

Specific Cases against Migrants Resulting from The New Decree in Phang Nga Province

GHRE started to compile the following cases starting on July 9, 2007. GHRE is currently collecting more information. The cases are listed in the reverse-chronological order.

Case 1: Migrants Hiding in Tonkamin – Labor during the Flight

On July 21, 2007, a group of migrants were informed that police would be coming to the English hill Construction site, which is in the area of Tomkamin. The migrants were informed that the police would come at 5:30 PM, and that all workers who lacked a work permit should hide in the jungle. However, as they were leaving, a female migrant, who was pregnant, began to get labor pains and decided to return to the construction site. On her way back to the construction site, she gave birth. GHRE was informed that two volunteers and a school health coordinator ran to the place where she was delivering her child and gave her First Aid. Both mother and child were safely returned to the construction site.



A pregnant migrant worker went into labor during the flight from Tonkamin on July 21. She was assisted by a midwife and a foreign volunteer.

Case 2: Migrants Hiding in Pakarang Jungle

On July 21 GHRE staff came upon more than 100 people hiding in the jungle in Pakarang during the day. They said that they were told that the police were coming to where they lived. To avoid capture, the migrants decided to spend the day in the jungle. At night they were able to go back to their houses.



More than 100 migrants were hiding in the jungle in Pakarang.

Case 3: Phang Nga Provincial Police Investigating GHRE

On July 21 officers from the

provincial police visited the GHRE office in Khuk Khak for "Monitoring and investigation on NGOs which are working with foreigners or migrant workers." Since those who were present at the time did not speak Thai, the officers returned on July 23rd. When returned they talked to several Thai teachers working at GHRE learning centers. National Security Council (NSC) located in Surat Thani has informed to the Phang Nga NSC that Burmese learning centers run by GHRE may be involved in military training for Burmese people.

An authority of the special intelligence force of Phang Nga Province was ordered by the captain of Phang Nga Province and the governor of Phang Nga to investigate and collect data from GHRE, International Organization for Migration (IOM), and Medicins Sans Frontieres (MSF), etc. Even though IOM and MSF are also under investigation, the do not operate learning centers. Thus, this investigation is focused on GHRE.

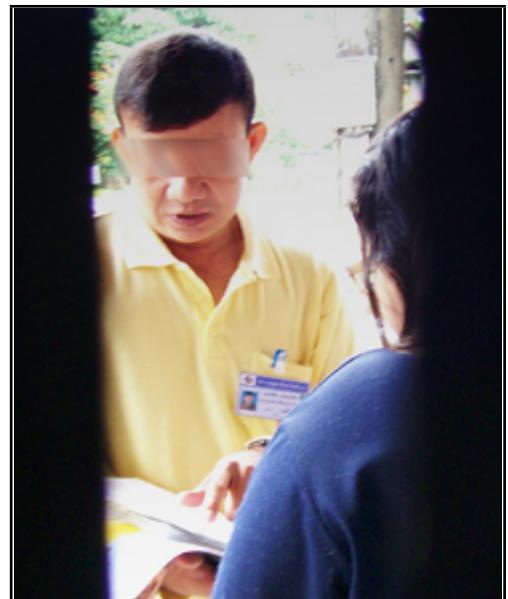
They ordered us to collect information on types of projects, biographies of all staff (especially on Burmese staff) and learning centers in Takuapa district (They want detailed information of how many students, teachers and what subjects are being taught at the learning centers).

Case 4: Militia Employed at Check Points

On July 21, several check points were set up around Ban Niang and Khuk Khak for migrant workers. Some of these check points had at least 40 citizens clad in uniform acting as citizen's force or militia.

Case 5: Migrants Hiding Near Khuk Khak Beach – New Born Baby

On July 20, 2007, a female migrant worker, who had just given birth on July 19, 2007, ran and hid from the police in the jungle overnight. She was told to hide in the jungle near her construction site immediately after she came back from the hospital, since she did not have a work permit card. When GHRE located her, her baby was only four days old. GHRE has provided a room for her and her family at our Shelter # 20.



A provincial officer visits the GHRE office in Khuk Khak, charging that GHRE learning centers train Burmese soldiers.



A militia was used at check points in Ban Niang and other places in Takuapa District to check Burmese migrants.

