



**Supplemental Material  
Received at the Meetings of  
City Council  
Redevelopment Agency  
Housing Authority  
Financing Authority  
for  
August 28, 2007**

**Item #29:**

- a. Letter to Mayor and Council from Betsy Weiland regarding P06-047

**Item:** Public Comment

- b. Letter and packet of materials for Mayor and Council from the Hmong American Ad Hoc Committee-Sacramento inviting the Council to participate in the Hmong American community public forum on September 8, 2007

## Item #29

August 28, 2007

Mayor and City Council  
City Hall  
915 I Street, 5<sup>th</sup> Floor  
Sacramento, California 95814

Subject: P06-047 Township 9

Dear Mayor and City Council,

Please review the Township 9 project in light of the fact that the American River Parkway Plan is the management plan that the State and Federal Governments rely upon to protect the lower American River's Wild and Scenic River status.

The lower American River was designated a wild and scenic river for its outstandingly remarkable recreation and anadromous fishery values. One of the compelling reasons for the recreation "outstandingly remarkable value" was the Parkway.

At this time the Richards Boulevard area stretch of the American River is distant from the views of the city's high rise landscape. If carefully planned, this section of the river can provide a unique opportunity to maintain an exceptional natural and serene setting while accommodating the goals of SACOG's Regional Blueprint and Sacramento's desire to create attractive places to live, work and play. This section of the river can provide a valuable transition from upriver suburban view sheds to the close-up buildings and water edge development of the City as you leave the American River and enter the Sacramento River at the confluence. Richards Boulevard development proposals are specially positioned to provide opportunities for a lively urban core AND a respite from city life. Attentive context design will allow city residents to experience nature while hiking, biking, canoeing, kayaking and fishing, without ever leaving the City.

Another key factor in considering the development of the Richards Boulevard area is the fact that the CIHC still considers the north side of the River in this area a desirable place to interpret the Native People's Life Ways. This use has the potential to create a landmark renowned and appreciated not only by the residents of this region but by visitors from around the world. If we do not take care to develop the Richards Boulevard area in light of the Integrated Area Plan Concept, we run the risk of decreasing the value of this area to provide a distinctive and total experience.

The updated American River Parkway Plan provides officials, planners and agencies with goals, principles and policies to help direct development adjacent to the American River Parkway. You can refer to the following:

Jibbom Street East, page 152  
Protected Area, page 115 (this refers to the Parkway landuse designation in the Richards Boulevard area)

Land Use, Policies 7.8, 7.9, page 29, 7.19, 7.19.1, 7.19.2, page 30

Visual Impacts, pages 109, 111

Visual Impacts from Uses and Facilities Adjacent to the Parkway, Policies 7.23, 7.24, 7.25, pages 112, 113

Benefits, pages 235, 236, 237

In your mind, does this project go far enough in providing a buffer between the urban development and the recreational experiences, educational opportunities, and visitor attractions that are greatly dependent upon the natural values of the Parkway? The Richards Boulevard Area Plan called for a 10 acre park adjacent to the Parkway (this is an area the size of Tiscornia Park). The project proponents have reduced this park area to 5 acres (this is an area the size of Jibbom Street Park).

An inadequate buffer is further compromised by the inclusion of a roadway, either at the landside toe of the levee (Richards Boulevard Area Plan) or on the landside face of the levee (Township 9). The proposed vehicle road is not consistent with Parkway goals and policies. You can refer to Public Access, Page 123, Policies 8.2, 8.3, 8.4 and 8.5.

#### TRANSIT AND NON-AUTOMOBILE TRANSPORTATION

“Walking, bicycling, horseback riding, public transit and boating shall be encouraged forms of transportation to the Parkway. These uses do not require roads and parking and help to reduce traffic congestion and air pollution...”

Updated American River Parkway Plan, page 127

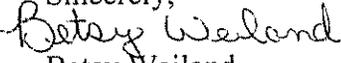
The roadway is planned adjacent to the heralded Two Rivers Trail, a long anticipated bicycle commuter route and vital recreational asset. Cars diminish the value of the trail. Cars add noise and air pollution. A lighted roadway creates extra light pollution with attendant impacts on wildlife and residents. The road acts as a barrier to pedestrians and bicyclists trying to move between the urban development and the green spaces and Parkway. A road in this area defeats the purpose of providing a different experience to residents and visitors alike.

At the Parks Commission hearing of the Township 9 project, the Parks Commission Chairperson commented that the road, as designed, adds an element of danger that ceases to provide a safe place for children to play and ride their bikes. She also commented that the value of the bike trail for female cyclists was diminished by the experience of unwelcome comments sometimes made by passing motorists.

I know the Richards Boulevard Area planners are citing public safety and a scenic drive as reasons for the two lane road. Police and Park Rangers already use the levee top throughout the Parkway as a superior surveillance and enforcement route. Moving people along the Parkway in the Richards Boulevard area would be better accomplished by providing public transit such as a shuttle bus or even a trolley on a generous promenade or esplanade. Residents and visitors could get on and off as they wish, enjoying the public and natural amenities safely and in peace.

Since the project proponent is asking the Commission to amend city plans and ordinances designed to preserve the American River and Parkway, I hope you will fully use the updated American River Parkway Plan as the management plan written to protect the Public Trust. I would also note that the FEIR, despite comments to the DEIR, does not include an analysis of Riverfront Drive and its potential impacts to the American River Parkway, as well as alternatives to the Drive.

Thank you, Mayor and City Council, for your time and consideration. My comments are made in the hope that this project will serve as an outstanding city model for future development adjacent to the American River Parkway. I hope that this project will be a financial success for the project proponents, thereby encouraging future investment in already urbanized areas of our region. Its just at this point, I feel that the project design has failed to maximize the economic and quality of life values of a very important regional legacy, the American River Parkway.

Sincerely,  
  
Betsy Weiland

**Hmong American Ad Hoc Committee – Sacramento**

PO Box 231730 ♦ Sacramento, CA 95823-0412

Ph. (530) 521-8631 ♦ Fax: (916) 760-8232 ♦ E-mail. [hmongadhocsac@yahoo.com](mailto:hmongadhocsac@yahoo.com)

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**Officers:**

Vaming Xiong, Chair  
Pobtsua Thao, Vice Chair  
Sheng Moua, Secretary  
Fong Vang, Treasurer

August 28, 2007

Dear Mayor Fargo and City Council Members of Sacramento:

I am the Chairman of the local chapter of Hmong American Ad Hoc Committee, a national organization that helps to respond to the Hmong crisis regarding the arrest of the Hmong leader, Gen. Vang Pao, to inform the public and bring awareness of the Genocide against the Hmong in Laos and the Hmong refugee crisis in Thailand.

On behalf of the Greater Sacramento Hmong community and the Sacramento Hmong American Ad Hoc Committee, I am here tonight to respectfully request your participation at our upcoming Hmong American community public forum to be held on September 8, 2007 from 9:00 AM to 12:00 PM at the Antioch Progressive Baptist Church, 7650 Amherst Street, Sacramento, CA 95832.

As you well-know, since the indictment of Hmong leader Gen. Vang Pao and 10 others in June 2007 for allegedly violating the US Neutrality Act, the Hmong community in the US have experienced undue emotional, psychological stress and utter confusion. At the same time, our family members who are still trapped in the jungles of Laos and those who are refugees in Thailand continue to face persecution and mistreatment by the communist Laotian government and even Thailand, a democratic country.

On top of these things, the State Dept. has labeled Hmong freedom fighters as terrorists; this makes the Hmong community feel a grave sense of betrayal by the US government especially when we had sacrificed our lives to rescue down American pilots and fought against the spread of communism in Southeast Asia during the Vietnam War.

The September 8<sup>th</sup> public forum will include a film screening that gives a quick overview of who the Hmong are, their contributions to the US, and what we need. One of those needs is support from you, our elected local public officials. The Greater Sacramento Hmong community needs to hear from you; we need your support in bringing an end to the atrocities facing our Hmong relatives whose lives are in limbo in Thailand and Laos simply because they've supported the US during the Vietnam War.

We understand the public's high demand for your limited time and attention, and we would respect your decision should you are unable to attend the scheduled public forum. However, your presence or support for the Sacramento Hmong community would certainly help to calm our fear and provide a greater sense of comfort and hope.

Please contact me directly at 530-521-8631 as to whether you would be able to attend our public forum.

Sincerely,



Vaming Xiong, Chairman

cc: Pobtsua Thao  
Dr. Sui Vang

**Board of Advisors:**

Lue Vang, Ed. D.  
Chue Chang, PhD  
Rocky Vang  
Fai Neng Vang  
Seng Fong Xiong  
Thai Thao  
Thomas Lee  
Chong Moua Vang  
Nao Tou Vang  
Va Cheng Thao  
Chou Houa Thao  
Wang Neng Lee  
Chue Bee Khang  
Nhia Bee Her, DC, NMD  
Khoua Mai Xiong  
Nao Kao Yue  
Nha Bee Thao

**Legal Advisor:**

Kou Xiong, JD

**Research/delegation:**

Sui Vang, PharmD  
Ka Vang, PhD  
Chue Cha, PhD  
Kou Xiong, JD  
Lue Vang, PhD  
Lue Xiong  
Mathew Vang  
Yang Xiong  
William Vang, MA  
Roger Vang  
Thomas Lee  
Cathy Thao  
Pao Vang

## Hmong American Ad Hoc Committee – Sacramento

PO Box 231730 ♦ Sacramento, CA 95823-0412

Ph: (530) 521-8631 ♦ Fax: (916) 760-8232 ♦ E-mail: [hmongadhocsac@yahoo.com](mailto:hmongadhocsac@yahoo.com)

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### Officers:

Vaming Xiong, Chair  
Pobtsua Thao, Vice Chair  
Sheng Moua, Secretary  
Fong Vang, treasurer

August 23, 2007

Council Member Robert King Fong  
915 I St 5th floor  
Sacramento, Ca 95814

Dear Council Member Robert King Fong,

On behalf of the Greater Sacramento Hmong community and the Sacramento Hmong American Ad Hoc Committee, we respectfully request your attendance and participation as a speaker at our upcoming public forum to be held on September 8, 2007 from 9:00 AM to 12:00 PM at the Antioch Progressive Baptist Church, 7650 Amherst Street, Sacramento, CA 95832.

As you well-know, since the indictment of Hmong leader Gen. Vang Pao and 10 others in June 2007 for allegedly violating the US Neutrality Act, the Hmong community in the US experienced undue emotional, psychological stress and utter confusion. The State Department labeled the Hmong “freedom fighters” as “terrorists”; we feel a grave sense of betrayal by the US government especially when we had sacrificed our lives to rescue down American pilots and fought against the spread of communism in Southeast Asia. Hundreds of the fortunate Hmong who were able to escape to Thailand or surrendered to the Laotian government have disappeared or been killed. The majority lives in squalid makeshift shacks in a highly-regulated temporary camp in Thailand, where access to healthcare, food and other necessities are lacking. And yet, these refugees are facing repatriation back to a repressive and closed Laotian government. Amnesty International and other credible non-governmental organizations have reported continued and escalating human rights violations against the Hmong in Laos and the Hmong refugees in Thailand.

Here, in the US, the Hmong community continues to be in a state of shock and despair because it appears that the powers; namely the US government, the UN, Thailand, and Laos are not doing much to resolve the crisis in Thailand and Laos. At the same time, the Hmong communities in the US are living in fear of being viewed and accused of being terrorists. No people or community anywhere in the world should have to live in constant fear and face an uncertain future. The Greater Sacramento Hmong community needs to hear from our public and elected officials on these matters, and we need your support in bringing an end to the atrocities facing the Hmong whose lives are in limbo in Thailand and Laos.

We understand the public’s high demand for your limited time and attention, and we would respect your decision should you are unable to attend the scheduled public forum. However, your presence or support for the Sacramento Hmong community would certainly help to calm our fear and provide a greater sense of comfort and hope. Please reply as to whether you or a member of your staff would be able to speak at our public forum by September 5, 2007. You can also contact me directly at 530-521-8631.

I look forward to hearing from you soon.

Sincerely,



Vaming Xiong, Chairman

cc: Pobtsua Thao, Dr. Sui Vang

Enclosures: DVD regarding Hmong history & genocide in Laos, Fact Finding Commission and Amnesty International Human Right Violation Reports and recent articles regarding Hmong Christians Being Killed in Laos.

### Board of Advisors:

Luc Vang, Ed D  
Chue Chang, PhD  
Rocky Vang  
Fai Neng Vang  
Seng Fong Xiong  
Thai Thao  
Thomas Lee  
Chong Moua Vang  
Nao Tou Vang  
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Mathew Vang  
Yang Xiong  
William Vang, MA  
Roger Vang  
Thomas Lee  
Cathy Thao  
Pao Vang

## HMONG AMERICAN COMMUNITY PUBLIC FORUM

JOIN US



**LEARN FOR YOURSELF!**

**September 8, 2007  
9:00 am to 12:00 pm**

Antioch Progressive Baptist Church  
750 Amherst St. Sacramento, CA 95823

For more information call: Vaming Xiong (530) 521-8631  
Lao Thao (916) 868-9901

It's been over 35 years since the "Secret War" ended and the U.S. government decided to disengage military in Indochina. It has been that long since the Hmong people have settled in America. Our new home land has afforded many never before seen opportunities for the newest Americans. While some Hmong Americans struggled to fit in, thousands seized those opportunities and have become an essential part of the very fiber that invigorates that optimistic and confident spirit of this nation.

However, many old comrades of our "Secret War" and their dependents were left behind. They are struggling as we speak in order to survive in the thick jungle of Laos. They face daily attacks and harassment by the Communist Lao regime in Vietiane. Men, women, and children, as reported by Amnesty International and other independent journalists from the West, are constantly being hunted, gang-raped, killed and tortured.

The Hmong community in the United States are concerned, disheartened by the current situation in Laos. With the community's current emotional stage, we ask for your presence, support, and comfort as our elected officials, community leaders, neighbors, and friends.

**SPONSORED BY  
HAAHC OF SACRAMENTO  
HMONG AMERICAN AD HOC COMMITTEE**

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The Hmong community in the United States are concerned, disheartened by the current situation in Laos. With the community's current emotional stage, we ask for your presence, support, and comfort as our elected officials, community leaders, neighbors, and friends.

**SPONSORED BY  
HAAHC OF SACRAMENTO  
HMONG AMERICAN AD HOC COMMITTEE**

*Lead story - Tuesday August 07, 2007*

## **LAOS: HMONG CHRISTIANS KILLED, IMPRISONED IN CRACKDOWN**

**Vietnamese, Lao forces searching rice paddies and mountains and shooting on sight.**

**LOS ANGELES, August 7** (Compass Direct News) – Soldiers, police and others have killed at least 13 Christians in Laos in the past month in a swarming crackdown on Hmong villagers falsely accused of stirring rebel dissent, sources told Compass.

In the sweep, encouraged by communist village leaders and others who have falsely accused the Christians of being separatist rebels, authorities have arrested and imprisoned about 200 members of a 1,900-strong Laos Evangelical Church in Ban Sai Jarern village, Bokeo province in northwestern Laos.

The hunted Christians are largely Hmong refugees who had fled persecution in Vietnam. Those killed include Hmong who went into hiding when joint forces of Vietnamese and Lao police began rounding up Christians falsely accused of supporting Gen. Vang Pao in August 2006.

Among those killed last month was Neng Mua, a Christian who slipped back to his native Fay village after hiding in the mountains from the police round-up. On July 7 he went to a local villager's house to beg for food, but his one-time friend instead shot him dead as a suspected member of the "liberation army," a Christian source said.

