

OPEN LETTER

Thailand must respect principle of non-refoulement and protect the rights of refugees

Sunday 2 January 2011, by [Altsean-Burma](#), [FIDH](#), [UCL \(Thailand\)](#) (Date first published: 30 December 2010).

International Federation for Human Rights (FIDH)
Union for Civil Liberty (UCL)
Alternative ASEAN Network on Burma (Altsean-Burma)

OPEN LETTER

HE Mr. Abhisit Vejjajiva
Prime Minister of Thailand

HE Mr. Kasit Piromya
Minister of Foreign Affairs of Thailand

HE Mr. Sihasak Phuanketkeow
President of the United Nations Human Rights Council
Ambassador and Permanent Representative of Thailand
to the United Nations Office and other International Organizations in Geneva

30 December 2010

Subject: Thailand must respect principle of non-refoulement and protect the rights of refugees

Your excellencies,

The International Federation for Human Rights (FIDH) and its member organisations, the Union for Civil Liberty (UCL) and the Alternative ASEAN Network on Burma (Altsean-Burma), are deeply troubled by the actions of the Thai Army and border police to force at least 166 refugees back to Burma on 25 December 2010. These refugees fled their home villages in southeastern Burma due to armed clashes between the Burma's military forces and ethnic rebels. According to information we have received, 50 women, 70 children and 46 men at the Wa Lay temporary site in Tak Province were ordered back to Burma.

Burma's military forces have been engaged in continuous offensives against civilian and ethnic rebels in Karen State since the sham November 7 elections. The situation in the border areas in Burma remains tense and volatile. On the day of the election and in the days following, clashes broke out between the Burmese military and the Democratic Karen Buddhist Army (DKBA) in Southern Karen State which forced over 27,000 people in Karen State to flee into Thailand. Thailand is home to 150,000 refugees, who reside in official camps along the Thai-Burma border.

In writing this letter we acknowledge Thailand's longstanding policy to allow Burmese people to

seek safe haven in Thailand when fleeing for their lives from armed conflict in Burma. However, we cannot ignore the recent instances in which the Thai Army decided to force refugees back to Burma. It would appear to us that this decision lacked sufficient concern regarding the fact that they face a credible and real risk of violence and persecution in their home villages. In addition, it is extremely difficult to independently verify their safety and treatment by their home government after their return. We are gravely concerned about this situation.

We recall that the Thai military forcibly repatriated 4,689 Lao Hmong on 28 December 2009, among whom 158 were classified by the United Nations High Commissioner for Refugees (UNHCR) as "persons of concern". In December 2008, about 500 Rohingya boat people and Bangladeshi migrants landed in Thailand, but in January 2009 the Thai military allegedly forced them back into the open seas in rickety boats and with meager supply of water and food. These actions are in clear violation of the principle of non-refoulement under international customary law, which prohibits the forced repatriation of refugees to places where their life or freedom would likely be threatened.

We strongly urge your government to respect international standards and good practices on refugee protection and to refrain from further forced repatriation of refugees and asylum-seekers. We call on the Thai authorities to coordinate their efforts on the protection of refugees with UNHCR and other humanitarian organisations.

We thank you for your attention and consideration of our concerns and recommendations.

Sincerely yours,

Souhayr Belhassen

FIDH President

Danthong Breen

UCL Chairman

Debbie Stothard

Altsean-Burma Coordinator
