

Attachments

**Open Letter Requesting Investigation of Claims
Migrants Deported from Thailand Facing Human
Rights Abuses by DKBA**

ATTACHMENT ONE

Al-Jazeera, 17th July 2010 – Video Asia Pacific - Migrants Caught in Vicious Cycle

<http://english.aljazeera.net/video/asia-pacific/2010/07/201071723514942402.html>

Another truckload of caged deportees is on its way to the Moei River.

Each morning, dozens of illegal migrants are sent across the muddy waterway from Thailand to Myanmar.

They don't have papers to work legally in Thailand, nor a passport for their home country, leaving them trapped in the hands of corrupt authorities on the other side.

Money must be paid to secure their release from border camps, where allegations of abuse, rape and torture are common.

This is one is known locally as gate 999, controlled by the Democratic Karen Buddhist Army.. a proxy force of the Myanmar military.

Once friends, family, brokers or traffickers pay the money, many of the migrants return back to Thailand - unchecked.

20 year old Amon has just paid the equivalent of 35 US Dollars, half a months wages, for her release from Gate 999 and is now at a safe house in the Thai town of Mae Sot.

"I was scared because I heard some women were abused and some men were sent to Naypidaw for forced labour if they could not pay the money. That's what frightened me about being deported."

Moe Swe from the New Dawn Workers Association says deportees who return to Thailand, risk even more exploitation.

"They don't have documents, so they can be arrested any time, so they have to pay the bribe money to the local authorities, factory owners also exploit them a lot. They have to work long hours, they are very low paid and sometimes they are unpaid."

It can be a vicious circle of deportation and re-arrest.

Such is the case for Kin Kyaw.

After being kept for three days in an underground cell at gate 999 he returned to Thailand only to be re-arrested the next day.

We met him after an aid worker paid for his release.

"It just makes me sad. We are human beings like everyone else but no one has sympathy for us. Since I arrived in Thailand, trouble has queued up to find me. I feel I can not fulfill my dreams."

Thailand is thought to have three million migrant workers, a cheap labour force without which, many of the country's industries would collapse.

Moe Swe: "Life of migrants is just like between two hells. They are squashed between two hells."

Aela Callan: "This is the gate through which Thailand is supposed to officially deport illegal workers, but Myanmar will only accept 400 per week. With its detention centres bursting at the seams because of a recent crackdown on migrant workers, most deportees are instead sent down the river into the hands of the various armed militias, who extort money for their long running civil war."

The Thai Government says its national verification process, which forces migrants to register in their home countries will stamp out the trafficking and exploitation.

Few of the migrants we spoke to had even heard of it... even fewer were willing to put their details in the hands of authorities in Myanmar.

Aela Callan, Al Jazeera Mae Sot, Thailand.

ATTACHMENT TWO

The Nation, Pg. 15A, 13th July 2010 – Illegal Labour Scam: Crackdown Boosts Border Rackets

www.nationmultimedia.com

ILLEGAL LABOUR SCAM

CRACKDOWN BOOSTS BORDER RACKETS

Burmese workers kept in militia camp until they can pay Bt1,200 'fee'

PETER JANSSEN
DEUTSCHE PRESSE-AGENTUR

Truckloads of caged Burmese have become a common sight in Mae Sot, a checkpoint along the Thai-Burmese border tasked with deporting thousands of undocumented migrant workers from Thailand in the coming months.

Up to 100 undocumented Burmese migrant workers are being detained each night at the Mae Sot immigration jail and then deported, officially or unofficially, across the Moei River to Burma, border sources said.

Burmese immigration authorities only accept 400 of the deportees over the Thai-Burma Friendship Bridge per month, taking 100 every Monday.

Hundreds of others are deported unofficially across the Moei River to a checkpoint controlled by the Democratic Karen Buddhist Army (DKBA), a militia under the command of Burma's military junta, which charges the returnees a Bt1,200 re-entry fee.

"If they can pay the Bt1,200, they are released right away, but if they cannot pay, they are kept in barracks, and brokers will contact their friends and family to arrange payment," said Moe Swe, director of the New Dawn Workers Association in Mae Sot, 350 kilometres north of Bangkok.

