



សេវាបង្កើនស្ថានភាពជីវិតអ្នក
រស់នៅក្នុងតំបន់ឆ្នេរសមុទ្រ

យុទ្ធសាស្ត្រការពារបរិស្ថាន



WHERE IS THE HORIZON?

Trafficked on Fishing Vessels

This publication of Counter Trafficking in Persons Program (CTIP II) is made possible by the generous support of the American people through the United States Agency for International Development (USAID). CTIP II is implemented by Winrock International.

The opinions expressed herein do not necessarily reflect the views of USAID, the United States Government or Winrock International.



អង្គការជំនួយសហរដ្ឋអាមេរិក (USAID) គឺជាអង្គការមួយដែលផ្តល់ការគាំទ្រដល់ការងាររបស់យើង។ យើងបានទទួលបានការគាំទ្រពីអង្គការជំនួយសហរដ្ឋអាមេរិក (USAID) ក្នុងការងាររបស់យើង។ យើងបានទទួលបានការគាំទ្រពីអង្គការជំនួយសហរដ្ឋអាមេរិក (USAID) ក្នុងការងាររបស់យើង។

យើងបានទទួលបានការគាំទ្រពីអង្គការជំនួយសហរដ្ឋអាមេរិក (USAID) ក្នុងការងាររបស់យើង។ យើងបានទទួលបានការគាំទ្រពីអង្គការជំនួយសហរដ្ឋអាមេរិក (USAID) ក្នុងការងាររបស់យើង។ យើងបានទទួលបានការគាំទ្រពីអង្គការជំនួយសហរដ្ឋអាមេរិក (USAID) ក្នុងការងាររបស់យើង។

For those migrants deceived to work on fishing vessels. For justice to be served.

A compendium of case studies of victims' experience on fishing vessels.

Editor of the original version

Camille Dumont

Sara Piazzano

Laura Romah

Translated into Khmer and reviewed by

Sao Kosal

CTIP II team

Compilation of the case studies

Chhon Reasey

Yea Chenda Khantey

Mom Sokchar

Published by

Counter Trafficking in Persons Project CTIP II

Building F, Room 787, Phnom Penh Center,

Sothearos Blvd, Phnom Penh, Cambodia.

Publication right

CTIP II , 2014

Acknowledgement

This publication is a compendium of case studies of Cambodian victims of human trafficking on fishing vessels. The booklet contains 10 testimonies of survivors and is only the tip of the iceberg. The purpose of the testimonies is to give readers a revealing insight into all aspects of human trafficking of Cambodian men on fishing vessels. Interviewed victims' names have been withheld for security and privacy reasons.

The collection of case studies is a result of the documentation work of the Cambodia Counter Trafficking in Persons Program (CTIP II) implemented by Winrock International with the financial support of the US Agency for International Development (USAID).

Winrock International wishes to express thanks and gratitude to the team of CTIP II partner Legal Support for Children and Women (LSCW), which collected the case studies reported in this publication as well as the data presented in the introduction. With funding received by CTIP II, LSCW provides free legal support to 97 victims who filed complaint against Giant Ocean International Fishery Co., Ltd. in Cambodia.

We also thankfully acknowledge the financial contribution and overall support of USAID to undertake this collection of cases of human trafficking on fishing vessels.

Last but not least, we express our sincere gratitude to all the victims and their relatives that bravely shared with us their stories, and agreed to share their experiences and grieves with a wider audience.

Winrock International welcomes the use of the information in this document for further research, and guiding counter-trafficking initiatives.

Sara Piazzano

Chief of Party

Counter Trafficking in Persons Program (CTIP II)

Winrock International

Introduction about human trafficking of Cambodian men on fishing vessels

Every year, it is estimated that hundreds of Cambodian men are trafficked to work on fishing vessels in Thailand. Nearly 100% of those victims are people from rural communities who experience poverty and lack of job opportunities every day. Their hunger for employment and desire to offer a decent life to their family increase the risk for them to fall prey to traffickers.

These fishermen are trafficked by a rampant brutal human trafficking ring. Everything starts with a local broker in Cambodia, who brings the victim to someone who facilitates the crossing of the Thai border. All victims then end up in an exploitative situation on a fishing vessel. On board, they find themselves trapped as slaves: never-ending work hours, unpaid salaries, hard working conditions and abuses by employer or boat owner. Once they manage to escape from this nightmare situation, these victims also run the major risk of being arrested, detained and deported by the authorities of destination countries because of their undocumented status.

The pattern of trafficking of Cambodian men on fishing vessels has evolved with time. In the past, this human trafficking was done via illegal channels, through brokers only. However, the entire dynamic has recently changed: trafficking cases of Cambodian men on fishing vessels via a legal channel, i.e., private recruitment agencies, have been increasingly documented and reported to the public.

Focus on Giant Ocean International Fishery Co., Ltd.

Giant Ocean International Fishery Co., Ltd. (Giant Ocean),¹ a joint Taiwanese-Cambodian venture, was a recruitment agency directed by a Taiwanese national. Its head office was located in Phnom Penh. Giant Ocean registered with the Cambodian Ministry of Labor and Vocational Training (MoLVT) on July 12, 2010, for the stated purpose of “recruiting and sending Cambodians to work in Malaysia, Thailand, Japan, and Kuwait.”² However, almost none of the Cambodians recruited by the agency were sent to these countries. Instead, most were sent to countries as far away as South Africa, Senegal, Fiji and Mauritius.

Although there has been no formal ban on recruiting and sending Cambodians overseas to work on fishing vessels, the Royal Government of Cambodia (RGC) has made several statements over the years assuring the public that they do not tolerate this kind of activity. Despite the assurances of the RGC, the press has reported that Giant Ocean has sent well over 1,000 Cambodian men overseas to work on fishing vessels,³ in violation of the license received by MoLVT authorizing the agency to recruit and send workers only to the above mentioned countries and not in the fishing industry.⁴ Hundreds of these men have been reported missing by their families and all who have been repatriated to Cambodia have been identified by USAID-funded Counter Trafficking in Persons Program (CTIP II) partners, relevant UN agencies and/or other Cambodian NGOs as victims of trafficking (VoT).

¹ Two other recruitment agencies, Phoenix International Co., Ltd. and Hao Yuen International Co., Ltd., also involved in recruiting and sending Cambodian overseas on fishing vessels, appear to be agents or fronts for Giant Ocean.

² Giant Ocean was also registered with the Ministry of Commerce and the Ministry of Economy and Finance.

In the first quarter of 2012, a significant increase in the number of complaints from family members of fishermen prompted relevant UN agencies and Cambodian NGOs to work together to compile data for an initial report on the situation of Cambodian fishermen in Africa.⁵ At that time, one support agency reported receiving requests to assist 25 individuals working abroad, while another reported 26 missing individuals whose families requested intervention. Approximately half of those families lodged official complaints to the local police in Kampong Chhnang Province, Central Cambodia. The Ministry of Foreign Affairs and International Cooperation (MoFAIC) and Ministry of Interior (Mol) each reported between 170 and 200 cases involving fishermen, though the overlap between this data is not known.

