



มูลนิธิเพื่อสิทธิมนุษยชนและการพัฒนา (มผว.)
Human Rights and Development Foundation

เลขที่ 109 ซอยสิทธิชน ถนนสุทธิสารวินิจฉัย 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

Release on 8 July 2019

Press Release

Supreme Court Upholds Appeals Court's Conviction of Human-Trafficking Defendants in Kantang District. Former President of Trang Fisheries Association along with Other Five Defendants Sentenced to Ten Years in Jail and Ordered to Pay Redress to Myanmar Migrant Workers in Fisheries

On 2 July 2019, the Trang Provincial Court read the Supreme Court's verdict in the labor trafficking case, the Black Case no. KM1/2559, Red Case no. 2/2560 in which the public prosecutor with the 15 Myanmar workers as co-plaintiffs have sued Ms. Myo Soe Srisawang, a broker, Mr. Somphon Jirotemontree, their employer and owner of the Poka Sathaporn fishing pier in Kantang District, the four captains of boats belonging to the fishing pier, the fishing pier's security officer and others, altogether ten, accountable with the Trang Provincial Court. They have been accused of committing an offence against liberty, and against the Anti-Trafficking in Persons Act. **The Supreme Court upheld the verdict of the Appeals Court which was made in January 2018 to imprison the broker and her husband, the employer and owner of the Poka Sathaporn fishing pier and the security officer, ten years each while acquit captains of the four boats.**

The case has stemmed from a rescue operation coordinated by NGOs in 2015 to help free several Myanmar migrant workers from four fishing boats belonging to the Poka Sathaporn fishing pier and Boon Lap Fishing LP. with Mr. Somphon Jirotemontree, as the managing partner. When the offence was committed, Mr. Somphon Jirotemontree was also President of the Trang Fishing Association. According to the police investigation, 15 workers have been identified as trafficking victims. The broker, her husband, the owner of the fishing pier, the fishing pier's security officer and the four boat captains plus other, altogether ten, were then indicted with the Trang Provincial Court as defendants in trafficking in person case. The 15 workers have been receiving legal assistance

from Human Rights and Development Foundation (HRDF) and have become co-plaintiffs in this case as well.

In 2017, the Trang Provincial Court has acquitted the boat captains and the fishing pier's security officer citing insufficient evidence, **but convicted Mr. Somphon, the employer and owner of the fishing pier, Ms. Myo Soe, the broker and her husband plus other defendants, altogether six. They were sentenced to 14 years each. Ms. Myo Soe's was slapped with one more year for having firearm in possession without permission. They were all held accountable to providing 1,992,000 baht as compensation to the 15 workers.** Then in 2018, the Appeals Court has decided to lower the prison sentences of the defendants from 14 to ten years, though still retained the one-year-imprisonment on firearm possession. The Appeals Court also reversed the previous decision and imprisoned the security officer for ten years, although the four boat captains were acquitted as ruled by the Trial Court. The 15 workers as co-plaintiffs have appealed the decision which has acquitted all the four captains while the security officer also appealed the decision of the Appeals Court which convicted him. On 2 July, the Supreme Court has delivered the aforementioned ruling to uphold the decision of the Appeals Court

As the case is now final, the broker, the owner of the fishing pier who is the employer and the security officer have been all sentenced to imprisonment. HRDF and allied organization will proceed to seek cooperation from concerned authorities to ensure legal execution for the 15 trafficking victims who have already returned to Myanmar. It is to ensure that they receive 1,992,000 baht as compensation as awarded by the Court.

Widely known as the **Kantang Case**, it was a major legal precedent in trafficking case concerning "**Debt Bondage**" since all the 15 Myanmar workers had been forced by the broker in tandem with the employer to service the never-ending debts. All the wages they had earned from their work were instantly withheld to service the debts which had derived from their being forced to buy many overpriced items of supplies from the grocery store belonging to the broker. The workers had to work so hard in slave-like condition in fishing boats belonging to the employer who owned the fishing pier. They were not allowed to stop even when falling ill or getting injured from work. In addition, the fishing workers had been subject to a compulsory arrangement and confinement. They

were confined to a place, deprived of their liberty and their freedom of movement as they were always under constant surveillance wherever they went. Any resistance would result in their being physically abused by the staff of either the broker or the employer.

For more information, please contact

Kanchan Akkharachart, Case Manager

The Anti Human Trafficking in Labour Project, Human Rights and Development Foundation (HRDF),

E-mail: kanjana.ak@gmail.com

Chonticha Tangworamongkon, Director

Human Rights and Development Foundation (HRDF),

Phone 087-553-9689 E-mail: chonatwork@gmail.com

Press Release for the verdict of the Trial Court: <https://bit.ly/2NKNt5w>

Press Release for the verdict of the Appeals Court: <https://bit.ly/2xwdACn>