Police have searched intensively for Christians in rice fields and mountains and are shooting them on sight, said the source, who requested anonymity.

"Many Christians were killed and badly injured," he said. "Women and children were arrested and sent to prison."

On July 8, police shot Seng Wue to death by a roadside after he and other Christians suffering fatigue and hunger had come out of hiding and surrendered, according to Christian sources. The sources heard report of soldiers shooting two other Christians dead at a checkpoint on the road to Don Sawan village, but their names were still unconfirmed.

On July 13, soldiers reportedly shot to death a person resembling Jong Wue Lao, a committee member of the Ban Sai Jarern church. He had escaped authorities on July 3, though his whereabouts were unknown. Soldiers reportedly killed eight to 10 Christians in the incident, but sources said it was unclear whether those deaths included Lao and his companions.

On July 12, police arrested Jue Por Wang, head of the Ban Fay church, and Wang Lee Wang, head of the Ban Sawan church. A Christian source said police forced members of their churches to declare that the leaders and others on police target lists were funded by Vang Pao to train Christians to fight the government.

In May and June, about 100 soldiers from Vietnam, along with authorities from Laos and Vietnam, arrived in Ban Sai Jarern to look for Hmong Vietnamese. There were 600 to 800 Lao soldiers and 200 Vietnam soldiers deployed in Bokeo province as of July, Christian sources said.

Soldiers have secured Ban Sai Jarern and nearby communities and prohibit people from entering or leaving, sources said. As a result of the restrictions, they said, the Ban Sai Jarern church has not been able to meet for worship.

With the area swarming with soldiers and police, many area men fled on July 4 out of fear of further reprisals or imprisonment, sources said. Those who escaped to the mountains have sent word that there is no food; they have resorted to eating banana leaves to survive.

Lao and Vietnamese officials have imprisoned an estimated 52 families from five villages: Ban Sai Jarern, Huay Klay, Fay, Numsamork and Chai Pathana. That is nearly all of the known Hmong families from Vietnam in the greater area, including 30 Hmong families in Ban Sai Jarern.

### **Hostile to Christians**

Members of the Ban Sai Jarern church, which also serves worshippers from Fay and five other villages, said the congregation has never in anyway cooperated with Vang Pao or anyone seeking a separate state.

"We are law-abiding citizens," one church member said, "and we want to present our case through legal means, not through armed struggle."

Vietnamese and Lao communist authorities have long been hostile to the Hmong since previous generations aided U.S. forces during the Vietnam War. Associating Christianity with the United States, authorities assume all Hmong Christians support Vang Pao, who fought alongside U.S. soldiers.

"Christianity is not an American religion, it is a universal religion," said one source. "We are not a political group seeking independence from the present Lao government – on the contrary, we are actively engaged in building a better nation by faithfully adhering to the teachings of the Bible."

In June, U.S. authorities arrested Vang Pao and nine associates in California over an alleged plot to topple the communist regime in Laos.

Fast-growing churches in Bokeo province, Christian sources said, have drawn the ire of both Lao and Vietnamese governments for providing aid to Christian Hmong refugees from Vietnam and others fleeing persecution in other parts of Laos. Until this past year, they said, the 4,000 Hmong Christians in Bokeo had not faced persecution.

The crackdown in Ban Sai Jarern stems from an August 2006 capture in Vietnam of two Hmong women who had returned from the village to visit parents-in-law and other relatives, sources said. Vietnamese officials sent them to prison but were unable to force them to divulge the locations of other Vietnamese who had fled to Ban Sai Jarern and other villages in Laos.

On October 5, Lao and Vietnamese officers went into Sai Jarern village, seized five leaders of churches in Vietnam who had fled to Laos and sent them back to Vietnam. One of the church leaders, Saoma Lao, is reportedly dead, but area Christians have not confirmed that information. He was chairman of the Christian Church in Geahkoh village in Vietnam before fleeing to Laos.

Christians sources have confirmed that another one of the five Hmong Christian leaders, Jongneng Yang, is alive. But his condition and whereabouts, like that of the other leaders, are unknown. The others missing are Jue Lao, Thayeng Lei and Lei Yang, a church youth leader.

Chaicheng Lee, a teacher and treasurer of the Ban Sai Jarern church, is also missing. Christian sources said police arrested the 38-year-old church leader on July 4 after raiding his home and taking documents containing names of church leaders, members and activities. Area Christians said police were forcing detained believers to declare that Pastor Lee was training Christians funded by Vang Pao to overthrow the government.

Police took Pastor Lee out of prison on July 16, Christian sources said, adding that no one knows where they took him.

### **Enemies of the Faith**

Accusing the Christians of armed rebellion and disclosing their whereabouts are local village heads, communist committee members and others hostile to Christians. Sources said these local opponents urged police to send the Christians to prison.

For every 10 to 15 Christian families in a given village, they said, a local leader monitors their whereabouts and activities, especially when they leave the area. Besides accusing the Christians of joining forces with Vang Pao and being part of an "American religion," local villagers have charged them with dealing drugs and breaking religion laws.

"We were never engaged in the use or selling of illegal drugs," said one area Christian. "And even people who want to become Christian after receiving healing, we advise them to first inform the government about their intention to become Christians, and after they receive their permit that's the only time we accept them."

Furthermore, he added, the churches secure permits for all large gatherings, and they even invite officials to join their celebrations.

"We appeal to the Lao government to release our imprisoned brothers and sisters, for they are innocent of the charges against them," he said. "We appeal to the Lao government to grant Christians the freedom to worship God and give them the rights due to them."

Local Christians, closely monitored by the government, are not allowed to use mobile phones, obtain food or leave the village without permission, a Christian source said.

"All these restrictions are imposed for suspicion that they will contact Gen. Vang Pao and the other Christian escapees," he said.

Christians are prohibited from worshipping together and fear that police will besiege the church. Area villages are under tight police control. Authorities are still pursuing Christian leaders who escaped and are following closely Christians who go to other villages, sources said.

The Christians said there are about 50 refugees living near the border with Thailand who need food and water; they are "broken because their wives and children are in prison."

END

**Regional****Laos rejects monitoring of Hmong return**

Published on August 16, 2007

**Laos Thursday rejected an idea suggested by Prime Minister Surayud Chulanont to have a "third party" monitor the repatriation of more than 7,500 Hmong refugees.**

Lao spokesman Yong Chanthalangsy said a joint subcommittee of border security officials would discuss the issue at a meeting from September 24 in Phetchabun's Ban Huay Nam Khao, where nearly 8,000 Hmong refugees have taken shelter.

Yong was in Thailand Thursday to accompany a group of 25 Lao media representatives to a meeting with their Thai counterparts. He will also visit the 24th Universiade and observe Sunday's referendum on the draft constitution.

Surayud suggested recently that Thailand and Laos should allow a third party, possibly an Asean member, to monitor the repatriation of the Hmong. This would demonstrate transparency and respect for human rights in front of the international community, he said.

However, Yong said: "As long as the two countries can solve the problem together peacefully, we see no necessity for another party."

Hmong groups in the US and members of the Congress have voiced concern about plans to return refugees at Huay Nam Khao, because there would be no independent screening to determine who have legitimate claims to refugee status and wellfounded fears of persecution or mistreatment if returned. Vientiane has so far refused to allow any form of monitoring by the UNHCR or outside parties.

Thai military officials in Phetchabun have begun screening the 7,653 Hmong refugees who have lived in Ban Huay Nam Khao since late 2004. Many of them claim links to the United States Central Intelligence Agency's "Secret War" fighters who battled the communist Pathet Lao before the fall of Vientiane in 1975 and say they subsequently fled from oppression in their homeland.

Thai and Lao authorities regard them as illegal migrants who have sneaked into the Kingdom for economic reasons.

Those believed to be Lao would be repatriated to their places of origin. While those thought to be Thai-born Hmong, or who went to Ban Huay Nam Khao after the closure of Saraburi's Tham Krabok camp in mid 2005, would be separated and the Thai authorities would seek new places for them to stay, a military officer said.

Yong said the repatriation would be conducted in a humanitarian manner and they would be sent back to their original homes.

"Some 15-20 per cent of them might need assistance from the government as they have no relatives and have already sold their land and houses," he said.

The Lao government had prepared areas for new homes, provided construction material and would give them rice for up to 18 months after their return, he said.

Lao officials would film these preparations to show the Hmong refugees when they go to the meeting in Huay Nam Khao next month, Yong said.

[listen to Yong speaks in Lao]

Supalak Ganjanakhundee

The Nation

[www.nationmultimedia.com](http://www.nationmultimedia.com)

August 20, 2007 05:31 am (Thai local time)

[www.nationmultimedia.com](http://www.nationmultimedia.com)

Congress of the United States  
Washington, DC 20515

August 3, 2007

His Majesty Bhumibol Adulyadej  
C/O Embassy of Thailand  
1024 Wisconsin Ave NW Ste 401  
Washington DC 20007-3681

Your Majesty, King of Thailand:

We are writing out of urgent concern for the plight of some 8,000 Lao-Hmong political refugees and asylum seekers at Huay Nam Khao, Phetchabun, Thailand, who are in imminent danger of forced repatriation back to the brutal communist regime in Laos that they fled.

According to statements to news reporters by the Thai Third Army Commander Lt. Gen. Jiradej Kotcharat published on July 13, 2007, these Lao-Hmong refugees will be sent back to the Laos in the next two months. These Lao-Hmong refugees face horrific mass starvation and death by the Lao military regime if they return to their homeland.

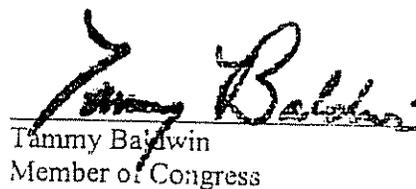
We ask that you personally intercede to ensure that these and other Lao-Hmong remain in Thailand until they can be resettled in third countries. Thousands of Thai soldiers lives were saved because of the front line combat the Lao-Hmong engaged in with U S and Royal Thai ground and air force operations during the Vietnam War. They deserve to be protected in Thailand until they are resettled in a third country.

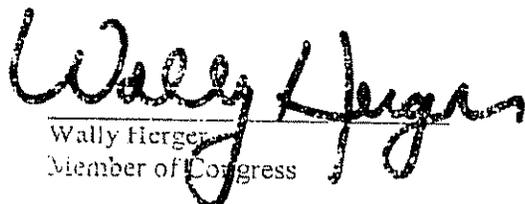
Your intervention is urgently needed to save these Lao-Hmong political refugees and asylum seekers. We respectfully request that you personally ensure their safety in Thailand until they are resettled elsewhere.

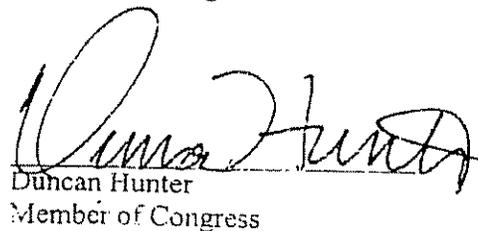
Thank you for your attention to this matter. We look forward to your response.

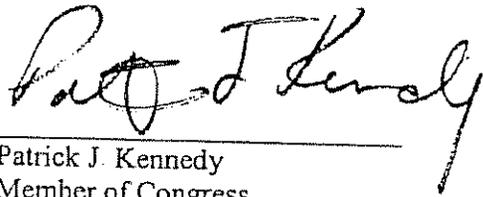
Sincerely,

  
Frank R. Wolf  
Member of Congress

  
Tammy Baldwin  
Member of Congress

  
Wally Herger  
Member of Congress

  
Duncan Hunter  
Member of Congress



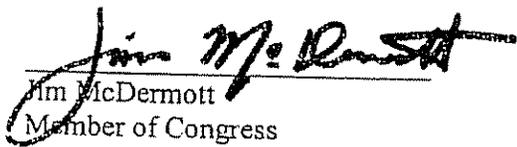
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Patrick J. Kennedy  
Member of Congress



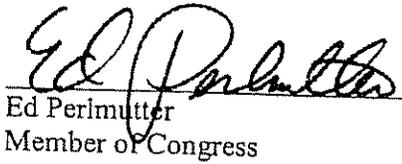
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Ron Kind  
Member of Congress



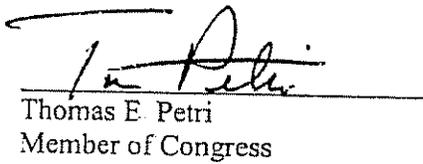
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Jim McDermott  
Member of Congress



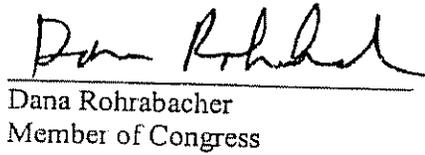
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Ed Perlmutter  
Member of Congress



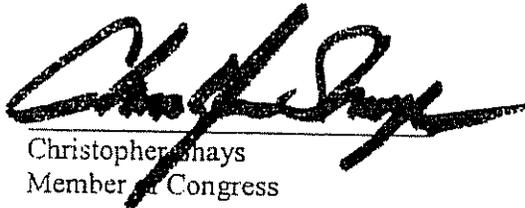
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Thomas E. Petri  
Member of Congress



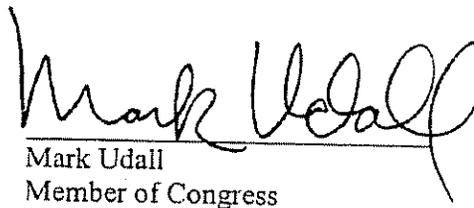
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Dana Rohrabacher  
Member of Congress



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Christopher Shays  
Member of Congress



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Mark Udall  
Member of Congress

Steve Kagen MS  
Steve Kagen  
Member of Congress

*The Fact Finding Commission*  
1566 Huntoon Street  
Oroville, CA 95965

August 15, 2006

Proposed Solutions

Submitted to: United States Congress

Prepared by: Fact Finding Commission Members

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Laos is a landlocked country in Southeast Asia. It covers a large area of over two hundred thousand square kilometers with current population of 5.2 million. Much of its geography is mountainous. However, it is extremely well endowed with mineral, water and forest resources. China is bordered in the North, Vietnam in the Northeast, Cambodia in the South, Thailand in the Southeast, and Myanmar (Burma) in the West.

In 1975 when the United States pulled out of Southeast Asia, they left the Hmong, Mien, Khmu, and Lao soldiers who bravely fought in the CIA sponsored Secret Army of Laos to fend for themselves. The Pathet Lao and North Vietnamese are targeting thousands of veterans of America's Secret War in Laos, and their families for genocide.

To investigate rumors of the mass genocide of the American allies since 1975 to the present date against women, children and elderly men, we, members of Fact Finding Commission, conducted our first fact finding mission to Southeast Asia in December of 2001 to document the ongoing atrocities and genocide against minority groups, such as Hmong, Khmu, Mienh, Lue and other tribes. We interviewed refugees from Laos. We spoke with former members of the Lao Communist Army. We also interviewed villagers and leaders of the veteran groups who are still living in the mountains of Laos in person.

From February 2002 to the present, all the tangible physical evidence of the ongoing atrocities and genocide in Laos, documented by Fact Finding Commission and its "Black Birds", have been turned in to the US Ambassador in Laos, the Department of State, United States Congress, United Nations, NGOs, and Human Rights organizations. On behalf of the women, children, and men in the jungles, Fact Finding Commission has been asking our elected officials in Washington, D.C., UN officers, NGO officers, and international diplomats in Laos to view the evidence provided and exert pressure on the Lao Peoples' Democratic Republic (LPDR) government to immediately stop the killing of women and children in the jungles and allow

United Nations, NGOs, and international community to intervene and provide humanitarian support to them in the jungles or in a safe zone.

