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Press Release

The Criminal Court's Division of Trafficking in Persons sentences two Myanmar defendants to 18 years in jail and orders them to pay 1,948,075 baht as compensation to the 12 victims and family members in Tambon Auo Noi, Prachuap Khiri Khan

Today (23 April 2019), the Bangkok Criminal Court's Division of Trafficking in Persons read the verdict in the Black Case no. KM 69/2561 in which a couple from Myanmar have been accused of committing trafficking in person against 12 migrant workers and their family members from Myanmar in Tambon Auo Noi, Muang District, Prachuap Khiri Khan. The verdict was read at 10.15 am and could be summarized as follows;

The two defendants are found guilty per the Anti-Trafficking in Persons Act BE 2551 for conspiring among two persons and upward to commit an act of trafficking in persons by way of exploitation and forced labor against persons whose age exceeds eighteen years, a person whose age exceeds fifteen years but not yet reaching eighteen years and a person whose age does not exceed fifteen years. They are also found guilty per the Penal Code for detaining or confining another person, or by any other means, depriving such person of the liberty, and guilty per the Child Protection Act BE 2546 for exploiting a child. The Court has found the offences are a breach of multiple legal provisions and decided to impose the most severe punishment of which is the violation of the Anti-Trafficking in Persons Act BE 2551 and sentenced both to varying imprisonments on the following offences;

1. For conspiring among two persons and upward to commit an act of trafficking in persons: Two years
2. For committing an act of trafficking in persons by way of exploitation and forced labor against five persons whose age exceeds eighteen years: 20 years (five counts, each for five years)
3. For committing an act of trafficking in persons by way of exploitation and forced labor against one person whose age exceeds fifteen years but not yet reaching eighteen years: Six years
4. For committing an act of trafficking in persons by way of exploitation and forced labor against one person whose age does not exceed fifteen years: Eight years

Altogether, they each are sentenced to 36 years in jail. Given their guilty plea, the Court has reduced their imprisonment by half to 18 years each. In addition, the Court held them liable to providing the victims the amount of 1,948,075 baht. The sum is based on an estimate made by officials from the Ministry of Social Development and Human Security. From now on, the Human Rights and Development Foundation (HRDF), the Migrant Workers Rights Network (MWRN) and allied organizations will collaborate with concerned authorities to ensure legal execution in this case and to have the defendants may the payment to the plaintiffs.

In this case, the Human Rights and Development Foundation (HRDF), the Migrant Workers Rights Network (MWRN) and allied organizations have offered legal assistance and representation to the victims of trafficking in persons in both criminal and labor cases, the latter of which has stemmed from the withholding of their wages. The labor dispute has been settled in the Labor Court Region 7 Kanchanaburi and the employers have agreed to give the employees and their families the amount of 65,000 baht for the outstanding wages. The money has been received. And from now on, the victims will be repatriated to Myanmar for their safety according to their desire.

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.

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