In May 2012, the National Committee to Lead the Suppression of Human Trafficking, Smuggling, Labor and Sexual Exploitation of Women and Children (N.C.) held a meeting which represented the first serious discussion between Cambodian civil society organizations and the RGC about Giant Ocean and the increasing number of Cambodian men reported on Taiwanese fishing vessels in Africa.⁶ Steps were taken to streamline the case

³ The Cambodia Daily, "Cambodian Fishermen Trafficked to South Africa Return Home," July, 6, 2012: The president of the Association of Cambodian Recruitment Agencies (ACRA) reported that approximately 1,000 Cambodian men have been sent overseas by Giant Ocean.

⁴ The MoLVT has unofficially stated that Giant Ocean's license to operate in Cambodia has been suspended pending the final judgment by Cambodian courts. Its office in Phnom Penh was closed and its operations effectively ceased with the disappearance of two of its managers, Mr. Lu Lien Te and Ms. Lin Li-Chen. Mr. Lu Lien Te is presumed to be the director and Ms. Lin Li-Chen the deputy director.

⁵ The March 2012 fact sheet was shared with South African authorities and civil society organizations.

⁶ The Chief of Secretariat of the N.C. is Her Excellency Chou Bun Eng. Its Chhairman is His Excellency Sar Keng, the deputy Prime Minister and Minister of Interior.

referral process between the various government ministries, and the director of Chab Dai⁷ emphasized the need for the MoFAIC to engage with the government of South Africa on Giant Ocean cases. This meeting also marked the beginning of ongoing efforts by Cambodian civil society organizations to obtain compensation for victims of Giant Ocean through the USD 100,000 guaranty deposit kept with the MoLVT.⁸ To date, the MoLVT does not have any mechanism to withdraw this deposit money to compensate the cheated migrant workers.⁹

Since the initial report on Giant Ocean in March 2012, Cambodian NGOs and UN agencies have witnessed a steady increase in the number of victims repatriated to Cambodia. Their tragic stories reveal a systematic pattern of deception and abuse at the hands of Cambodian and Taiwanese nationals.¹⁰ Recently, in August 2012, a victim of Giant Ocean provided key pieces of documentary evidence which for the first time linked Giant Ocean to a notorious Singaporean agency, Step-Up Marine Enterprise (Step-Up), which has allegedly been involved in the illegal recruiting and trafficking of fishermen since 1987. Although the connection between Giant Ocean, Step-Up, and the Taiwanese fishing companies and owners of fishing vessels is

⁷ Chab Dai is a coalition of 58 NGOs working to end sexual abuse and human trafficking.

⁸ According to sub-decree 920 of the MoLVT, USD 100,000 is the amount to be deposited as a guaranty with the MoLVT when the Ministry delivers a license to a recruitment agency.

⁹ MoLVT is currently working with the International Labour Organization (ILO) on developing a *Praka* on the use of the recruitment agencies' deposit money.

¹⁰ Giant Ocean deputy director's passport indicates that she is a Taiwanese national and the Registration Certificate from the Ministry of Economy and Finance suggests that the director is also a Taiwanese national. Through victim testimonies and documentary evidence, the Cambodia Working Group for Migrant Fishers has learned that many of the owners of the fishing vessels involved in human trafficking are likely to be Taiwanese. There may also be other Taiwanese companies involved in this trafficking ring; more investigation is needed.

unclear, the paper trail and testimonies of courageous victims provide a solid foundation for the investigation of the alleged perpetrators in Taiwan and Singapore.

Trial of Giant Ocean International Fishery Co., Ltd.

In late 2011, the cases of Giant Ocean were reported publicly after the family of those workers sent through this agency asked both government institutions and NGOs to help their beloved relatives in the high seas. Since the closure of Giant Ocean in Phnom Penh, the manager of the recruitment agency ran away.

In May 2013, the Department of Anti-Human Trafficking and Juvenile Protection, in cooperation with the Office of Anti-Human Trafficking and Juvenile Protection in Siem Reap, arrested one of Giant Ocean's managers, Ms. Lin Li Chen, in Siem Reap province under the arrest warrant issued by the Phnom Penh Municipal court on charges of Unlawful Removal with Purpose under article 10 of the Law on Suppression of Human Trafficking and Sexual Exploitation. This court spend nearly one year for investigation and court processing before finally concluding the case and bringing it to trial.

The first audience, scheduled on February 11, 2014 was followed by a second one on February 28, 2014. The last audience took place on April 2, 2014. After three audiences, the court delivered its verdict on April 29, 2014. Six convicted persons were sentenced to 10 years of imprisonment and the victims should receive compensation and damages. However, on May 3, 2014, the perpetrator, Lin Li Chen, filed an appeal against the instance court's decision in order to delay the compensation process.

To date, NGO lawyers have been unable to obtain a copy of the court verdict to verify the names of the clients who seem not to be included in the list of judgment for compensation. CTIP II partner Legal Support for Children and Women (LSCW) now continues to work on this case at the appeals court.

Case Studies

SENEGAL

No. of victims and province(s) of origin	Four victims; Phnom Penh, Kampong Thom, Kratie and Kampong Cham
Destination	Senegal
Date of departure	August 5, 2010
Date of return	April 4 and May 20, 2012
Salary promised	USD 130 per month + additional bonus of USD 500 - USD 2,000 every 3 months
Salary received in total	USD 500 and plane ticket back to Cambodia + USD 20 in cash each month on the boat
Type of incidents encountered	<p>Cross-border human trafficking for labor exploitation:</p> <ul style="list-style-type: none"> • Non-payment of salary • Physical abuse • Food scarcity • 20 hours of work per day, 7 days per week
Recruitment agency	Giant Ocean International Fishery Co., Ltd
Date of filing complaint	September 25, 2012
Compensation requested	USD 5,000/person
Support provided by CTIP II	<ul style="list-style-type: none"> • Legal advice and consultation • Provided a lawyer free of charge to represent victims at court • Assistance for interview and filing of complaint to the Anti-Human Trafficking Police and Juvenile

	<p>Department and the Ministry of Interior</p> <ul style="list-style-type: none"> • Vocational training on agriculture via Khmer Women’s Cooperation for Development (KWCD)
--	--

This case involves six Cambodian men who were trafficked from Cambodia to Ivory Coast and Senegal and forced to work on a Taiwanese fishing vessel. It is unclear whose territorial waters the fishing vessel was in for the 20 months the Cambodian men worked on the vessel.

On April 4, 2012, four of the men were repatriated to Cambodia from Senegal, and the remaining two returned on May 20, 2012, by paying for their own plane tickets.

This case study is based on an interview with one of the four men who have returned to Cambodia. The other three returnees indicated that their story was substantially similar to that of the man interviewed (‘the victim’).

Recruitment

In July 2010, the victim read the fisherman job announcement in the newspaper *Koh Santepheap Daily*. He also heard the same job announcement on the radio (he does not recall the radio station). The announcement provided general information. Based on the information, he contacted the recruitment agency Giant Ocean International Fishery Co., Ltd., and spoke with a certain Mr. Chhai, known as “Krou Chhai” (teacher Chhai). Mr. Chhai is a Khmer who can speak Mandarin. According to the victim, Mr. Chhai was the manager of the training center of the agency.

