



For immediate release on 10 April 2019

### Press Release

## Two Myanmar defendants retracting a not guilty plea during hearing with the Criminal Court's Division of Trafficking in Persons

Today, (9 April 2019), the Criminal Court's Division of Trafficking in Persons had a hearing on a trafficking in persons case involving seven migrant workers from Myanmar in Tambon Auo Noi, Muang District, Prachuap Khiri Khan in the Black Case no. KM 69/2561. It was a further examination of witnesses for the victims from last week.

Prior to the commencement of witness examination, the Court has asked the two defendants if they persisted with their not guilty plea as it was clear from the examination of the injured parties and other evidence that attest to the fact that there has been the act of *sending, procurement, the use of force and exploitation in the form of debt bondage, all of which constitute a crime per the Anti-Trafficking in Persons Act 2018*. After consulting with their legal counsels, the two defendants decided to plead guilty to the charges including for conspiring among two persons and upward to commit a trafficking in person against a child whose age exceeds fifteen years but not yet reaching eighteen years and conspiring to force and coerce other persons with the use of weapons, confining other persons or depriving other persons of their liberties. The Court therefore decided to call off the witness examination process and set **23 April 2019, at 09:00, as the date to deliver the verdict.**

Ms. Kanjana Akkrachart, Case Manager of the Anti-Trafficking in Persons, Human Rights and Development Foundation (HRDF), said that by adopting the inquisitorial system in trafficking in person hearings, the Court is able to promptly uncover many facts. The Court can set out certain issues which are important to ask the witnesses. The system, however, still leaves much to be desired in terms of participation of the parties in the cases, both the injured parties as co-plaintiffs and the defendants. And if the inquiry officials and public prosecutors have failed to acquire all information and evidence from the defendants and the injured parties, it would impeded credibility of the evidence taken by the Court.

The case also demonstrates how migrant workers in fishing sector in Thailand continue to shoulder expenses incurred from applying for their work permits, the seaman book and other expenses. A number of migrant workers from neighboring countries employed in the fishing sector are still vulnerable to trafficking in persons being subject to exploitation in the form of debt bondage. HRDF has offered help in such cases and developed as case studies including the Kantang case (<http://hrdfoundation.org/?p=1942&lang=en> ). The Ministry of Labor should set out guidelines or measures to ensure that the workers are not compelled to shoulder such expenses to prevent trafficking in persons in Thailand's fishing sector.

## **Background**

On 22 December 2017, the Migrant Workers Rights Network (MWRN) has received complaints from a community of workers that 12 workers from Myanmar and their families had been lured from Mawlamyine's Ye in Myanmar to work in Thailand. Upon their arrival in Prachuap Khiri Khan, they were informed by the brokers who are defendants in this case that they owed the brokers a lot of money accounting for their travel, documents, and food during their journey and their staying with the brokers in Thailand. They were also told that if they could not service the debt, they would have to face a daily surcharge. Therefore, they felt compelled to work as told by the defendants to service the debts. MWRN, therefore, coordinated with HRDF to offer the victims legal assistance and to help them report the case to the Department of Special Investigation (DSI). It has led to the arrest of the two defendants on 28 August 2018. Both were charged for taking the 12 workers and their families from Myanmar to Tambon Aou Noi, Prachuap Khiri Khan, to force them to work on fishing boats and downstream industries. The debt bondage was then used to force them to work.

The family members from Myanmar have also entered the screening process to separate victims of trafficking in person. The interdisciplinary team has decided that seven of them including two children are considered victims of trafficking in persons in the form of forced labor, while the other five are not victims, but are treated as witnesses in this case.

After the conclusion of this case, the Human Rights and Development Foundation (HRDF) and allied civil society organizations continue to help the victims to have access to remedies and repatriation to prevent them from becoming victims of trafficking in persons again.

-----

For more information, please contact:

(1) Mr. Papop Siamhan, Case Director, Human Rights and Development Foundation (HRDF)'s Anti Human Trafficking in Labour Project, tel. 094-5485306, e-mail: [mthaim420@gmail.com](mailto:mthaim420@gmail.com)

(2) Mr. Kanjana Akkarachart, Case Manager of the Anti-Trafficking in Persons, Human Rights and Development Foundation (HRDF)'s Anti Human Trafficking in Labour Project, tel. 090-9160011 email: [kanjana.ak@gmail.com](mailto:kanjana.ak@gmail.com)