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### Statement

#### **Pattani Provincial Court dismissed a motion on an unlawful arrest and confinement of migrant workers from Myanmar: fact which not been examined by a justice system**

On 23 August 2018, 9.00, Pattani Provincial Court examined a motion for an unlawful arrest and confinement of two migrant workers from Myanmar (details of a motion: <http://hrdfoundation.org/?p=2014> ). The Court issued a summons for an immigration inspector of Pattani Immigration and others related to a confinement to a preliminary examination of a motion. As declared to the court, two women migrant workers from Myanmar being contained before had been transferred to Ranong Immigration on 20 August 2018 at 18.00 for a deportation according to law. Thus, two migrant workers were no longer detained at Pattani Immigration. The court consequently viewed that there was no more necessity to examine the motion and ordered to dismiss it.

This case began with a raid and arrest of two migrant workers from Myanmar by the officials from Pattani Immigration Office, the Internal Security Operations Command (ISOC), the Tourist Police and the Employment Office. Two migrant workers from Myanmar volunteered to teach more than 80 children of migrant workers on their free time at the Laem Nok Monastery, Tambon Bana, Muang District, Pattani Province. They were accused of taking on a job prohibited by law and were fined. They were ordered to sign a document written in a language not understood by them. Invoking the Immigration Act 1979, the authorities had two of them deported to their home country and banned from reentering Thailand to work for two years. It has been reported that another Myanmar national holding a tourist visa was also arrested and fined during a visit and observing the volunteer teaching.

The cause of bring the case to a justice system for a right protection was a lack of investigation by the government officials on a specific issue of a type of work conducted by two female migrant workers. The fact that teaching volunteer for children in a community on education and culture by two female migrant workers from Myanmar has been informally carried out and is voluntary service without pay or remuneration, is ignored. Submitting a motion under Section 90 of Criminal Procedure Court is a process requesting the court to examine whether the confinement of a person is a lawful act. The process to examine this act, however, was ended because the two female migrant workers from Myanmar had already been deported. This kind of release is not a meaning of release which returns freedom to a person according to Section 90 of Criminal Procedure Code.

**Section 90** of Criminal Procedure Code stated that “When there is allusion that any of persons is detained in the criminal case or in any other case unlawfully, those persons are entitled to file a petition with the Local Court to be empowered to trial the criminal case to be released, that is to say: only detained person, public prosecutor, inquiry official, Governor of the Goal or gaoler, spouse or such person’s relatives or any other person for the benefit of the detained person

Upon receipt of petition as aforesaid, the Court shall proceed to Enquirer only without delay. if the Court deems that such petition is well-grounded, the Court is empowered to enjoin gaoler bring the detained person into the court without delay, and if gaoler is not able to make the Court satisfy that custody is lawful, the Court shall enjoy to lease the detained person without delay”

**For more information, please contact**

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