

EXTERNAL (for general distribution)

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PLEASE BRING TO THE ATTENTION OF REFUGEE COORDINATORS

UA 147/91

Refoulement/Fear of Torture

1 May 1991

THAILAND/MYANMAR (BURMA): 41 Burmese asylum-seekers deported from Thailand to Myanmar

Amnesty International is concerned about reports that on 26 April 1991 Thai police and navy forces deported 41 Burmese asylum-seekers to Myanmar, where two or more are feared to have been arrested by military authorities of the ruling State Law and Order Restoration Council (SLORC) and may face prolonged detention and torture because of their non-violent political activities. The organization is also concerned that at least 21 of those deported who managed to make their way back to Thailand have been rearrested there and may be deported again to Myanmar to face possible arrest and torture. Amnesty International is calling on the Thai authorities not to forcibly return any more Burmese asylum seekers, and not to detain them in Thailand unless the authorities can demonstrate that their detention is justifiable under international standards.

According to reports, the 41 Burmese asylum seekers deported by the Thai authorities had all been recognized by the United Nations High Commissioner for Refugees as persons of concern to it. They had nevertheless been arrested by Thai police in late 1990 for "illegal immigration" and sentenced to short prison terms, which they served and completed in the Immigration Detention Centre (IDC) in Bangkok. They were, however, not released. In January 1991, a number of Burmese asylum-seekers held in the IDC were allegedly beaten after a demonstration in which they protested their continued detention despite completion of their sentence. (See UA 50/91, ASA 39/01/91, 13 February.)

On the night of 25 April, the 41 were reportedly taken out of the IDC and taken by truck to Ranong, a town on the southwest coast of Thailand across a small strait from a Myanmar town, Kawthaung. On the morning of 26 April, they were put on a boat and escorted by the Thai navy to a dock at Kawthaung. At this point, one of them is said to have tried to commit suicide by stabbing himself, and the others to have jumped into the water. Some managed to make their way back to Thailand, while others ended up on Myanmar territory.

As of 27 April, there were reports that at least two of the asylum seekers might be in SLORC custody in Kowthaung. Twenty-one others had been rearrested in Thailand, where on 29 April they were sentenced to 14 days imprisonment for "illegal immigration". They are believed to be held in the prison of the Phanpalar police station in Ranong province, from which they could easily be deported to Myanmar upon completion of their sentences.

At least some of the rest of those deported on 26 April are believed to be in hiding in Thailand, and may also be arrested and face deportation again. The asylum-seeker who attempted suicide is believed to be among them.

BACKGROUND INFORMATION

Myanmar (the official name of the country formerly called Burma) borders Thailand on the west. Since 1988, thousands of political activists and others have fled Myanmar to Thailand to escape large-scale human rights violations by the SLORC, including detention for the peaceful exercise of fundamental human rights, torture and executions, as well as detention on political grounds without charge or trial and unfair political trials. Amnesty International believes that any asylum-seeker from Myanmar who is forcibly returned to the country would be at risk of severe human rights violations.

In February 1991, the elected civilian Thai government of Prime Minister Chatichai Choonhavan was overthrown in military coup d'etat. The coup group was headed by the commander-in-chief of the Thai armed forces and is now known as the National Peace-Keeping Assembly (NPKA). The NPKA has now appointed an interim civilian prime minister, but continues to enforce martial law and restrictions on the rights to freedom of opinion and expression and of assembly imposed at the time of the coup. Some 60 Thais are known to have been arrested since the coup for the peaceful exercise of these rights. Some of the Thais arrested are known to have been friendly with exiled Burmese students.

Amnesty International has previously expressed concern that the Thai authorities may be detaining asylum-seekers from Myanmar in a way contrary to international standards relating to the protection of their human rights, such as those set forth in the United Nations High Commissioner for Refugees Executive Committee Conclusion 44 and United Nations Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment. According to these standards, "illegal immigration" is not in itself a justification for detention of asylum-seekers. Their detention should normally be avoided and should only be resorted to where necessary, for specified reasons. Asylum-seekers must also be given access to a fair and impartial procedure for determining the merits of their asylum claim.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- expressing concern at reports that 41 Burmese asylum-seekers were deported to Myanmar on 26 April, and that there are fears that at least two of them may have been arrested by SLORC authorities and may be at risk of torture or imprisonment for their non-violent political activities and beliefs;
- expressing concern at the reported rearrest for "illegal immigration" of the Burmese deportees who have managed to return to Thailand;
- urging that no Burmese asylum-seekers be returned to Myanmar against their will, because anyone sent there may be at risk of serious human rights violations;
- urging that no Burmese asylum-seeker in Thailand be detained in a manner that is contrary to international human rights standards, such as those set forth in the United Nations High Commissioner for Refugees Executive Committee Conclusion 44 and United Nations Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment, and in particular that they not be detained merely for "illegal immigration".

APPEALS TO:

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Gen Itsaraphong Nunphakdii

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Ministry of Interior

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The Governor

Sala Klang
Ranong 85000, Thailand

Telegrams: Governor Sala Klang, Ranong, Thailand

and to diplomatic representatives of Thailand in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 11 June 1991.