

17 August 2007

Further Information on UA 324/06 (ASA 39/017/2006, 29 November 2006) and follow-up (ASA 39/018/2006, 8 December 2006; ASA 39/002/2007, 19 January 2007; ASA 39/003/2007, 29 January 2007; ASA 39/004/2007, 31 January 2007) – Fear of forcible return/arbitrary arrest/health concern

THAILAND 149 Lao Hmong refugees, including 77 children and nine infants

The 149 Lao Hmong refugees detained at Nong Khai Immigration Detention Center (IDC) began a hunger-strike at midday on 16 August in protest at their continued detention in appalling conditions. There are grave concerns for their welfare, particularly as more than half of them are children and some are already suffering from health problems made worse by the conditions at the detention centre and the fact that they have been detained for a prolonged period.

Conditions at the Nong Khai IDC have deteriorated recently. Since June the refugees are confined to two small, hot, windowless, overcrowded cells, which they are not allowed to leave, in what the United Nations Refugee Agency (UNHCR) has described as "deplorable" conditions. They reportedly have no access to clean drinking water, have not been allowed to wash their clothes, and have had their mosquito netting and blankets removed. This is reportedly in response to the escape of seven of the group in June, two of whom were recaptured and returned.

The 149, who are recognized as refugees by the UNHCR, have been detained for the last nine months. They were arrested in mid-November 2006 and initially detained at the IDC in Bangkok. On 7 December they were transported to Nong Khai, on the border with Laos.

The Thai authorities attempted to forcibly return the group to Laos on 30 January, but met with international condemnation after immigration officials dragged the women and children from their cell, loaded them onto buses and took them to the Lao border. The authorities attempted to force the men and boys from their cell, where they had barricaded themselves. The unlawful deportation attempt was abandoned, and since then Prime Minister Surayud Chulanont has stated that the group will not be forcibly returned to Laos, and will be allowed to resettle in third countries. Four countries have accepted all of them for resettlement, but the Thai authorities have not yet allowed the refugees to leave.

Despite repeated calls from UNHCR and other members of the international community, including Amnesty International, the 149 recognized refugees in Nong Khai IDC have not been released and allowed to proceed with their resettlement.

BACKGROUND INFORMATION

Around 8,000 ethnic Hmong Lao asylum-seekers are living in a camp at Huay Nam Khao in Phetchabun province. Lao Hmong started arriving at the camp in large numbers in 2004, seeking refugee status. In addition, an unknown number are held at police detention facilities in the province.

These individuals claim to have been persecuted in Laos because of their connection with ethnic Hmong armed resistance groups, who fought alongside the USA against the communist Lao forces during the Viet Nam war (1965-1975) and its spill-over fighting in Laos.

So far, the UNHCR has not been allowed access to the Lao Hmong in Huay Nam Khao in order to determine their protection needs, and the Thai authorities have not introduced a fair and satisfactory procedure to enable these individuals to claim asylum and a durable solution to their plight. In early June a group of 163 asylum-seekers were forcibly returned under a bilateral agreement between Thailand and Laos, in breach of international human rights law and standards.

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

- expressing concern that 149 Lao Hmong refugees, including children and infants, remain in prolonged detention in overcrowded and unsanitary conditions in Nong Khai Immigration Detention Center;
- expressing concern that the refugees are already in poor health, and that this is likely to deteriorate further as they embark on a protest hunger strike, and urging the authorities to immediately provide the refugees with adequate medical care;
- calling on the authorities to take immediate steps to improve the conditions at the IDC and the treatment of the refugees, in accordance with UN Standard Minimum Rules for the Treatment of Prisoners;
- urging the authorities to arrange the speedy resettlement of the refugees to a third country;
- urging the authorities to ensure that UNHCR and other relevant independent humanitarian agencies are given immediate access to all asylum seekers, including new arrivals, in Huay Nam Khao and other facilities in Phetchabun province.

APPEALS TO:

Head of agency with responsibilities for border areas and refugees

Secretary-General

Prakit Prachonpachanuk

National Security Council

Government House, Phitsanulok 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, Phitsanulok Road

Dusit, Bangkok, 10300 Thailand

Fax: +66 2282 5131

Email: opm@opm.go.th

spokesman@thaigov.go.th

Salutation: Dear Prime Minister

Minister of Foreign Affairs

Nitya Pibulsonggram

Ministry of Foreign Affairs

Wang Saranrom, Bangkok 10200, Thailand

Fax: +66 2 643 5320

Email: minister@mfa.go.th

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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 28 September 2007.*****