

# Human Rights Watch

## Discrimination, Detention, and Deportation: Immigration & Refugees

[https://www.hrw.org/legacy/worldreport/Asia-11.htm#P981\\_250969](https://www.hrw.org/legacy/worldreport/Asia-11.htm#P981_250969)

### Annual reports

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#### Human Rights Watch World Report 1998

### THAILAND

Thailand's economic crisis, culminating in the collapse of its currency in July, pushed all other developments out of the headlines, but the full extent of the social and political repercussions of the crisis remained unclear at the end of the year. A new constitution, passed in September in the wake of the crisis, promised more protections for human rights and greater government accountability, offsetting efforts by the government earlier in the year to place restrictions on Thailand's traditionally free press. In the meantime, however, the paramount human rights problem, the government's treatment of refugees and migrants, deteriorated steadily during the year with massive forcible returns of refugees into Burma and denial of entry into Thailand of would-be refugees from both Burma and Cambodia. (The government eventually admitted tens of thousands of Cambodians fleeing the violence that followed the July 5-6 coup in Phnom Penh.) Although Thailand's economic growth in recent years was built on a supply of cheap migrant labor, largely from Burma, the economic crisis resulted in an immigration crackdown, leading to summary deportations and filling immigration detention centers that already had a reputation for overcrowding and abuse. Thailand had a mixed record in support for human rights in the international arena. It became a full party to the International Covenant on Civil and Political Rights (ICCPR) in January and indicated that it would sign the multilateral treaty to ban anti-personnel mines. However, its officials wavered but ultimately supported Burma's admission as a full member of the Association of South East Asian Nations (ASEAN), thus giving up an important source of leverage on Burma's leaders to improve their human rights practices.

#### Human Rights Developments

Prime Minister Chavalit Yongchaiyudh, a former commander of the Thai army who took office in November 1996, presided over a weak six-party coalition, characterized by frequent shifts in policy and paralyzing infighting, until his resignation in November after months of escalating economic pressures. The weakness of his government contrasted sharply with his own desire to play the role of strongman, resulting in a heavy reliance on military advisers, the blurring of military and civilian roles, especially in the intelligence field, and more government supervision of the generally free Thai press. Chavalit was also responsible, however, for unprecedented cuts in the defense budget.

Signs of Thailand's economic slide were apparent early in the year. While the immediate causes were bad debts, irresponsible borrowing, and a property boom gone bust, many Thais attributed the problem to corruption, political favoritism and generally bad governance. One result was the drafting of a new constitution by a specially elected ninety-nine-member assembly focusing on political reform, with protection of civil liberties, a strengthened judiciary, fairer voting practices, and government accountability high on the agenda. The reforms were given only a slight chance of surviving undiluted until the economy hit bottom in July; by August, when the parliament began active consideration of the draft, it was widely expected to pass and in September did so, becoming the sixteenth constitution since 1932.

The Chavalit government took several steps to control the media. In late 1996, Chavalit had appointed the supreme commander of the Thai military as chairman of the Mass Communications Authority, and in early 1997 reinstalled the former editor of a pro-army magazine as head of a key state-run television network. But the most worrisome move came on June 11 when a media monitoring committee, called the News Analysis Centre, was set up under the Ministry of Interior to analyze media reports for the prime minister's office in an effort to ensure "accurate" reporting. While the government denied the move was an effort to restrict freedom of the press, it came at a time when some officials were blaming critical press reporting for the country's economic woes.

Thailand's security forces increasingly resorted to the use of excessive force and summary executions of suspected criminals in 1997. Some twenty-nine people were shot by the security forces between November 1996, when six suspected drug traffickers who had surrendered and had been handcuffed were shot dead by police, and April 1997; by the end of the year, none of the investigations into these killings had been completed. In January Thai security forces shot dead three minors from Cambodia as they were crossing the border from Sa Kaew Province in Thailand to Poipet town in Cambodia. Thai authorities have not clarified the circumstances of these shootings, and no investigation took place. In June, in an apparent attempt to crack down on illegal immigration, police in Sangkhlaburi district opened fire on a truck containing civilians from Burma. At least one person in the truck was killed and a number of others injured.