Although Amnesty International in 2003 condemned the LPDR government for using starvation as a military tactic and strategy against the people hiding in the jungles, the killing of women and children has never been stopped. LPDR government continues using the people in the jungles for their military training purposes. Once they have recruited and trained their soldiers in their military tactics and strategies, they send their soldiers into the jungles to kill the women, children, and elderly men. Because of the ongoing atrocities and genocide against the people in the jungle conducted by the joined military forces of the LPDR and Vietnamese, the United Nations and NGOs have never been officially allowed to intervene and provide humanitarian aides to these people.

Since June 2005 to the present, there were 599 individuals surrendered to the Lao government. The 173 individuals who surrendered on June 4, 2005 were forced by Lao authorities to evacuate from Phou Koud to resettle elsewhere in Laos, and never allowed the United Nations, NGOs, and international diplomats in Vientiane to have direct contact and monitor their living condition. Therefore, since these people were forced to evacuate, some families have escaped to Petchaboun Province, Thailand to avoid brutal retaliations and persecutions by the LPDR government.

Therefore, we are here today to present you the following solutions on behalf of the women, children and men in the jungles and ask for your consideration and cooperation on this humanitarian crisis situation. They deserve to be free and have the freedom, liberty, and human rights people in the free world are living and enjoying today. As of today, there are about 12,000 individuals still hiding in the jungles in the country of Laos.

**Immediate Solutions for the people in the jungles (within 45 days):**

1. Must send an international delegation team into the jungles where the Hmong, Khmu, Mienh, Lue, and other tribes who are still hiding to observe and investigate the ongoing atrocities and genocide against these minorities;
2. Must exert pressure to the Lao government to immediately cease fire;
3. Must intervene and bring in humanitarian aides to them; and
4. Must establish a safe zone under international diplomats, NGO, and United Nations' scrutinized monitoring for them to stay.
5. Or must establish a safe passage for them to flee the country as political refugees and resettle in another country.

**Permanent Solutions for the people in the jungles:**

1. LPDR government must permanently cease fire against minorities, those in the villages and in the jungles;
2. UN peace keepers must present during the process of establishing a safe zone;
3. Humanitarian aides must be provided and controlled by UN peace keepers and independent non-communist NGO officers;

4. UN peace keepers and international diplomats must ensure that these people will not be brutalized persecuted due to their involvement with the United States during the Vietnam conflict;
5. International diplomats, UNDP, NGO, and foreign investment corporations must develop and implement economic development plans and strategies for these people to allow them to become economic sufficient and sustainable;
6. International community, diplomats, and international financial institutions must build schools and health care facilities for these people;
7. UN peace keepers and international diplomats must ensure that these people will be treated humanly and allowed to fully participate and integrate in the mainstream Lao society; and
8. UN peace keepers and international diplomats must ensure that these people benefit from the basic fundamentals of peace, justice, human rights, religious rights, civil rights and freedom as the clauses guaranteed by the Universal Declaration of the United Nations.

Different individuals from the Laotian community and as well as international diplomats might have presented the current situation and living condition of the people in the jungles as they are the insurgents. According to the physical evidence documented by Fact Finding Commission, British Broadcasting Corporation, Time Magazine, French Television II, Australia Broadcasting Corporation, World Picture News, and other international independent freelance journalists, these people in the jungles are not insurgents and unable to conduct insurgency activities against the Lao government and will not be able to interrupt and sabotage the national security of Laos. They are being chased and hunted by the joined military forces of LPDR and Vietnamese constantly. They are in the move almost every day. They only survive with the food sources the jungles can provide. Children, women, and men are being killed as we speak. The physical evidence DVD format enclosed in this packet speaks for the current living condition and the humanitarian crisis these people are facing.

Your understanding and kind consideration on this matter is highly appreciated. Hope these physical documents will help you reach a decision that will save the lives of these people. We will do a follow up visit with you in late September to find out your decision on this matter.

Sincerely,

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Ger Vang, Commission Member

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Georgie Szendrey, Commission Member

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Edward Szendrey, Commission Member

# AMNESTY INTERNATIONAL

## Public Statement

AI Index: ASA 26/004/2004 (Public)

News Service No: 224

13 September 2004

### **Laos: Military atrocities against Hmong children are war crimes**

Amnesty International is horrified by recent reports, including video evidence and witness testimony, of an attack by Lao soldiers against a group of five children, four of them girls, in the Xaisomboune military zone on 19 May 2004.

The children, aged between 13 and 16 years old and part of an ethnic Hmong rebel group, were brutally mutilated -- the girls apparently raped before being killed -- by a group of approximately 30-40 soldiers. The victims -- four girls, Mao Lee, 14; her sister Chao Lee, 16; Chi Her, 14; Pang Lor, 14; and Tou Lor, Pang Lor's 15 year old brother -- were killed whilst foraging for food close to their camp. They were unarmed.

The attacks violate the most fundamental principles of international human rights and humanitarian law. These rapes and killings constitute war crimes. The Lao authorities must bring to justice those responsible for this atrocity and cease attacks on unarmed civilians.

A witness, who has subsequently fled the country and been recognized as a refugee by the United Nations High Commissioner for Refugees, reported hearing one of the soldiers saying: "*Meo (Hmong). Your kael ni (mouth) allows you to speak. Your hin (vagina) allows you to breed*".

He then heard moans and a gunshot.

Mao Lee was shot in each breast and the other bodies were mutilated by what appears to be high-powered rifle shots fired at close range. One of the girls was disembowelled.

Several other members of the group were seriously injured with gun shot wounds but managed to return to their encampment. The rebels have little if any medicine and rely on traditional treatments using plants found in the forest.

The Lao authorities must, as a matter of utmost urgency, permit UN agencies and independent monitors unfettered access to those rebels who are recently reported to have 'surrendered'. They must also permit humanitarian agencies to provide medical and food assistance to those injured as a result of this and other military actions against the rebels.

### **Background**

The Hmong ethnic minority group in Laos was allied to the US during the Viet Nam war and its spill-over fighting in both Laos and Cambodia. The Hmong people have a long history of resistance and aspirations of independence from Lao government control. Following the creation of the Lao People's Democratic Republic in 1975 and the fall of the former regime, as many as a third of the Hmong ethnic

minority are believed to have fled the country. Most of these refugees resettled in the USA, but a large number spent many years in refugee camps in Thailand.

Sporadic military resistance to the government has continued among some ethnic groups, predominantly Hmong. There are also continuing allegations of serious human rights abuses against those Hmong perceived as still being opposed to the Lao government.

There have been increasing concerns over the last two years at an apparent increase in Lao government military activity against rebel groups, who along with armed adult men also comprise a large number of women, children, elderly and sick. The upsurge in military activity followed increasing international concern at the situation, which was triggered by a number of journalists visiting rebel groups and reporting their plight.

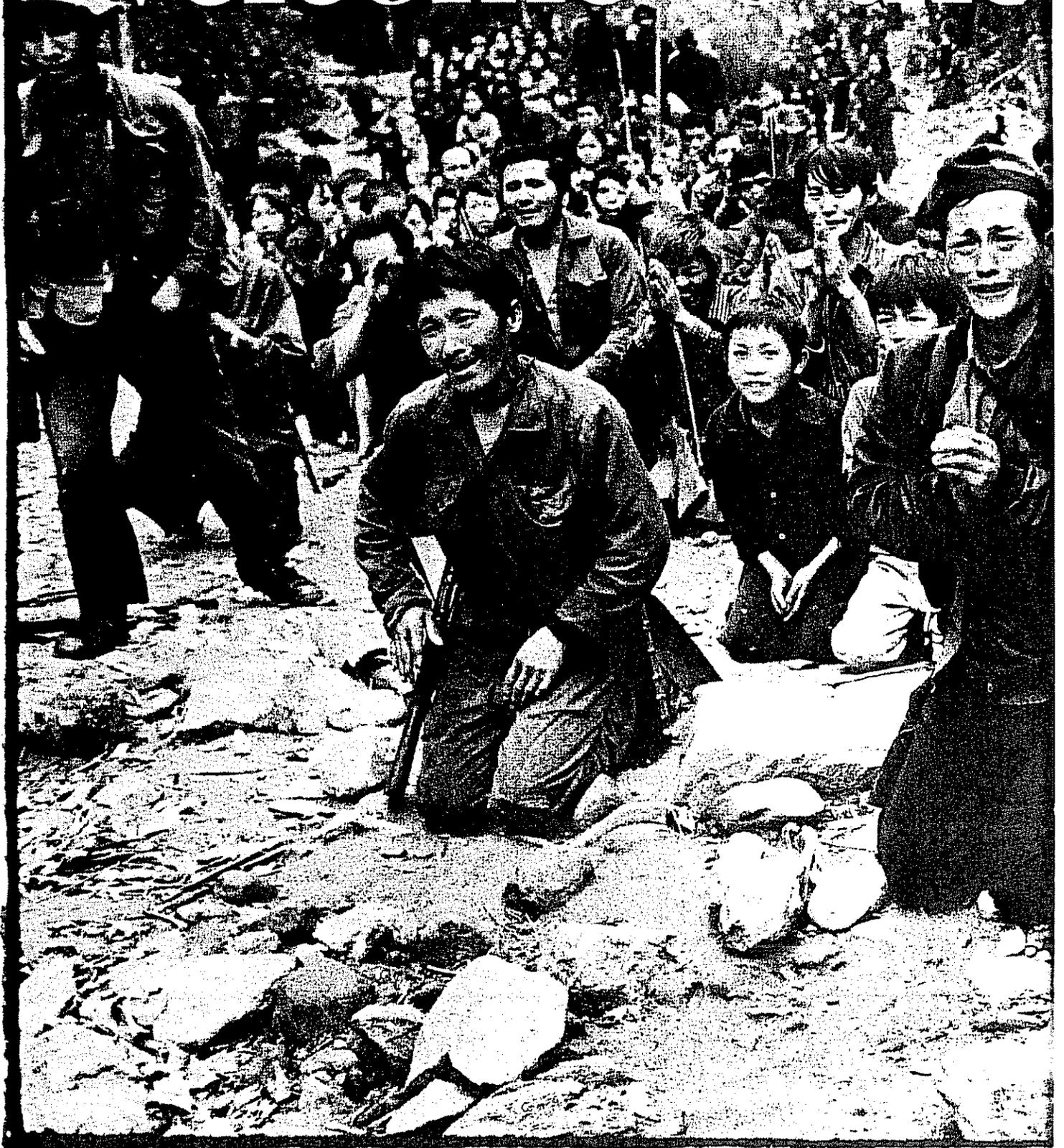
Credible sources have reported the deaths of scores of civilians, mainly children, from starvation and injuries sustained during the conflict. It is known that several of approximately 20 rebel groups with their families are surrounded by Lao military and prevented from foraging for food that they traditionally rely on to survive. Amnesty International has protested to the Lao authorities at what it believes is the use of starvation as a weapon of war against civilians.

Several hundred ethnic Hmong rebels are reported to have 'surrendered' to the Lao authorities in recent months. UN agencies, diplomats and journalists have not been given access to these people and Amnesty International has received conflicting reports as to their reception and treatment by the authorities.

Amnesty International has also repeatedly condemned indiscriminate attacks by armed opposition groups that have reportedly killed and injured civilians in Laos. Amnesty International unequivocally condemns these acts and has and will continue to call upon the perpetrators to cease all activities that are in violation of human rights and international humanitarian law.

SOCIETY

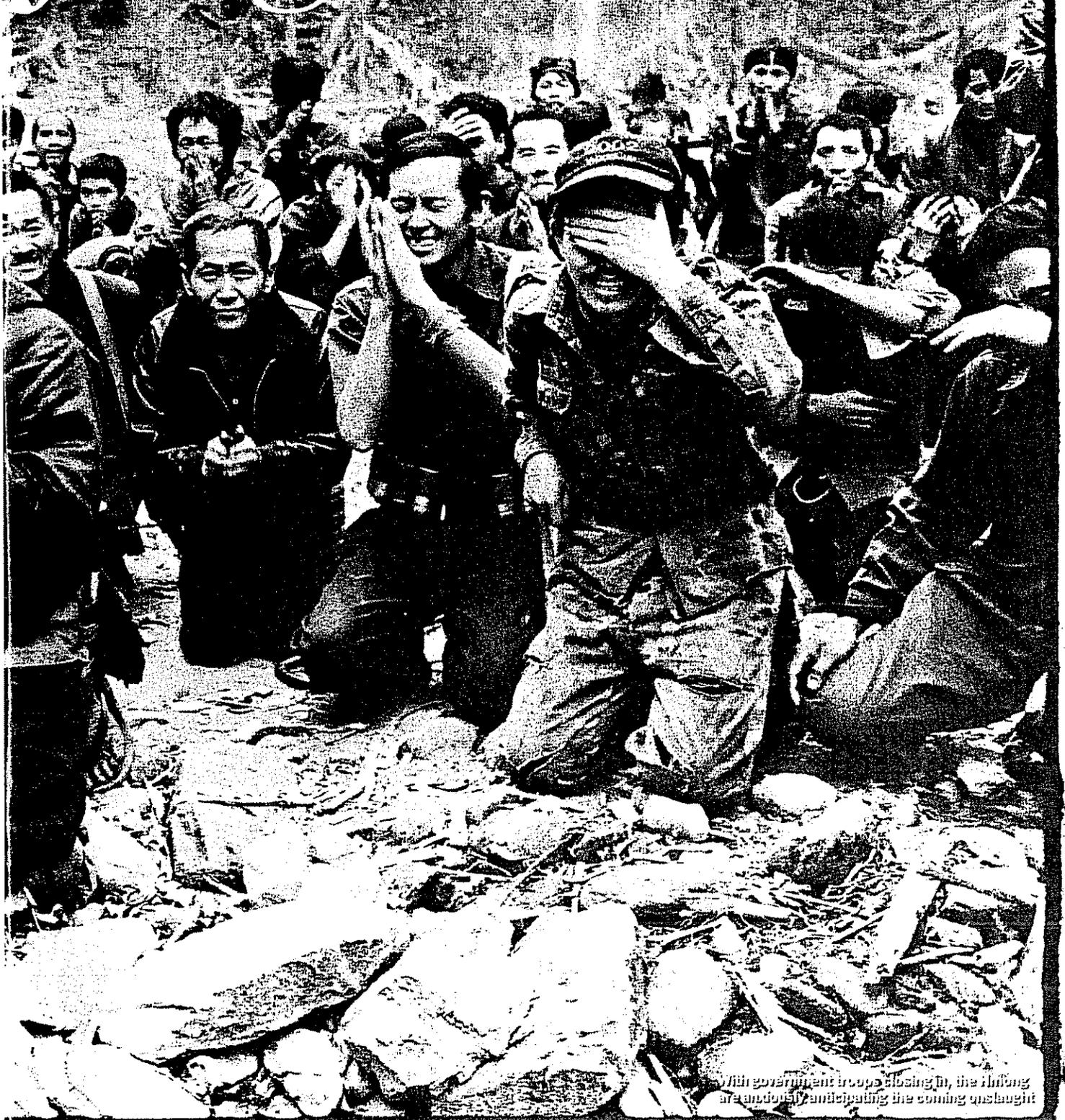
# Welcome to the



# Jungle

Recruited by the CIA to be a secret army during the Vietnam War, the Hmong rebels of Laos fought communism. Now they desperately battle for their own survival.