At the recruitment agency, a man who seemed to be Chinese or Taiwanese explained the terms of the proposed salary to the victim. The explanation was translated into Khmer by Mr. Chhai. The victim indicated that the Chinese/Taiwanese man seemed to be the director of the agency. The agency proposed a three-year contract to work on a fishing vessel. The salary was stated to be USD 130 per month with the promise that an additional bonus of USD 500 - USD 2,000 would be awarded to the victim every three months. Even though the amount of the bonus would depend on his work performance, the recruitment agency promised the victim that he would receive an additional USD 500 every three months at a minimum. Furthermore, the agency told the victim that his salary would be deposited in a bank account at SBC Bank and that his family would be allowed to withdraw USD 50/month. His family would not be allowed to withdraw the remaining USD 80/month of his salary before the victim would have completed one year of work. However, the SBC Bank account was not opened in the victim's name. Instead, it was opened under Giant Ocean International Fishery Co., Ltd., and the victim's family had to go with a staff member to the bank each month to withdraw money. Giant Ocean International Fishery Co., Ltd. has since then closed the SBC Bank account.

The agency did not explain the working conditions to be expected nor did they inform the victim which country he would be going to. The only information that they gave is that he would be working for a Taiwanese company. They assured him that he would have enough food and clothing but also stated that he must work for one year before he would be allowed to return to Cambodia.

The victim agreed to pay USD 310 to the agency for his passport and a seaman's book. The agency loaned the victim USD 100 to purchase clothes and other items for the trip prior to departure.

There was no agreement regarding the re-payment of this amount.

After the Chinese/Taiwanese man explained the salary to the victim, the victim fingerprinted what seemed to be a contract written in Chinese. The victim could not read it and he was not offered any translation. None of the victims involved in this case has a copy of the contract.

Departure

The victim went by himself to the recruitment agency and stayed there for two weeks before his departure. On his departure date of August 5, 2010, Giant Ocean International Fishery Co., Ltd, drove the victim to the airport. There were a total of five people in the car: the victim, two other Cambodian men who were also future victims of trafficking (together, these are three of the six men trafficked to Senegal), the Chinese/Taiwanese man (who seemed to be the director of the agency), and a woman who seemed to be the Chinese/Taiwanese man's wife.

At the airport, no other information was provided to the three victims ('the victims'). The victims had layovers in Bangkok and Dubai before they reached Ivory Coast on August 7, 2010. The victims stayed in Ivory Coast for nine days before they departed from Port d'Abidjan (in Ivory Coast) on August 15, 2010.

Working Conditions/Exploitation

The victims worked on a fishing vessel in the middle of the sea for 20 months before the boat docked at a port in Senegal.

The boat was approximately 65 meters long and 15 meters wide. There were around 30 crew members: six Cambodians, six Indonesians, seven Filipinos, seven Vietnamese, four Chinese and one Chinese cook. The boat was white and was called 'Shin Yeou, No. 16.' The boat flew the flag of Ivory Coast when it was docked at Port d'Abidjan. However, the boat flew the flag of Senegal when it was docked at the Port in Senegal. The boat did not fly any flags while at sea. It is difficult to assess the nationality of the boat. The victims never met and do not know its owner.

As for the boat captain, he seemed to be Taiwanese. The victims do not know his name. He worked with a second-in-command who seemed to be Chinese.

The victims were forced to work at least 15 hours a day with little sleep. Sometimes, they were forced to work for 48 hours straight without a break. Their work on the boat consisted of fishing and repairing machinery. The victims received three meals per day but had to eat quickly otherwise all the food was taken by the other workers. If they arrived late to meals, there was no food left and they could not eat. They occasionally tried to store fish for themselves so that they could eat sufficiently.

The victims only had one set of clothes for their entire time on the boat. They slept on bunk beds, four in each room.

The victims received USD 20 per month in cash while working on the boat. They never complained to the captain about the hard working conditions because they were afraid that he would beat them. The second-in-command beat the victim three or four times because he was exhausted from his work. The victim noted that other workers were beaten when they were caught fighting among each other.

One day, after four or five months on the boat, the victims discussed with other workers and found out that they would not receive the bonus that was promised to them. Therefore, they asked the captain to release them from the boat so that they could return to Cambodia. The captain refused without giving them a reason.

The victim once saw a “Taiwan Patrol Ship” near their fishing vessel. The victims believed that this boat was a “Taiwan Police Patrol Ship” because it flew a Taiwan flag. Other workers on the boat said that this “patrol ship” frequently patrolled next to their fishing vessel.

Escape

The fishing vessel docked in Dakar, Senegal, on February 17, 2012, because the crew members needed to repair and paint it. The victim seized this opportunity to call his brother in Phnom Penh and explain his situation. His brother gave him the LSCW hotline number and the victim contacted LSCW for help.

The victims asked the captain again to send them back to Cambodia but the captain continued refusing. In the meantime, LSCW informed International Organization for Migration (IOM) Cambodia of the Victims’ situation and IOM Cambodia contacted IOM Senegal for help.

On February 27, 2012, an assistant of Giant Ocean International Fishery Co., Ltd., came to hear the victims’ request for repatriation. The assistant refused to send them back to Cambodia alleging that they had to work for the entire three-year contract.

Senegalese police/authorities brought the victims to the IOM office in Senegal for questioning. At the IOM Senegal office, the victims interviewed with the IOM office in Phnom Penh via Skype. After the interview, IOM Senegal turned them back to the Senegal police station and days later the Senegal police brought them back to the fishing vessel because they did not think that the victims were victims of human trafficking, there was no intervention by the Cambodian government, especially the Ministry of Foreign Affairs, and IOM could not provide them any further assistance¹¹.

After the captain and the assistant of the recruitment agency found out that the victims had complained to IOM and LSCW, they asked them to write a letter to the Taiwanese company requesting their release. The captain informed them that they were allowed to return to Cambodia but that the cost of the plane ticket would be deducted from their salary.

The captain also emphasized that although the four victims were allowed to return to Cambodia, the 2 other Cambodian men on the boat had to stay and work because they had not earned enough to cover the plane ticket back to Cambodia.

The victims received USD 500 in cash and their plane ticket back to Cambodia but the agency informed them that they would not receive the rest of the money that they earned from 20 months of work.

Repatriation and further assistance

On the day of their repatriation, an African man drove the victims to the airport. They transited through Bangkok and

¹¹ According to the victims and IOM staff in Phnom Penh

arrived at Phnom Penh International Airport on March 29, 2012, where they were greeted by their relatives. They came to LSCW for an interview on April 3, 2012.

LSCW offered legal advice and consultation to the victims. The victims decided to take legal action against Giant Ocean International Fishery Co., Ltd. LSCW provided them a lawyer to represent them free of charge in the court processing. The lawyer also accompanied them to the Anti-Human Trafficking and Juvenile Protection Department, Ministry of Interior, for being interviewed and for filing a complaint. Their case was referred to the Phnom Penh Municipal Court on September 25, 2012.

Furthermore, LSCW referred the victim to a partner, Khmer Women's Cooperation for Development (KWCD), to assess a suitable vocational training for him. This NGO trained him on how to manage a chicken farm at Praek Leap National School of Agriculture.

