



PRESS RELEASE

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Thailand: ARTICLE 19 condemns Tesco's Multiple Defamation Suits

ARTICLE 19 condemns Tesco's tactic of issuing defamation writs against those who dare to criticise its aggressive expansion plans in Thailand. A third suit was launched recently, adding to two others lodged in November 2007 and February this year. In all three cases, the main thrust of the statements has been to condemn Tesco's expansion in Thailand and to lament the impact this is likely to have on local businesses.

"Tesco is clearly abusing its power with a view to silencing its critics," said Dr. Agnès Callamard, Executive Director, ARTICLE 19. *"This is completely unacceptable behaviour for a corporate giant such as Tesco, which has ample means at its disposal to respond to these criticisms."*

In November 2007, Tesco brought a case against Jit Siratranont, a former Thai MP who is currently vice secretary general of the Thai Chamber of Commerce, for a speech to university activists claiming that Tesco Lotus, the trading name of Tesco in Thailand, had 'aggressive' expansion plans which threatened local businesses. A second case was lodged in February 2008 against Kamol Kamoltrakul for statements containing similar claims that he published as a guest columnist in *Krungthep Turakij*, a leading local Thai-language daily. A third case has now been brought against Nongnart Harnwilai, again for similar statements also made in *Krungthep Turakij*, where she is a staff reporter. Kamol also alleged that Tesco Lotus used creative accounting to avoid paying local taxes, reminiscent of a case Tesco has brought in the UK against the *Guardian* newspaper, which criticised the company's offshore tax systems.

Tesco claims it is merely seeking to defend its reputation, but this is belied by the massive damage awards it is seeking. Kamol and Nongnart face claims of approximately \$3.3 million, while Tesco Lotus is seeking around \$33 million from Jit, who also faces up to two years' imprisonment if found guilty. A victory with nominal damages would suffice to restore the company's reputation.

ARTICLE 19 recognises that in highly exceptional cases involving malicious lies it might be legitimate for a large corporation to bring a defamation case but, as powerful public actors, such corporations are required to tolerate a greater degree of criticism than ordinary citizens. In this case, Tesco should seek to respond to the criticism, rather than to bring multiple defamation cases.

NOTES TO EDITORS:

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- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.