Photographs for TIME by Philip H. Fradette



With government troops closing in, the Hmong are anxiously anticipating the coming onslaught



By **ANDREW PERRIN**  
XAYSOMBOUNE SPECIAL ZONE

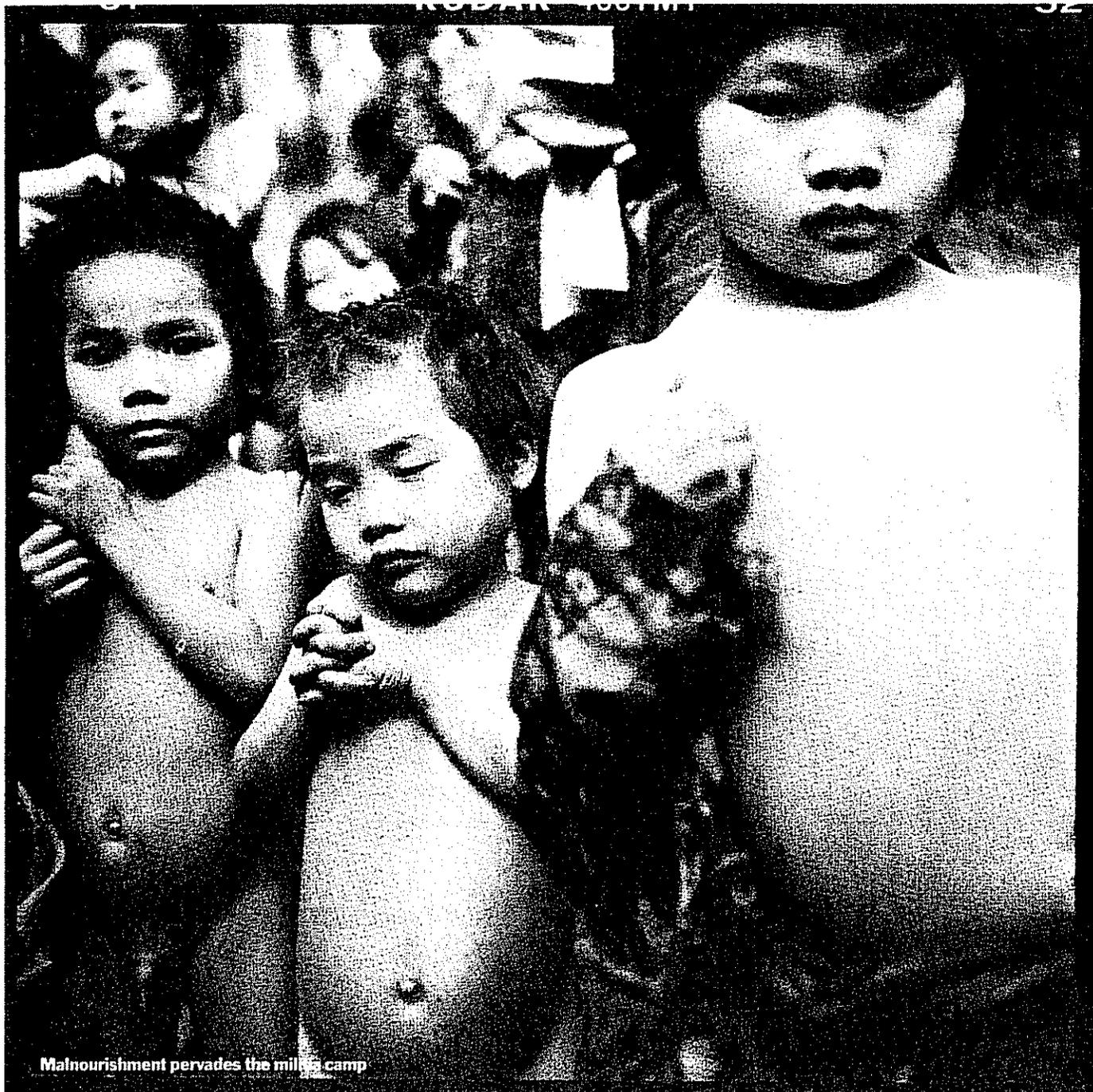
**T**HERE WERE HUNDREDS OF THEM, perhaps a thousand. They wept and knelt before me on the ground, crying. "Please help us, the communists are coming." I had hiked four days to reach this forsaken place deep in the jungles of Xaysomboune, northern Laos. The Hmong rebels prostrate before me were convinced they would all soon die. They knew they were a forgotten tribe, crushed by a military

campaign that is denied by the communist leaders of their small, sheltered nation.

In all my years as a journalist I had never seen anything like this: a ragtag army with wailing families in tow, beseeching me to take news of their plight to the outside world. I walked among starving children, their tiny frames scarred by mortar shrapnel. Young men, toting rifles and with dull-eyed infants strapped to their backs, ripped open their shirts to show me their wounds. An old man grabbed my hand and guided it over the contours of shrapnel buried in his gut. A teenage

girl, no more than 15, whimpered at my feet, pawed at my legs and cried. "They've killed my husband. They've killed my mother, my father, my brother..." But before she could finish, others were pushing her aside to sob out their own litanies of loss. In this heart of darkness, nobody has a monopoly on grief.

Now, for the first time in nearly three decades, this dwindling group of outcasts are completely surrounded by the Lao government troops that hunt them. They are trapped in a narrow swath of jungle, with all avenues of escape blocked by either soldiers



Malnourishment pervades the militia camp

or antipersonnel mines. "This time," says Moua Toua Ther, 46, the one-armed leader of the camp and commander of its pitifully equipped fighting force, "we will not be able to run or hide. When the helicopters come we will be butchered like wild animals."

What is the crime this ragged bunch has committed? It is simply that they are Hmong—mostly the children, grandchildren or even great-grandchildren of fighters who in the 1960s sided with the U.S. to fight communism in Laos during the Vietnam War. Fabled for their resourcefulness and

valor, many Hmong became members of a secret CIA-backed militia that helped rescue downed U.S. pilots and disrupted North Vietnamese supplies and troop movements along the Ho Chi Minh Trail through central Laos. The communist Pathet Lao movement—and its patrons in Hanoi—has never forgotten the Hmong's complicity with the Americans. Shortly after the Pathet Lao took power in 1975—two years after the U.S. had fled the country and left the Hmong soldiers to their fate—a communist newspaper declared the Party would hunt down the

"American collaborators" and their families "to the last root." But until *TIME* recently reached one of the last Hmong outposts, no one truly believed that, after 28 years, the Lao government still meant it. This, then, is the final act of a war that, according to history books, ended in 1973.

The Hmong, who migrated to Laos from southwestern China in the 19th century, have always been a proud, warlike people. In the 1920s a Hmong rebellion against their French rulers erupted in much of Laos and northern Vietnam, ultimately failing but leav-



Militia leader Moua Toua Thane catches up on sleep

ing thousands dead. When the French left Laos in 1953, the Hmong found themselves fighting again—this time against the threat of communism. Among the resisters was a young Hmong general named Vang Pao, who in 1961 was commissioned by the CIA to set up a secret army to fight the advancing communists. Over the next decade nearly half of the 40,000 Hmong fighters in Vang Pao's army are thought to have perished during the fighting. The reward for their sacrifice? The Paris cease-fire agreement of 1973, which signaled an end of U.S. aid. Vang fought on for two more years, but when it became clear that the Pathet Lao would win he fled to Thailand and then to the U.S. Today, some 200,000 other Hmong live in exile communities in the U.S. But not all Hmong made it to America: 15,000 of Vang's brethren were cut off from escape and were forced to melt away into the mountainous jungles of Laos.

Even from California, where he leads the United Lao Liberation Front (ULLF), Vang, 74, casts a long shadow over his people. Moua says he reports directly to Vang—a claim the Californian denies, though he does admit to providing occasional help. From his suburban American home, the exiled general demands democracy and a reinstatement of the monarchy in Laos. Moua and his militia are among the remnants of Hmong rebel groups fighting for that disappearing dream.

Moua joined Vang's secret army at age 15. His left arm ends in a stump—his hand was removed in a 1974 jungle amputation. One of only four people in the village with some writing skills, he is a meticulous keeper of village statistics—there are 56 orphaned children, 40 widows and 11 widowers. By Moua's count, 30% of the villagers have shrapnel wounds. In 1975, when Vang fled Laos, Moua recorded his group at 7,000

people. Today there are only about 800 left.

Although the Hmong have been on the run for nearly three decades, Moua and others in his village regard the past year as the worst. In October, they say, some 500 ground troops attacked them from four directions in Xaysomboune while a gunship strafed them from above. In all, 216 Hmong were killed. Such assaults can come at any time. Last August, a mortar round landed less than a meter from nine-year-old Yeng Houa's family dinner table, killing both his parents. Yeng survived, but he count 15 shrapnel scars on his legs, his jaw is broken and there is an infected sore on his inner thigh. Since the attack, he has not spoken.

The Hmong say they are too ill-equipped to strike back. Most of their fighters are armed with ancient M-16s and AK-47s, and the heaviest weapons at their disposal are two geriatric M-79 grenade launchers.

KODAK 4001MY

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Three generations of resistance fighters

Ammunition is mostly dug up from former U.S. air bases. According to Moua, only a third of the rounds are actually live, negating Hmong chances of launching a viable offensive. As for the Lao government, which declined to talk to TIME, it denies allegations that it is decimating Hmong rebels and blames them for much of the unrest in the country. It insists that Hmong are doubling as bandits. In February an ambush on a bus traveling the busy Highway 13 in the north left 12 people dead, including two Swiss cyclists. A calling card pinned to one of the corpses indicated the deaths were the work of Hmong rebels. And on April 20, gunmen opened fire on a passenger bus, killing at least 13 people. Eyewitnesses to this massacre say the gunmen spoke to one another in the Hmong language. Vang Pao angrily denies claims that his men are responsible for attacks on civilians. "In the past there

have been several events like this that have taken place and been blamed on the U.L.F.," he says. "But it was not us. We believe it was organized by the government using Hmong people who serve in the Lao army." For his part, Moua portrays the Hmong as helpless innocents. "We only defend and run," he says. "If the Lao troops launch an assault, our ammo won't even last an hour."

Back in the mountains of Naysomboune, Moua and his comrades sleep uneasily on beds of leaves inside banana-leaf huts. Most cannot recall how many times they've relocated, but they remember the people they've lost. Bhun Si, 42, says his wife and two sons were taken from him last October. His friend Soum Sai saw everything: the government troops came in, he says, and shot women and children from a distance of just five meters. Today, Bhun looks barely alive himself. Only two fingers remain on his left hand—he lost

the others in a B-41 rocket attack that killed six of his fellow Hmong. His leg still bleeds from a suppurating shrapnel wound he received 13 years ago. One side of his face is a mask of melted flesh, with black sockets where an ear and an eye should be. "Everybody is dead," he says. "Sixteen people in my family are dead, all killed by the communists." In a heartbreaking refrain I heard repeatedly during my stay in the camp, he adds: "America must save us."

Commander Moua, too, wonders where his erstwhile American allies have gone. "We shed blood with the U.S.," he says. "They should remember this. They should find us a land where we're safe and have food to eat." But as the world has watched in awe of the might of the U.S. war machine in Iraq, the final scenes of a 30-year-old war in Indochina that America would rather forget are destined to play out unnoticed. ■

# A BLACKBIRD SONG

In California, a Laotian refugee remembers the long suffering of his country's Hmong tribespeople

By ANDREW PERRIN

**TIME**  
IN DEPTH

ON JULY 25, A TRAVELING salesman from Laos left Bangkok for asylum in the U.S. Va Char Yang, 38, now lives in Oroville, California, with his wife Mai Yang, and three small children. A year earlier, in Laos, he had been sentenced to 20 years in prison for crimes including possession of illegal explosives and drugs. At the time, U.S. State Department spokesman Richard Boucher said that the trial fell "well short of international standards of jurisprudence." Va Char had been arrested while escorting two European journalists and their American Hmong translator out of the jungle in Xaysombone Special Zone, a military region closed to outsiders. The team had been investigating reports of alleged atrocities committed by Lao security forces on small armed bands of the ethnic-minority Hmong reports that the Lao authorities have consistently denied. Va Char, who had acted as the journalists' guide (a role he had also performed for TIME in January 2003) is a member of a small underground network inside Laos known as the Blackbirds. Supported by Lao communities living in the U.S., the Blackbirds have provided food and clothing to a few thousand descendants of a militia, mainly made up of Hmong, that once helped the U.S. fight the communists during the Vietnam War.

Va Char was not present to hear his sentence. Two days after he had been

captured in June 2003, he says, he escaped from the toilet of a police guardhouse. Over the next year, he was the subject of a manhunt, with a reward of \$15,000 on his head—this in a nation where the average person makes \$2 a day. "People were walking around with guns for weeks hoping to try and kill him," says a rice farmer living in a village close to Phonsavan, Va Char's hometown. But Va Char managed to elude those seeking him. According to his account, confirmed by six Blackbirds spoken to by TIME who helped him escape, he eventually journeyed through Laos on the back of a motorbike, disguised as an old man until he reached the Thai border, from where he headed for Bangkok and, eventually, California.

**"I was faced with thousands of people, screaming from hunger, telling me stories of persecution."**

—VA CHAR YANG, trader

Va Char carried with him a videotape, which TIME has seen. The tape, which shows the life of a small band of Hmong, is deeply disturbing. The first footage—dated June 19, 2003—shows images of an emaciated baby. A girl cradles him in her arms, trying to feed him cassava roots crushed into a paste. Another child lies limp on the floor, her belly bloated from hunger. Their mother, unable to produce breast milk, was, says Va Char, out in the jungle searching for food. Outside the hut lies another child, too weak to pull himself out of the dirt.

But it is footage shot, according to Va Char and Ka Ying Yang, one of the Hmong band, on May 19, 2004, that is most dramatic. The film shows what Va Char says are the dead bodies of five young Hmong in



**WITNESS: Va Char Yang spent years helping the Hmong before escaping Laos in July and settling in California**

the deep jungle. They are the victims, say Va Char and Ka Ying, of an ambush by Lao government troops on the Hmong—an ambush that Va Char says he watched while hiding in the jungle by the side of a path. In an area of Laos cut off to outsiders and populated only by the military and the Hmong, it is impossible to verify the claims made by Va Char, Ka Ying and Hmong who claim on the tape that the Lao army was responsible for the deaths. Asked by TIME about Va Char's allegations, the Lao Foreign Ministry said: "According to the description of the tape, we think there is a lot of fabrication floating around. It could be a fabrication harming the good image of the Lao Peoples Democratic Republic by ill-intentioned groups." A Lao official who spoke to TIME on condition of anonymity said that Lao forces "never kill anybody" among the Hmong and described Va Char as a dangerous man and a criminal.

Now safely in the U.S., Va Char hopes to travel to Washington to screen the tape and give evidence before Congress. "The U.S. has an obligation to help these people," he said last week from California. "They are dying because their parents helped the U.S. in the war. It's not right." American pressure groups—some made up of Lao who resettled in the U.S. after the war, some including former U.S. CIA operatives who assisted the Hmong—are likely to use the tape as evidence that allies of the U.S. have been left behind in the jungles of Southeast Asia, victims of a regime that sees them as armed bandits. And so—in a summer marked by memories of veterans of the swift-boat campaigns in the Mekong Delta and protests by the Montagnards in Vietnam itself—the Vietnam War that suppurating sore that never heals, will ooze one more trail of bile and despair.