SOUTH AFRICA (8 Cases)

South Africa #1

No. of victims and province(s) of origin	One victim; Kampong Cham
Destination	South Africa
Date of departure	September 9, 2010
Date of return	July 21, 2012
Salary promised	200 USD per month
Salary received in total	None; only an air ticket to return home
Type of incidents encountered	<p>Cross-border human trafficking for labor exploitation:</p> <ul style="list-style-type: none"> • 18 to 20 hours of work per day • Non-payment of salary • Physical abuse • Food scarcity • Death threat
Recruitment agency	Giant Ocean International Fishery Co., Ltd.
Date of filing complaint	July 21, 2012
Compensation requested	USD 6,900
Support provided by CTIP II	<ul style="list-style-type: none"> • Legal advice and consultation • Provided a lawyer free of charge to represent victims at court • Assistance for interview and filing of complaint to the Anti-Human Trafficking Police and Juvenile Department and the Ministry of Interior

This victim heard a radio announcement in Kampong Cham about Giant Ocean International Fishery Co., Ltd., which offered jobs in Japan. Interested by the offer, he travelled to the recruitment agency’s office in Phnom Penh. The recruitment agency prepared his travelling documents and the man flew to another country (he does not know which country it was).

Once in the destination country, he realized that he was not in Japan. Instead, he was in Africa but did not know in which country. At the airport, someone picked him up and brought him to work on a fishing vessel.

The vessel remained docked in the port at that time. Still, the victim worked on it 18 hours a day. He reported that the boat captain abused him and that food was scarce. The boat captain often beat him to force him to work hard and sometimes, also threatened to kill him. This inhumane treatment prompted his decision to escape.

During Chinese New Year, he received a little money for his expenses at the port and spent it on a phone to contact his family, hoping that they would help him to escape from this difficult situation. The family, in turn, contacted IOM. The victim was finally repatriated to Cambodia in July 21, 2012.

South Africa #2

No. of victims and province(s) of origin	Three victims; Phnom Penh
Destination	South Africa
Date of departure	November 2011
Date of return	March 2012
Salary promised	USD 150 per month

Salary received in total	USD 200
Type of incidents encountered	Cross-border human trafficking for labor exploitation: <ul style="list-style-type: none"> • Non-payment of salary • 18 hours of work per day • Physical abuse • Discrimination • Food scarcity
Recruitment agency	Giant Ocean International Fishery Co., Ltd.
Date of filing complaint	March 21, 2012
Compensation requested	USD 6,000
Support provided by CTIP II	<ul style="list-style-type: none"> • Legal advice and consultation • Provided a lawyer free of charge to represent victims at court • Assistance for interview and filing of complaint to the Anti-Human Trafficking Police and Juvenile Department and the Ministry of Interior

Two victims were recruited by Giant Ocean International Fishery Co., Ltd., in Sen Sok district, in Phnom Penh. Another victim (the victim), by whom this case was described, reported having registered for recruitment at the Toul Kork office of the same recruitment agency. Before his departure, he was trained there on fishing skills for a week.

The recruitment agency offered to take care of all relevant migration documents for the victim, and to later deduct the

estimated USD 980 cost from his salary. The agency promised him a wage of USD 150 per month for a fishing job in South Africa. Contrary to the general pattern of Giant Ocean International Fishery Co., Ltd., the three victims reported being told openly that they would work on boats in South Africa. The agency told them that their families could receive their pay directly in Cambodia.

Documents gathered by a support agency working with the victims indicate that the victims transited through Bangkok, Dubai, Durban, and Cape Town on their way to the fishing vessel. When they arrived at the airport, some Taiwanese people met them and brought them to a boat named "Yu Tien." On the boat, they were forced to work 18 hours per day hauling nets and sorting fish. The crew members received meals three times a day but hardly had the time to eat. Indeed, meal breaks were for 10 minutes only. The victim reported that all fishermen were physically abused, especially Khmer workers, as they were unable to understand the captain's orders. There were 40 men of five different nationalities working in the same conditions on the boat: Cambodian, Vietnamese, Filipino, Indonesian and Burmese.

One man reported that the recruitment agency in the destination country paid USD 600 per month for each Khmer worker (apparently USD 800 for Vietnamese workers), but that only USD 150 was passed on to the local recruitment agency. This amount was then subject to deductions as established previously with the fishermen.

The victims' families reported receiving only two months' payment for a total amount of USD 200, though the victims worked for almost six months on the fishing vessel. Giant Ocean International Fishery Co., Ltd., repatriated them before the end

of the contract, in March 2012, when one victim pretended to have contracted a serious illness.

South Africa #3

No. of victims and province(s) of origin	Three victims; Takeo
Destination	South Africa
Date of departure	October 22, 2011
Date of return	July 30, 2012
Salary promised	USD 200 per month
Salary received in total	USD 190
Type of incidents encountered	Labor trafficking and exploitation: <ul style="list-style-type: none"> • 20 hours of work per day • Food scarcity • Physical abuse • Non-payment of salary
Recruitment agency	Giant Ocean International Fishery Co., Ltd.
Date of filing complaint	November 13, 2012
Compensation requested	USD 6,000
Support provided by CTIP II	<ul style="list-style-type: none"> • Legal advice and consultation • Provided a lawyer free of charge to represent victims at court • Assistance for interview and filing of complaint to the Anti-Human Trafficking Police and Juvenile Department and the Ministry of Interior

The three victims were recruited by Giant Ocean International Fishery Co., Ltd., in October 2011. They signed a document which was prefaced with a collateral agreement that the men would work on a fishing vessel in Japan and would receive further USD 20 per day for cigarettes. The victims were given USD 90 to buy clothes and prepare themselves for the trip. The recruitment agency explained that this amount was to be deducted from their first payment.

Although the three victims were told that they would work in Japan, they took a completely different route. Indeed, on October 22, 2011, the victims arrived in Cape Town, South Africa, after transiting through Bangkok and Doha. Upon arrival at the airport, an unknown Taiwanese man picked them up and brought them directly to a docked fishing vessel.

The boat was managed by five Taiwanese men. After one month of mechanical repairs, the boat departed to sea. The boat remained at sea for 10 months, offloading its catch to other vessels. This working method prevents crew members from seeing the land, escaping, and often converts those boats to what are essentially prison ships. On a typical day, crew members worked for 20 hours. Concerning food, they received only rice or noodles, sometimes twice a day, sometimes not at all. The victims reported that they were even often forced to cook bait to avoid starvation. They also reported that they were often slapped or beaten if they did not work fast or hard enough. They also reported bouts of seasickness that lasted for several days. None were allowed to rest or given medication when needed.

After 10 months at sea, the boat had to dock in Cape Town, South Africa, due to a refrigeration malfunction. Once disembarked, the captain gave the victims USD 100 to stay in the

town while the refrigeration system was being fixed. It should be noted that the boat captain held the victims' passports to ensure that they would not escape. The victims managed to contact their families in Cambodia, who informed LSCW. Coordinating with a Senior Immigration Officer in Cape Town Harbor, the victims were repatriated at the expense of their employer on July 30, 2012. A Chinese/Taiwanese agent, Mr. Christopher Ding, of the "Trade Ocean Marine" company, was responsible for organizing the tickets. The victims only received USD 190 for 9 months of labor.