Some of the migrant workers are kept for days at the militia's compound until they pay up. Others are forced to work to pay off the fee,

said Moe Swe, whose association monitors labour abuses in Thailand.

Those who can pay the fee, are charged another Bt10,000 to Bt15,000 by brokers to arrange a return trip to Thailand to seek illegal employment again, sources said.

"We're very concerned about these extortion rackets being run by the DKBA, and it appears that Thai officials are profiting from this," said Philip Robertson, a labour expert with Human Rights Watch in Thailand. "They are deliberately sending people to a gate where it's known that people are being extorted."

In its latest effort to crack down on undocumented migrant workers, the Thai government has targeted 300,000 Cambodian, Lao and Burmese labourers who have not met a deadline to register for legal status for deportation between June to August. Most of the deportees will be from Burma, as an estimated 2-3 million Burmese nationals work here.

Criticised for turning a blind eye to exploitation of this migrant labour force by employers and human traffickers, the Thai government has implemented policies over the past two decades to provide semi-legal status for at least some of these foreign workers.

Besides Burmese, an estimated 800,000 Cambodians and Lao also work in Thailand.

In Mae Sot, an estimated 200 factories employ 40,000 migrant workers from Burma, half of them illegal, who earn about Bt60 a day, less than half the minimum wage set for Thais.

The crackdown on illegal labour intensified

after Prime Minister Abhisit Vejjajiva on June 2 ordered the establishment of a centre to arrest, prosecute and deport aliens "working underground".

All migrant workers from Cambodia, Laos and Burma had been given until March 31 to register for legal status under the Nationality Verification process, part of a new policy to cooperate with neighbouring governments in providing alien labourers with work permits.

According to the Thai Labour Ministry, 812,984 Burmese have registered under the programme, but only 80,435 have been approved by the Burmese government. Thousands more have refused to apply for fear Burmese authorities will extort money from their relatives at home.

Applications are sent to the neighbouring governments, which verify the applicants' nationalities and provide them with passports.

The governments of Cambodia and Laos have facilitated the process by sending officials to Thailand to provide their citizens with the needed documentation. But Burma has refused to do this, forcing its citizens to come to border points such as Mae Sot to receive their certification.

Burmese certification agencies, allegedly with close ties to Burmese and Thai border authorities, have been set up at the border checkpoints to facilitate the process for Bt5,000 to Bt10,000 per person. Official fees for a Burmese passport and Thai visa are only Bt600, leaving a hefty profit margin.



A BURMESE woman and her son wait to see a doctor in Mae Sot last Tuesday. Thailand deports hundreds of Burmese unregistered workers everyday, but authorities on the other side only accept 100 people every Monday, leaving the rest vulnerable to extortion.

ATTACHMENT THREE

Irrawaddy, 29th June 2010 - DKBA Profits from Migrant Worker Crackdown in Thailand

http://www.irrawaddymedia.com/article.php?art_id=18834

By ALEX ELLGEE

MAE SOT—The Democratic Karen Buddhist Army (DKBA), a proxy militia of the Burmese regime, has seen profits rise at its unofficial “immigration checkpoint” following Thailand's recent crackdown on illegal migrant workers, according to a source close to the DKBA.



An illegal Burmese immigrant feed her children at a rubbish dump site near Mae Sot, Thailand. (Photo: Reuters)

The DKBA checkpoint, locally known as “Gate Zero” and controlled by the DKBA's 999 battalion, has become the main deportation point for illegal migrant workers arrested by Thai authorities. Gate Zero is located on the Thai-Burma border next to the Myawaddy friendship bridge, just across the Moei River.

“The crackdown has meant more migrant workers are being deported to the gate, so revenues have gone up,” said the source.

Thai Prime Minister Abhisit Vejjajiva recently issued an official order to set up a special center for the suppression, arrest and prosecution of alien workers in Thailand.

In the weeks since the order was issued, thousands of migrant workers have been arrested throughout Thailand and sent by police bus to Mae Sot, where their personal details are recorded and they are deported by boat across the river to Gate Zero.

