

PUBLIC

AI Index: ASA 26/003/2006

09 May 2006

Further Information on UA 19/06 (ASA 26/001/2006, 27 January 2006) – Forcible return/Arbitrary detention/Torture/Ill-treatment

LAO PEOPLE'S DEMOCRATIC REPUBLIC **Up to 29 ethnic Hmong people, including 23 children**

The group of ethnic Hmong Laotians forcibly returned to Laos on 5 December are now known to number 27, of whom 22 are children. They are still held incommunicado, reportedly in deplorable conditions, and have reportedly been ill-treated. Some of them may have been tortured.

They are now known to be held in two separate facilities: 20 girls aged between 12 and 16, and two women, are detained at a prison attached to an army base outside Paksen, 200km east of the capital, Vientiane. Two boys and three men, who had been held in Vientiane, have now been moved to a detention facility in Phongsaly, in the north of the country.

The Lao authorities have not confirmed the whereabouts of the group. In responses to appeals from UA network members they have denied any responsibility for them, while at the same time claiming to be looking for them out of humanitarian concern.

On 6 April a group of 26 unarmed ethnic Hmong people, mostly women and children, were massacred by Lao soldiers when they came out of their hiding places in the jungles to scavenge for food, some 20km northeast of the tourist town of Vang Vieng. This has only increased concern for the group of ethnic Hmong who have been forcibly returned.

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 6,000 (latest figure from NGOs on the ground) ethnic Hmong from Laos are seeking refugee status. Local Thai security officials have placed increasingly severe restrictions on the Hmong, forbidding them from moving outside the camp. The group who have been forcibly returned were arrested on 28 November 2005 on their way back from visiting a church, which is outside the camp.

BACKGROUND INFORMATION

The approximately 6,000 ethnic Hmong Laotians living in the camp in Phetchabun province claim to have faced persecution in Laos because they are connected with rebels involved in an ongoing conflict with the Lao military. Some ethnic Hmong rebel groups, who fought with the US during the Viet Nam war and its spill-over fighting in Laos, have continued sporadic resistance to the current Lao regime since it came to power in 1975. 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 US. An unknown number of Hmong and other minorities have remained in the jungle to this day, hiding from the Lao military. Some have continued armed resistance to the Lao government, but most are not believed to be involved in fighting.

The Hmong currently in Phetchabun started arriving there in large numbers in 2004, seeking refugee status. The Thai authorities claimed they are "illegal" immigrants, while the Lao government has expressed doubt that they are Lao nationals.

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 (ICERD) 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:

- expressing concern that 27 Lao ethnic Hmong, including 22 children, have been arbitrarily detained since they were forcibly returned from Thailand on 5 December 2005;
- expressing concern that they have been ill-treated and possibly tortured;
- urging the authorities to confirm their whereabouts and ensure that they are released immediately and unconditionally, and permitted to return to Thailand to be reunited with their families;
- urging the authorities to immediately launch an independent and thorough investigation into the arbitrary detention, ill-treatment and reported torture of the children and adults, and to bring those responsible to justice;
- 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:

The Prime Minister
Office of the Prime Minister
Ban Sisavat
Vientiane
Lao People’s Democratic Republic
Fax: + 856 21 213560
Salutation: Dear Prime Minister

Khamouane Bouphe
Minister of Justice
Ministry of Justice
Lane Xang Avenue
Vientiane
Lao People’s Democratic Republic
Fax: + 856 21 414102
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 20 June 2006.