

PUBLIC

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Forcible return/Arbitrary detention/Torture/ill-treatment

LAO PEOPLE'S
DEMOCRATIC REPUBLIC

Up to 29 ethnic Hmong people, including 23 children

The Thai authorities forcibly returned up to 29 ethnic Hmong people, at least 23 of them children, to Laos on the night of 5 December 2005. They had been living in a refugee camp in northern Thailand, and were returned by boat across the river Mekong, which forms the border with Laos, from Nong Khai to the town of Paksen. Their whereabouts are now unknown, and they are in grave danger of torture.

The group are reportedly held in deplorable conditions in an unknown location in the vicinity of Paksen, 200 km east of the capital, Vientiane. They have apparently been severely ill-treated, and some may have been tortured. The children, 20 of whom are girls, are aged between 12 and 16. They are said to be "in bad condition". The oldest of the group, a woman aged around 50, who had been taking care of the children when they were arrested, has reportedly been severely beaten and possibly killed.

The group were apparently arrested in the northern Thai province of Phetchabun on 28 or 29 November 2005 for having entered the country irregularly. They had been living with their families in a refugee camp in the village of Huay Nam Khao, where approximately 6,500 ethnic Hmong from Laos are seeking refugee status, as they claim they face persecution by the Lao authorities. The arrests took place when the group were on their way to a church outside of the camp.

The Thai National Human Rights Commission has launched an investigation into the collective expulsion, which contravenes the International Covenant on Civil and Political Rights, to which Thailand is a state party.

The Lao authorities deny having taken any part in the deportation and are searching for the children, according to international press reports.

BACKGROUND INFORMATION

The 6,500 Laotians of the ethnic Hmong minority who are living in Phetchabun province claim to have faced persecution in Laos because they are connected with rebels involved in an ongoing conflict with the Lao military. Some ethnic Hmong rebel groups, who fought with the US during the Vietnam War and its spill-over fighting in Laos, have continued resistance to the current Lao regime since it came to power in 1975. Up to a third of the Hmong minority in Laos are believed to have fled abroad around that time, the vast majority resettling as refugees in the US. The Hmong currently in Phetchabun started arriving there in large numbers in 2004, seeking refugee status. The Thai authorities have deemed them "illegal" immigrants, while the Lao government has expressed doubt that they are Lao citizens.

Laos and Thailand are state parties to the UN Convention on the Rights of the Child (CRC), 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." The CRC also states that "No child shall be deprived of his or her liberty unlawfully or arbitrarily."

As a state party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) the Lao authorities have legal obligations not to sponsor, defend or support any form of racial discrimination. In 2005 the UN Committee on the Elimination of Racial Discrimination raised concerns about reported violence against the Hmong minority, including children.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- expressing concern that up to 29 Lao ethnic Hmong, at least 23 of them children, have been arbitrarily detained, ill-treated and possibly tortured since they were forcibly returned from Thailand on 5 December 2005;
- urging the authorities to urgently establish the group's whereabouts and to ensure that they are released immediately and unconditionally and permitted to return to Thailand to be reunited with their families;
- urging the authorities to launch without delay an independent and thorough investigation into the arbitrary detention, ill-treatment, and reported torture of the children and adults, and to bring those responsible to justice;
- calling on the authorities to ensure that they fully uphold their obligations as a state party to the UN Convention on the Rights of the Child and the UN International Convention on the Elimination of All Forms of Racial Discrimination.

APPEALS TO:

Bounyang Vorachit
Prime Minister
Office of the Prime Minister
Ban Sisavat
Vientiane
Lao People's Democratic Republic
Fax: + 856 21 213560
Salutation: Dear Prime Minister

Khamouane Bouppha
Minister of Justice
Ministry of Justice
Lane Xang Avenue
Vientiane
Lao People's Democratic Republic
Fax: + 856 21 414 102
Salutation: Dear Minister

COPIES TO: diplomatic representatives of Laos accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 March 2006.