The Thai government's treatment of refugees along the Thai-Burmese and Thai-Cambodian borders was a major concern. In February, Burma's armed forces launched an offensive in areas controlled by the Karen National Union (KNU) in Burma's Tenasserim Division and Karen State, driving an additional 20,000 refugees from Burma into Thailand and swelling to 117,000 the number residing in camps along the Thai/Burmese border. In a reversal of its previous policy of allowing asylum-seekers from Burma temporary refuge, the Thai Army and Border Patrol Police either denied entry to or in some cases pushed back some 8,500 refugees, violating international strictures against forced returns or refoulement.

In one incident on February 25, 230 men who had fled into Bong Ti, a Thai village were separated from the women, children, sick and elderly with whom they had fled, and trucked to Pu Nam Rawn, a point on the Thai-Burmese border in Kanchanaburi Province. From there the Thai authorities repatriated the men to Burma, directly into an active conflict zone. The remaining 900 refugees were trucked to a point further south and repatriated. The previous day, Thai Border Patrol Police at Pu Nam Rawn had refused entry to some 500 men, including minors.

In February, there were multiple repatriations from Htee Hta Baw and Htee La Pah from a group of refugees that had originally numbered 2,300. In March, in Sangkhlaburi District, 2,000 people at Tho Kah were repatriated. In May some 430 civilians who had fled into Mae Hong Son Province from Shan State were forcibly returned; they had fled their homes after Burmese soldiers had accused them of harboring rebels. The soldiers had beaten some of the villagers and taken others away as porters.

On two occasions in June, the Thai authorities repatriated a total of 1,700 refugees from Huay Satu in Prachuap Khiri Khan Province. The same month, 400 ethnic Mons

who had fled into Thailand in April were sent back, with personnel from the office of the United Nations High Commissioner for Refugees (UNHCR) observing their return. The Thai government maintained that the refugees had indicated their desire to go back, but a number of international nongovernmental organizations (NGOs) questioned the voluntariness of the repatriation. They also criticized UNHCR for lending legitimacy to the return by having staff present as observers.

From the beginning of June, the Thai government refused to allow new refugees from Burma to enter Thailand, with the result that thousands of people massing on the Burmese side of the border were left vulnerable to attack.

Thailand's failure to provide adequate security for camps close to the border, sometimes even straddling it, left refugees vulnerable to cross-border raids by Burmese troops or forces backed by the Burmese government. Attacks in January on three refugee camps in Thailand- Huay Kaloke, Don Pa Kiang and Mae La- resulted in at least three deaths and left 7,000 homeless. Despite the obvious danger, Thai authorities refused to allow the refugees to move. Again in April, Burmese troops attacked the Ta Per Poo refugee camp, razing eighteen houses. The international outcry that followed the instances of refoulement in February prompted Thai authorities to move some of the camps away from the border, but most of the approximately twenty-five camps remained where they were. Thailand continued to refuse formal permission to UNHCR to work in the region bordering Burma.

Conditions remained poor in the refugee camps newly established during the year, as the Thai authorities permitted only temporary structures constructed very close together, in breach of the World Health Organisation's minimum guidelines. They also refused to allow schools to be established in the camps.

Thailand continued to block the establishment of camps for refugees fleeing worsening human rights abuses in Burma's Shan state, driving many from Shan state to join the estimated one million migrant workers in Thailand who risk harassment, arrest and deportation by the Thai authorities in addition to abuse by their employers. A 1996 program permitting employers in designated industries in forty-three provinces to register illegal foreign workers for two years offered some protection to the migrants, but authorities often did not distinguish in arresting and harassing foreign workers between the registered and unregistered. In June it was reported that a twenty-two-year-old registered seaman from Burma, working out of the port of Mahachai in Sumut Sakhon province, was beaten to death by a Thai police officer while trying to hide from the police to escape harassment.