**O**F ALL THE VICTIMS OF THE WAR, few have had such a pitiful history as the Hmong. Recruited, armed and trained by the CIA to conduct a "secret war" in officially neutral Laos, the Hmong fought to contain Vietnamese troop movements along the Ho Chi Minh Trail through central Laos and to rescue downed American flyers involved in a covert bombing campaign. The Hmong campaign was not publicly acknowledged by the U.S. until 1994, when former CIA Director William Colby told Congress of the Hmong's "heroism and sacrifice." Shortly after the Pathet Lao regime took power in 1975—two years after the U.S. had left the country—tens of thousands of Hmong refugees began arriv-

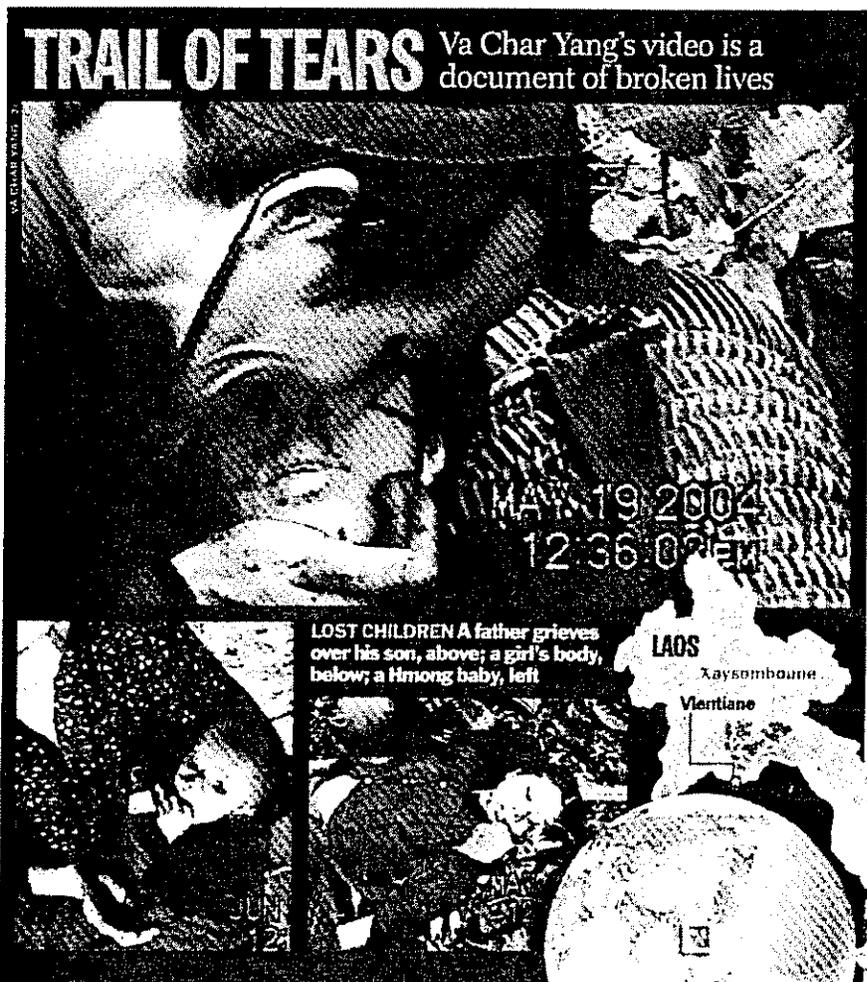
ing in neighboring Thailand to escape persecution in Laos. Many were relocated to the U.S. In Laos itself, many Hmong have resettled outside the mountains, and the Lao official claims that the Hmong are overrepresented in the civil service, army and police force. But thousands more remain trapped deep inside the mountains, playing a deadly game of cat and mouse with the government.

**V**A CHAR IS NOT A HMONG, BUT A LAO trader who for years made a comfortable living selling supplies to remote mountain communities around Phonsavan. "He was very well liked and respected," says a villager in the district. "He always helped people out if he could." In 1993, says Va Char, a Hmong business contact told him about a remote community in the jungle that needed supplies. "I had never been political until I went to the jungle," he says. "I went there carrying salt and shoes, expecting to find a normal mountain village. Instead I was faced with thousands of people, screaming from hunger, telling me stories of persecution and asking for my help. I had heard rumors of these people,

but I'd never believed it. I couldn't believe this was happening in my country."

Va Char says he returned to his village determined to help. For the next four years he recruited family and friends into a network that occasionally ferried supplies to the Hmong. In 1997 he was arrested and jailed for two years. "I was so angry," he said. "I was helping people who were suffering, who were not bad. Children were dying. It was not right." Released in 1999, he made contact with the Fact Finding Commission, a Hmong human-rights group in the U.S., which was trying to make contact with the Hmong trapped in the mountains. They supplied Va Char with a video camera to record what he saw.

After his escape in 2003, Va Char moved from house to house, sleeping occasionally in rice fields. But the net was closing around his family, and the Blackbird network had been compromised. Va Char says he was faced with a grim choice: to try to sneak out of Laos undetected or join those on the run in the jungle. He decided to return to the Hmong with his video camera. "I knew if I left the country, or was killed, no one would hear from the Hmong again," he said.



**TRAIL OF TEARS** Va Char Yang's video is a document of broken lives

**LOST CHILDREN** A father grieves over his son, above; a girl's body, below; a Hmong baby, left

**LAOS**  
Xaysomboun  
Vientiane

Va Char says that the children he filmed in the summer of 2003 all soon died. It took another 10 months, he says, to smuggle more batteries into the jungle, during which the community was constantly on the move. In late April 2004, he says, he started filming again. On May 19, he told TIME, the band was scattered along the banks of a creek, at the bottom of deep gully inside the mountainous Xaysomboune Special Zone. The group numbered almost 200—roughly 30 families—and had been camped for two days. In the past six months, says Va Char, the group, together with some 2,000 others camped nearby, had relocated many times to stay one step ahead of the Lao patrols that often swept through the jungle.

Ka Ying Yang, 20, was one of the band. In an interview this summer, he told TIME that on May 19 his girlfriend, Mao Lee, 14, ignored warnings from the camp's armed guards that there might be Lao patrols in the neighborhood and went looking for cassava root along a mountain path. Mao's elder sister, Chao, 16, went along, says Va Char, with a group of 12 young men and women. They set off up the mountain path. None of them carried weapons. Behind them, says Va Char, four or five other groups, perhaps 40 people in all, followed. Va Char was among them. "None of us was thinking about Lao patrols," he said. "We were all just hungry. I hadn't eaten for two days."

Va Char says that he walked about 50 meters behind Mao's lead group. About 30 minutes after leaving the camp, he says, he heard a gunshot. Soon came a fusillade of fire that he estimates lasted two minutes. Va Char says he leapt off the path and dived to the ground. He says he could hear the terrified screams of the young girls and persistent gunfire. Although grass and trees partially obscured his view of the scene, Va Char says he could make out what he estimates were 30 to 40 Lao soldiers standing in a loose circle and could hear them saying excitedly, "Girls! Girls!" Then, he says, he heard a voice say, "Mother, please help us." Va Char says that for the next hour he heard the soldiers laughing and the girls pleading for mercy. Eventually, he says, he heard single gunshots. After the soldiers left, he and others fled back down the path to the camp, where Va Char grabbed his camera and began filming.

The first shot in the sequence is of a helicopter far in the distance, though it is



impossible to tell if it is of a commercial or military type. The film then shows a young man, his clothes soaked in blood, with what appear to be bullet wounds in his legs and arms. Another young man and a woman, also seemingly with bullet wounds, are also filmed. "I lost my flip-flop when I was running," the woman says. "I bent down to pick it up, and the bullet went through my basket and hit me." Va Char then films Mao and Chao Lee's mother, weeping. At the site of the alleged ambush, a girl is seen dead in the bushes, her intestines spilling out through her dress. Forensic pathologist Dr. Nizam Peerwani, Chief Medical Officer of Tarrant County, Texas, and a veteran of U.N. missions to Rwanda and Bosnia, has seen the tape and thinks the girl was disembowelled. Close by is the body of a girl that Va Char says is Chao, with insects buzzing around a mouth wound. Va Char claims she was stabbed. Also in the circle is a dead boy. A man, said by Va Char to be the boy's father, lifts the boy's black shirt to reveal what Dr. Peerwani describes as "multiple stab and exit gunshot wounds." The film then shifts to the body of Mao, with a man and a woman—said to be Mao's brother and mother—kneching close by. The woman lifts the shirt to show what appear to be two small bullet holes in the girl's small breasts. Va Char says she had been raped.

**K**A YING YANG SAYS THAT HE LINGERED briefly at the site where his girlfriend had died and then agreed to act as Va Char's armed escort out of the mountains. In the final scene of the film, which Va Char says took place on June 13, the

entire community is on the move. Ka Ying Yang, off camera, says goodbye to his sister. "I told her our parents were dead and we had no future," he told TIME. "I said I was doing it so that she didn't end up like Mao Lee." Three days after leaving the camp, Va Char and Ka Ying reached the edge of the jungle and made contact with some Blackbirds. Then they separated. Va Char took his motorbike ride through the night to the border. Ka Ying made the same journey in a car with three Blackbirds. It was, he says, the first time he had moved without using his feet. He was sick all the way.

At her confirmation hearings in Washington last April, Patricia Haslach, the new U.S. ambassador to Laos, said: "First and foremost, I will continue to press the Lao government to respect the rights of its ethnic groups, especially the Hmong population that continues to reside in remote areas of the country." The U.S. is concerned that incidents such as that alleged by Va Char may occur from time to time, not as a consequence of government policy but because Lao soldiers know there will be no censure for their actions. In a statement, the U.S. State Department said that it had no independent information about the alleged atrocity described by Va Char, but that "such allegations are serious, and we of course will look into them and respond appropriately." The statement went on to urge the Lao government to launch a "serious investigation of this alleged incident." The Lao official to whom TIME spoke said that "of course an investigation will be launched if this tape [is] proved to be true." Asked if foreign observers would be able to monitor such an investigation, he said that it would have to remain confidential. ■

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# Lao People's Democratic Republic

## Hiding in the jungle: Hmong under threat



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AI Index: ASA 26/003/2007

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM

# **amnesty international**

## **Lao People's Democratic Republic**

### **Hiding in the jungle:**

### **Hmong under threat**

**March 2007**

**Summary**

**AI Index: ASA 26/003/2007**

Thousands of ethnic Hmong women, men and children live in scattered groups in the Lao jungles, hiding from the authorities, particularly the military. The armed forces regularly attack their temporary encampments, killing and injuring them, and perpetuating their life on the run and in destitution. Amnesty International is calling for an immediate end to armed attacks on these women, men, and children.

These predominantly Hmong groups are a remnant of the so called "Secret Army" who from the early 1960s onwards fought against Communist Pathet Lao forces and alongside the USA in the Viet Nam war, which spilled over into Laos and Cambodia. After Pathet Lao's victory in 1975, small numbers of "Secret Army" soldiers launched armed resistance against the new government basing themselves in the jungles. Three decades on, they no longer appear able to pose a military threat against the Lao government. Instead they live with their families and communities in small groups struggling to survive, unable to realise their basic human right to a standard of living adequate for their health and well-being; they lack food, clothing, housing and medical care.

Living in hiding for fear of attack, these groups of women, men and children have limited contact with the outside world. A few journalists have managed to pay clandestine visits to the jungle, smuggling out film footage and accounts of malnourishment, disease, bullet and shrapnel injuries, and lack of medical services.

Most commonly, attacks by the military appear to take place while groups venture outside of their encampments to forage for food. These attacks further prevent them from taking their own steps to realize their right to adequate food.

Also, in several instances, groups who have decided to give up their life in hiding in an attempt to join mainstream society have reportedly been harassed, arbitrarily detained and subjected to ill-treatment. Uncertainty prevails around the whereabouts and well-being of several such groups.

Similarly, there is a lack of clarity around whereabouts, reception and integration of other Lao Hmong who are perceived by the authorities as having links to the former rebels, including people who have been forcibly returned from Thailand, where they had sought international protection.

In connection with military attacks there is a discernible pattern of separation of families. Reports provided to Amnesty International describe how men have been arrested, while women have been taken to camp-like settlements in isolated villages. Some women have been subject to slavery-like treatment and torture and ill-treatment, including repeated rapes by law enforcement officers.

Amnesty International calls on the Lao authorities to launch prompt and impartial investigations of all allegations of attacks or other unlawful use of force by the security forces on Hmong living in jungle encampments and to bring the perpetrators to justice.

In order to enable those living in jungle encampments to realise their basic economic, social and cultural rights, the organisation also recommends that the authorities permit access by international humanitarian organisations to the areas of concern.

To support those who want to reintegrate into mainstream society and have not committed any internationally recognizably criminal offence, Amnesty International also calls on the Lao authorities to permit access for United Nation bodies and other international, independent monitors in order to monitor their well-being.

Over the years thousands of Lao Hmong have fled to Thailand, from where the majority have been resettled as refugees in third countries, notably the USA. Others have been repatriated to Laos, including in forcible returns before they had had access to a process to determine their international protection needs. Amnesty International has repeatedly called on the Thai authorities not to forcibly return any Lao Hmong who would be at risk of serious human rights violations, in keeping with Thailand's obligations under international law.

**KEYWORDS:**

This report summarizes a 28-page document (9875 words): Lao People's Democratic Republic, Hiding in the jungle: Hmong under threat (AI Index: ASA 26/003/2007) issued by Amnesty International in March 2007. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by e-mail:

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# Lao People's Democratic Republic

## Hiding in the jungle - Hmong under threat

### Introduction

Thousands of ethnic Hmong women, men and children live in scattered groups in the Lao jungles, hiding from the authorities, particularly the military. The armed forces regularly attack their temporary encampments, killing and injuring them, perpetuating their life on the run.

These predominantly Hmong groups are a remnant of a faction who in the early 1960s fought against Communist Pathet Lao forces and alongside the USA in its war against the North Vietnamese, which spilled over into Laos and Cambodia. After the Pathet Lao won the war in Laos in 1975, small numbers of soldiers from the losing side launched armed resistance against the new government basing themselves in the jungles. Some of these remain in the jungle to this day, remnants of a former armed rebel force, which no longer appears able to pose a military threat against the Lao government. They live with their families and communities in small groups struggling to survive, unable to realise their basic human right to a standard of living adequate for their health and well-being; they lack food, clothing, housing and medical care.

Amnesty International calls on the Lao government to fulfil its obligation under international law to respect the human rights of these groups, in particular their right to life and to an adequate standard of living.

Over the years thousands have fled to Thailand, where some have been resettled as refugees in third countries; some have been forcibly returned to Laos. Amnesty International has repeatedly called on Thai authorities not to forcibly return any Lao Hmong who would be at risk of serious human rights violations, in keeping with Thailand's obligations under international law.

Living on the run and in hiding, these groups have limited contact with the outside world. A few journalists have managed to pay clandestine visits, smuggling out film footage and stories. Others have tried, but been imprisoned when attempting to access the groups.

This report is based, in part, on information obtained from asylum-seekers and refugees in Thailand interviewed by Amnesty International in March 2006 and early 2007. It is also based on interviews and other information from a variety of actors who have connections to those in the jungle, including relatives, human rights advocates and journalists.