Case 6: Precautionary

Measures by People at Ban Niang Community

Around July 18, migrants in Ban Niang Community were keeping an eye on who was coming and going for fear of police raids. Also, migrant workers were told by some employers that they should not go to their work for a few days.

Case 7: Posting Night Watch in Ban Niang Community

Around July 18 there was a rumor that the police may go to communities in Ban Niang. So, some communities decided to post a night watch for two hours each.



A migrant worker and her 4-day-old baby hid in the jungle overnight to escape from the police.

Case 8: Precautionary Measures by People in Ban Niang Market

There are eleven Burmese girls working at Ban Niang Market near the bus station. Two Burmese girls in the Ban Niang market decided not to work for a few days for fear of being caught by the police. Two other girls decided to continue to work because their owners allowed them to stay at a place nearby so that they wouldn't have to travel far. Other girls, even though they are illegal, decided to work. But they keep an eye on the exit through which they could escape easily.

Case 9: Irresponsible Employer

A 23-year old migrant without work permit was working in a storage building in Ban Niang around 11:30 am on July 17, 2007. Because there were too many people working in the building at the same time, the floor gave way, shattering glasses that were leaning against the wall. The migrant worker cut himself under his left eye and the corner of his left eye, missing his eye by less than a quarter of an inch.

The cut required at least two stitches, so his employer took him to a nearby clinic. The clinic did nothing and referred



A migrant worker injured himself, but was refused to be taken to the hospital by his employer.

him to the Takuapa Hospital. At this point, the employer refused to take him to the hospital because he was afraid of getting caught transporting a migrant worker. So, the migrant went back to his home and stayed there with crude bandages.

A GHRE medic received the information and went to take care of the migrant worker at his home. His condition is currently stable.

Case 10: Migrants Hiding in the Field in Khuk Khak

On July 17, about 40 migrants staying at the GHRE temporary shelter in Khuk Khak were hiding in the field behind the shelter. When asked why, they said that they heard a rumor that the police were searching from door to door. Because some of them didn't have a work permit, they opted to stay away from their homes and instead stayed in the field. Some workers from the shelter said that they would be staying at their work site.

Case 11: Migrants Hiding in Tonkamin Plantation – Shot by Thai Owner

On July 16, 2007, a group of migrants, who worked in the Tomkamin rubber plantation, ran to the jungle after a rumor that soldiers and police were coming to the rubber plantation with dogs. The migrants were told that all workers without work permits should hide in the jungle. Afterwards, however, they received notice that the police never came to the plantation, so they decided to return. On their way back to the plantation, the migrants were shot at by the owner of a mangosteen plantation. Luckily, none of the migrants were injured and they were allowed to continue to the plantation, after one of migrants explained why they were passing through the field.



More than 50 migrants hide in a field in Khuk Khak from morning until 10:00 pm for several days.

Case 12: A Friend of Migrants

On July 16 three migrant workers from Khuraburi were arrested at Takuapa Bus Station around 4:00 pm. They were visiting Takuapa and returning to Khuraburi when the police arrested them because they did not have work permits. They were not aware of the new law. The police called a friend of GHRE staff and asked if the arrested migrants were his friends. If so, the police continued, he should go to help them by paying for them so that they can go free. If he didn't then they would be detained in Takuapa jail. The friend of a GHRE worker didn't go to the police station because he didn't know the three migrants. Whereabouts of the migrants are unknown.

Case 13: Escape on the Beach

On July 16, one Burmese family in Ban Niang heard that the police were coming. They ran out of their house and ran to the beach. They walked on the beach and tried to cross a river mouth on the beach. The current was too strong for the mother and she was pushed into the ocean. Her family members were able to rescue her. Then, they continued to a construction site near Khuk Khak monastery. They are currently staying at the site in Khuk Khak.

Case 14: Precautionary Measure

From tonight (July 17), migrant workers at two construction sites in Khao Lak and two in Ban Niang were told not to work. They have to stay at their compounds so that they would not be harassed by the police. Many employers at construction sites are not taking any responsibilities if their employees get caught by the police.

