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Deputy Prime Minister
Government House
Phitsanulok road
Dusit
Bangkok 10300
Thailand

27 January 2025

Dear Deputy Prime Minister,

RELEASE REFUGEES FROM ARBITRARY DETENTION AND REFRAIN FROM FORCIBLY RETURNING THEM TO CHINA

I write to communicate Amnesty International's concern at the situation of 48 men from China's Xinjiang Uyghur Autonomous Region who are reportedly at risk of forcible return to China, where they would be exposed to grave human rights violations. 43 among them in Suan Phlu Detention Centre, Bangkok, have been in indefinite immigration detention since 13 March 2014, in connection with their illegal entry to the country, and five are serving prison sentences due to a past attempt to escape immigration detention. All of them are believed to be at risk of deportation.

I request that your government act decisively to comply with Thailand's obligations under domestic and international human rights laws and standards and immediately release the 43 men from immigration detention.

Amnesty International urges that your government ensure that the 43 individuals (pending their release), as well as the five Uyghur men who are serving prison sentences, can seek asylum and access a full, effective and fair procedure to assess their asylum claims and allow them access to lawyers, family members and appropriate medical care.

Amnesty International is further concerned about the health conditions of individuals in the group, 23 of whom are reportedly suffering from serious health conditions including "diabetes, kidney dysfunction, paralysis of the lower body, skin diseases, gastrointestinal illnesses and heart and lung conditions."¹ They have been held in prolonged arbitrary detention without access to adequate medical care or access to family, lawyers or officials of the Office of the High Commissioner of Human Rights and the United Nations High Commissioner for Refugees.² In addition, they have reportedly been on hunger-strike.³ We call on you to grant them timely access to adequate health care, should it be needed, consistent with international human rights standards.

¹ UN Office of the High Commissioner for Human Rights, [Thailand must immediately halt deportation of 48 Uyghurs to China: UN Experts, 21 January 2025](#)

² National Human Rights Commission of Thailand, [The NCPO Weekly Featured Press Conference No. 39/2023 In the case of Uyghur detainees being detained indefinitely until they get sick and die, it is a violation of their rights. Impact on the community Advice on Remedies for Damages and Strict Supervision of Operations \(1 26 October 2023](#)

³ New York Times, ["Fearing Deportation Uyghurs in Thailand go on Hunger Strike"](#), 19 January 2025

Amnesty International is concerned that these individuals would be at risk of human rights violations, including arbitrary detention, torture and other ill-treatment, if returned to China. The organization calls on your government to strictly adhere to domestic and international legal obligations not to forcibly return individuals in violation of the internationally recognized principle of non-refoulement, which prohibits the forcible transfer of individuals to a place where their life and liberty may be at risk.

PROLONGED ARBITRARY DETENTION

The 48 men were among a group of more than 300 men, women, children and elderly people, whom Thai authorities apprehended on 13 March 2014, after they had fled persecution and discrimination and other grave human rights violations in China's Xinjiang Uyghur Autonomous Region. Officials detained them in two operations targeting presumed human smuggling camps.⁴

Under international law, asylum seekers should not be punished for irregular entry.⁵ Like any other person, they should enjoy the right to liberty,⁶ which should be their default condition. Under international law, the right to liberty can only be restricted in specific and the most exceptional of circumstances. Detention can only be justified as a last resort measure, if there is a legitimate purpose, and only if it is necessary, proportionate, and non-discriminatory.⁷ Migration detention should be for the shortest time possible,⁸ and must not be prolonged or indefinite. The detention must be regularly reviewed by judicial authorities and only extended if it can be demonstrated that it is necessary, proportionate, and no less intrusive alternatives are available to achieve the legitimate aim.⁹ Furthermore, the prohibition of arbitrary detention is absolute, meaning that it is a non-derogable norm of customary international law.¹⁰

However, your government has detained indefinitely 43 of these 48 men for close to eleven years, without reviewing their detention. Authorities have failed to assess their protection needs. Their indefinite detention has been facilitated by the lack of provisions in Thailand's Immigration Act defining maximum periods of detention.¹¹ As such, the indefinite detention of these 43 men amounts to arbitrary detention, forbidden under international law. A further five men detained with the group since 2014, who are serving prison sentences for escaping immigration detention in 2020, are also reported to be at risk of forced return.