## Background

One of Asia's poorest nations, Laos has an ethnically diverse population of 5.6 million, over three quarters of whom live in rural areas.<sup>1</sup> Laos is home to some 50 ethnic groups,<sup>2</sup> until recently officially divided into three broad categories: lowlanders or Lao *loum*, Lao *theung*, which refers to the people who live on the slopes, and Lao *soung*, those who live on the mountain tops.<sup>3</sup> The Hmong belong to the latter.

Land-locked Laos is largely covered by rugged mountains and borders Cambodia, China, Myanmar, Thailand and Viet Nam. Laos has one of the lowest densities of roads in the world,<sup>4</sup> although the road network is gradually expanding, large parts of the country are almost inaccessible.

The Lao People's Democratic Republic (LPDR) is a one-party state, which was established on 2 December 1975 when the Communist Pathet Lao forces entered the capital Vientiane and a protracted war ended. The abdication of the king at the same time also marked the end of the constitutional monarchy, which had lasted for just under 30 years.

Laos is a state party to some of the core international human rights treaties: the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). In 2000 Laos signed, but to date has not ratified, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Laos is also a party to the main international humanitarian law treaties (the Geneva Conventions of 1949 and their Additional Protocols of 1977).

Since the collapse of the Soviet Union in 1991 Laos has gradually opened up towards the outside world following a long period of isolation. In July 1997 the country became a member of the Association of Southeast Asian Nations (ASEAN) and the country has also expressed interest in joining the World Trade Organisation (WTO). But despite opening up towards investors and tourism, the rights to freedom of expression, association, peaceful assembly and political participation remain systematically violated for the Lao population. Political opposition is not allowed, the media are state-controlled and mass organisations, such as the Lao Front for National Construction, the Lao Federation of Trade Unions, the Lao People's Revolutionary Youth Union and the Lao Women's Union, are closely controlled by the state. There are no domestic independent non-governmental organisations (NGOs), but

<sup>1</sup> *Results from the Population and Housing Census 2005*, Lao Government Steering Committee for Census of Population and Housing, March 2006

<sup>2</sup> Lao official sources place the number of ethnic groups at 49, as reflected in *Results from the Population and Housing Census 2005*, Lao Government Steering Committee for Census of Population and Housing, March 2006

<sup>3</sup> Martin Stuart-Fox, *Politics and Reform in the Lao People's Democratic Republic* (Working Paper No. 126), Murdoch University, 2005

<sup>4</sup> Joachim Schliesinger, *Ethnic groups of Laos. Volume 1. Introduction and Overview*, 2003, p. 131

service-delivering international development NGOs are allowed to operate if under foreign management. Access for independent human rights monitors from abroad is prohibited.

In 1991 Laos adopted a Constitution which provides for the rule of law,<sup>5</sup> but the legal framework is not yet in place. The judiciary is poorly resourced and under-developed; the court system is under executive and party influence. The government itself admits to many shortcomings, including “the absence of uniformity and consistency in the application of the law”, a scarcity of qualified personnel, and ineffective dissemination of information on laws – which are printed only in a limited number of copies – across the country.<sup>6</sup> Amnesty International has for years voiced concern over unfair trials and the absence of fair trial guarantees, political bias of courts and impunity for those who commit human rights violations. Individuals perceived as political opposition have been given long sentences of imprisonment simply for having exercised their right to freedom of expression or peaceful assembly; torture and ill-treatment in custody continues, though reports have gradually reduced over the years.

### The Hmong in Laos

Ethnic Hmong people are a highland tribe that lives in southern China, Laos, Viet Nam, Cambodia and Thailand. They arrived in Laos from south-eastern China in the late eighteenth to early nineteenth century and settled as farmers in the mountainous north. Today, the Hmong in Laos number over 450,000 people, constituting eight per cent of the population, making them the third largest ethnic group in the country after the Lao and the Khmou.<sup>7</sup> The ethnic Lao are the largest and politically, economically and culturally dominant group, with 55 percent of the population according to a national census carried out in 2005.<sup>8</sup>

The Hmong’s social organisation is clan-centred<sup>9</sup> and they live – for the most part – in small villages in the northern and central parts of the country, many of them only accessible by footpath or small tracks. But the Hmong have also integrated into business and political life across Laos; they are represented, though in limited numbers, at all levels of the administration, including in the newly elected National Assembly, and in the government that took office in June 2006. For the first time ever, 2006 also saw a Hmong enter the 11 member strong and highly influential politburo.

### The Hmong, “The Secret Army” and its immediate aftermath

The war that ended in 1975 was partly an internal armed conflict between the left-wing Pathet Lao and the right-wing royalists and nationalists. But it was partly also a war that spilled over

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<sup>5</sup> Constitution of the Lao People’s Democratic Republic, 1991, Amended 6 May 2003

<sup>6</sup> *Draft Strategic Plan on Governance (2006 – 2010)*, Policy paper by the Lao government, November 2006

<sup>7</sup> *Results from the Population and Housing Census 2005*, Lao Government Steering Committee for Census of Population and Housing, March 2006

<sup>8</sup> See above; the census results were published in March 2006

<sup>9</sup> Joachim Schliesinger, *Ethnic Groups of Laos, Volume 3*, 2003, p. 260

from Viet Nam and related to access to the so-called Ho Chi Minh trail, a network of supply lines that crossed into Laos and Cambodia and which was used by the North Vietnamese fighting the USA and the South Vietnamese forces.<sup>10</sup> The USA supported the right-wing faction, while the North Vietnamese backed the Pathet Lao.

On the side of the right-wing faction and alongside the USA, fought the so-called "Secret Army," a CIA-funded irregular armed force established in 1961 and led by Royal Lao Army Lieutenant Vang Pao,<sup>11</sup> an ethnic Hmong. "The Secret Army" reached some 30,000 troops in the early 1970s, and comprised of several ethnic groups, including ethnic Lao, but the majority were ethnic Hmong. Not all ethnic Hmong, however, supported the royalists and nationalists. In fact, many Hmong and other minority groups supported Pathet Lao.<sup>12</sup>

Following the end of the war in 1975, the Hmong came to be perceived with suspicion by the new Communist government because of the involvement by Hmong in the "Secret Army". After the victory of the Pathet Lao, tens of thousands of its former adversaries were jailed. Officials of the former government and its army, members of the "Secret Army" and Hmong who were perceived by the new government as having collaborated with the enemy side were sent to "re-education" camps, euphemistically called seminars,<sup>13</sup> or prisons. They were held in harsh conditions, without ever facing charge or trial, some for over a decade. It is not known how many people died in such detention, but many never returned.

Ostracism of the Hmong, mass arrests, violence and harassment were some factors pushing thousands of Hmong to flee the country in 1975 and afterwards. All in all around 300,000 people, including many Hmong, fled Laos during the first ten years,<sup>14</sup> mostly to Thailand where they sought refugee status. The majority resettled in third countries, particularly in the USA, which received some 250,000 Lao people between 1975 and 1996.<sup>15</sup> Over half of those 250,000 were ethnic Hmong, and Vang Pao was one of them.

Fearful of retribution and in turmoil after the escape of Vang Pao, thousands of irregular Hmong soldiers from the "Secret Army" retreated to inaccessible forest areas with their families from where they mounted armed resistance to the new government. The resistance was largely crushed within the first years by the Lao People's Army with the help of some 30,000 Vietnamese troops,<sup>16</sup> though the defeat of the rebel groups was not total. A

<sup>10</sup> The Second Indochina war, or the Viet Nam war (1954-1975) spread into Laos (and Cambodia), where the USA secretly embarked on intense aerial bombardment.

<sup>11</sup> In the mid-1960s he was promoted to the rank of general.

<sup>12</sup> Martin Stuart-Fox, *Politics and Reform in the Lao People's Democratic Republic* (Working Paper No 126), Murdoch University, 2005

<sup>13</sup> Grant Evans, *Laos: Situation Analysis and Trend Assessment*, Writenet, 2004 for UNHCR

<sup>14</sup> The State of the World's Refugees, UNHCR, 2000, p 98

<sup>15</sup> US Department of State, Country brief. 2006

<sup>16</sup> Martin Stuart-Fox, *Historical Dictionary of Laos*, Second Edition. 2001

small rebel force held out, supported by Hmong groups in exile, particularly in the USA, including by Vang Pao.

From inaccessible encampments, particularly in the remote areas around Laos' highest mountain, Phu Bia, the armed rebels launched occasional attacks against the Lao People's Army into the 1990s.<sup>17</sup> Since then, dwindling Hmong groups of rebels have made sporadic attacks on army positions, and were accused by some representatives of the authorities of responsibility for two attacks on public buses in 2003 which caused multiple casualties. From then on very few reports have come out of Laos about other sporadic attacks allegedly involving groups that live in hiding in the jungle. By contrast, Amnesty International has frequently received reports and accounts about attacks against such groups by the Lao People's Army.

### The ongoing legacy of the "Secret Army"

No comprehensive data is available about how many people continue to eke out a living in the Lao jungles, on the run from frequent attack by the Lao People's Army. A precise figure is impossible to calculate: independent observers are not allowed access and the groups are moving around in the jungle. There is also a movement between the jungles and mainstream Laos as people leave their hiding places to try to assimilate into regular society. Current estimates by observers and lobby groups range from several hundred to 3,000<sup>18</sup> up to as many as 17,000,<sup>19</sup> although the latter figure is probably a significant overestimate.

Very few people from the outside world have been able to visit any of these groups, and no one has been able to visit all groups in this remote hinterland. This is not to say there is a total absence of accounts from the jungle. At least six visits by journalists – with the first in January 2003 and the latest in June 2006 – have sporadically placed the Lao jungles in the headlines.

More recently, sympathisers, family members or political groupings abroad have provided satellite or mobile phones to people in the jungle, through which they have been able to relay information to the outside world. In addition, journalists and others have managed to smuggle out film footage from hide-outs, providing images and descriptions about what they encountered during clandestine visits. Refugees and asylum-seekers in Thailand have also been able to tell of life in hiding.

So far lobby groups, media and human rights organisations have predominantly described those in hiding as rebels. Without unfettered access to the regions in question it is hard to assess whether such a description remains accurate or whether it merely reflects a historical position. Up until 2004, Amnesty International received information indicating that

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<sup>17</sup> Martin Stuart-Fox, *Historical Dictionary of Laos*, Second Edition, 2001

<sup>18</sup> See e.g. *Assessment for Hmong in Laos*, 2004, Minorities at Risk Project. Center for International Development and Conflict Management, University of Maryland

<sup>19</sup> See e.g. Lao Human Rights Council, ([laohumanrightscouncil.org](http://laohumanrightscouncil.org))

anti-government groups of Hmong ethnicity were involved in attacks, including against government positions in Houa Phan in 2004. In 2003, there were also ambushes against public buses, including two along the road that links Vientiane with Luang Phrabang, which killed 25 people and wounded many more. In both instances witnesses reported that the perpetrators had been ethnic Hmong, and consequently most observers attributed the attacks to armed rebels. To the knowledge of Amnesty International, however, no group ever took responsibility for the attacks against the buses, and although some initial arrests were made,<sup>20</sup> no one has been held to account for these serious crimes.

The journalists who visited the jungle have pointed out that the people they met were extremely vulnerable because they were hiding from the authorities, coming under violent attack, and lacked food, medicine and shelter. They described **former** armed rebels and people in hiding with very limited means for survival and in isolation from other groups in the same circumstance. For example, in a testimony to the European Parliament's sub-committee on Human Rights, BBC journalist Ruhi Hamid, who paid a clandestine visit to an encampment in 2004, noted that:

*"in our observation this particular group has no significant military capability and so pose no real threat to the government forces but will defend themselves if attacked. To protect our journey out of the jungle, the fighters gathered the collective bullets in the group and handed them to the six men walking us out. They were left with six bullets to defend their village."<sup>21</sup>*

While the Hmong groups living in the jungle originated as an armed opposition to the LPDR government which came to power in 1975, the remnants over thirty years later are not in a position to carry out anything more than sporadic acts of violent opposition to the government. The Lao government have themselves implicitly acknowledged this, by describing the perpetrators of the 2003 bus attacks as "bandits", rather than seeking to characterise those attacks as part of any armed conflict. The military, however, continues to pursue and attack those who formerly belonged to the rebels and their descendants, compelling them to keep on the move, and denying them the opportunity to exercise their human rights.

Amnesty International is not in a position at this time to determine conclusively that the situation no longer amounts to an armed conflict, although this appears to be the case. It is clear that the Lao military continues to pursue those who belong, or belonged to rebel groups and their relatives. At any rate, international human rights law is applicable at all times, and should, in the circumstances, form the primary international legal framework governing the authorities' conduct towards and treatment of the Hmong people.

<sup>20</sup> Laos: Country Report on Human Rights Practices – 2003, US Department of State, 2004

<sup>21</sup> "The Human Rights Situation in Laos with Particular Emphasis on the Situation of the Hmong People" Ruhi Hamid, requested by the European Parliament's subcommittee on Human Rights, September 2005

## International human rights framework

The right to life is enshrined in the Universal Declaration of Human Rights (UDHR) which proclaims that "Everyone has the right to life, liberty and security of person" (Article 3). This right is set out also in the International Covenant on Civil and Political Rights (ICCPR), which provides that no one should be arbitrarily deprived of their life. The UDHR and the ICCPR also provide that no one should be subjected to arbitrary arrest or detention or subjected to torture or cruel, inhuman or degrading treatment. These provisions reflect rules of customary international law which are binding on all states. While Laos has not to date ratified the ICCPR, it signed it in December 2000 with a view to ratification, and so is under an obligation in international law to refrain in good faith from acts that would defeat the object and purpose of the treaty.

Laos is a state party to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), under which it is obliged to prohibit and eliminate all forms of racial discrimination and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law in the enjoyment of human rights, including the right to security of person and economic, social and cultural rights (Article 5).

The right to an adequate standard of living, including adequate food, housing and access to health care is enshrined in Article 25 of the UDHR. The rights to adequate food, to adequate housing, and to the highest attainable standard of health, among others have been further elaborated in binding international conventions, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), which, like the ICCPR, Laos signed in December 2000.

States parties to the ICESCR have immediate obligations, including the obligation to refrain from interfering arbitrarily with people's efforts to realise their own rights, including those to housing, health and food. This includes respecting efforts that people themselves make to realize their rights.

These human rights are also set out in numerous other human rights instruments including treaties which Laos has ratified. Of particular relevance, in view of the fact that the Hmong living in the jungle include families with children, is the Convention on the Rights of the Child (CRC). Under this treaty, Laos has explicitly undertaken an obligation to recognize every child's "inherent right to life" and "to ensure to the maximum extent possible the survival and development of the child" (Article 6); "to recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development" (Article 27); and to "recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health [and to] strive to ensure that no child is deprived of his or her right of access to such health care services" (Article 24). Article 2 of the CRC provides that these

rights must be ensured to each child without discrimination, including on the basis of the perceived political opinions of their parents:

*"1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*

*2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members."*

The Committee on the Rights of the Child, the body of independent experts which monitors states' compliance with their obligations under that treaty, in its General Comment No 5,<sup>22</sup> has stated that the non-discrimination obligation on state parties requires them actively to take measures in order to identify individual children and groups of children who may be particularly vulnerable in this regard.<sup>23</sup> Furthermore, General Comment 5 underlines the primacy of the principle of the best interest of the child in all decisions and actions taken by government authorities.<sup>24</sup>

## Life in the jungle

There are Hmong groups living in the jungle in the provinces of Bolikhamxay, Xieng Khouang, Vientiane, and Luang Phrabang, including Xaysomboune Special Zone, which was under military administration until 2006 and stretched over parts of the three former provinces.