South Africa #4

No. of victims and province(s) of origin	One victim; Kampot
Destination	South Africa
Date of departure	September 2011
Date of return	December 2011
Salary promised	USD 200
Salary received in total	None
Type of incidents encountered	Labor Trafficking and Exploitation: <ul style="list-style-type: none"> • More than 20 hours of work per day • Non-payment of salary
Recruitment agency	Giant Ocean International Fishery Co., Ltd or Phoenix International Co., Ltd.
Date of filing complaint	January 9, 2012
Compensation requested	USD 5,500
Support provided by	<ul style="list-style-type: none"> • Legal advice and consultation

CTIP II	<ul style="list-style-type: none">• Provided a lawyer free of charge to represent victims at court• Assistance for interview and filing of complaint to the Anti-Human Trafficking Police and Juvenile Department and the Ministry of Interior
---------	---

One victim from Kampot reported being recruited by Giant Ocean International Fishery Co., Ltd., or Phoenix International Co., Ltd. to work in Japan. The relationship between these companies is unclear. Unlike Giant Ocean International Fishery Co., Ltd, Phoenix International Co., Ltd., is not licensed by the Ministry of Labor and Vocational Training (MoLVT). However, according to the victim, a Cambodian phone contact of the latter was included on a Giant Ocean International Fishery Co., Ltd., advertisement.

However, he never reached this country and instead ended up working on a boat called "Yu Sing Sang" flying both Taiwanese and South African flags.

He worked at a port reported as "Savanoto," but it is possibly the port of Saldanha near Cape Town, South Africa. The victim reported seeing many Cambodians working at this port. A Cambodian staff of Giant Ocean International Fishery Co., Ltd., met him at the port there.

The victim reported that four other men were returned from South Africa to Cambodia with him at the cost of a private recruitment agency (either Giant Ocean International Fishery Co., Ltd., or Phoenix International Co., Ltd.) or of the boat's captain. The men involved in this case worked up to three months on the boat. After their return to Cambodia, it seemed

that even the victim's recruiter fell prey to his own agency. Indeed, his two sons and son-in-law that he recruited himself still remain missing. Families in this area also report having no men left in their families, as all have left to work on fishing vessels.

South Africa #5

No. of victims and province(s) of origin	One victim; Kampot
Destination	South Africa
Date of departure	October, 7, 2011
Date of return	December, 23, 2011
Salary promised	USD 200 per month + USD 20 for extra allowances
Salary received in total	None
Type of incidents encountered	Labor Trafficking and Exploitation: <ul style="list-style-type: none"> • Non-payment of salary • Food deprivation • 15 hours of work per day
Recruitment agency	Phoenix International Co., Ltd.
Date of filing complaint	January 9, 2012
Compensation requested	USD 6,000
Support provided by CTIP II	<ul style="list-style-type: none"> • Legal advice and consultation • Provided a lawyer free of charge to represent victims at court • Assistance for interview and filing of complaint to the Anti-Human Trafficking Police and Juvenile Department and the Ministry of Interior

The victims of this case were recruited by a local broker in Cambodia who lured them with a high-paid job opportunity in September 2011. The job in question was to work on a fishing vessel in Japan for 25 months at a salary of USD 200 per month, with USD 20 for extra allowances. The victim interviewed for this case study (the victim) trusted the broker because he knew him. Indeed, it was his 45 year-old neighbor. The victims never entered into any written contract and only concluded an oral agreement. The victim said that the broker offered him USD 65 as an advance payment to convince him to accept the job.

The victim and seven others accepted the job offer and went to the Phnom Penh office of Phoenix International Co., Ltd., on October 4, 2011. The office was located near Dai Hoi Market in Phnom Penh Thmei commune, Sen Sok district. When the victims arrived, they were taken inside by the recruitment agency's staff. The door was locked at all times. During the victims' stay, the staff showed them photographs of what their future work would look like and the kind of boat they would work on. The victim spent a total of three days at the office. During the whole time, he still believed that he would go to Japan to work.

The afternoon of October 7, 2011, a certain Mr. Toi and a certain Mr. Chhai, two recruitment agency staff members, took the victim to the airport. At the airport, they gave him his passport and seaman's book.¹² He departed from Cambodia later that night and transited through Bangkok and another city before arriving at his unexpected destination, South Africa.

¹² A seaman's book is a record of a seaman's career certifications and experiences. It does not take the place of a passport or visa.

At the airport, a man who seemed to be of Chinese origin met him and asked him if he was Cambodian. After the victim said "yes," the man drove him by car to an office near a port area. Once in the office, naval officers (or men who looked like officers) seized his passport and brought him to a fishing vessel located at what the victim reported as "Savannah" (possibly Saldanha) port. The boat was called "You Zin Xiang No. 66" and already contained 30 other crew members from the Philippines, China, and Cambodia. Against all rules, the boat flew two flags: a Taiwanese one in the front of the vessel and a South African one at the back.

The victim worked on the boat for two months while it was still docked at the port. He worked daily from 6 a.m. to 8 p.m., eating three times a day but otherwise forbidden to rest. His job was to repair nets and to clean the boat. During these two months, the victim never received any of the promised salary. Due to this lack of compensation, abuse from another crew member, and the difficult working conditions, he eventually decided to escape from this hell on earth.

On an unspecified date, the victim escaped from the boat and walked until he reached a recruitment agency's office in the port. There was a sign written in Chinese hanging outside of the office and a Taiwanese flag inside. That is why the victim believes that it was a Phoenix International Co., Ltd office.

The victim and another Cambodian worker met there tried to communicate and to tell a staff member that they wanted to return to Cambodia. The staff member did not respond to their requests. The victim ultimately stayed 25 days at the office during which he received very little food. A week after his arrival, the same Mr. Chhai arrived, gave food to the victim and the other 24 migrant workers present, and promised them that he

would repatriate them back to Cambodia. Mr. Chhai left after approximately one week and before he left, he asked the victim to fingerprint a document. The victim believes that the document may be an agreement not to bring any legal action against Phoenix International Co., Ltd.. LSCW tried to find the document in question but all documents were kept by the agency and the victim never received a copy of anything.

The victim was later repatriated to Cambodia but does not recall specifics due to the psychological trauma he went through when he was trafficked. CTIP II proposed the victim to refer him to a partner NGO for psychological support but his mother preferred to treat him with a Khmer traditional ceremony.

South Africa #6

No. of victims and province(s) of origin	One victim; Phnom Penh
Destination	South Africa
Date of departure	October 2011
Date of return	August 8, 2012
Salary promised	USD 150 per month
Salary received	None
Type of incidents encountered	Labor Trafficking and Exploitation: <ul style="list-style-type: none"> • Non-payment of salary • More than 20 hours of work per day
Recruitment agency	Giant Ocean International Fishery Co., Ltd
Date of filing complaint	July 6, 2012, by the victim’s mother
Compensation	USD 6,900

requested	
Support provided by CTIP II	<ul style="list-style-type: none"> • Legal advice and consultation • Provided a lawyer free of charge to represent victims at court • Assistance for interview and filing of complaint to the Anti-Human Trafficking Police and Juvenile Department and the Ministry of Interior

This victim, 31 years old, is from Phnom Penh. He left the country through Giant Ocean International Fishery Co., Ltd. in October 2011 and ended up on a fishing vessel in Cape Town. Soon after his arrival, the fishing vessel left Cape Town port for the middle sea. On the boat, he was beaten and forced to work very hard approximately 20 hours per day. He was never allowed to disembark. He reported being deprived of medical care and being at risk and in dangerous situations at all times.

