

TO: UA Coordinators
FROM: IS, CMD/RD Asia

Below is the revised version of UA 50/91 on Thailand. Here is a message from the research team as to why the UA had to be slightly altered:

We have now learned of an important nuance in the reason for the demonstration that broke out on 29 January 1991 among Myanmar asylum-seekers. Some of them reportedly were willing to be deported to Myanmar, if they were to go to safe areas not controlled by the State Law and Order Restoration Council. Their fear was that they might instead be handed over to the junta, which is responsible for the severe human rights violations that we have documented in Myanmar. We have modified the text of the UA to take account of this important nuance.

EXTERNAL (for general distribution)

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

UA 50/91

Ill-Treatment/Refugee Concern

13 February 1991

THAILAND : Myo Min Oo alias Aung Naing Oo, aged 25
Aung Win, aged 19
Maung Maung Lwin
Win Aung, aged 24
Aung Htun, aged 29
Aung Naing Oo, aged 21
Win Thein, aged 26

Amnesty International is concerned about allegations that the seven asylum-seekers from Myanmar (Burma) named above have been singled out and beaten or otherwise ill-treated by Thai police officers at the Suan Phluu Immigration Detention Centre (IDC) in Bangkok. The alleged beatings apparently took place after the asylum-seekers protested their continued detention despite completion of prison sentences for "illegal immigration". Amnesty International is concerned that they may be subjected to further ill-treatment or may be threatened with forcible return to Myanmar under circumstances that could put them at risk of imprisonment for non-violent political activities and of torture or execution. It is also concerned that their detention may be contrary to international standards.

According to reports, on 29 January 1991, some 40 Myanmar nationals staged a demonstration in IDC Cell 4, during which they beat on cell bars and shouted protests against their continued detention following the completion of sentences for "illegal immigration". Two months is reportedly the maximum sentence provided for illegal immigration under Thai law. The unrest is said to have been prompted in part by fears among the detainees that the Thai authorities might be planning to forcibly hand at least some of them over to the custody of the ruling Myanmar State Law and Order Restoration Council. Those involved claim that they requested a meeting with the IDC Commander to clarify their status and future. According to other sources, during the demonstration an IDC police guard was hit.

Junior immigration police officers, accompanied by prisoner "trusties", are reported then to have handcuffed ten or more asylum-seekers. When the asylum-seekers objected to this treatment, the officers and "trusties"

allegedly began beating and kicking them and forced them down several flights of stairs. One asylum-seeker was allegedly severely beaten in front of Cell 4, and one was allegedly unconscious by the time he reached lower floors. Four were then taken to an office where they were allegedly beaten and kicked further and, in one case, subjected to mock drowning. The beatings allegedly included the use of batons and pistol butts, and another asylum-seeker is said to have been left unconscious as a result. The next day, three more asylum-seekers were allegedly beaten.

The most serious injuries were reportedly sustained by Myo Min Oo alias Aung Naing Oo, Aung Win and Win Aung. According to persons who visited them at IDC, they displayed swelling, bruises and cuts that appeared to corroborate the allegations of ill-treatment, and complained of possible bone fractures and other untreated injuries. There are reports that police officers have asked the alleged victims to sign statements denying they were ill-treated, but they have refused. Immigration authorities have publicly denied that the ill-treatment took place, but the available evidence suggests the allegations have sufficient credibility to warrant further official investigation.

BACKGROUND INFORMATION

Myanmar (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 State Law and Order Restoration Council, including detention for the peaceful exercise of fundamental human rights, torture and executions. Amnesty International believes that any asylum-seeker who is forcibly returned to Myanmar would be at severe risk of one or more such human rights violations. In the past several months, Thai immigration and other police authorities have arrested increasing numbers of Myanmar asylum-seekers for "illegal immigration", and have formulated plans for detaining them in a special camp. These moves follow an incident in November 1990 in which Myanmar nationals who had fled to Thailand hijacked a Thai airliner to India. While recognizing Thailand's legitimate security concerns, Amnesty International has urged the Thai Government to ensure that no asylum-seeker from Myanmar is detained in a way contrary to international standards relating to the protection of his or her 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" entry 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:

- urging an impartial and independent investigation into allegations that the above-named asylum-seekers from Myanmar were ill-treated by police officers at the Suan Phluu Immigration Detention Centre on 29 and 30 January 1991; that the results of this investigation be made public and any police officers who may be responsible be brought to justice in accordance with Thai law;
- asking for assurances that the above-named prisoners will be protected from any possible further ill-treatment; and that they will not be forcibly handed over to the Myanmar authorities, as a result of which they would be at risk of severe human rights violations;
- asking for assurances that no asylum-seekers from Myanmar will be detained in Thailand 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.

APPEALS TO:

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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 27 March 1991.