

Note to UA Coordinators: Within the context of your UA work, please regard this as a PRIORITY UA.

EXTERNAL (for general distribution)

AI Index: ASA 39/14/91

Distr: UA/SC

PLEASE BRING TO THE ATTENTION OF THE REFUGEE COORDINATOR IN YOUR SECTION.

UA 268/91 Possible Unlawful Killing/Refoulement

5 August 1991

THAILAND: Min Thein, 24-year-old asylum-seeker

Amnesty International is concerned that the Thai Government policy of detaining asylum-seekers merely for "illegal immigration" has resulted in the death of one detained refugee, Min Thein, during an escape attempt. Amnesty International is also concerned about allegations suggesting that the Thai police officer who shot him to death may have acted unlawfully.

Min Thein was a student political activist from Myanmar (Burma) who fled his country in 1988 because of human rights violations. He was one of four people from Myanmar recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR) who were arrested on 29 July 1991 for "illegal immigration". The arrest came as part of the recent intensified crack-down by the Thai authorities on asylum-seekers from Myanmar. This crackdown was announced on 8 July 1991 after asylum-seekers from Myanmar held two peaceful demonstrations in Bangkok, the Thai capital, to demand that the Thai authorities treat them according to international human rights standards and that the international community afford them proper protection of their human rights.

In announcing the crackdown on asylum-seekers, Bangkok Deputy Police Commissioner Major General Chaisit Karnvanakit declared: "*Their being here in the first place is not a right thing, yet they create disturbances*". He instructed police to "*take stringent action*" against them.

Following his arrest on 29 July 1991, Min Thein was held for two days at the Immigration Detention Centre in central Bangkok. On 31 July 1991, he and a number of other "illegal immigrants" were reportedly put in a police pick-up truck and taken to a court in Minburii, on the northern outskirts of Bangkok. Min Thein and two other prisoners tried to escape when the pick-up truck reached the court, reportedly because they feared the Thai authorities might eventually forcibly repatriate them to Myanmar. One was recaptured almost immediately, but Min Thein and a second prisoner, a woman named Ma Thet, managed to climb a wall and run away. Two local policemen on a motorcycle chased them to a construction site, and it was there that Min Thein was shot and suffered wounds from which he subsequently died. According to a statement issued by a police spokesman on 2 August 1991, the policeman who shot Min Thein was acting in self-defence. The policemen's motorcycle had reportedly overturned, pinning one policeman under it. The police allege Min Thein had tried to assault the trapped policeman, and claim it was therefore necessary to shoot him. Ma Thet, however, reportedly denies that Min Thein threatened the police, and alleges that Min Thein was shot in the back while still attempting to flee.

After the incident, Ma Thet and the other person who had attempted to flee were reportedly sentenced to four months imprisonment for "illegal immigration".

Amnesty International is continuing to seek information about the exact circumstances of Min Thein's death in order to establish whether the police acted lawfully in shooting him. In the meantime, the organization believes his tragic death demonstrates the urgent need for the Thai Government to stop acting contrary to international human rights standards in its treatment of asylum-seekers.

BACKGROUND INFORMATION

Myanmar (the official name of the country formerly called Burma) borders Thailand on the west. Since September 1988, thousands of student and other political activists have fled to Thailand to escape large-scale human rights violations by the State Law and Order Restoration Council (SLORC), which took power in a military coup at that time. These human rights violations include the arrest of thousands of people for the non-violent exercise of the rights to freedom of expression and assembly, routine torture of political prisoners, and extrajudicial executions. Amnesty International believes that any such asylum-seeker from Myanmar who is forcibly returned to the country would be at risk of severe human rights violations.

The Thai Government has recently increasingly detained asylum-seekers from Myanmar on the grounds of "illegal immigration". However, international standards dealing with the protection of asylum-seekers make clear that governments have a special responsibility to people who seek their protection. Amnesty International is concerned that the Thai Government's practice of detaining Burmese asylum-seekers is contrary to international standards which state that they should normally not be detained and that, in cases where detention is necessary, it should only be for certain specified reasons, which do not include "illegal immigration".

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

- expressing grave concern that the Thai Government policy of detaining asylum-seekers from Myanmar merely for "illegal immigration" has resulted in one detained refugee, Min Thein, being shot to death during an escape attempt;
- respectfully pointing out to the Thai Government that according to international human rights standards, "illegal immigration" is not itself a justification for detention of asylum-seekers;
- stating that you are aware that the police say the policeman who shot Min Thein was acting in self-defence, but you are concerned by reports that an eyewitness has contradicted the police version;
- urging that the Government initiate an inquiry by an independent and impartial body into the circumstances of Min Thein's death to establish whether he may have been killed unlawfully;
- urging that if Min Thein was unlawfully killed, any person responsible for his death be brought to justice.

APPEALS TO:

Prime Minister Anand Panyarachun
[Salutation: Dear Prime Minister]
Government House
Nakhorn Pathom Road
Bangkok 10300, Thailand

**Telegrams: Prime Minister Anand
Bangkok, Thailand
Telexes: 84791 IMFODEP TH**

**Telegrams:
Interior Minister Itsaraphong
Bangkok, Thailand
Telexes: 84791 IMFODEP TH**

Gen Itsaraphong Nunphakdii
[Salutation: Dear Minister]
Minister of Interior
Ministry of Interior
Atsadang Road
Bangkok 10200, Thailand

Arsa Sarasin

[Salutation: Dear Minister]

Minister of Foreign Affairs

Ministry of Foreign Affairs

Saranromya Palace

Bangkok 10200, Thailand

Telegrams:

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COPIES 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 16 September 1991.