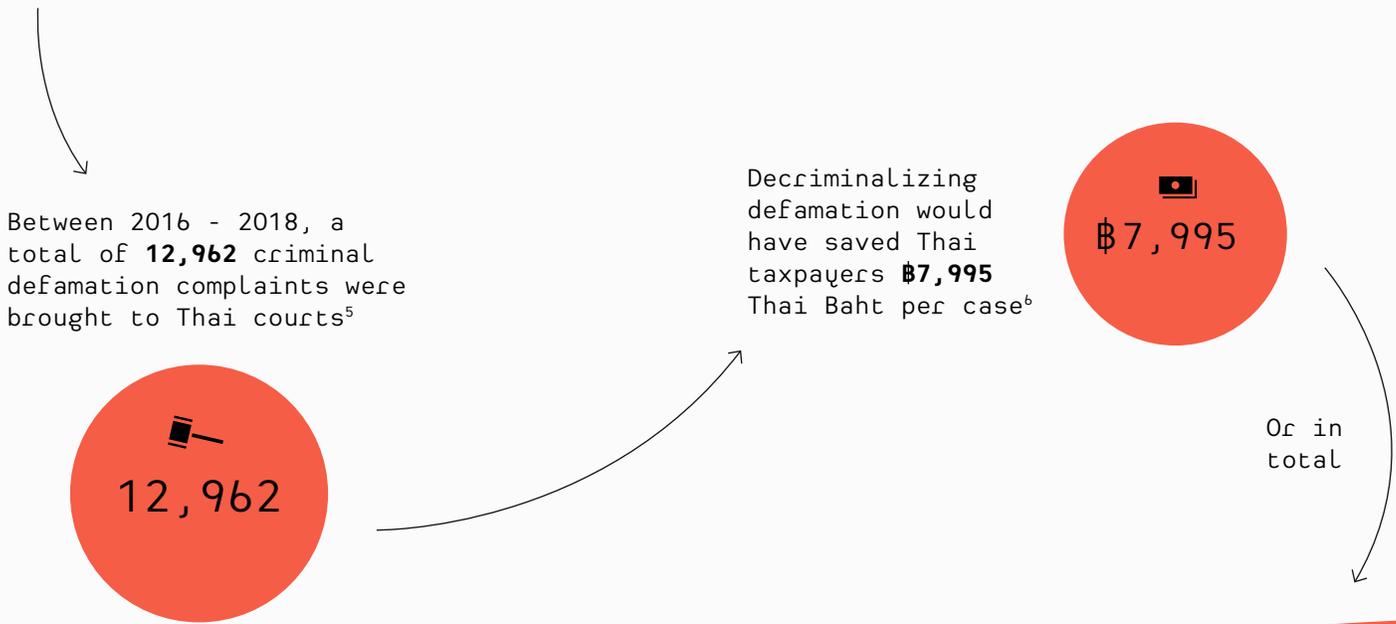


Figure shows the profession of defendants in every Thai SLAPP case documented by HRLA from Jan 1997 to May of 2019. 4. HRLA, "Persons at risk of being a target for lawsuits," Recommendations on the Protection of Those who Exercise Their Rights and Freedoms from Strategic Lawsuits Against Public Participations, p. 12

SLAPP cases don't just punish activists

They intimidate the entire public from speaking out. In this way, SLAPP has a chilling effect on free expression that spreads across Thai society. **And it comes at a price for taxpayers too.** Criminal cases are expensive. Wealthy corporations are suing whistle-blowers and activists, using public resources including public investigators, prosecutors and court officials.

CASES COST
TAXPAYERS
MILLIONS
OF THAI
BAHT*



5. Information and Statistics Unit, Bureau of Planning and Budgeting, Office of the Court of Justice; 6. Somkiat Tangkitvanich and others, "Economic Analysis of the Thai Criminal Justice System," Thailand Science Research and Innovation, p.68.

The actions don't match the punishment

The most common offense is social media activity.
A quarter of cases involve online expression.