INHUMANE CONDITIONS OF DETENTION

National and international human rights monitors continue to express concern to your government at the unsuitability of immigration detention centres - facilities that are not intended or equipped for long-term stay – to hold migrants and refugees, in conditions of detention which frequently fall short of international law and standards, particularly in relation to overcrowding.¹² United Nations Special Procedures mandate holders have further indicated that the

⁴ Amnesty International, [Thailand: Between a Rock and a Hard Place: Thailand's Refugee Policies and Violations of the Principle of Non-refoulement](#), AI Index ASA 39/7031/2017, September 2017

⁵ Working Group on Arbitrary Detention, Report of the Working Group on Arbitrary Detention, 10 January 2008, UN Doc. A/HRC/7/4, paragraph 53; Report of UN Special Rapporteur on the Human Rights of Migrants, UN Doc E/CN.4/2003/85; UNHCR Revised Guidelines on Applicable Criteria and Standards Relating to the Detention of Asylum Seekers, 1999

⁶ International Covenant on Civil and Political Rights (ICCPR), Art. 9

⁷ ICCPR Art. 9(1), Art. 12

⁸ UN Special Rapporteur on the Human Rights of Migrants, UN Doc. A/HRC/20/24, 2 April 2012

⁹ General Comment No. 27 (1999) of the Human Rights Committee, Freedom of movement (Art.12 of the ICCPR)

¹⁰ UN Working Group on Arbitrary Detention, Revised Deliberation No. 5 on deprivation of liberty of migrants, 7 February 2018, UN Index A/HRC/39/45, para. 8.

¹¹ Thailand, The Immigration Act of 1979, enacted 24 February 1979, available at Microsoft Word - Immigration Act B.E. 2522 - ENG by CTLS.doc

¹² Amnesty International, [Thailand: Open letter on the treatment of Rohingya asylum seekers and migrants](#) (ASA 39/002/2013) June 2013; United Nations High Commissioner for Refugees, [Submission for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review, Thailand: 3rd Cycle, 39th Session, February 2021](#); National Human Rights Commission of Thailand, [The NCPO Weekly Featured Press Conference No. 39/2023 In the case of Uyghur detainees being detained indefinitely until they get sick and die, it is a violation of their rights, 26 October 2023 \(in Thai\)](#); International Federation for Human Rights, [Out of Sight, Out of Mind, Human rights violations in Thailand's Immigration Detention Centres, October 2024](#); UN Committee Against Torture, [Concluding observations on the 2nd periodic report of Thailand UN Index: CAT/C/TH](#)

conditions in which the group has been held could amount to cruel, inhuman and degrading treatment or punishment, and may have contributed to the deaths in custody of five other Uyghur individuals in detention since 2014, including a three-year old child and a newborn baby, through “inconsistent and insufficient” health care within immigration detention.¹³

RISK OF FORCIBLE RETURN

Media reports indicate that on 8 January 2024, Thai government officials visited the 43 men in Suan Phlu Immigration Detention Centre and pressured them to complete paperwork agreeing to deportation.¹⁴

RISKS UPON RETURN IF FORCIBLY RETURNED TO CHINA

Amnesty International has documented massive and systematic abuses by the government of China against Uyghurs and other predominantly Muslims living in Xinjiang Autonomous Region, including in internment camps, where over a million people have been arbitrarily detained. Uyghurs have been subjected to severe restrictions on freedom of expression, assembly and religion, arbitrary detention, torture and other ill-treatment, unfair trials, executions, extrajudicial killings, and violations of economic, cultural, and social rights.¹⁵

Our organization has concluded that the Chinese government has committed at least the crimes against humanity of imprisonment, torture and persecution against Uyghurs, Kazakhs and other predominantly Muslim ethnic groups.¹⁶ It considers that members of this group of 48 men, if returned to China, could be at risk of serious human rights violations, including torture and ill-treatment, arbitrary detention and enforced disappearance.

In 2015, Thailand breached its international human rights obligations, including the principle of non-refoulement, by facilitating the forcible return of 109 other Uyghur men to China, after their transfer by Thai officials to the custody of Chinese officials in July of that year. The individuals were forced onto a chartered flight to China by armed Chinese security personnel on 9 July 2015.¹⁷

MEASURES TO IMPROVE PROTECTIONS OF REFUGEES AND MIGRANTS

United Nations human rights experts, national rights monitors and governments have made successive recommendations that your government take steps to protect refugee rights in law and practice.¹⁸ This includes by ratifying the 1951 Convention on Refugees,¹⁹ legal reform to prevent prolonged and indefinite detention,²⁰ to improve

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¹³ UN Experts, Letter to the Thai government on the detention conditions of Uyghurs in Thailand, UN Index: AL THA 2/2024, 22 February 2024, available at [AL THA \(2.2024\)](#)

¹⁴ Associated Press, [Uyghurs in Thailand say they fear deportation and persecution in China](#), 11 January 2024,

¹⁵ Amnesty International, China: “Like we were Enemies in a War”: China’s Mass Internment, Torture and Persecution of Muslims in Xinjiang (ASA 17/4138/2021), 10 June 2021