Case 15: Incident Involving GHRE Staff in Khao Lak

On July 16, a GHRE staff and a foreign journalist went to Khao Lak (a tourist town near Khuk Khak) after they received the news that the police were checking IDs and arresting people. Upon arrival in Khao Lak around 4:00 pm the GHRE staff and the journalist noticed five plainclothes policemen checking IDs at a store. The GHRE staff and the journalist took photos of the police in action. The police noticed them and insisted to delete the photos. The GHRE staff's passport was taken away temporarily and he was physically threatened by one policeman. After the staff agreed to delete all the photos, the police left the premise quickly. Before leaving, the leader of the group said that they were from Phuket, in contrast to what they said to the store workers (see below).

The GHRE staff and the journalist went around in Khao Lak to see if other stores were targeted by the police and found out that the policemen stopped at only one store, staying there for more than two hours. Thus, it seemed unlikely that the ID check was a part of a thorough security check of the area.



Three policemen were checking IDs of migrant workers in Khao Lak.

Case 16: Arrest in Khao Lak by Bangkok (?) Police

Five policemen in plainclothes came to check ID in Khao Lak Village around 1:30 pm on July 16. They claimed that they were from Bangkok. Upon seeing a legal receipt of renewal for a work permit of one worker, the leader of the police said that the paper was useless and arrested him immediately. The police then arrested four other legal migrants working at the

store compound. The police leader went to negotiate with the Thai store employer and asked for 70,000 Baht for 5 people. The employer and the police settled for 40,000 Baht for the five workers. One migrant said that this money would be coming out of his paycheck.

According to the migrant, even though the police said that they were from Bangkok, he had seen them two months ago. In the past, the police would punch and knock him around. This time the police did not physically harm him. The police also asked if the migrant had a mobile phone and ride a motorbike, indicating that the police were aware of the martial law restricting the migrants from using these items.

The migrant revealed more information regarding his life as a migrant worker. He earns 4,500 Baht a month, and he does not get any support from his employer because he can be easily replaced. He has been living in Khao Lak for five years. He felt that his life is very difficult already because of his boss and the policemen harassing him. Now the government is beginning to restrict his freedom. Without motorbike, mobile phone, the curfew, and constant harassment by the police (even though he is a legal migrant), he has to stay at home, almost as if he is in a jail. The migrant also noted that without the motorbike it would be very difficult for him in case of emergency, to go to the hospital, for example. Since the employer doesn't take care of him, he has to care for himself. Also, without the use of mobile phone, he felt that he is more likely to be harassed and be in danger. He noted that, even though an employer is supposed to care for his employees, there is no punishment if he didn't, and migrants cannot press charges against Thai people.

Case 17: Confiscation of Motorbike by Police

On July 10th a migrant worker was riding on a motorbike to get to the main road in Tonkamin in Khuk Khak Subdistrict. The migrant worker was using his employer's motorbike with permission. This was necessary because there are no stores near the rubber plantation where he lived. A police officer stopped him before the main road and confiscated the migrant's motorbike. The migrant had his work permit, so he was released. The police kept the motorbike. It was not clear if the motorbike was returned to the employer.

Case 18: Confiscation of Mobile Phone by Police in Pakarang

A migrant worker was walking to Pakarang Beach while talking on the phone around 9:30 am on July 12th 2007. The migrant was stopped by a police officer and was asked if he was Burmese. The migrant worker admitted that he was from Burma. Then, the police proceeded to confiscate the migrant's mobile phone without further questioning. After taking the phone, the police officer walked away without saying anything. The mobile phone was never returned to the migrant worker.

Case 19: Arrest of Documented and Undocumented Migrants in Khuraburi

Four migrant workers were walking on the main road in Khuraburi around 3:00 pm on July 10, 2007. Two Navy police officers and a local motorbike taxi driver rushed to the

migrants and asked to see their work permits. The police arrested two migrants who did not have work permit and took them to the police station. Two migrants with work permits were released after they were forced to pay 2,000 Baht to the police officers. Two migrants without work permits were detained at Navy police station but later released after paying 6,000 Baht each to the Navy Police.

Case 20: Restaurant Owner Reporting for Migrants' Arrest in Takuapa

On 10th July 2007, 11 migrant workers were having dinner at a restaurant in Takuapa around 9:00 pm. The restaurant owner became aware of the fact that they were Burmese and breaking the curfew. Then, he called the police. The police came to the restaurant and arrested all the migrants and took them to the Takuapa police station. Seven of eleven migrants were holding work permits and four did not have any ID cards. What happened to them next is unknown.