The groups that have had the means to contact the outside world or have had clandestine visits by journalists consist of men and women, including elderly people, and children. According to their accounts, they have not engaged in any attacks on the military, but are constantly pursued and attacked by the military.

Regular violent attacks by the military around and on encampments and their inhabitants have led to numerous deaths, injuries and continual displacement. This displacement in turn deprives the women, men and children of their right to an adequate

<sup>22</sup> General Comments issued by treaty monitoring bodies are authoritative interpretations of the content of particular provisions of the relevant treaties

<sup>23</sup> General Comment No 5 (2003) *General measures of implementation of the Convention on the Rights of the Child* (arts. 4, 42 and 44, para. 6) Committee on the Rights of the Child. UN Doc CRC/GC/2003/5, 27 November 2003

<sup>24</sup> General Comment No. 5 (2003) (para. 12)

standard of living, including shelter, drinking water, and food. Their destitution further perpetuates ill-health and disease; without any access to health services, many of them die.

During periods of heightened international attention after the first few visits by journalists to the jungle, the international donor community was reportedly ready to offer humanitarian assistance to the Lao government in order to address the needs of those in the jungle. No such assistance was requested by the authorities.

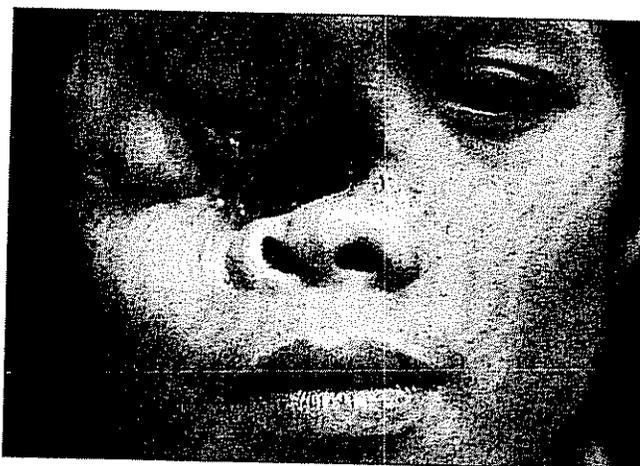
### **Killings and attacks by the authorities**

Amnesty International has received numerous reports about armed attacks by the military on people in the jungle. Accounts of such attacks are often difficult to corroborate because they take place in isolated locations, far from populated areas and independent observers. Nevertheless, Amnesty International has received multiple credible accounts over the past four years from a range of sources sufficient to conclude that there is a pattern of such attacks.

Most frequently, attacks take place while people forage for food. Foraging is a vital but time-consuming and dangerous task which can take between 12 and 18 hours a day. The further the people venture from their encampments, the more vulnerable they are to attacks by the military.

Numerous individuals have reported how their relatives have been shot dead while searching for food. The family patterns of the groups in the jungle reflect this; family members outside the nuclear family, such as uncles, aunts and grandparents, are often referred to as being custodians of children whose parents have been killed.

Bullet and shrapnel wounds are also widespread in the jungle groups. In one of the largest encampments with a population of over 800, the leader, who kept a tally of the number of injuries, told a journalist that 30 percent had shrapnel wounds.<sup>25</sup> Reports, including photographs, from the six visits by journalists have provided evidence of the large numbers of injured and scarred people, including children. Invariably victims attributed



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*Tong Her, 24, was wounded in a military ambush in June 2003. Late 2006 he fled from the jungle and is now a refugee in Thailand*

<sup>25</sup> *Welcome to the Jungle*, Andrew Perrin, Time Asia 5 May 2003 [available at <http://www.time.com/time/magazine/article/0,9171,501030505-447253,00.html>]

scars and injuries to attacks by the military.

Those who have been injured have had no access to medical services inside Laos.

On 6 April 2006 Lao government troops reportedly launched an attack in northern Vientiane province which killed 26 Hmong belonging to a jungle group. Of the 26 dead, reports state that 17 were children and several women. Five people were wounded, while a group of around a dozen survived without injury. The incident took place around 20 kilometres northeast of the tourist town of Vang Vieng. Two men in the group carried guns, but they did not use their weapons.

The ambush took place in the morning hours while the victims were searching for food around two kilometres from a hiding place in the jungle where they had been living for five days.

Reportedly armed with AK-47s and rocket propelled grenades, an estimated 15-20 soldiers from the Lao People's Army based in Vang Vieng ambushed the foraging group from two directions.

*"I heard the gun shots", Tong Her, 24, told Amnesty International.*

*"I was in a different location foraging for food with another four people, about a kilometre from the scene, so I never saw the soldiers myself. But the survivors saw them."*

Tong Her only saw the dead, whose shallow graves he helped dig at the scene. He told Amnesty International that most of the dead were women and children, all from his make-shift village – at that time consisting of over 400 people.

Pressure from the US Embassy on the government to conduct an inquiry into the killing led the Lao authorities to summon the US Ambassador to protest against the accusations. Lao officials categorically denied the incident and publicly accused the US Embassy of having fabricated accusations. To date, so far as Amnesty International is aware, no adequate investigation has been carried out into the killings.

Tong Her was born in the area near Vang Vieng in 1982, to a former CIA trained soldier. Tong Her lived in these jungles for all his life until 10 October 2006, when he escaped. An attack against his group on 1 October 2006, in which one person was killed and another injured, prompted him and his nearest family to decide finally to leave. Constant lack of food was another decisive factor.

Tong Her, his father Bliia Shoua Her, the leader of the group, and their family were the only ones to flee to Thailand. The rest of the village decided to emerge from the jungle in

an attempt to join mainstream Lao society, according to Tong Her. He and his family do not know what has happened to those who stayed in Laos.

As a state party to the Convention on the Rights of the Child, the Lao government is obliged to recognize every child's "inherent right to life" and "to ensure to the maximum extent possible the survival and development of the child."<sup>26</sup> More generally, the right to life is enshrined in Article 3 of the Universal Declaration of Human Rights and the core provision in Article 6 of the ICCPR, namely that no one shall be arbitrarily deprived of life, reflects a rule of customary international law, applicable in all circumstances.

The UN has developed more detailed and specific standards which, while not legally binding *per se*, nevertheless represent global agreement by states on how to best implement international human rights treaties and other standards, through legislation, regulation and during actual law enforcement operations. These include the *United Nations Code of Conduct for Law Enforcement Officials* (1979);<sup>27</sup> the *United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990);<sup>28</sup> and the *United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions* (1989).<sup>29</sup>

The Lao authorities have not sought to justify their use of lethal force against members of Hmong jungle groups in terms of a framework of armed conflict, but have generally referred to them as "bandits", which implies recognition of a law enforcement framework. Article 3(c) of the UN Code of Conduct states that "every effort should be made to exclude the use of firearms, especially against children. In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender."<sup>30</sup> The UN Basic Principles state that firearms should not be used against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his or her escape, and only when less extreme means are insufficient to achieve these

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<sup>26</sup> UN Convention on the Rights of the Child, Article 6

<sup>27</sup> United Nations General Assembly, *Code of Conduct for Law Enforcement Officials*, adopted by Resolution 34/169 of 17 December 1979

<sup>28</sup> United Nations Economic and Social Council, *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August – 7 September 1990

<sup>29</sup> United Nations Economic and Social Council, *Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions*, recommended in Resolution 1989/65 of 24 May 1989

<sup>30</sup> Article 3 (c), *Code of Conduct for Law Enforcement Officials*; Adopted by General Assembly resolution 34/169 of 17 December 1979

objectives. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.”<sup>31</sup>

International law requires that every death in suspicious circumstances must be investigated promptly, thoroughly and independently. Principle 9 of the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions states that “There shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions, including cases where complaints by relatives or other reliable reports suggest unnatural death in the above circumstances.” Lao law provides for such investigation, as do the laws of virtually every country in the world. Except in two instances, no known investigations into incidents of military violence against Hmong groups have taken place.

The two exceptions concern the most publicised attacks: the killing of 26 people on 6 April 2006 described above, and a reported killing and brutalization of a group of five Hmong children on 19 May 2004, the aftermath of which was caught on video camera. After the UN Committee on the Elimination of Racial Discrimination (CERD) in its concluding observations expressed concerns over reports about the May 2004 attack and others,<sup>32</sup> the Lao government commented in a submission to CERD that it had undertaken an investigation at the area of the reported incident and noted that there had been no complaint lodged with any authorities. It stated:

*“This has led the Lao authorities concerned to the conclusion that the alleged incident is unreal, groundless and non-existent, and is proved to be merely a fabrication intended to harm the reputation of the Lao People’s Army.”*<sup>33</sup>

The authorities also claimed to have carried out an investigation after the incident on 6 April 2006. Amnesty International has been informed that the investigation had consisted of a phone call to a military commander, asking whether he had received any reports about the attack. After a negative response from the commander, the authorities reportedly concluded that no killing had taken place. During a visit to the area of the incident by a Bangkok-based photographer Roger Arnold in June 2006, survivors from the attack took him to the site and told him that no one had investigated the killings at the site. In footage taken out by Arnold, the leader of the group, Bliia Shoua Her, appealed to the international community to carry out an investigation at the site, and Arnold confirmed that he had visited 23 of 26 graves, where,

<sup>31</sup> *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990

<sup>32</sup> *Concluding observations of the Committee on the Elimination of Racial Discrimination : Lao People’s Democratic Republic*, UN Doc. CERD/C/LAO/CO/15, 18 April 2005

<sup>33</sup> *Comments by the Government of the Lao People’s Democratic Republic on the concluding observations of the Committee on the Elimination of Racial Discrimination*. UN Doc. CERD/C/LAO/CO/15/Add 1, 19 May 2006

according to the survivors, those killed in the incident were buried. The graves were adorned with personal belongings from the dead, including clothing and ornaments.

### Lack of access to food and medical care

Life on the run has driven the Hmong living in the jungle to destitution and hunger. They cannot cultivate crops because it would make them too easily detectable, particularly from the air. Accounts provided to Amnesty International describe how they avoid picking any visible quantities of wild fruit in certain areas in order to evade being found or do not hunt animals with their old guns.

They stay for short periods of time in very basic temporary shelters and have no access whatsoever to basic services including education, health care or sanitation. Sometimes they leave an encampment behind because they come under direct attack; at other times they leave because they feel insecure due to military movements in the vicinity.



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A family outside their temporary shelter in the jungle northeast of Vang Vieng. The father and two daughters had been killed while foraging for food.

*"We never stayed longer than 15 days in the same place",* one young man who recently fled from the jungle in Vientiane province to Thailand told Amnesty International.

Living in hiding from the authorities and in almost complete isolation, the meagre diet of these groups consists by and large of what they can gather from the forest without leaving conspicuous traces. The most important foods are cassava roots, leaves, wild yams and the husk of an Asian palm tree known as 'Tong-La', which is slightly poisonous and so requires a laborious process to make it edible.<sup>34</sup>

Recently arrived asylum-seekers and refugees in Thailand, as well as video footage and reports from the jungle, indicate signs of malnutrition, particularly among children, many of whom have distended bellies, bleached hair or slight frames. This suggests that the

<sup>34</sup> *"The Human Rights Situation in Laos with Particular Emphasis on the Situation of the Hmong People"* Ruhi Hamid, requested by the European Parliament's subcommittee on Human Rights. September 2005

authorities in Laos have taken insufficient measures to give effect to the right of every child to a standard of living adequate for the child's development, in particular with regard to the right to adequate food, as they are required to do as a state party to the CRC. In fact, Amnesty International has obtained credible evidence that the military regularly attacks those who forage for food, preventing them from taking their own steps to realize their right to adequate food.

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Roots, leaves and husks form part of the meagre diet. Malnutrition and food shortages are widespread.

After the attack outside Vang Vieng in April 2006, at least five breast-feeding infants whose mothers had been killed died as a consequence of losing their mothers, according to reports to Amnesty International. The same month, in the jungle of Xieng Khouang a boy of around ten years old received a serious injury to the stomach in an attack while searching for food. His belly had been slit wide open by shrapnel; he survived two days without any professional medical attention before he died.

Although the groups in the jungle rely on traditional medicine that they can find in their vicinity, there is a serious shortage of healthcare to control or tackle disease, which is reportedly widespread amidst food shortages and malnourishment. Moreover, those living in the jungle, including those wounded in direct attacks, cannot seek medical attention outside of their hiding places as they would risk being detected and attacked. This undermines their ability to realise the right to the health, set out in the ICESCR and, with respect to children in the CRC, which states that "*States Parties shall recognize the right of the child to the enjoyment of the highest attainable standard of health*" and "*to ensure that no child is deprived of his or her right of access to such health care services* "

### Forced labour and sexual abuse

In connection with attacks by the military or when groups from the jungle have tried to leave their life in hiding, there is a discernible pattern of separation of families. Reports provided to Amnesty International describe how men have been arrested and taken away, while the women have been taken to isolated villages, most often along the Vietnamese border in the province of Houa Phan. In other instances families have been placed in small camp-like settlements in the same area, while young women have been separated and taken away. Some have been subject to slavery-like treatment and torture and ill-treatment, including repeated rapes by law enforcement officers

Amnesty International takes the view that the rape of a prisoner by a law enforcement, security or military official always constitutes torture, which is a crime under international law.

Around August 2005, Pakou<sup>35</sup> and her family were captured in the jungle. Within a week of her capture, she was separated from her parents and siblings and taken to a police post outside a village south-east of Sam Neua. For approximately one year she was locked up with two other young Hmong women in a room at the police post. All three women were used for house chores, did laundry for the policemen, and they were also forced into sexual servitude. Several times Pakou was gang raped by the police. After about one year she finally saw an opportunity to escape as she acquired a sum of money with which she bribed some of the police officers to set her free. Pakou is now around 20 years old, distressed and traumatized. She is a refugee in Thailand, at risk of deportation back to Laos.

There is not enough information at this stage to conclude whether there is a pattern of sexual abuse by military and police of Hmong women from the jungle. It remains an area that urgently needs further research. What is clear, however, is that there are allegations that serious crimes have been committed by police in Houa Phan province. So far, Amnesty International has received no information to suggest that there has been any investigation into such crimes by Lao authorities.

### Arbitrary detention

In several instances, groups who have decided to give up their life in hiding have been harassed, detained and subjected to ill-treatment, according to reports provided to Amnesty International.

On 4 June 2005, a group of 173 people emerged from the jungle after a long jungle trek to the village of Chong Thuang in a planned "surrender".

The US-based Hmong lobby group The Fact Finding Commission (FFC) had advised authorities and international organisations that a group of 30 families would emerge from the jungle, and also attempted to arrange a presence of international organisations with the aim of monitoring their arrival and ensure their well-being. International presence was not secured. In the absence of such monitoring, three members of the FFC were themselves at hand.<sup>36</sup>

<sup>35</sup> Pakou's real name is withheld for her protection

<sup>36</sup> FFC's Experience at Chong Thuang, Press release, 27 June 2005 [Available at [http://www.factfinding.org/Past\\_News\\_Releases/page83.html](http://www.factfinding.org/Past_News_Releases/page83.html)]

*"We received help by these Americans who came to meet us when we came out of the forest to take us to Laos where we would become Lao citizens", Chong Vang Lor,<sup>37</sup> a 56-year old member of this group told Amnesty International when the organisation met him later in Thailand.*

The 30 families had left behind a life in hiding inside Xaisomboune Special Zone, four days trek from Phoukout district in Xieng Khouang province. They were first provided assistance coordinated by a local police chief.