Conditions in immigration detention centers continued to be cause for concern. In June, Mahachai police station reportedly held up to 400 nationals from Burma in severely overcrowded and unsanitary conditions. Officials reportedly accepted bribes to transfer detainees to Bangkok's Immigration Detention Center where conditions were somewhat better, but even there conditions were harsh, with serious overcrowding and juveniles and adults being held together.

Refugees from Cambodia also faced problems. In August some 30,000 civilians fleeing in the aftermath of the July coup ( see Cambodia chapter), entered Thailand from the border town of O'Smach, and another 7,000 came in from the Cambodian town of Poipet. Although the Thai authorities facilitated their entry, Prime Minister Chavalit made it clear that the Cambodians would not be accorded refugee status and would be returned once the fighting subsided. As with Burmese refugees, the Thai government operated on the inaccurate assumption that fear of persecution was solely related to armed conflict and not to other forms of human rights abuses.

In early August the Thai embassy in Phnom Penh stopped issuing visas to Cambodians, effectively preventing them from traveling legally into Thailand. This was consistent with Thailand's position that all asylum-seekers are illegal immigrants, subject to arrest, detention, and deportation, even when they are deemed by UNHCR to be in need of international protection. Indeed on September 15, three ministers of the National Coalition Government of the Union of Burma, Burma's government-in-exile, were arrested from their office in Bangkok. Thai police said they would be deported to Burma, but the three were eventually released just inside the Thai border at Mae Sot after international protests.

No progress was made during the year toward enforcement of laws banning forced and child prostitution and trafficking of women or protection of the women and children caught up in trafficking networks.

### **The Right to Monitor**

Provision was made in the new constitution for the establishment of an independent National Human Rights Commission and creation of three ombudsmen empowered to examine complaints of human rights violations. Their powers will depend on an implementing law which must be finalized within two years of the passing of the constitution.

The number of local NGOs increased during the year, and Thailand continued to be an important center for regional and international NGOs as well. Generally both domestic and international NGOs were able to operate without obstruction. NGOs organized a large number of protests throughout the year against the construction of the Yadana gas pipeline from Burma to Thailand's Kanchanaburi and Ratchaburi provinces. Groups working on issues considered to be politically sensitive, however, were closely monitored and, on occasion, restricted by the government. In May four Burmese students were detained by Thai intelligence officials for holding a peaceful demonstration outside the Malaysian embassy in Bangkok to demand that Burma not be admitted into ASEAN. Four Burmese students who were detained during U.S. President Clinton's visit to Thailand in 1996 while trying to stage a demonstration remained in Bangkok's Special Detention Center during the year, despite being recognized as persons of concern to UNHCR.

### **The Role of the**

### **International Community**

Several governments, including the United States and the European Union, responded promptly to the refoulement of refugees and called on Thailand to halt the practice. In the first half of the year, fourteen foreign embassies sent visitors to refugee camps along the Thai-Burmese border. Only the U.S. embassy, however, visited the more isolated camps.

In February, the UNHCR in Bangkok issued a press release seeking clarification from the Thai government about reports of refoulement of nationals from Burma and expressing concern for the lives of those who were returned. UNHCR officials also made numerous visits to refugee camps along the Thai-Burmese border. The organization, however, did not make any further public statements about instances of refoulement which occurred after February or about Thailand's policy of denying entry to new refugees from Burma.

At the end of January, the European Commission approved a package of humanitarian aid worth ECU2 million for Burmese ethnic minorities living in Thailand or recently returned to Burma. The aid, managed by the European Community Humanitarian Office (ECHO), allowed European NGOs and their local partners to carry medical and food aid to refugees.

The U.S. Congress continued to appropriate funds to support work by Burmese student groups and other NGOS along the Thai-Burmese border. In legislation passed in July, the Senate earmarked \$5 million for fiscal year 1998 and specified that \$2 million of those funds should be used for humanitarian assistance to displaced refugees. The Senate also required, sixty days after enactment, a report from the secretary of labor on forced labor practices in Burma, including details on forced relocations and forced labor used "in conjunction with, and in support of" the Yadana gas pipeline being built through Burma to Thailand.

### **Relevant Human Rights Watch report:**

No Safety in Burma, No Sanctuary in Thailand, 7/97

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