SLAPP CASES RANKED⁷

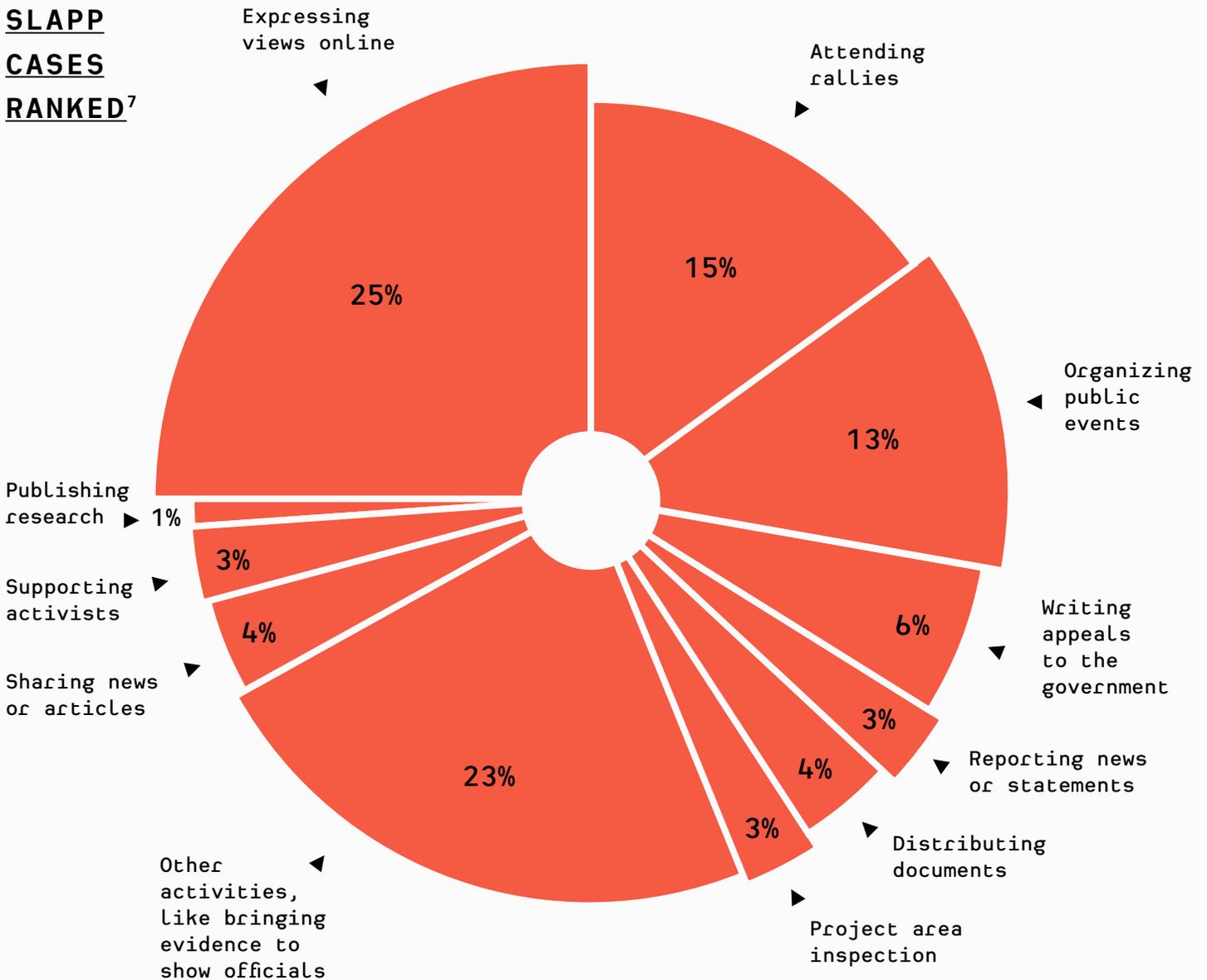


Figure shows the offending activity(ies) cited in every Thai SLAPP case documented by HRLA from Jan 1997 to May of 2019. 7. HRLA, "Actions at risk of lawsuits," Recommendations on the Protection of Those who Exercise Their Rights and Freedoms from Strategic Lawsuits Against Public Participations, p. 12

Why should SLAPP be stopped?

Decriminalizing defamation will serve the public good, saving Thai taxpayers millions while empowering ordinary people to speak out on issues of critical importance.

The impact of SLAPP

- ▶ It silences critical debate.
- ▶ It leaves corporate and state power unchecked.
- ▶ It marginalizes disadvantaged and vulnerable groups.
- ▶ It costs taxpayers money.
- ▶ It sets a dangerous precedent for the rest of the world.



How can I help?

Share this report. We need to support those who are brave enough to defend their communities. There are organizations working on the ground to defend these brave advocates. Join us to support an amendment of defamation laws and stop the war against free speech.

Follow their work here:

[Human Rights](#)

[Lawyers Association](#) ↘

[iLaw](#) ↘

For more information about SLAPP and recommended solutions, please read the full HRLA report [here](#).