The victim reported that one day, the fishing vessel docked in Kaohsiung Port in Taiwan. His mother, aware of his difficult situation, filed a complaint with LSCW against the recruitment agency and requested the repatriation of her son on July 6, 2012. LSCW intervened through the Cambodian Ministry of Foreign Affairs. The victim was finally repatriated on August 8, 2012.

South Africa #7

No. of victims and province(s) of origin	One victim; Kampong Cham
Destination	South Africa
Date of departure	September 7, 2010
Date of return	July 21, 2012
Salary promised	USD 200 per month
Salary received	None. The captain paid for the victim's air ticket to return home and told him that his salary would be sent to Giant Ocean International Fishery Co., Ltd., in Cambodia.
Type of incidents encountered	Labor Trafficking and Exploitation: <ul style="list-style-type: none"> • Non-payment of salary • More than 20 hours of work per day • Food scarcity • Physical abuse
Recruitment agency	Giant Ocean International Fishery Co., Ltd.
Date of filing complaint	July 24, 2012
Compensation requested	USD 6,900
Support provided by CTIP II	<ul style="list-style-type: none"> • Legal advice and consultation • Provided a lawyer free of charge to represent victims at court • Assistance for interview and filing of complaint to the Anti-Human Trafficking Police and Juvenile Department and the Ministry of Interior

The victim, 27 years old, is from Kampong Cham province. Because of his family's poverty, he had to leave school at second grade to work as a farmer.

In August 2010, the victim heard about a job opportunity in Singapore while listening to the radio. The Giant Ocean International Fishery Co., Ltd., radio advertisement stated that the recruitment agency would pay workers a salary of USD 200 per month. At that moment, the victim did not know that he would be taken for a ride. Therefore, he decided that the offer was a great opportunity and that he better grasp it. He went to the Phnom Penh office of the recruitment agency to register for the job.

According to the victim, the recruitment agency promised him that he would work in Singapore as a fisherman. However, they failed to explain to him the working conditions or what type of fishing work he would carry out. They offered him a salary of USD 150 per month divided as follows: USD 50 would be directly given to him, USD 50 would go to his family in Cambodia, and the remaining USD 50 would be deposited in a bank account in Cambodia. The agency told him that they would assist his family in opening an account at Acleda Bank. Actually, they never opened the account to deposit the USD 50 and never paid the promised other USD 50 per month to the family. The victim did not receive any of the USD 50 per month promised to him and the boat owner (or boat captain) told him that this amount would be used to purchase his plane ticket back to Cambodia when his contract terminated.

After the victim registered with Giant Ocean International Fishery Co., Ltd., he returned to Kampong Cham province to collect the documents needed for obtaining a passport. He returned to the recruitment agency's office in Phnom Penh to

submit the documents and signed a letter authorizing his family to receive the USD 50 per month in Cambodia as part of his salary. He received his passport on August 30, 2010, and departed Cambodia on September 7, 2010.

He arrived in Singapore on the same day and stayed at the office of a recruitment agency until he departed for South Africa at midnight. He does not recall signing any documents at the office of that agency. The victim arrived in Cape Town, South Africa, a day later. At the airport, a staff member of one of the recruitment agencies met him and brought him to the Taiwanese-owned fishing vessel named “Da He.” He stayed there for four days while the vessel was docked at the port. During those days, he assisted a mechanic in repairing a machine on the vessel.

While the fishing vessel was on the high seas, his job was different. He had to prepare the bait, gut the fish, and gather the fish to be placed in the freezer. There were a total of 40 workers on the boat: two Cambodians, eight Filipinos, six Vietnamese, eight Indonesians, two Burmese, four Chinese, and ten Taiwanese. He and the other crew members of the vessel worked seven days per week, sometimes with little or no sleep. In fact, they received only three to four hours of rest per day. The victim reported that food was scarce: crew members received food only once or twice per day and were malnourished. The other living conditions were not better. Indeed, on several occasions, the boat captain beat the victim for being careless about his job and threatened to kill him.

Before he was repatriated, the “boat owner” (identity unclear) mentioned that he would try to send him his salary through an unnamed company in Singapore. The “boat owner” then gave him several documents, including a contract written in Chinese

and many bank transfer forms which showed a link between an agency in Singapore and Giant Ocean International Fishery Co., Ltd., in Cambodia.

The victim returned to Cambodia on July 21, 2012. He now requests the Cambodian courts to punish his traffickers. He also seeks the compensation he was entitled to but never received.

South Africa #8

No. of victims and province(s) of origin	One victim, Kampot
Destination	South Africa
Date of departure	October 7, 2011
Date of return	December 31, 2011
Salary promised	USD 200 per month + USD 20 for extra allowances
Salary received	None; just the air ticket to return home
Type of incidents encountered	<ul style="list-style-type: none"> • Non-payment of salary • Harassment by other crew members • 14 hours of work per day
Recruitment agency	Phoenix International Co., Ltd.
Date of filing complaint	July 20, 2012
Compensation requested	USD 5,650
Support provided by CTIP II	<ul style="list-style-type: none"> • Contact IOM for the victim's repatriation • Identifying the victim as a victim of human trafficking • Legal advice and consultation

	<ul style="list-style-type: none">• Provided a lawyer free of charge to represent victim at court• Assistance for interview and filing of complaint to the Anti-Human Trafficking Police and Juvenile Department and the Ministry of Interior• Referred for vocational training on motor repairing skills through Khmer Women’s Cooperation for Development
--	---

One day in September 2011, the victim received the visit of a man from a neighboring village who informed him of a well-paid job opportunity. The broker offered the victim to work on a fishing vessel in Japan for 25 months for a salary of USD 200 per month with USD 20 for extra allowances. In addition, the broker offered him USD 65 to be later deducted from the USD 100 that the recruitment agency would allegedly give to the family at Phnom Penh airport before the departure of the victim. Attracted by the perspective of a better future, the victim accepted the job opportunity without signing a written contract.

The victim left his village on October 4, 2011, on a mini-bus with other migrants, paying 10,000 Riel (USD 2.5) to go to Phnom Penh. The minibus stopped at the office of the recruiting agency Phoenix International Co., Ltd., where the workers were taken inside and locked. On October 7, the recruitment agency brought the victim to Phnom Penh airport. The victim flew to Bangkok and finally arrived in Cape Town, South Africa, where a man who seemed to be of Chinese origin picked him up and brought him to an office in a port area where (apparent) naval officers confiscated his passport.

Trapped on the boat, the victim had to work in slavery-like conditions for two months, 14 hours per day. He was in charge of repairing the nets and cleaning the boat. He never received any salary for his work. He was bullied by another worker who hit him twice without any intervention by the captain or the possibility to complain to anyone. He also had to sleep in a narrow room with three other workers in bunk beds made of iron.

Due to those unbearable living conditions and the exhausting working condition, the victim decided to leave. However, it was not possible as the naval officers had seized his passport when he embarked on the boat. With no passport and no money, he did not know how to come back.

One day, the victim managed to contact his father in Kampot province, who immediately asked for LSCW CTIP II team assistance. LSCW contacted IOM in South Africa for repatriation assistance. Finally, the victim was repatriated back to Cambodia on December 31, 2011. On January 8, 2012, he contacted LSCW, whose staff traveled to his village on January 21 in order to properly identify him as a victim of human trafficking and to assess his needs. The CTIP II team also provided him with legal support for his case at the Phnom Penh municipal court. Based on the victim's needs, the CTIP II team finally referred him to an NGO called Khmer Women's Cooperation for Development (KWCD) for vocational training on motor repairing skills. The victim now runs his shop.