Case 21: Arrest by Highway Police in Khuraburi

Ko Zaw is a migrant worker who does not have a work permit and was working in Khuraburi. He was arrested when the highway police checked for work permit. He was on his way back to Khuraburi from Takuapa. The police confiscated his mobile phone and 2,000 Baht. Then the highway police called Ko Zaw's family, telling them that in exchange for an additional 5,000 baht, they could pick him up at an appointed place. The family of Ko Zaw could not pick him up at the appointed place, so the police asked for 1,000 more Baht in return for sending Ko Zaw to home. Ko Zaw was released after the police received 6,000 Baht at 6 PM.

Case 22: Deportation of Legal Migrant Worker in Takuapa

On July 8, 2007 legal migrant worker was arrested by the police at Takuapa bus station. The migrant with a work permit in Nang York was going to visit his friend in Ban Niang and waiting for a bus at the station around 2:00 pm. The police approached him and asked to see his work permit. The migrant did not have the permit or the copy with him because his employer kept the permit for fear of the migrant running away. As a result, he was taken to the Takuapa police station and detained there for two days. While in jail he repeatedly asked the police to let him call his friend to bring his work permit to the jail so that he could be released. Finally, he had to pay 200 Baht to the police to call his friend and tell him about his situation. Despite the plea, the migrant was deported with 80 other migrants to Mae Sot on 10th July 2007. His whereabouts are unknown.

Case 23: Use of Excessive Force by Police

On July 4th, a migrant worker was stopped by a police officer around noon near Pakura Village in Khuraburi District. The migrant did not have a work permit, so he tried to escape. The officer shot at him, and injured the migrant on the leg. The police officer took 1,400 Baht from the migrant and freed him. The migrant's thigh bone was shattered by the shot, so

he was sent to Phang Nga hospital to undergo a special surgery that could be performed there. At the time of data collection (July 13), the migrant was still at the hospital.

Case 24: Confiscation of Mobile Phones by Police in Khuraburi

During the week of July 2, a migrant worker was walking from his fishing boat to his home on a main road in Khuraburi. He was stopped by the police and asked for his work permit. The officer, after seeing a proper work permit, confiscated the legal migrant's mobile phone. The phone was never returned to the migrant.

There have been many similar cases during the past two weeks. Mobile phone have been confiscated not only by the police but also by local taxi drivers and store owners.

Case 25: Search of Migrants' House by Navy Police in Khuraburi

During the week of July 2, a migrant went to a store to buy ice at a nearby shop around 10:45 pm near the fishing village in Khuraburi. Two Navy police officers noticed him and followed him to his house, then entered and searched his house. During the search, 20 migrants including children were ordered to go outside the house. All migrants were released after the police searched the house, asked questions, and checked for work permit.

Case 26: Store Owner Confiscating Migrants' Motorbike in Khao Lak

On July 2nd, 2007 a migrant and his friend was using their employer's motorbike with permission to go to a general store in Khao Lak. While migrants were shopping, the storekeeper, who knew the migrants well, asked for the motorbike key, confiscated it, and called the police. The migrants were questioned by the police and were released after showing their work permits. The police then returned the motorbike to their employer.

Case 27: Interview of a Migrant in Khuk Khak

The new labor law limits the freedom of Burmese migrant workers in Phang Nga Province by the curfew from 8:00 pm to 6:00 am. How could we do it!!! If the police come to our place, we cannot run away and escape from the arrest (because we will be breaking the curfew). Now we are afraid!!! The police would capture us, even if we were sitting at home or trying to run away from them.

We faced trouble in Burma before. Now we are facing the same trouble here. I am thinking we will face more trouble because this new law is very scary for Burmese migrant workers.

According to the new law, we cannot move to a new place, even if we are wronged by our employer and want to leave. In one case, one migrant asked to leave but the employer did not allow him to do so. The employer said, "You will be transferred to Ko Tha Min or to Baw

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Kate, if you want to move and work there." The migrants didn't want to go to either place. Then, the employer threatened the migrant by saying, "If you leave, I will not give you back the work permit card and pay you the salary, either." So, the migrant decided to remain with the current employer.