

PUBLIC

AI Index: ASA 39/012/2007

23 August 2007

Further Information on UA 324/06 (ASA 39/017/2006, 29 November 2006) and follow-ups (ASA 39/018/2006, 8 December 2006; ASA 39/002/2007, 19 January 2007; ASA 39/003/2007, 29 January 2007; ASA 39/004/2007, 31 January 2007; ASA 39/011/2007, 17 August 2007) - Fear of forcible return/arbitrary arrest/health concern

THAILAND 149 Lao Hmong refugees, including 82 children, four infants and three pregnant women (numbers corrected)

The 149 Lao Hmong refugees detained at the Nong Khai Immigration Detention Center (IDC) suspended their hunger-strike on the evening of 19 August, after delegates of the UN Refugee Agency (UNHCR) were able to visit them and provide counselling. They are weak and distressed; four women and one baby were taken to Nong Khai hospital.

They began their hunger-strike on 16 August in protest at their prolonged detention in appalling conditions. Medical care is now being arranged at the IDC, but conditions are still grim, and they may resume the hunger-strike.

The refugees, more than half of them children, are confined to two hot, windowless and overcrowded cells, which they are not allowed to leave. They reportedly have no access to clean drinking water, have not been allowed to wash their clothes adequately, and have had their mosquito netting and blankets removed. The UNHCR has described the conditions "deplorable" and "inhumane".

They are recognized as refugees by the UNHCR, but have been detained for the last nine months. They were arrested in mid-November 2006, and held at the IDC in Bangkok before they were moved to Nong Khai IDC, on the border with Laos.

The Thai authorities attempted to forcibly return the group to Laos on 30 January when immigration officials dragged the women and children from their cell, loaded them onto buses and took them to the Lao border. The authorities attempted to force the men and boys from their cell, where they had barricaded themselves in. The unlawful deportation attempt was abandoned after international condemnation. The Thai Prime Minister subsequently stated that the group would not be returned to Laos, and would be allowed to resettle in third countries. Four countries have accepted all of them for resettlement, but on 21 August a Thai Foreign Ministry spokesperson reportedly said that the authorities have not yet decided whether to allow the 149 to go to a third country.

BACKGROUND INFORMATION

Around 8,000 ethnic Hmong Lao asylum-seekers are living in a camp at Huay Nam Khao in Phetchabun province. Lao Hmong started arriving at the camp in large numbers in 2004, seeking refugee status. An unknown number of others are held at police detention facilities in the province.

They claim to have been persecuted in Laos because of their connection with ethnic Hmong armed resistance groups, who fought alongside the USA against the communist Lao forces during the Viet Nam war (1965-1975) and its spill-over fighting in Laos.

So far, the UNHCR has not been allowed access to the Lao Hmong in Huay Nam Khao in order to determine their protection needs, and the Thai authorities have not introduced a fair and satisfactory procedure to enable them to claim asylum and a durable solution to their plight. In early June a group of 163 asylum-

seekers were forcibly returned under a bilateral agreement between Thailand and Laos, in breach of international human rights law and standards.

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

- expressing concern that 149 Lao Hmong refugees, more than half of them children and infants, are still detained in overcrowded and unsanitary conditions in Nong Khai Immigration Detention Center (IDC);
- expressing concern that the refugees have been on hunger-strike in protest at their treatment and are in poor health, and urging the authorities to immediately give them adequate medical care;
- calling on the authorities to take immediate steps to improve the conditions at the IDC and the treatment of the refugees, in accordance with UN Standard Minimum Rules for the Treatment of Prisoners;
- urging the authorities to release the 149 and arrange their speedy resettlement in third countries;
- urging the authorities to ensure that UNHCR and other relevant independent humanitarian agencies are given immediate access to all asylum-seekers, including new arrivals, in Huay Nam Khao and other facilities where there are Lao Hmong asylum seekers.

APPEALS TO:

Head of agency with responsibilities for border areas and refugees

Secretary-General

Prakit Prachonpachanuk

National Security Council, Government House, Phitsanulok Road

Dusit, Bangkok, 10300 Thailand

Fax: +66 2282 5131

Salutation: Dear Secretary-General

Prime Minister

General Surayud Chulanont

Office of the Prime Minister

Government House, Phitsanulok Road, Dusit, Bangkok, 10300 Thailand

Fax: +66 2282 5131

**Email: opm@opm.go.th
spokesman@thaigov.go.th**

Salutation: Dear Prime Minister

Minister of Foreign Affairs

Nitya Pibulsonggram

Ministry of Foreign Affairs

Wang Saranrom, Bangkok 10200, Thailand

Fax: +66 2 643 5320

**Email: minister@mfa.go.th
permsec@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 5 October 2007.