



# Media Alert

For Immediate Release

30 July 2020

## Cambodia: Appeal Court set to rule on Southeast Asia’s first transboundary class action into human rights abuses

*Will the Thai courts uphold Business and Human Rights standards as recommended by the [National Human Rights Commission of Thailand](#) and [The National Action Plan on Business and Human Rights](#)?*

On Friday, 31 July 2020, the Bangkok South Civil Court will deliver a landmark decision on an appeal for class action status in the case of Hoy Mai & Others vs. Mitr Phol Co. Ltd. The transboundary class action lawsuit is a first of its kind in the Asian region and pits Cambodian farmers against Thai multinational Mitr Phol. This *David vs Goliath* case will define access to justice for litigants in the Thai system and for corporate accountability in the region.



In 2008 and through 2009, plaintiffs Hoy Mai and Smen Tit were violently forced off their land in Cambodia to make way for a sugar plantation operated by Asia’s largest sugar producer, Mitr Phol<sup>i</sup>. They had their homes and belongings burned, and were threatened with physical violence and jail when they resisted. Hoy Mai spent eight months in jail, where she gave birth to a son. For Hoy Mai and Smen Tit, a class action is the only opportunity to access justice for human rights abuses and for the group of over 700 indigent Cambodian farming families that they represent.

*“Class action status is essential to protect the rights of these vulnerable Cambodians. Provision of class status will set a strong legal example showing that big corporates will be held accountable to the harms caused by their operations no matter where they are,”* Eang Vuthy, Executive Director Equitable Cambodia.

For Thailand and the larger Southeast Asian region, a class action lawsuit and its usage in transboundary cases to protect some of the region’s most vulnerable people is a novel test. It would determine Thailand’s commitment to its National Action Plan on Business and Human Rights, which specifically provides access to justice in Thailand, including the right to remedy and protection related to transboundary operations. A background on the lawsuit can be found [here](#) by Al Jazeera and [here](#) by the National Human Rights Commission of Thailand.

*“This case is a real test of whether Thailand’s justice system is just for domestic cases or for everyone who seeks remedy, including trans-boundary cases. It’s an opportunity for Thailand to show the Thai people and*



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*the international community that Thailand will uphold human rights and dignity and demand for the best business practice," Sor.Rattanamanee Polkla, Lawyer of Community Resource Centre Foundation.*

The decision hearing will occur on:

**9am, Friday 31 July**

**Bangkok South Civil Court**

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Note: Due to Covid-19 restrictions the plaintiffs will not be in attendance but civil society actors in Thailand and other interested parties will be present. The plaintiff and Cambodian civil society actors will be available by telephone.

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<sup>i</sup> <https://www.bangkokpost.com/business/1555034/mitr-phol-targets-q4-opening-in-china>



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