

PUBLIC

AI Index: ASA 26/006/2007

28 March 2007

Further Information on UA 19/06 (ASA 26/001/2006, 27 January 2006) and follow-up (ASA 26/003/2006, 9 May 2006) – Forcible return/Arbitrary detention/Torture/ill-treatment

**LAO PEOPLE'S
DEMOCRATIC REPUBLIC**

Up to 27 ethnic Hmong people, including 22 children

On 8 March the Lao authorities publicly claimed to have “found” 21 girls and young women who have been missing since December 2005, but have not revealed their current whereabouts. Six others remain unaccounted for. The 27 have reportedly been held incommunicado in deplorable conditions, ill-treated and possibly tortured.

The 21 girls and young women were among a group of 27 ethnic Hmong asylum-seekers forcibly returned to Laos from Thailand on 5 December 2005. They are believed to have been arbitrarily detained at a prison attached to an army base outside Paksen, 200 km east of the capital, Vientiane. The five young men detained with the group, who were initially held in Vientiane, were moved around May 2006 to a detention facility in Phongsaly, in the north of the country.

Before they were forcibly returned to Laos the group had been living with their families in a makeshift refugee camp in the village of Huay Nam Khao, in the northern Thai province of Phetchabun, where approximately 7,000 ethnic Hmong from Laos are seeking refugee status. The group who have been forcibly returned were arrested by Thai police on 28 November 2005 on their way back from visiting a church outside the camp.

The Lao and Thai authorities are reportedly drafting a plan to reunite the girls and young women with their families. The Lao authorities have consistently denied any responsibility for the group, while at the same time claiming to be looking for them out of humanitarian concern.

BACKGROUND INFORMATION

The approximately 7,000 ethnic Hmong Laotians started arriving in the camp in Phetchabun province in 2004 claiming persecution in Laos because of their connection to former rebels who began armed resistance to the Lao government when it came to power in 1975. These rebel groups were formed from an armed faction that fought with the United States during the Viet Nam war and its spill-over fighting in Laos. Up to a third of the Hmong minority in Laos, estimated to be 300,000 in 1970, are believed to have fled abroad around that time, the vast majority resettling as refugees in the United States.

Up to a few thousand Hmong, including women, children and elderly people, still live in the jungle today hiding from attacks by the Lao military, despite no longer posing any apparent military threat to the Lao government. These families and communities in the jungle face a daily struggle for survival amidst malnutrition, disease, bullet and shrapnel injuries, and a lack of healthcare.

Laos and Thailand are state parties to the UN Convention on the Rights of the Child (CRC), which states that “a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.” The CRC also states that “No child shall be deprived of his or her liberty unlawfully or arbitrarily.”

As a state party to the International Convention on the Elimination of All Forms of Racial Discrimination the Lao authorities have legal obligations not to sponsor, defend or support any form of racial discrimination. In 2005 the UN Committee on the Elimination of Racial Discrimination raised concerns about reported violence against the Hmong minority, including children.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language or your own language:

- welcoming reports that 21 Lao girls and young women, from a group of 27 ethnic Hmong arbitrarily detained since they were forcibly returned from Thailand on 5 December 2005, have been "found";
- urging the authorities to publicly reveal where the 21 are now, and ensure that they are permitted to return to Thailand immediately to be reunited with their families;
- urging the authorities to carry out an independent and thorough investigation into their arbitrary detention, ill-treatment and reported torture during the 15 months since they were forcibly returned, and to bring those responsible to justice;
- urging the authorities to take immediate steps to locate the six unaccounted for from the group and ensure that they are released immediately and unconditionally, and permitted to return to Thailand to be reunited with their families;
- calling on the authorities to ensure that they fully uphold their obligations as a state party to the UN Convention on the Rights of the Child and the UN International Convention on the Elimination of All Forms of Racial Discrimination.

APPEALS TO:

Bouasone Bouphavanh
Prime Minister
Prime Minister's Office
Rue Sisavat
Vientiane
Lao People's Democratic Republic
Fax: +856 21 213560
Salutation: Dear Prime Minister

Chaleuan Yapaoher
Minister of Justice
Ministry of Justice
Rue Phone Xay
Vientiane
Lao People's Democratic Republic
Fax:
Salutation: Dear Minister

Dr Thongloun Sisoulith
Minister of Foreign Affairs
Ministry of Foreign Affairs
That Luang
Vientiane
Lao People's Democratic Republic
Fax: + 856 21 414009
Salutation: Dear Minister

COPIES TO: diplomatic representatives of the Lao People's Democratic Republic accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 May 2007.