¹⁶ Amnesty International, China: “Like we were Enemies in a War,” as above

¹⁷ Amnesty International, [Thailand: Between a Rock and a Hard Place: Thailand’s Refugee Policies and Violations of the Principle Non-refoulement](#), AI Index ASA 39/7031/2017, September 2017

¹⁸ Human Rights Committee, Concluding Observations on the second periodic report of Thailand, UN Index CCPR/C/THA/CO/2, 25 April 2017; United Nations General Assembly, Report of the Working Group on the Universal Periodic Review, UN Index A/HRC/49/17, December 2021; UN Committee Against Torture, Concluding observations on the 2nd periodic report of Thailand, as above

¹⁹ United Nations General Assembly Report of the Working Group on the Universal Periodic Review 3rd cycle as above, 52.15 (Luxembourg, Mexico), 52.14 (Namibia, Spain, Costa Rica, Cote d’Ivoire); United Nations General Assembly Report of the Working Group on the Universal Periodic Review Universal Periodic Review 2nd cycle UN Index A/HRC/33/16, 25 April 2017, 58.21 (Kazakhstan) 159.5 (Portugal) 59.65 (Germany)

²⁰ UN Committee Against Torture, Concluding observations on the 2nd periodic report of Thailand, as above

detention conditions²¹, and strictly adhering to the principle of non-refoulement,²² as well as adopting a refugee screening mechanism that complies with international human rights law.²³

Amnesty International has welcomed steps taken by Thai authorities to comply with its international human rights obligations, including through the 2022 adoption of domestic legislation enshrining the prohibition of refoulement under the Prevention and Suppression of Torture and Enforced Disappearance Act,²⁴ which prohibits deporting or extraditing a person to another country “where there are substantial grounds for believing the person would be in danger of torture, cruel, inhuman, or degrading treatment or enforced disappearance.” Deporting these 48 individuals would constitute a violation of this Thai law as well as of Thailand’s obligations under international human rights law.

To protect the human rights of these 48 men who fled their country to seek international protection in Thailand, Amnesty International reiterates recommendations made to your government by United Nations Special Procedures and by governments in the Universal Periodic Review process to:

- + ensure in law and practice that people in need of international protection are not returned to a country where there are substantial grounds for believing that there is a real risk of persecution or other human rights violations;
- + immediately release refugees who are arbitrarily detained, and pending their release provide them with access to lawyers, medical care, and access to relatives;
- + grant all people in need of international protection access to a fair and effective procedure where their protection needs can be individually assessed, and protect them from refoulement;
- + ensure the National Screening Mechanism is in line with the international definition of refugees and ensure all individuals in need of international protection are able to access it;
- + refrain from detaining refugees, asylum seekers and migrants, establish a presumption of liberty in legislation, and implement alternatives to detention;
- + use detention as a last resort, and only based on individual circumstances that are reasonable, necessary, and proportionate;
- + ensure detention is regularly reviewed over time, including by granting individuals detained access to effective judicial review and ensure that the conditions in immigration detention centres are in compliance with international standards; and
- + become a party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and establish a fair and effective asylum system in line with international standards.

Amnesty International urgently calls on your government to respect the principle of non-refoulement and halt the forced return of the 48 Uyghurs men to China, on account of the risks they would be exposed to in the country. The organization also urges you to grant them access to fair and effective asylum procedures and release the 43 men from immigration detention. Amnesty International stands ready to discuss these proposed measures with your government.

²¹ Universal Periodic Review, UN Index A/HRC/49/17, December 2021, 52.70 (Iraq)

²² UN Committee Against Torture, Concluding observations on the 2nd periodic report of Thailand, as above Human Rights Committee, Concluding Observations on the second periodic report of Thailand, as above; UN General Assembly, Report of the Working Group on the Universal Periodic Review 2nd cycle, as above, 59.65 (Germany), 2017

²³ UNHCR, [UNHCR and Thailand enhance cooperation in support of displaced and stateless populations | UNHCR](#), 16 October 2023; Thai Cabinet, Summary report of Consideration of the Recommendations of the National Human Rights Commission, 2 January 2024, available at [สิ่งที่ส่งมาด้วย2 ท้าย ดช0029.85-3999.pdf - Google Drive](#), (in Thai), quoted by Fortify Rights, [Thailand: Ensure All Refugees Have Access to Screening Mechanism](#), Appeals Process, 4 January 2024

²⁴ Thailand, Prevention and Suppression of Torture and Enforced Disappearance Act, 2023 (in Thai), <https://www.dsi.go.th/Upload/deff96562a91fd955a95ddd894618a6f.pdf>

Yours sincerely,

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cc: Ministry of Foreign Affairs