In his own words, he says, *"Thanks to USAID, which funded CTIP II to support me. Without you, I would never have returned back to Cambodia and I am not sure what would have happened to my life. Now, I have a job and I hope that it will enable me to help supporting for my family."*

FIJI

No. of victims and province(s) of origin	Three victims; Phnom Penh
Destination	Fiji
Date of departure	March 18, 2011
Date of return	August 2012
Salary promised	USD 150 per month
Salary received	USD 450 + USD 174/190 on the boat (depending on the victim)
Type of incidents encountered	Cross-border human trafficking for labor exploitation: <ul style="list-style-type: none"> • 19 hours per day, 7 days per week • Non-payment of salary
Recruitment agency	Haoyuen International Co., Ltd. (H.Y.) and Giant Ocean International Fishery Co., Ltd.
Date of filing complaint	September 13, 2012
Compensation requested	USD 4,900/person
Support provided by CTIP II	<ul style="list-style-type: none"> • Legal advice and consultation • Provided a lawyer free of charge to represent victims at court • Assistance for interview and filing of complaint to the Anti-Human Trafficking Police and Juvenile Department and the Ministry of Interior

The four Cambodian victims from Sen Sok district in Phnom Penh were recruited by Haoyuen International Co., Ltd. (H.Y.), in 2011 and sent overseas to work on a fishing vessel in Japan. The office of H.Y., like the one of Phoenix International Co., Ltd., was located in the district near the market *Psah Dey Huy*.

The three victims interviewed for this case study reported being recruited by two Cambodian women who came to their village to announce a job opportunity on a fishing vessel. The men accepted this job offer. They spent two weeks at the office of H.Y. for training. During this training, they learned English and looked at photographs of what they would be doing on the fishing vessel. They were in contact with three trainers, two cooks, and two managers, a couple, who appeared to be of Chinese origin. One of the trainers, Mr. Chhai, gave the men the Giant Ocean International Fishery Co., Ltd., card of a certain Mr. Doem Sothy and told them that this man was in charge of the salary withdrawals in Cambodia for the victims' families. There are different names of recruitment agencies sending Cambodian men on fishing vessels in those conditions – Haoyuen International Co., Ltd. (H.Y.), Phoenix International Co., Ltd. and Giant Ocean International Fishery Co., Ltd. – and the relationship between them is unclear. They are located in the same office. In this case, at first, the victims were registered by Haoyuen International Co., Ltd., but some of their documents were prepared by Giant Ocean International Fishery Co., Ltd.

The victims signed one document which was allegedly the work contract. They were unable to verify it because the document was entirely written in English. The recruitment agency did not explain them any working conditions. Mr. Chhai briefly told them that they would go to Japan for three years and would earn USD 150 per month: USD 50 per month would be transferred to their family in Cambodia (which they could only withdraw once every

three months), USD 20 per month would be paid directly to the men on the fishing vessel, and USD 80 per month would be saved in a bank account for them to withdraw after they finished their contracts. The men were then asked to sign a document which Mr. Chhai told them was an agreement to deduct USD 30 per month from their salary for clothes and other items as needed. In regards to the money actually received by the family, they reported receiving only USD 150 after the victims worked for the initial three months, and nothing after that date.

The victims departed Cambodia on March 18, 2011. Upon arrival in Fiji (not Japan), they were brought to the fishing vessel called "Shin Lung No. 216." The boat captain immediately confiscated the victims' passports. The victims also carried on their training there from March 20 to April 7, 2011. The boat then departed from Fiji on April 7, 2011, and did not dock again until it reached Kaohsiung, in Taiwan, in August 2012.

There were a total of 27 fishermen on the fishing vessel: seven Filipinos, eight Indonesians, four Vietnamese, four Cambodians, and four Chinese. The boat captain identified himself as Taiwanese.

On the boat, the victims worked around 19 hours per day, every day of the week. They became sick many times but were given medicine and then forced to work despite their illness. They never asked to return to Cambodia because they thought all along that their families were receiving the salary promised to them in the beginning. They did not know that H.Y. and Giant Ocean International Fishery Co., Ltd., were in fact closed, and that consequently it was impossible for their family to receive any payment.

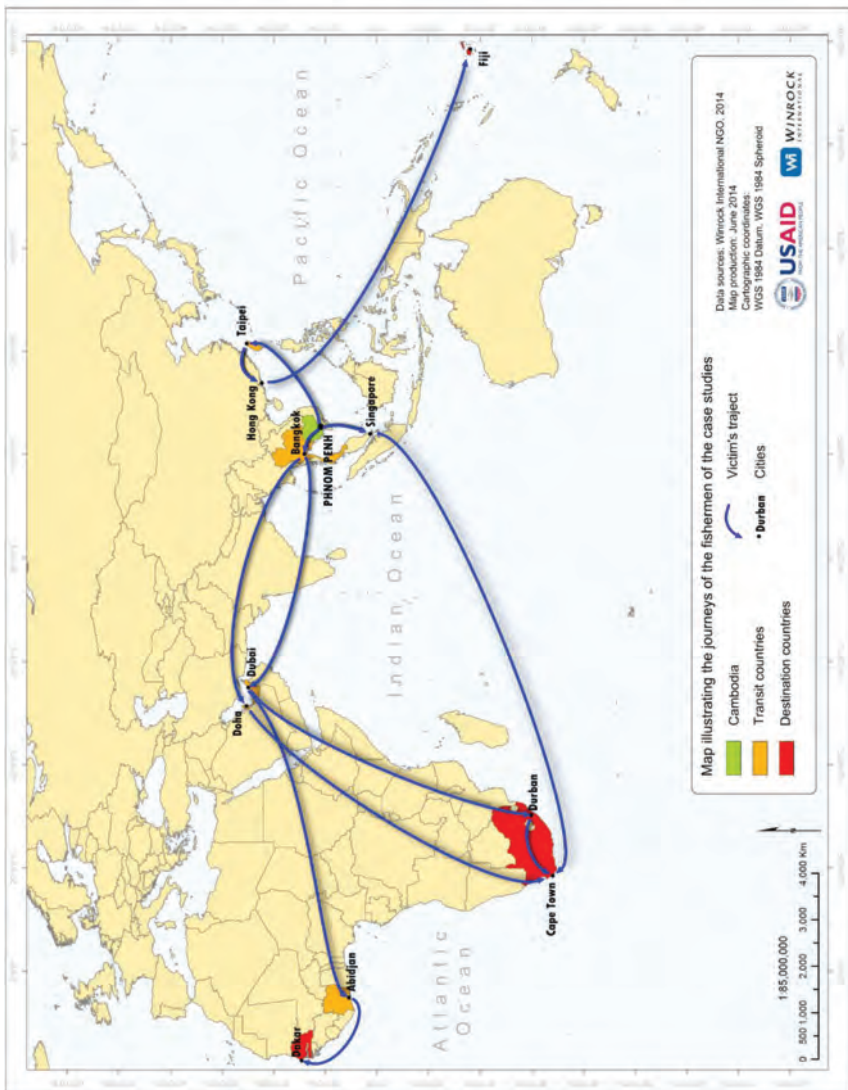
When their fishing vessel docked in Kaohsiung, the captain asked the victims to haul the fish that they caught off the boat. This task gave them the opportunity to contact their families in Cambodia. When their families informed them that the recruitment agency had closed and that they had only received USD 150, the victims asked the boat captain to send them back to Cambodia. The boat captain refused at first but eventually agreed to repatriate them, telling them that their passport and air fare had already been paid through the USD 30 per month that was deducted from their salary. One victim reported receiving a total of USD 174 on the boat while another one reported receiving USD 190.

