



มูลนิธิเพื่อสิทธิมนุษยชนและการพัฒนา (มสพ.)
Human Rights and Development Foundation

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Press Release

The Provincial Court of Trang accepting to review the motion of the legal representative of sea fishing migrant trafficking survivors to have the case transferred to the jurisdiction of the Criminal Court's Trafficking in Persons Division

On 19 May 2016, the Provincial Court of Trang was scheduled to have a prosecution witness examination in a case brought against Mrs. Somjit or Maesaw Srisawang and others, altogether 11 persons, who have been alleged to have committed a human trafficking offence and an offence against the Penal Code (the case no.1/2559, for more detail please see <http://hrdfoundation.org/?p=1497> and <http://hrdfoundation.org/?p=1550>)

Prior to the commencement of the examination, the attorney of the survivors of trafficking in persons who are co-plaintiffs in this case has filed a motion pleading the Court to invoke the Criminal Procedure Code's Article 26¹ to allow the case to be transferred to the jurisdiction of the Criminal Court's Trafficking in Persons Division citing that;

1. During the trial, the survivors and some witnesses have been subject to intimidation and threats, causing them to have fear.
2. Some defendants in this case are local influential people and used to be prosecuted in both criminal and civil suits before. This could impede the effective adjudication of the case or simply obstruct the trial procedure.
3. The case has drawn much attention from public including a number of national and international human rights organizations which have been attending as observers during the trials.

After the filing of the motion by the co-plaintiffs' attorney, the defendant attorney has filed an objection to the motion citing that;

1. There is no substantial ground to the claim that the survivors of trafficking in persons have been subject to intimidation.
2. The transfer of the case shall elicit redundancy since the trafficking in persons case transferred from the Provincial Court of Na Thawee has not even progressed beyond the pretrial hearing and no dates have yet to be fixed for defendant witness examination.
3. The prosecution witnesses who are government officials are based in offices located in the provincial of Trang.
4. The survivors of trafficking in persons have been placed under the protection of the Welfare Protection Center for Survivors of Trafficking in Persons in Songkhla.

¹ Article 26 Should a preliminary hearing or trial be obstructed, or should it be feared that an unrest or any other danger would occur, by reason of the nature of the offence, the status of the defendant, the number of the defendants, the sentiment of the most citizens of the locality or by any other reason, the prosecutor or defendant may file to the Chief Judge of the Supreme Court of Justice a petition for having the case transferred to another court. If the Chief Judge of the Supreme Court of Justice grants the petition, he shall, by order, transfer the case to a court designated by him. Any order of the Chief Judge of the Supreme Court of Justice shall be final.

*Article 26, amended by the Act on the Amendment of the Criminal Procedure Code (no.31) B.E.2559

The Provincial Court of Trang has accepted to review the transfer motion of the attorney of the co-plaintiffs and cancelled the witness examination on 15 July 2016. ***The Court shall reveal the decision on the transfer of the case on 26 July 2016 instead.***

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