

Further Information on UA 324/06 (ASA 39/017/2006, 29 November 2006) and follow-up (ASA 39/018/2006, 8 December 2006) - Fear of forcible return/arbitrary arrest**THAILAND 16 Lao Hmong asylum-seekers
152 Lao Hmong refugees and asylum-seekers, including 77 children and eight infants**

Lao officials have been allowed to interview and photograph members of the group of 152 Lao Hmong refugees and asylum-seekers detained at the Immigration Detention Centre (IDC) in Nong Khai, to verify that they are Lao nationals, preparatory to returning them to Laos. Three buses are reportedly parked outside the IDC, which is on the border with Laos, ready to transport them.

The Lao officials were allowed into the IDC on 15 and 16 January. They reportedly told some of those interviewed that they would be repatriated in the next few days. In Laos the group would be at risk of severe human rights abuses, including torture. Under international law Thailand is not permitted to return anyone to a country where they would be at risk of torture or other serious human rights violations. No international human rights organization would have access to the group in Laos to monitor their well-being.

The group of 152 were arrested in mid-November and detained at the IDC in Bangkok. At least 140 of them have been recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR), or are in the process of having their refugee status determined. They were moved to Nong Khai IDC at 10pm on 7 December, prompting fears that the authorities intended to forcibly return them imminently.

Following protests by human rights organizations and the UNHCR, in mid-December the Thai authorities stated that for humanitarian reasons the 152 would not be deported. In late December, the UNHCHR again called on Thailand not to return the 152 to Laos. Attempts to arrange for some of the group to be resettled in a third country have been underway for some weeks. However, at the same time the Thai and Lao authorities appear to have reached an agreement to deport the group.

There is no further information about the separate group of 16 Lao Hmong asylum-seekers.

BACKGROUND INFORMATION

On 15 November the Thai authorities handed over 53 Hmong asylum-seekers to the Lao authorities, and their whereabouts have been unknown since then. The following day Lao media reported that the group would go through "re-education", without explaining what this would entail. The UNHCR later publicly warned that it would not have "access to these people once they are returned to Laos, and there have been no guarantees that they will be properly treated on their return to Laos."

On 5 December 2005, the Thai authorities forcibly returned a group of 27 ethnic Hmong refugees, 22 of them children separated from their parents, to Laos. They have been held incommunicado since then, and have reportedly been ill-treated; some may have been tortured. The return was in contravention of international refugee law, the Convention Against Torture and the UN Convention on the Rights of the Child, 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."

Up to one third of the Hmong minority in Laos, estimated to be around 300,000 in 1970, are believed to have fled abroad between 1975 and 1990, the vast majority resettling as refugees in the USA. Most Hmong in Laos are integrated into mainstream society, but an unknown number have been hiding from the authorities, particularly the military, in isolated pockets in the jungle since the end of the Viet Nam war (1965-1975). These groups are living in extreme poverty, hardship and disease, and violent onslaughts against them by the Lao military are regularly reported.

An estimated 7000 Lao Hmong asylum-seekers have arrived at a makeshift refugee camp at Huay Nam Khai in the northern Thai province of Phetchabun since 2004. Most claim to have been persecuted because of their connection with ethnic Hmong rebel groups who fought alongside the United States during the Viet Nam war and its spill-over fighting in Laos.

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

- urging the authorities not to forcibly return the group of 152 Lao Hmong refugees and asylum-seekers, including 77 children and eight infants, who have been interviewed and photographed by Lao officials in Nong Khai Immigration Detention Centre;
- reminding the Thai authorities that under international law they are obliged not to return anyone to a country where they would be at risk of torture, ill-treatment or other serious human rights abuses;
- urging the authorities not to hinder attempts to arrange the resettlement of some of the group in a third country;

- urging the authorities to allow UNHCR unhindered access to Lao Hmong asylum-seekers in order to properly assess their cases and to ensure that all those seeking asylum in Thailand have access to fair and satisfactory procedures to determine their refugee status.

APPEALS TO:

Head of agency with responsibilities for border areas and refugees

Secretary-General

Prakit Prachonpachanuk

National Security Council

Government House, Phitsanalouk Road

Dusit, Bangkok, 10300 Thailand

Fax: +66 2282 5131

Salutation: Dear Secretary-General

Prime Minister

General Surayud Chulanont

Office of the Prime Minister

Government House, Phitsanalouk Road

Dusit, Bangkok, 10300 Thailand

Fax: +66 2282 5131

Email: opm@opm.go.th

Salutation: Dear Prime Minister

Minister of Foreign Affairs

Nitya Pibulsonggram

Ministry of Foreign Affairs

Wang Saranrom, Bangkok 10200, Thailand

Fax: +66 2 225 6155

Email: thaiinfo@mfa.go.th

Salutation: Dear Minister

COPIES TO: diplomatic representatives of Thailand accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 2 March 2007.*****