The victims reported seeing many other Cambodian fishermen at the Kaohsiung port but do not remember any names or contact information.

**Annexes have been put in the middle of the booklet after the Khmer version.*

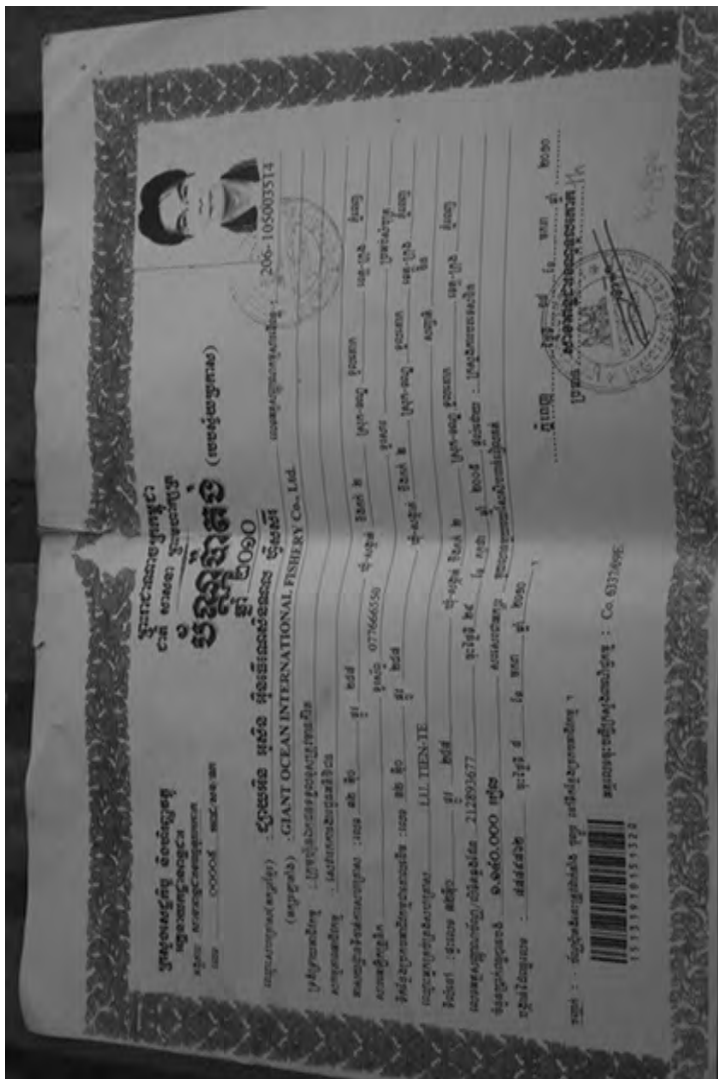
ឧបសម្ព័ន្ធ ១៖ ផែនទីបង្ហាញពីផ្លូវធ្វើដំណើររបស់អ្នកនេសាទនៃករណី
សិក្សាទាំងនេះ

Annex 1: Map illustrating the journeys of the fishermen of
the case studies



ដែលចេញដោយក្រសួងសេដ្ឋកិច្ច និងហិរញ្ញវត្ថុ

Annex 2: *Picture of the license of Giant Ocean International Fishery Co., Ltd by the Ministry of Economy and Finance*



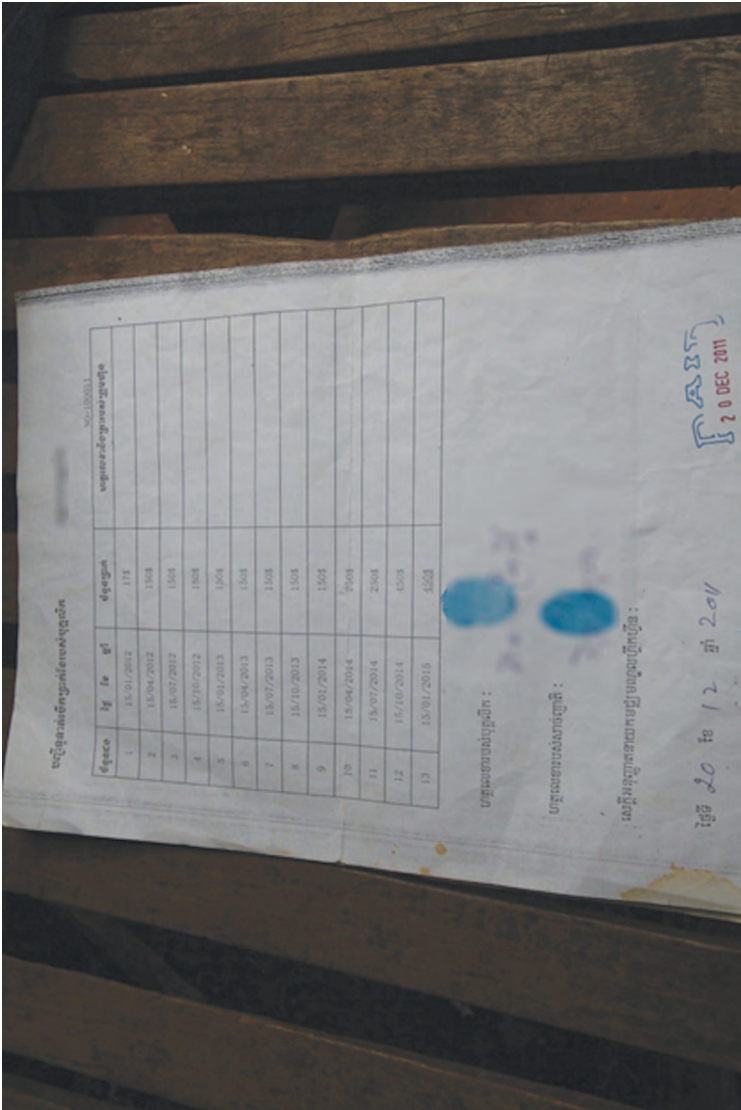
Annex 3: *Picture of the license of Giant Ocean International Fishery Co., Ltd by the Ministry of Commerce*



ឧបសម្ព័ន្ធ ៤៖ រូបភាពនៃប័ណ្ណចំណាយដែលសន្យាផ្តល់ឲ្យ ដោយក្រុមហ៊ុន

Giant Ocean International Fishery Co., Ltd.

Annex 4: Picture of the pay slips promised to a victim of Giant Ocean International Fishery Co., Ltd.



ឧបសម្ព័ន្ធ ៥៖ រូបភាពកំណត់ត្រារបស់ក្រុមហ៊ុន Giant Ocean International Fishery Co., Ltd.

Annex 5: Picture of a seaman's book of a victim of Giant Ocean International Fishery Co., Ltd.

