



Royal Norwegian Embassy
Bangkok
THAILAND

Att: Ambassador

Your ref.

Our ref.
2017002367-89/873.1/NIMJ

Date:
Oslo, 30.10.2019

Trial of 13 trade union leaders from the Railway Workers' Union in Thailand

The Norwegian Confederation of Trade Unions (LO-Norway) would like to draw your attention to an urgent trial of thirteen trade union leaders in Thailand. We are requesting your prompt action by sending trial observers to the hearing scheduled for 11 November in Bangkok.

We have been informed through the International Trade Union Confederation and the International Transport Workers' Federation that thirteen leaders of State Railway Union of Thailand (SRUT) will be summoned for a second hearing on 11 November at the Central Criminal Court for Corruption and Misconduct Cases in Bangkok. The corruption litigation was filed by State Railway Thailand (SRT) with the Office of the National Anti-Corruption Commission (NACC) in 2009 against the union leaders for negligence of official duties in the occupational safety and health initiative they took in 2009. The work stoppage was staged to demand safety operations and measures after the fatal train accident which killed seven people in Hua Hin in 2009.

The union leaders were bailed at Baht 100,000 (US\$3,304) each after the first hearing on 8 November. If found guilty, they may face a sentence of up to five years' imprisonment, a fine of Baht 20,000 (US\$660), as well as termination by the SRT. The NACC wrongfully used its mandate to entertain the corruption litigation to undermine legitimate trade union activities and the principle of freedom of association.

The thirteen SRUT leaders are Wirun Sakaekum, Prachaniwat Buasri, Nittinai Chaiyaphum, Sorawut Phothongkam, Thawatchai Boonwisoot, Saroj Rakchan, Sawit Kaewwan, Thara Sawangtham, Liam Mokngam, Pinyo Ruenphet, Arun Deerakchat, Bunjong Bun-net and Supichet Suwanachatri.

In another damage claim filed by the company, seven SRUT leaders are being made to pay off a fine of Baht 24 million (US\$726,116) in total to SRT for the 2009 initiative. Since last November, their monthly salaries have been deducted upon the writ of execution handed down by the Supreme Labour Court.

The Committee of Freedom of Association of the International Labour Organisation (ILO), in its last report on the SRUT case (No.3022, March 2019), reiterated that the punishments and criminal prosecution to imprisonment of the SRUT leaders for exercising their right to strike and organise trade union activities contravene ILO Convention No. 87 on freedom of association.

None of the Committee's recommendations given out since 2014 have been implemented by the government, namely: drop the charges against the 13 SRUT leaders at the Central Criminal Court for Corruption and Misconduct Cases; urge the SRT to withdraw the fines and reimburse the seven SRUT leaders for monies deducted; ensure that they receive full compensation for lost wages and benefits which they have not received since their reinstatement; abrogate section 33 of SELRA, and amend section 77 of SELRA and article 166 of the Penal Code for conformity with the principles of freedom of association.

The judicial harassment of the SRT against the trade union leaders runs contrary to the commitment pledged by the government of Thailand to respect international labour standards and its international obligations. Given the gravity of the situation, we request your prompt action with the government of Thailand by issuing a statement and sending observers to the trial of the SRUT leaders at Central Criminal Court for Corruption and Misconduct Cases in Bangkok on 11 November.

We will provide you with more information about the case and the contacts of the SRUT in Bangkok for liaison.

Yours sincerely

THE NORWEGIAN CONFEDERATION OF TRADE UNIONS

International Department



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CC: Ministry of Foreign Affairs, Oslo