



**มูลนิธิเพื่อสิทธิมนุษยชนและการพัฒนา (มสพ.)**  
**Human Rights and Development Foundation**

เลขที่ 109 ซอยสิทธิชน ถนนสุทธิสารวิจิตร แขวงสามเสนนอก เขตห้วยขวาง กรุงเทพฯ 10310  
109 Soi Sitthichon, Suthisarnwinichai Road, Samsennok, Huaykwang, Bangkok 10310  
Tel: (+662)277 6882/277 6887 Fax: (+662)277 6882 ext 108 E-mail: [info@hrdfoundation.org](mailto:info@hrdfoundation.org)

For immediate release on 31 January 2018

**Press Release**

The Court of Appeal convicted, sentenced a former President of Trang Fishing Association, Mr. Somphon Jirotemontree and other, altogether six persons, to ten years of imprisonment and fined Boon Lap Fishing LP 500,000 baht. The defendants were also ordered to provide 1,992,000 baht as compensation. They were tried for being complicit in trafficking 15 Myanmar migrant fishing workers in Kantang District, Trang.

Yesterday (30 January 2018), the Provincial Court of Trang read the verdict of the Court of Appeal in the trafficking in person case no. KM 5-6/2560 between the public prosecutor and Mr. Soe or Myo Soe and others, altogether 15 persons, as co-plaintiffs v. Mrs. Somjit Srisawang or Mae Saw and others, altogether 10 and the Boonlap Fishing LP. The defendants have been accused of procuring, buying, selling, vending, bringing from or sending to, detaining or confining, harboring, or receiving any person, by means of the threat or use of force, abduction, fraud, deception against 15 migrant workers from Myanmar including children whose age was between 15-18 years and exploiting them as forced labor by putting them in fear of injury to life, body, liberty, and making them subject to the control of the ten defendants by depriving them of bodily freedom and making them concede to working on board as fishing workers and an offence of slavery or enslavement.

Previously, the Court of first Instance had convicted and sentenced six defendants including Mr. Somphon Jirotemontree, Mrs. Somjit Srisawang, Mr. Paiwong Chaiphonrit, Mr. May Mew, Miss Kalayanee Chum-in and Mr. Prawit Kaemsai to 14 years of imprisonment and ordered them to provide 1,992,000 baht as compensation for the survivors. The Boon Lap Fishing LP was also fined for 600,000 baht. In addition, Mr. Paiwong Chaiphonrit was convicted for having in possession unlicensed firearms and sentenced to an additional one year. (for more detail, please see <http://hrdfoundation.org/?p=1803>)

The Provincial Court of Trang has read the verdict of the Court of Appeal which could be summarized as follows;

1. Evidence given by the injured parties pertaining to the persuasion, confinement, detention and debt incurrence committed by Mrs. Somjit Srisawang defendant no. 1 and Mr. Paiwong Chaiphonrit defendant no. 2 was corroborated with each other and straightforward. It convinced the Court that the lending of money and the offering of accommodation had not been done out of kindness as claimed by the defendants. On the contrary, the defendants offered to have the injured parties stay in their place, to use services and to borrow from them money simply to incur indebtedness among the injured parties. Moreover, they had never been shown a ledger showing the outstanding debts. Therefore, it was not a normal transaction between the debtors and the debtees. Rather, it was an attempt to incur unserviceable indebtedness to pave the way for exploiting them as labor. In addition, the defendant no.1 and 2 had made profits from wages earned by the injured parties. They are, therefore, considered being complicit in committing the offences as ruled by the Lower Court. As to Miss Kalayanee Chum-in, defendant no. 9 and Mr. Mae Mew, defendant no.10, the Court of Appeal convicted them on trafficking in persons in concurrence with the Lower Court.

2. Evidence from the injured parties has demonstrated that Mr. Somphon Jirotemontree defendant no. 3 and Boonlarp Fishing LP, defendant no. 10 had benefited from Mrs. Somjit's labor recruitment and Mrs. Somjit and her husband had received the wages paid by defendants no.3 and 10 to the injured parties. Also, defendants no. 3 and 10 with years in fishing business should have known of the issue of forced labour and should have been more careful. That defendants no. 3 and 10 accepted workers recruited by Mrs. Somjit was for the sake of controlling the workers. If they had not benefited from this, they would not have let Mrs. Somjit and Mr. Paiwong stay in their premises. The Court was convinced that defendants no. 3 and 10 plus other defendants had actually committed the offences.

3. Evidence from the injured parties convinced the Court that Mr. Wichai Reabroi, defendant no. 4 had physically abused the injured parties causing them fear to fatal harm if they decide to run away. There was also evidence indicating that he had been on contact with Mrs. Somjit. Therefore, the act of defendant no. 4 was not simply normal security maintenance since defendant no. 4 was not authorized to confine, detain or to use force against the co-plaintiffs. All these demonstrate that defendant no. 4 had been complicit in committing a trafficking in person offence, even though he had been acquitted by the Lower Court.

4. Evidence was also given by the co-plaintiffs that Mr. Prawit Kaemsai, defendant no. 8, had used a firearm to threaten fishing workers on board and it was claimed that the workers were drunk and got into a brawl, and he had to pull out his firearm to threaten and stop them. Since the incidence only took place once, the Court was not convinced that it was an act of forced labour. This accusation is therefore dismissed.

5. The Court of Appeal upheld the conviction and sentencing of the Lower Court for the remaining four defendants, but since there was no incriminating evidence against the Captain on board, he was therefore acquitted.

In sum, the Court of Appeal convicted six defendants including Mrs. Somjit Srisawang, Mr. Paiwong Chaiphonrit , Mr. Somphon Jirotemontree, Mr. Mae Mew, Miss Kalayanee Chum-in and Mr. Wichai Reabroi coercing another person to commit an act or to refrain from committing an act against his or her willingness by threatening to cause harm to life, body and freedom with the use of arms, for enslavement and for trafficking in person with the collaboration of three persons and upward and sentenced them each to ten years of imprisonment and ordered to provide 1,992,000 baht as compensation for the injured parties. The Boon Lap Fishing LP was also fined 500,000 baht. In addition, Mr. Paiwong Chaiphonrit was convicted for having in possession unlicensed firearms and sentenced to one year, altogether he is to serve to 11 years of imprisonment.

Miss Nishkan Usaiphan, Assistant to the Coordinator said that “The judgment of this case stands the proof that labor recruitment through brokers that often comes with unusually high cost on the labors’ part poses a crucial risk factor of labor exploitation, especially in the form of debt bondage. Despite the pervasiveness of this method of recruitment and form of employment, it is often viewed, by law enforcers merely as a preferred business method between employers and brokers rather than as a channel used by them to profit from exploitative employments. This judgment serves as an awareness raiser to practitioners in all relevant organizations this complicated nature of employment that is often overlooked.

For more information, please contact:

(1) Mr. Papop Siamhan, Coordinator of the Human Rights and Development Foundation (HRDF)’s Anti- Labor Trafficking Project, tel. 094-5485306, e-mail: [mthaim420@gmail.com](mailto:mthaim420@gmail.com)

(2) Miss Nishkan Usaiphan, Assistant to the Coordinator of the Human Rights and Development Foundation (HRDF)’s Anti-Labor Trafficking Project, tel. 097-0919656 Email: [m.usayapant@gmail.com](mailto:m.usayapant@gmail.com)