

# AMNESTY INTERNATIONAL

## Public Statement

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### Thailand: Forcible returns of Lao Hmong must end

Amnesty International is deeply concerned by the unlawful and forcible return from Thailand to Laos of 163 Lao Hmong individuals, who had not been able to claim asylum, on Saturday 9 June 2007. The organization calls on the Thai authorities to immediately halt any returns of asylum seekers who have not yet had access to a fair and satisfactory asylum determination procedure. Amnesty International is particularly concerned that those returned are at risk of torture, arbitrary and indefinite detention and other serious human rights violations in Laos. This serious gap in protection must come to an end.

The group of 163 were reportedly transported in four police trucks at around 6 am across the river Mekong over the Friendship Bridge linking the Thai border town of Nong Khai and the Lao capital Vientiane. The evening before, they had been picked up at police detention facilities in the towns of Khao Kho, Lomsak, Na Chaliang and Tha Phon in the northern Thai province of Phetchabun, where they had been held for varying periods of time.

Official Lao media reported that the group of 163, who were referred to as “victims of human trafficking”, had been handed over to Lao authorities in accordance with a bilateral agreement signed on 18 May 2007. Their current whereabouts are not known.

Some of those forcibly returned were recent arrivals from Laos, including a group of 48 people, 30 of whom were children. This group was arrested in a makeshift refugee camp of Huay Nam Khao on 31 May 2007 just after their arrival at the camp. Until they were returned they had been held in police detention in Lomsak, where they had reportedly been forced to sign a document accepting the deportation.

Amnesty International is seriously concerned that this forcible return took place in breach of international human rights law and standards. The organisation believes that individuals among the 163 are at risk of grave human rights violations, including torture and arbitrary and indefinite detention. These concerns are further aggravated by the lack of access to Laos for international human rights monitoring bodies, including NGOs, to monitor the well-being of returnees.

The forcible return on 9 June also highlighted the serious situation of insecurity and uncertain future facing up to 8,000 Lao Hmong at Huay Nam Khao in Thailand, all of whom are at risk of forcible return. UNHCR has not been allowed access to this group to determine their protection needs. The Thai authorities have not introduced any fair and satisfactory procedure to enable individuals to claim asylum. Amnesty International is extremely concerned at the precarious situation in which these asylum seekers find themselves.

Thailand’s humanitarian role in providing temporary protection to hundreds of thousands of people who have fled persecution and conflict in neighbouring countries is widely recognized. The recent forcible return, which is the second in less than a month, underscores Amnesty International’s growing concerns that the Thai government may be changing its policies towards people who enter Thailand to seek asylum and protection from human rights violations.

The organisation calls on the Thai government to uphold its obligations under international law and halt any plans for the return of any Lao Hmong asylum seekers until a fair and satisfactory procedure has been put in place in order to allow these individuals to exercise their human right to seek and enjoy asylum. In line with international law and standards, those who are granted refugee status must also be provided with protection inside Thailand or allowed to resettle in third countries. Amnesty International reminds Thailand of its obligation under international law not to return any person, regardless of their status, to a situation in which they would face torture or other serious human rights violations.

#### Background

Under international law states are under an obligation not to forcibly return any person in any manner whatsoever to a country where they risk torture or other serious human rights violations (the principle of *non-refoulement*). This

principle, which is provided for in the 1951 Convention Relating to the Status of Refugees, the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and several other international instruments, is widely regarded as a rule of customary international law and is therefore binding on all states, including Thailand, regardless of its treaty obligations. Furthermore, in line with Thailand's obligations under the International Covenant on Civil and Political Rights, to which it is a state party, Thai authorities may not return anyone to a country where they would be subjected to torture and other ill-treatment. See Human Rights Committee, General Comment 20, Article 7 (Forty-fourth session, 1992), UN Doc. HRI/GEN/1/Rev.1 at 30 (1994), para. 9 which states that "*In the view of the Committee, States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement.*"

The total number of Lao Hmong seeking asylum in Thailand is unclear. Some 8,000 asylum seekers who have fled Laos live in the informal refugee settlement in Huay Nam Khao in Phetchabun province. Much smaller numbers live in other places across the country, notably in the border areas and the greater Bangkok region.