A social worker told *The Irrawaddy* that it is more full than usual. One bus normally leaves the IDC for Mae Sot on Sunday, she said, but this Sunday two large buses taking around sixty workers each left for the border.

According to Burmese nationals who have been through the process before, upon arrival at Gate Zero the DKBA demands 1,200 baht (US \$1 equals approximately 32 Thai baht) for a deported person's release, and offers a return trip to Bangkok for 10,000 baht.

Local labor activists believe the proceeds from these fines, which can be a massive blow to the many poor families struggling to

survive as migrant workers, are split between the DKBA, brokers and Thai officials.

If the deported person cannot pay, they are forced to work every day until they can raise the money from family or friends. The DKBA also charges 100 baht per day for accommodation and food.

Exorbitant fees are not the only thing the DKBA is extorting from deportees at the border. There have been reports of girls being sold to brothels and boys being conscripted into the DKBA army.

Matt Finch, the coordinator of the Karen Human Rights Group (KHRG), told *The Irrawaddy* his researchers had discovered severe human rights abuses taking place at Gate Zero.

“Workers deported from Thailand via DKBA gates have faced violent and exploitative abuse, our interviews indicate that they may be subject to beatings and forced labor,” Finch said.

“Women, especially young girls, who can't pay are particularly vulnerable. Last year the KHRG documented the case of a teenage girl who was raped multiple times after a trafficker purchased her freedom from a DKBA gate.”

Commenting on reports of human trafficking at the gate, Paul Buckley of the UN Inter-Agency Project on Human Trafficking, said that if Burmese migrants “are being deported and handed over by Thai Immigration to DKBA forces in Mae Sot to be exploited and sold to brokers, this is a serious violation of the Anti-Human Trafficking legislation in Thailand.”

Speaking from a tiny, rented wooden house on the outskirts of Mae Sot, Kyaw Oo, 55, told *The Irrawaddy* that he was recently arrested and sent to Gate Zero. He said the other people in the “prison” told him a girl had recently been sent there and the DKBA sold her to a brothel in Myawaddy without even calling her family to ask for release money.

He also reported that when a 15 year old boy was handed over to the DKBA at Gate Zero, they also did not call his family and immediately took him away to be a soldier in the DKBA.

“The boy was very young and was crying so much. He didn't want to be a soldier. He wanted to go back to his family. I could see he was terrified of the DKBA,” said Kyaw Oo.

Kyaw Oo's own story provides a good illustration of the troubles that await illegal migrant workers from Burma who are arrested in Thailand and deported to Gate Zero.

When he originally entered Thailand from Burma, Kyaw Oo paid 5,500 baht to a Burmese “carrier.” He and five other people were led through the jungle on foot, walking for seven days till they reached Bangkok, where they hoped to find work.

But in Kyaw Oo's first week in Bangkok, Thai police carrying out the recent crackdown arrived at the home he was staying and arrested him.

Immediately after his arrest, Kyaw Oo was loaded into a packed police truck and taken on a seven-hour journey to Tak, Thailand. He said conditions were almost unbearable for him and the other 53 people in the truck: it was extremely hot and they did not stop once for a toilet break or to eat.

Kyaw Oo said that when he arrived at Gate Zero, the people in charge demanded 1,200 baht for him to be released. When he told them he was unable to pay, they hit him all over his body with bamboo sticks.

“They asked for money but I am only a poor person, I had already spent all my money trying to get to Bangkok to find work but was arrested. They didn’t care and just hit me all over,” Kyaw Oo said, showing the bruises from where he was beaten.

When they figured out Kyaw Oo really could not afford to pay, the border guards threw him in a bamboo prison they had constructed to hold detainees. When he asked for food, they gave him pork curry, which being Muslim he could not eat, and they beat him again when he asked for something different to eat.

“They knew I was Muslim, but they gave me pork anyway. Everyone knows Muslim people cannot eat pork. When I asked for something different they just swore at me and beat me more,” he said.

Sitting next to him, Kyaw Oo's wife told The Irrawaddy how she received a phone call from the DKBA officials after her husband's detention at Gate Zero. They told her that if she did not give them the money in four days they would kill him. She said she could hear Kyaw Oo being tortured in the background and was terrified.

