



3rd International Symposium on FishCRIME “Giant Ocean Case”

Vienna, November 26, 2017

By Vichuta LY

Legal Support for Children and Women (LSCW)



Complaints

- ❖ More than 1000 Cambodian men recruited illegally and trafficked to work on fishing boat
- ❖ Giant Ocean has sent Cambodian migrant workers to board in fishing vessels in countries such as Fiji island, Maritius Island, South Africa, Senegal, Singapore and Taiwan, which go against the conditions of Giant Ocean's license.
- ❖ First complaint came in December 2011, when the fishermen contacted local authorities and the local authorities referred the case to LSCW
- ❖ The Giant Ocean Fisheries Co. Limited (Recruitment Agency) closed office afterward and the owners are disappeared



Arrested

Despite changing her name to Yu-Hsin Lin, Li-Chen Lin was unable to evade human trafficking charges. She was arrested on May 10, 2013 in Siem Reap and charged with trafficking Cambodians to work under dire conditions off the coasts of South Africa, Fiji, Mauritius, Taiwan, Senegal and Singapore.



Photo: Phnom Penh Post

Court Sentenced

- ❖ The Cambodian Municipal Court (2014) has convicted the recruitment agency owner, Mrs. Lin to 10 years imprisonment and ordered to pay unpaid salary and compensation
- ❖ There are an additional five Taiwanese nationality perpetrators involved in this case, who are to receive the same punishment but have not yet been located (Efforts are still underway to locate the additional perpetrators)
- ❖ The Cambodian Court of Appeal (2015) and subsequently the High Court (2017) upheld the sentence and ordered the perpetrators to pay unpaid salary and compensation



Giant Ocean Fisheries Limited

- ❖ At the end of 2009 and early 2010, a Taiwanese national registered a recruitment agency at Ministry of Commerce and Ministry of Labour and Vocational Training to recruit Cambodian migrant workers to work abroad
- ❖ The MoLVT has issued a Prakas (Ministerial Directive) and approved that the recruitment agency was allowed to recruit Cambodian migrant worker to work in Thailand, Malaysia, Kuwait as factory worker, domestic worker and farm worker (but not as fishers)
- ❖ In addition, the RA was also allowed to recruit interns for internships in Japan



លោកវិទ្យាសាស្ត្រស្រាវជ្រាវ និងក្រុមហ៊ុន ចុះថ្ងៃទី១២ ខែ កក្កដា ឆ្នាំ ២០១០ ស្តីពីការប្រើប្រាស់ បញ្ជូនបណ្តុះបណ្តាល និងប្រតិបត្តិការងាររបស់ក្រុមហ៊ុននៅប្រទេសចិន ប្រទេសម៉ាឡេស៊ី ប្រទេសកូរ៉េ ប្រទេសថៃ និងបញ្ជូនកម្មសិក្សា និងទៅប្រទេសជប៉ុន និងប្រើប្រាស់ប្រទេសជប៉ុន។

ស ៤ ២ ២

ប្រការ ១ : ទទួលស្គាល់ក្រុមហ៊ុន **ជ្វាយជិត អូសិន អ៊ិនធើណេសិនលាន ធឿសសី** មានតាមរយៈឆ្នាំ ប្រចាំឆ្នាំ ២០១០ ប្រើប្រាស់ ២៧៧ សន្តិកា ប្រតិបត្តិការងារ បញ្ជូនបណ្តុះបណ្តាល បញ្ជូនបណ្តុះបណ្តាល និងប្រតិបត្តិការងារនៅប្រទេសចិន ប្រទេសម៉ាឡេស៊ី ប្រទេសកូរ៉េ ប្រទេសថៃ និងបញ្ជូនកម្មសិក្សា និងទៅប្រទេសជប៉ុន។

ប្រការ ២ : ក្រុមហ៊ុន **ជ្វាយជិត អូសិន អ៊ិនធើណេសិនលាន ធឿសសី** ត្រូវ :

- ធ្វើរបាយការណ៍តាមការណែនាំរបស់ក្រសួង។
- អនុវត្តតាមច្បាប់ អនុក្រឹត្យ កិច្ចសន្យា និងលិខិតបញ្ជូនបណ្តុះបណ្តាលជាជាងមេធាវី។

