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Thailand: The new Thai government must stand up for human rights of refugees

Over-crowding, lack of clean water, and constant fear of being sent back to Laos where they face human rights violations: life for 154 Lao Hmong refugees, in detention in northern Thailand since 2006, is intolerable. Amnesty International calls on the government of Prime Minister Samak Sundaravej to ensure that the group are immediately released from detention, and are issued with exit visas in order to allow them to be resettled in a third country. The organisation is aware that at least four countries have agreed to resettle them.

The United Nations High Commissioner for Refugees (UNHCR) has recognised all persons in the group as refugees, yet they are being denied asylum and a durable solution to their plight, confined to two windowless cells in the Nong Khai Immigration Detention Centre. At least 90 of them are children, including 10 infants.

In January 2007, Thai authorities had attempted to return the refugees to Laos, from where they had fled in for fear of persecution. This attempted forcible return, which breached international law, was eventually abandoned following an international outcry. Some six months later, the refugees went on hunger strike following a deterioration in their detention conditions. This deterioration was a consequence of the escape from detention of altogether seven refugees and led to the detainees, including the children, being restricted to the cells for three consecutive months. Access to water and medical services was limited and some personal items reportedly confiscated. At times during their prolonged detention some have threatened to commit suicide to protest their detention and the conditions in which they are being held. On 10 April 2008 a representative of the Thai military reportedly visited the group and told them that they would be forcibly returned to Laos. Although other Thai officials have given assurances to the group that this is not going to happen, such threats have increased the level of desperation among the refugees. Threats such as this also sow fear among other Lao Hmong refugees and asylum-seekers in Thailand.

A number of other Lao Hmong groups have been repatriated to Laos over the past year, including 11 individuals on 28 February 2008 and 67 on 10 April 2008. They joined some 300 other Lao Hmong returnees, some of whom were forcibly returned.

The group of 11 deported in February included a mother who was coerced to return without her children. The five children remained in the camp in Phetchabun, which is host to approximately 8,000 Hmong who are confined there on the orders of the Thai government. Days later, the mother was authorised by the Thai military to return to the camp and gather her children to take back with her to Laos, but they had gone into hiding. The fact that the mother first had to abandon her children and that the children went into hiding rather than return to Laos clearly calls into question the claim by Thai authorities that this group had volunteered to return. Amnesty International believes that individuals among the 11 may be at risk of grave human rights violations, including torture and

arbitrary and indefinite detention in Laos. These concerns are aggravated by the lack of unfettered access to Laos for international human rights bodies, including NGOs and international organisations, to monitor the well-being of returnees.

Amnesty International is aware in addition of the forcible return of a total of over 370 Lao Hmong asylum-seekers since December 2005. Upon return, some of these individuals have been held in arbitrary detention in Laos, and there have been credible reports of torture.

In other instances, Lao authorities have arranged visits for media and the international donor community to returnees. Although a welcome step towards more transparency, Amnesty International is not convinced that such visits have provided a fair representation of the realities faced by returnees. The fate of most of those forcibly returned to Laos remains unknown.

The grave situation for the refugees in Nong Khai and the uncertainties surrounding those who have been forcibly returned highlight the insecurity facing the approximately 8,000 Lao Hmong who are currently residing in the Phetchabun camp. Both the Lao and Thai governments have publicly stated that they will be returned to Laos before the end of 2008. UNHCR has not been allowed access to this group in order to determine their protection needs, while the Thai authorities have failed to establish a fair and satisfactory procedure, which meets international standards, to enable individuals to claim asylum. Amnesty International is extremely concerned at the precarious situation in which these asylum-seekers find themselves.

Amnesty International is seriously concerned that forcible returns of Lao Hmong refugees have taken place from Thailand, in breach of international human rights law and standards. The organisation calls on the Thai government to uphold its international legal obligations and immediately halt any returns of asylum-seekers who have not yet had access to a fair and satisfactory asylum determination procedure. The Thai government must also put an immediate end to all returns of recognized refugees.

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. Amnesty International is repeating its calls on the Thai government to maintain this role and to uphold its obligations under international law, halting immediately any plans for the return of any Lao Hmong asylum-seekers until a fair and satisfactory procedure has been put in place to allow these individuals to exercise their human right to seek asylum.

In line with international law and standards, those who are granted refugee status must 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 persons, regardless of their status, to a situation in which they would face torture or other serious human rights violations.

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International Secretariat, Amnesty International, 1 Easton St., London WC1X 0DW, UK

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