“I could hear them putting his head up and down in the water like they do in the movies. Sometimes they would let me talk to him when he was out of breath and crying for help,” she said, nearly in tears.

Kyaw Oo estimates there were thirty soldiers working at Gate Zero, who he believes were intoxicated most of the time. While in the gate area they would wear plain clothes, but still carry their guns, and when they left they would change into military uniform.

Their duties included organizing the deportees when they arrived at the gate, pressuring deportees for money and collecting the money, looking over the forced labor of those who could not afford to pay and keeping an eye on those in the prison. Kyaw Oo says the guards would follow detainees with a gun even when the prisoners went to the toilet.

After four days of being tortured and harassed by what he called “young, drunk, swearing soldiers,” Kyaw Oo said he could not take any more and believed that if he did not find money soon he was going to die.

“I am already old; I was not sure how much more my body could take. I was so desperate I even thought about selling my new child,” says Kyaw Oo.

Unable to bear the phone calls and concerned about her husband’s health, Kyaw Oo's wife found someone to buy their small wooden home for 1,300 baht and mobile phone for 400 baht.

After selling everything they owned, she offered the DKBA 1,700 baht, but they wanted 1,900 baht. For one more day she tried to tell the DKBA their situation and plead for her husband's release.

“Finally, I could not take it anymore, I just told them we are extremely poor people and we have sold everything we have in our lives. I said to them there is nothing more I can do, so either they take the 1,700 baht or kill him. Finally, they agreed.”

“Now we have nothing—no home and no job,” said Kyaw Oo. “I can’t believe the DKBA can treat poor people like that and get away with it.”

Apparently they can, and the more migrants like Kyaw Oo who are deported from Thailand and pass through Gate Zero, the more the DKBA's profits will rise.

ATTACHMENT FOUR

Human Rights Watch, February 2010 - 'Extortion During Deportations at the Thai-Burma Border.' Extract (pg. 69 onwards) from Report *From the Tiger to the Crocodile* - <http://www.hrw.org/en/reports/2010/02/23/tiger-crocodile>

Extortion of migrant workers by authorities also happens when migrants are being deported. According to immigration officers in Ranong, the government of Burma refuses to allow official deportations at the Ranong-Kawthaung checkpoint, so many Burmese migrants are sent to the Immigration Detention Center (IDC) in Bangkok and then to Mae Sot for deportation. Yet the twice weekly schedule of official deportations from Mae Sot to Myawaddy is insufficient to manage the numbers of deportees. Informal systems have since developed between Thai officials and a border militia, the Democratic Karen Buddhist Army (DKBA), which is allied with the Burmese Army, in which migrants are sent by Thai Immigration Department trucks to the Tamahar checkpoint, and deported across the Moei River to an area controlled by DKBA Battalion 999. Human Rights Watch spoke to half a dozen migrant workers who described being deported by boat across the Moei River and met by brokers and armed DKBA troops who then expected payments in exchange for their release.¹⁶² In several instances, NGO activists working in Mae Sot were asked by friends or relatives of detained deportees to assist in arranging financial transfers to bank accounts in Mae Sot controlled by the above-mentioned brokers, in exchange for the release of the deportees.¹⁶³

Migrant workers advocates in Mae Sot said migrant workers are processed for deportation and lists of deportees are prepared at the Mae Sot IDC. According to those NGOs, the brokers have advance information of the name of each migrant and from where they have been sent (e.g., Bangkok, Chiang Mai) to Mae Sot. Held under guard in the DKBA-controlled area, each deportee must then call friends or relatives to arrange payments for their release.¹⁶⁴ Activists told Human Rights Watch they suspect that information lists are provided by Thai officials, and that the proceeds of the ransoms collected are shared between the brokers, DKBA, and Thai officials.¹⁶⁵