ប្រការ ៣ : ក្នុងករណីដែលក្រសួងកងរដ្ឋបាល និងបណ្តុះបណ្តាលពិជ្ជាធិការ ពិនិត្យឃើញថា ក្រុមហ៊ុន **ជ្វាយជិត អូសិន អ៊ិនធើណេសិនលាន ធឿសសី** មិនអនុវត្តច្បាប់ក្រសួង ២ ពាក់ព័ន្ធ ប្រកាសនេះ និងក្រសួងពាក់ព័ន្ធ ឬប្រទេសម៉ាឡេស៊ី ប្រទេសកូរ៉េ ប្រទេសថៃ ឬប្រទេសជប៉ុន ត្រូវបញ្ជូនបណ្តុះបណ្តាលជាជាងមេធាវី។

ប្រការ ៤ : ប្រកាសនេះមានសុពលភាពរយៈពេល ៣ ឆ្នាំ (បីឆ្នាំ) ចាប់ពីថ្ងៃចុះហត្ថលេខា។ សំណើសុំបន្តសកម្មភាពនៃប្រកាសនេះត្រូវធ្វើឡើងវិញ ១ ខែ មុនបញ្ចប់កិច្ចសន្យា និងបញ្ចប់បញ្ជូនបណ្តុះបណ្តាលពិជ្ជាធិការ ឬ

Recruitment Process

V/V: 大和

10 2 JUL 2012

签名及按手印
(Signature & Thumbprint)

1. _____

2. _____

A. 以上柬埔寨船员薪资每月实领美金150 (包含零用金)。此薪资分为: 船员从参船到2011年12月底船上领取零用金每月 US20/月, 剩余部分薪资 US130/月在劳务公司领取。

B. 从2012年1月1日开始到2012年12月底, 共12个月, 每个月除了在船上领取零用金 US20外, 贵公司另外每月再多发部分薪资 US50-船员 (因此船员在船上每月共领取美金70-), 另剩余的部分薪资 US80/月 X 12个月= US960, 则保留待船员回国前才一起总结领。

C. 自2013年1月1日开始, 船员在船上则每个月领取全薪美金 US150 (包含零用金), 直到船员回国。

注: 1. 船员要回国之前, 若有跟船长或贵公司借支: 泡面, 香烟等, 或贵公司要跟船员扣返国机票款。请贵公司直接在以上船员应得的薪资款或鲨鱼翅或工作奖金当中扣, 剩余才发给船员, 倘若贵公司忘记扣, 我公司一概无负责扣还这些额外的款项。

2. a. 柬埔寨在世界多数国家都没有大使馆。
b. 所有柬埔寨船员出来参船都是非正式船员。
c. 船员若护照过期, 是没有办法办理护照延期; 也没有办法办理新护照, 所以, 请贵公司要注意船员的护照有效期, 一定要在护照有效期前6个月让他们回去柬埔寨金边。

请贵公司盖章及让船员签名盖手印, 再回传至我公司入帐。

谢谢! (FAX:65-65363348)

1. Promised 150\$US per month with a bonus between 300\$ to 2,000\$US every three months or at the end of the contract term
2. The contract duration was 3 years but the contract was not written in the migrant worker's native language (it was written in Chinese)
3. Signed or thumb print only by migrant worker
4. Some Cambodian migrant workers knew that they would work on a fishing boat; others were told that they would work on a farm or in a factory
5. Passport, work visa, work permit and Seamen's book were issued (arranged by recruitment agency)

Departure and legal documents

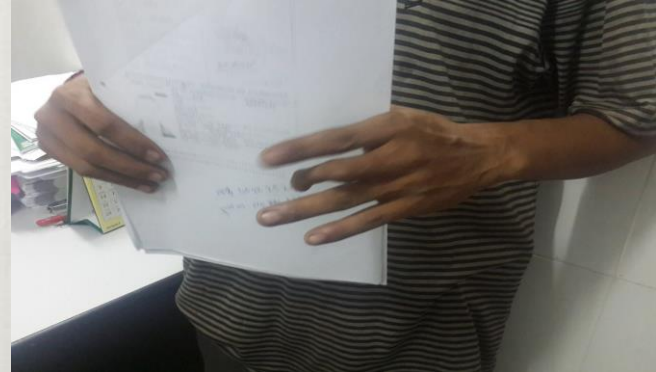
- ❖ Traveled with formal documents, crossed legal border crossings (migrants went to different destinations)
- ❖ All legal documents were confiscated upon the migrant fishers arrived on fishing vessels



Photo: LSCW (repatriation)

