

PUBLIC

AI Index: ASA 39/017/2006

29 November 2006

UA 324/06

Fear of forcible return/arbitrary arrest

THAILAND

16 Lao Hmong asylum-seekers

The Thai authorities are reportedly preparing to forcibly return 16 Lao Hmong asylum-seekers. The 16 had recently fled because of alleged serious persecution by the Lao authorities. No international human rights organisations would have access to them in Laos, and they would be in danger of serious human rights violations, including torture.

The group are held at the Nong Khai Immigration Detention Centre in northern Thailand. When they were detained they had been making their way to a makeshift refugee camp at Huay Nam Khao in the northern Thai province of Phetchabun, which is home to an estimated 7,000 ethnic Hmong Lao refugees. The Lao refugees started arriving at the camp in large numbers in 2004, seeking refugee status. 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.

Another group of 152 Lao Hmong, 85 of them children, were arrested in mid-November and have been held at the Immigration Detention Centre in Bangkok since then and are at risk of forcible return. The United Nations High Commissioner for Refugees (UNHCR) has recognised 140 of them as refugees, or is in the process of determining whether they are refugees.

Under international law Thailand is obliged not 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 state media reported that the group would go through "re-education", without explaining what this would entail. The UNHCR later publicly warned that it has "no 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, 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 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, French or your own language:

- urging the authorities not to forcibly return the group of 16 asylum-seekers in Nong Khai;
- 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 Thai authorities to allow the UNHCR unhindered access to the group in Nong Khai in order to properly assess their cases;
- urging the Thai authorities to ensure that all those seeking asylum in Thailand have access to fair and satisfactory procedures to determine their refugee status

APPEALS TO:

General Sonthi Boonyaratkalin
National Security Council Chair
Government House
Phitsanalouk Road
Dusit, Bangkok
10300 Thailand

Fax: +66 2 280 0858

+66 2 282 8631

Salutation: Dear General

Prime Minister

General Surayud Chulanont
Office of the Prime Minister
Government House
Phitsanalouk Road
Dusit, Bangkok
10300 Thailand

Fax: +66 2 280 0858

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 10 January 2007.