



มูลนิธิเพื่อสิทธิมนุษยชนและการพัฒนา (นสพ.)
Human Rights and Development Foundation

เลขที่ 109 ซอยสิทธิชน ถนนสุทธิสารวินิจฉัย แขวงสามเสนนอก เขตห้วยขวาง กรุงเทพฯ 10310
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Press Release

Trang Provincial Court sentencing President of Provincial Fishery Association of Trang and five others to 14 years as well as ordering them to provide compensation to survivors of trafficking in fishing boat, while convicting and fining Boonlap Fishery Limited Partnership on being complicit in trafficking charges

On 17 March 2017, the Provincial Court of Trang ruled in the case indicted against Miss.Sao or Mrs. Somjit or Mae Saw Srisawang and others, altogether 10, and Boonlap Fishery Limited Partnership, a legal entity, in the Black Case no. KM 1/2559 for procuring, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception, abuse of power against the 15 migrant workers from Myanmar causing them to fear for their lives, bodies and freedoms (as per <http://hrdfoundation.org/?p=1497>).

The Provincial Court of Trang’s ruling can be summarized as follows;

1. Mrs. Somjit or Mae Saw Srisawang, Mr. Phaiwong Chaiphonrit, Mrs. Mae Mew and Miss Kallayani Chum-in have all acted as an agent to persuade the injured parties to work on fishing boat at the fish market belonging to Boonlap Fishery Limited Partnership. The company had Mr. Somphon Jirojmontri, as the Managing Partner. The 15 persons were housed in confined place under captivity with guards to prevent their escape. The injured parties had also incurred a shocking amount of debt which had been used to force them to work on the fishing boat belonging to the Boonlap Fishery Limited Partnership with Mr. Prawit Kimsai, as the captain who had instructed them to work for him. All the wages paid to them were simply held back by Mrs. Mae Saw and others.
2. As to the case against Mr. Somphon Jirojmontri, aka “Ko Nang” as employer of the injured parties, he was the Managing Partner and was responsible for disbursing the wages to the injured parties. However, during the disbursement of the wages, he would always allow the presence of Mrs. Mae Saw and others in his office. Therefore, Mr. Somphon must be aware of the culpable acts of all the concerned parties and he must have a mutual interest in doing so. And any act executed by Mr. Somphon could be taken as his work on behalf of the company, so it could be presumed that his acts had a legal binding to the company.
3. Therefore, the Court has found the acts of Mr. Somphon Jirojmontri, aka “Ko Nang” and others an offence for using arms to force someone else, for detaining other persons or depriving them of liberty, for forcing someone into slavery, and for being complicit in the commission of the trafficking in labours with three persons and upward involved as per the Penal Code and the Anti-Trafficking in Persons Act B.E 2551 (2008). The Court has found them guilty and sentenced six of them including Mr. Somphon Jirojmontri, Mrs. Somjit Srisawang, Mr. Phaiwong Chaiphonrit, Mrs. Mae Mew, Miss Kallayani Chum-in and Mr.Prawit Kimsai to 14 years each and ordered them to provide compensation to the injured parties for the amount of 1,992,000 Baht. The Court also fined Boonlap Fishery Limited Partnership for 600,000 baht (57,176USD). In addition, Mr. Phaiwong Chaiphonrit, will have to do one more year in the prison for carrying firearms without permission.
4. As to the four remaining defendants including the boat captain, and the security guards of Boonlap Fishery Limited Partnership, the Court have dismissed the case against them given

insufficient incriminating evidence to hold them accountable for the offence against the injured parties including fishing workers.

Meanwhile, the Assistant to the Coordinator of the Human Rights and Development Foundation (HRDF)'s Anti Human Trafficking in Labour Project, Ms. Kanchana Akkarachart, she has found the verdict significant precedent for a rescue mission of the fishing workers who have become trafficking survivors through forced labour in the form of debt bondage. Until now, there had been no judicial verdicts on the issue of debt bondage as succinct as the verdict a few days ago. The verdict in this case can be a case study for government officials working to help the trafficking survivors and to hold the trafficking perpetrators accountable for their acts. The verdict also reflects an amendment made in 2017 to the Anti-Trafficking in Persons Act B.E 2551 (2008) as debt bondage has since been added as a form of exploitation through forced labour. The amendment was also made to enable compliance with the ASEAN Convention Against Trafficking in Persons which has been ratified by Thailand since 24 July 2016. Since then, Thailand has given a pledge and determination to combat trafficking in persons by declaring a priority the prevention and suppression of trafficking in persons and promoting an effort at the ASEAN region level for the prevention and suppression of the problem.

Background

On 21 October 2015, staff of the Anti Human Trafficking in Labour Project, Department of Special Investigation (DSI) and local police forces and civil society organizations have combined force to rescue 15 fishing workers from Myanmar who had pleaded for help to CSOs. Initially, it was reported that they had been held captive, subjected to physical violence and been denied their full wages. With the investigation and corroboration of evidence by the authorities, the local police, DSI and the Anti-Money Laundering Office (AMLO) have been able to make an arrest against Mr. Somphon Jirojmontri, aka "Ko Nang", the Managing Partner of the Boonlap Fishery Limited Partnership and others on 7 November 2015 on charges concerning the trafficking against three persons and upward, an offence against the Anti-Trafficking in Persons Act B.E 2551 (2008). The 15 trafficking survivors have later appointed an attorney supported by HRDF to give them legal advice and legal representation including to submit a request to become co-plaintiffs in this case.

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