Work Condition

- ❖ Worked for between 16 to 18 hours per day
- ❖ Long periods of time at sea (months and years)
- ❖ Limited food
- ❖ No day off
- ❖ Suffered many injuries (and one fisherman witnessed the death of another fisher on the vessel)
- ❖ No or little payment salary
- ❖ And no bonus



Payment of Salary

បញ្ជីទំនាក់ទំនងរបស់បុគ្គលិក អគ្គលេខបុគ្គលិក PH-300083

ចំនួន	ថ្ងៃ ខែ ឆ្នាំ	ចំនួនប្រាក់	ហត្ថលេខាទទួលបានរបស់បុគ្គលិក
1	15/01/2012	111\$	100\$ = 11\$
2	15/04/2012	150\$	
3	15/07/2012	150\$	
4	15/10/2012	150\$	
5	15/01/2013	150\$	
6	15/04/2013	150\$	
7	15/07/2013	150\$	
8	15/10/2013	150\$	
9	15/01/2014	150\$	
10	15/04/2014	250\$	
11	15/07/2014	250\$	
12	15/10/2014	450\$	
13	15/01/2015	450\$	

ហត្ថលេខារបស់បុគ្គលិក :
ហត្ថលេខារបស់សាច់ញាតិ :

- ❖ The salary was to be paid every three months to the families of the migrant fishermen
- ❖ They received only between 11\$US to 150\$US
- ❖ No one have received full payment of salary

Victims Identification

- ❖ Illegally recruited (recruitment agency was not allowed to recruit migrant workers to work on fishing boat)
- ❖ Exploitation and slavery condition (long hour work, little paid or no paid salary, violence)



Migrant Workers Recruitment and Trafficking Trends



Linkage between Giant Ocean Fisheries Limited and Step Up Marine Enterprise

- ❖ Some victims recall being processed by a Singaporean agency called “Step Up Employment Agency,” which served as a middle-man recruitment agency initially dealing with domestic workers.
- ❖ In 1995, the company changed its name to “Step Up Marine Enterprise” and focused their recruitment on the recruitment of fishers.

Money Transferred

- ❖ Crew salaries (money) were found to be transferred from Step Up Marine Enterprise in Singapore to Giant Ocean Fisheries Limited in Cambodia (400,000\$US) over a month

UOB 大華銀行 華東銀行 華南銀行 華北銀行 華中銀行 華西銀行 華南銀行 華北銀行 華中銀行 華西銀行

Application for Telegraphic Transfer

Date: 8/1/2012

Reference Number: CNG TEE HING

Amount: 400,000.00

Beneficiary Bank Name: PANG PANG COMPANY

Beneficiary Bank Address: PANG PANG COMPANY

Beneficiary's Name: LIN LI CHEN

Beneficiary's Address: 11-1111-1111-1111

Amount Details / Purpose of Payment: 400,000.00

UOB 大華銀行 華東銀行 華南銀行 華北銀行 華中銀行 華西銀行

Application for Telegraphic Transfer

Date: 2/7/12

Reference Number: CNG TEE HING

Amount: 400,000.00

Beneficiary Bank Name: GIANT OCEAN FISHERIES LIMITED

Beneficiary Bank Address: GIANT OCEAN FISHERIES LIMITED

Beneficiary's Name: LIN LI CHEN

Beneficiary's Address: 11-1111-1111-1111

Amount Details / Purpose of Payment: 400,000.00

Cooperation among stakeholders for repatriation

- ❖ The migrant workers (fishermen) contacted their families and learned that they have received little salary payment or never received any payment at all.
- ❖ The migrant fishers told their families to contact NGOs and/or Police for help.
- ❖ We worked with partners such as local NGOs, International Organization (IOM), MoFA and donors for repatriation.

Main Challenges

- ❖ Victims knew only vessels number and the nationality flag, but not the name
- ❖ Took too much time for court proceeding (process took years)
- ❖ Lack of legislation on labour trafficking in destination country
- ❖ Difficulty to recognise migrant fishers as trafficking victims
- ❖ Lack of assistance for victims in destination country and limited reintegration support in country of origin
- ❖ Little cooperation between country of origin and destination for the investigation and prosecution for human trafficking

Victims' Testimonies (Video)

<https://drive.google.com/a/lscw.org/file/d/0B1wnqWnjvNs0LXNtVDZTRGJYaUk/view?usp=sharing>



Thank You Very Much
Any question?

Legal Support for Children and Women (LSCW)

Phone: (855) 23 220 626

Email: info@lscw.org

Web: www.lscw.org