According to Burmese migrant Min Myo, local police in Mae Sot arrested him on December 12, 2008, and detained him at the Mae Sot police station. At 10 a.m. on December 14, officials first sent him to the Immigration Department holding center close to the Mae Sot-Myawaddy Friendship Bridge, and then, later that day, sent him by Immigration Department truck to the Ta Maha checkpoint. Immigration officers delivered the group directly to waiting boats, which crossed the river to the Burmese side where they were met by armed DKBA soldiers and brokers. Min Myo said those receiving them already knew which persons had been deported from Bangkok because they had a list, and brokers told him they paid 300 baht to Immigration Department officers for the name of each person who had been deported from Bangkok. Migrants from Bangkok are apparently targeted since they are presumed to be either carrying more money or are able to access financial resources to be released. But since the brokers knew Min Myo was arrested in Mae Sot, they assumed he did not have much money and did not force him to pay for his release, further supporting activists' claims that the racket is organized between Thai immigration officials and brokers. This was Min Myo's third deportation through the Ta Maha checkpoint. On the two previous times (in 2003 and 2005), he said, armed DKBA soldiers met him and the other deportees, segregated out those sent back from Bangkok, and sent them to be held by the brokers. Brokers ordered each migrant deported from Bangkok to pay 1500 baht for their release. DKBA soldiers and the brokers punched and kicked those migrants claiming to have no money. The first time he was held, Min Myo escaped after five days, while the second time, his wife in Mae Sot arranged payment and he was let go. Min Myo said: I think the DKBA sends the brokers to buy the people from immigration. I think the DKBA is doing this like a business. The brokers have the connections with the DKBA, some are Burmans, and some are Mons. The brokers are not armed—but they threatened us that if you don't pay us, we will hand you over to the DKBA.¹⁶⁶

Police arrested Ma Swe Swe on January 21, 2009, near the sewing factory where she worked on the outskirts of Bangkok. Immigration officers sent her to Mae Sot and she was deported with 107 other migrants to the DKBA 999 gate on January 29. She recalled that a group of over 10 ethnic Mon and Karen brokers met them and each one took control of a group of deportees and transported them by motorcycle taxis to a holding area. The broker holding Ma Swe Swe told her she must pay a total of 1600 baht to be released from his custody. She was frightened by the potential consequences of not complying. She told Human Rights Watch: "If I don't pay, I would end up in a Burmese [prison] cell. I feared that I might get sent back to Burmese immigration." Ma Swe Swe's sister paid for her release, and after the broker confirmed the bank transfer into his account in Mae Sot, she was sent back across the river to Thailand. Ma Swe Swe said: I don't know why I had to pay the money. I just know it is their [DKBA] area. If we don't pay, I don't know what would happen.... I was so afraid.... When the truck left the IDC [in Mae Sot] a car followed us the whole way to the gate. They were DKBA. The IDC, DKBA, and pway-za [traffickers] work together. Money makes everything.¹⁶⁷

Thai officials sent Burmese worker Wai Lei to Mae Sot on October 20, 2008, after holding him in detention in Bangkok for almost two months on an illegal entry charge. The next day, officials sent him with 200 deportees to DKBA Gate 10, where armed DKBA soldiers demanded he pay 1300 baht for his release. Wai Lei told Human Rights Watch that brokers compelled each of the deportees to call relatives or friends to secure the ransom for their release.¹⁶⁸

162 USCRI, World Refugee Survey 2008.

163 Human Rights Watch discussions with Burmese NGO activists in Mae Sot district, Tak province, December 2008 and January 2009.

164 Marwaan Macan-Markar, "For Pro-Junta Militia, Migrant Workers are Useful Cash Cows," Inter-Press Service News Agency, August 2, 2007.

165 Human Rights Watch interview with NGO activists, December 15, 2008, Mae Sot district, Tak province; see also Ian MacKinnon, "Porous Border between Poverty and Hope Fuels Rich Trade in Migrant Misery," The Guardian, July 31, 2007.

166 Human Rights Watch interview with Min Myo, migrant worker from Burma, Mae Sot district, Tak province, December 16, 2008.

167 Human Rights Watch interview with Ma Swe Swe, migrant worker from Burma, Mae Sot district, Tak province, February 12, 2009.

168 Human Rights Watch interview with Wai Lei, migrant worker from Burma, Mae Sot district, Tak province, October 25, 2008.