

**PUBLIC**

**AI Index: ASA 39/018/2006**

**08 December 2006**

**Further Information on UA 324/06 (ASA 39/017/2006, 29 November 2006) - Fear of forcible return/arbitrary arrest**

**THAILAND                      16 Lao Hmong asylum-seekers**

**New names: 152 Lao Hmong refugees and asylum-seekers, including 77 children and eight infants**

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A group of 152 Lao Hmong refugees and asylum-seekers are now reportedly in imminent danger of forcible return to Laos, where they would be at risk of severe human rights violations, including torture. They have been moved from Bangkok to a detention centre on the Lao border.

They were removed from the Immigration Detention Centre (IDC) in Bangkok at around 10pm on 7 December, and transported to Nong Khai, on the border with Laos. Among them are 77 children and eight infants. They are now reportedly held at the IDC in Nong Khai in extremely crowded conditions, and are at imminent risk of forcible return to, in clear breach of international legal obligations. No international human rights organizations would have access to them in Laos.

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.

A separate group of 16 Lao Hmong asylum-seekers are still held at Nong Khai IDC, and are also at risk of forcible return to Laos.

An estimated 7000 Lao Hmong refugees and 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 (1965-1975) and its spill-over fighting in Laos.

Under international law Thailand is not permitted to return anyone to a country where they would be at risk of serious human rights abuses.

#### **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 will 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 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. These groups are living in extreme poverty, hardship and disease, and violent onslaughts against them by the Lao military are regularly reported.

**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 were transported to Nong Khai from the Immigration Detention Centre in Bangkok on 7 December;
- calling again on the authorities not to forcibly return the group of 16 asylum-seekers detained in the Immigration Detention Centre in Nong Khai since November;
- 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 violations;
- urging the authorities to allow the UNHCR unhindered access to Lao Hmong asylum-seekers in order to properly assess their cases;
- urging the authorities 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 19 January 2007