*"Then came the soldiers. They took us to a prison inside an army camp outside Phoukout town. For two months we were kept inside the cells at all times, around 10 families in each cell. If we needed to go to the toilet, we had to ask the guards to be let out,"* according to Chong Vang Lor.

The prison building was in the middle of the camp, and the doors were sealed by chains and locks. Food was very limited – two meals a day of a handful of rice.

*"The guards were very intimidating, particularly in the beginning: at night they would fire shots over the roof of the building, shout at or harass the detainees from outside. Many of the guards, both military and police, were ethnic Hmong."*

*"No one was killed, but two children died of malnourishment,"* said Chong Vang Lor.

After two months the families were allowed outside the cell in the daytime, though confined to the army camp area; at night they would be locked up again. Food remained very limited through this period, which lasted around four months. The international provisions of food that authorities reportedly received did not alter the limited supplies. Altogether, they were held for around six months, before being told to leave. They were instructed not to leave in groups, but only as individual families. Fearful, they all left at the same time, at night, but in different directions as they had been told.

For six months the 173, including small children, were reportedly held without charge or trial, in appalling conditions which violate human rights which have been recognised as being rules of customary international law binding on all states:

- The right to liberty and the prohibition on arbitrary deprivation of liberty;
- The right to access to legal counsel, to be brought before a judge and to challenge the lawfulness of detention;

<sup>37</sup> Chong Vang Lor's real name is withheld for his protection

- The right to humane conditions of detention;
- Freedom from torture and other cruel, inhuman or degrading treatment or punishment.

In the case of children, deprivation of liberty must be a last resort and for the shortest time possible – clearly not justified here.<sup>38</sup> This and the rights above are also provided for in the UN Convention on the Rights of the Child (CRC), to which Laos is a state party.<sup>39</sup>

Several of the 173 are now refugees or asylum seekers in Thailand. The Lao government has publicly denied all reports that have emerged about their background.

There are also unconfirmed reports that some of the 173 have successfully reintegrated into the Lao Hmong mainstream, just as the group had wanted. In view of the fact that there is no access to them by independent monitors, it has not been possible to confirm these reports.

In violation of their obligations under customary international law and the CRC as outlined above, the Lao authorities have also reportedly been holding a group of returnees from Thailand, mostly minors, in arbitrary detention.

On 5 December 2005, following their forcible return from Thailand, a group of 27 Lao Hmong, 22 of them children, were detained in Laos.<sup>40</sup> According to eyewitnesses, Thai officials in Ban Pak Khat in the province of Nong Khai had transported the group across the Mekong in two small boats, making two journeys each, to the Lao village of Ban Phabat. As the deportation was completed, Lao officials had joined Thai immigration officials for a drink on the Thai side of the river. The 27 spent the first night on Lao soil in a temple in the village. On the following day they were arrested.

Since then the group has been held in deplorable conditions and there have been consistent reports about ill-treatment. There are reports that the boys and men have been tortured.

The 22 children and 5 adults are believed to have been held in two separate prisons: the girls and women were reportedly detained at a prison attached to an army base outside Paksen, 200 km east of Vientiane. The two boys and three men were first held in Vientiane, but around May 2006 they were reportedly transferred to a detention facility in Phongsaly, in the far north.

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<sup>38</sup> See UN Convention on the Rights of the Child, Article 37(b)

<sup>39</sup> See Article 37(b) (prohibition on arbitrary deprivation of liberty); 37(d) (right to legal assistance and to challenge detention); 37(a) (prohibition on torture and other ill-treatment)

<sup>40</sup> The group had been staying at a refugee settlement in Thailand and had not had their asylum claims assessed prior to deportation

Lao authorities have never confirmed the whereabouts of the group. In responses to Urgent Action appeals from Amnesty International members across the world, officials have repeatedly denied any responsibility for them, while at the same time claiming to be looking for them out of humanitarian concern. On 8 March 2007 information emerged that Lao authorities had found 21 girls and young women from the group, while the six still unaccounted for are being sought. At the time of writing this report, Lao and Thai authorities were drafting a plan to reunite the 21 with their families. Information about the children's and girls' whereabouts during the 15 months since their forcible return to Laos was unclear.

The children's parents, who are asylum-seekers in Thailand, live at an informal refugee camp in the northern Thai province of Phetchabun.

In this case, where the detention of the children appears politically motivated, Lao authorities have failed in their obligation under the CRC to ensure that children are protected against discrimination or punishment on the basis of the activities or opinions of their parents or family members.

### **“Surrenders” and forcible returns – to an uncertain fate**

Uncertainty prevails around the whereabouts and well-being of several other groups of Lao Hmong who are perceived by the authorities as having links to the former rebels. Beyond the group of 173 there is no or limited information about many groups that have attempted to come out from the jungle to join the mainstream. There is also little information about groups that have been deported to Laos from Thailand where they had sought international protection.

### **“Surrenders”**

In different periods over the years, scattered groups have emerged from the jungle, either in more formal “surrenders” in which they have reported themselves to the local authorities and carried white flags, or simply by trying to informally integrate into the mainstream.

According to reports, in many instances in the 1990s and early 2000s, authorities assisted such groups, offering amnesties and enabling them to join planned resettlement schemes of highland communities, while providing some assistance such as land and farming tools.

After more recent “surrenders”, Lao authorities have rebutted information that those concerned had any links to former rebels. Instead they referred to them as mainstream Hmong

villagers in the process of resettling from isolated areas in the highlands to the plains or along main roads, in accordance with an ongoing government resettlement policy.<sup>41</sup>

To Amnesty International's knowledge there has been no systematic assessment as to how such Hmong groups from the jungle have been able to reintegrate into mainstream Hmong communities. Nor is it known to what extent resettlement was negotiated with them in a manner that ensured them their rights to freedom of movement and to choose their own residence in accordance with international human rights standards.<sup>42</sup> This absence of information is partly the result of a lack of clarity on the part of the Lao authorities as to the background of those resettled, partly the result of a lack of access for independent monitors.

In October and November 2006, at least two large groups of mostly women and children "surrendered", after which reports about their whereabouts came to an end. Some 370 people emerged in the area of Vang Vieng around 10 October 2006, while 420 left the jungle and came out in Xieng Khouang's Phoukout district on 14 December. Amnesty International remains concerned about their well-being.

### **Forcible returns**

Another group about whom limited information is available are Lao Hmong individuals, who have been forcibly returned to Laos from Thailand before their refugee claims had been assessed, in breach of international refugee and human rights law. The most recent instance concerned a group of 16 asylum seekers in Thailand who were deported to Laos on 26 January 2007.<sup>43</sup>

In a welcome development, in March 2007 Lao authorities arranged for a visit by UN officials, diplomats and journalists to the three heads of families of the 16 deportees. The visit

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<sup>41</sup> Although not within the scope of this report, it should be noted that this government policy of resettlement, ongoing since the mid-1970's, includes the resettlement of small remote highland villages to areas with improved access to basic facilities, while also aiming to reduce slash and burn agriculture, and eradicate opium cultivation. In discussions with Amnesty International, Lao officials have described the policy of resettlement as a way of securing basic needs for rural inhabitants. However, studies by bilateral and multilateral organisations, including the United Nations Development Programme and The European Community Humanitarian Aid department (ECHO), as well as NGOs have pointed to negative consequences in the short- to medium term, including food insecurity, increased poverty, drastically climbing mortality rates, and landlessness among those resettled.

<sup>42</sup> See e.g. Article 12 of the ICCPR, which states that everyone lawfully within the territory of a state has the right to liberty of movement within that state and freedom to choose their residence. Principles 5-9 of the Guiding Principles on Internal Displacement a set of principles adopted in 1998 by the UN General Assembly, reflecting international human rights standards, provide for protection against displacement, and in particular that all feasible alternatives should be explored in order to avoid displacement altogether and that, where no alternatives exist, all measures shall be taken to minimize displacement and its adverse effects. The free and informed consent of those affected shall be sought; they should be involved in the planning and management of their relocation; and should have the right to an effective remedy, including the review of such decisions by appropriate judicial authorities.

<sup>43</sup> See e.g. *Urgent Action Thailand: Fear of forcible return/arbitrary arrest*, Amnesty International, AI Index: ASA 39/017/2006. 29 November 2006

did not take place in the village where the 16 currently reside, but in a different village to which the three had travelled to meet the visitors.

This was the second time in recent weeks that such a visit had been arranged by the Lao authorities. The first time some 40 diplomats, journalists and UN officials were taken to a family belonging to a group of 53 people who had been deported in November 2006.

These visits have provided some, albeit limited and not independent, information about a few of the returnees, who appeared to have been well-received according to accounts and media reports.<sup>44</sup> When the 53 were first deported, Lao authorities stated in the official media that the group would undergo "re-education" without providing any further details.<sup>45</sup> It remains unclear if this had happened. The 16 had been "re-educated" on three occasions since their return late January 2007.

## Human rights violations on the periphery of the jungle

### Couriers

The groups in the jungle have some direct contact with the outside world through couriers, who have provided them with essential supplies and also with the technical equipment donated by family members and political groupings abroad. These couriers, who reside outside the jungle, have also helped coordinate the visits by journalists.

In June 2003, two Bangkok-based journalists, Vincent Reynault and Thierry Falise, and their translator US citizen Naw Karl Moua and their local ethnic Hmong guides and driver, Thao Moua, Pa Fue Kang and Char Yang were arrested as they emerged from the jungle in Xieng Khouang province, after having researched a news story from an encampment

They were charged with, among other things, collaboration in the commission of an offence, possession of firearms and explosives, possession of drugs and destruction of evidence. In an unfair trial that appeared to have been politically motivated, they were convicted and sentenced to prison terms ranging between 10 and 20 years. The closed-door two-hour trial received worldwide condemnation by press freedom advocates and human rights organisations, including Amnesty International, for not upholding international human rights standards of fairness, such as respect for the presumption of innocence and the right to legal counsel, the latter of which was denied the Lao men. The foreigners had embassy-appointed legal counsel. There were reports that the Lao men were shackled in leg irons and beaten with sticks and bicycle chains while in pre-trial detention; one of them was repeatedly knocked unconscious.<sup>46</sup>

<sup>44</sup> Returnee: "I am happy to come back to my homeland", Vientiane Times, 9 February 2007

<sup>45</sup> Thailand sends Lao Hmongs back to their homeland. KPL. 17 November 2006

<sup>46</sup> Laos: Three foreigners released but Lao nationals are tortured and remain in detention, Amnesty International, AI Index: ASA 26/010/2003, 9 July 2003

After over a month of international pressure, the journalists and their translator were released and deported on 9 July 2003, but the Lao nationals remained in prison. One of the guides escaped and subsequently fled to Thailand. Thao Moua and Pa Fue Kang are still held in Samkhe prison in Vientiane serving sentences of 12 and 15 years respectively.

### Neighbouring villages

There are other people on the periphery that have been subjected to human rights violations by the Lao authorities. In some areas, those hiding in the jungle have approached Hmong villages bordering the jungle, asking for essential food items such as salt and sugar from fellow clan members or relatives. These provisions normally change hands during the night.

There may be cases where such assistance is provided as an expression of political support, but in cases involving individuals that have been interviewed by Amnesty International, humanitarian motives appear to have been at play. The clan centred culture of the Hmong also obliges members of the same clan to support one another when in need. Regardless of the motive, such support is not tolerated by the Lao People's Army.

*"The military held guns in their hands when they walked up to me where I was sitting in front of the house. They asked where my husband was so I told them he was inside. I didn't know why they had come, but heard commotion taking place inside, a struggle. I then understood they were taking my husband and children away, so I fled into the forest. I thought they might kill all of us. A villager later told that they had taken [my husband and sons] to prison. There is no jail in the village, so I don't know where they took them."*

Mai,<sup>47</sup> 35, escaped her small, rural Hmong village in Xieng Khouang province's Phunsovann district on the 20 February 2006 after the arrest of her husband, her 12 and 15 year-old sons and two other relatives. The arrests followed two months of military presence in the village, a presence that had never been seen before and that had made the villagers apprehensive. Mai's family had been providing secret assistance to the groups in the jungle for about a year.

*"The Chao Fa"<sup>48</sup> would sometimes come to the house as they are so hungry, and at times we would go to the jungle and give them rice there.*

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<sup>47</sup> Mai's real name is withheld for the protection of her and her family.

<sup>48</sup> Chao Fa was the word this woman, like many Hmong in rural areas, used when describing the jungle groups. Chao Fa translates to something like the Soldiers of God and was originally a term used for soldiers tied to a millenarian movement that emerged in the early 1960's. The movement awaited the arrival of a Hmong king. The Chao Fa gained power within the armed resistance, which was initially

*They need help: they are famished because they can't go anywhere, but only stay in the jungle. We would give them rice and sometimes sell meat to them," Mai told Amnesty International.*

*"There are only two houses in our village that have farmland near the forest. And we have huts by this farmland where we sometimes stay overnight – and that is why my family help them. Mostly the Chao Fa come at night."*

Together with a young relative, whose parents were rounded up in the same raid, Mai, then seven months pregnant, fled into the forest and wandered for days with only some financial support they had received from a villager elder, a relative of theirs. Mai and her relative are currently asylum-seekers in northern Thailand.

Authorities did not attempt to inform Mai about any crimes her family members were suspected of having committed; nor did they show any court orders, such as arrest warrants, authorizing the arrest.

## Refugee protection – Thailand's role

Over the years Thailand has been providing temporary protection to hundreds of thousands of people who have fled persecution and conflict in neighbouring Cambodia, Laos and Myanmar.

For decades, Thailand has served as the main hosting country in the region for Lao Hmong asylum-seekers. The total number of Lao Hmong seeking international protection in Thailand is not clear, but some 7,000 people claiming to have fled Laos due to a well-founded fear of being persecuted currently reside in an informal refugee settlement in Huay Nam Khao, in northern Phetchabun province. Much smaller numbers live in other places across the country, notably in the border areas and the greater Bangkok region.

The vast majority of Lao Hmong in Thailand have not had access to a determination process to assess their refugee claims, as so far, UNHCR has not had access to the refugee camp in Huay Nam Khao. In consequence, it is not known how many of these are in need of international protection. As long as the status of these people is unknown, any attempts to return them to Laos places the Thai government at risk of breaching its obligations under international law.

In the past 15 months at least around 100 individuals have been unlawfully deported back to Laos. On three occasions Lao Hmong asylum-seekers were rounded up and held either

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made up of two factions, the Chao Fa and the Vang Pao loyalists. (See e.g. Grant Evans, Laos – The land in between, 2002) The two factions appear to have merged over the years

at police stations or in Immigration Detention Centres for some time inside Thailand before being handed over to authorities in Laos.

Amnesty International has repeatedly called on the Thai authorities not to forcibly return people who would be at risk of severe human rights violations, including torture, in

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On 30 January 2007 153 recognised refugees were to be unlawfully deported from Thailand to Laos. Amidst international pressure, the deportation attempt was halted

keeping with Thailand's obligations under international law, including under the ICCPR, to which Thailand is a state party.<sup>49</sup> The Human Rights Committee, the body entrusted under the Covenant with monitoring its application by states parties, has maintained that Article 7 of the Covenant provides an absolute prohibition on return to torture or other ill-treatment. In its General Comment on Article 7, the HRC stated the following:

*In the view of the Committee, States parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or refoulement.*<sup>50</sup>

*Non-refoulement* is a principle of customary international law which is binding on all states regardless of whether or not they have ratified a relevant treaty, such as 1951 Refugee Convention and its 1967 Protocol.

At the time of writing, around 350 Lao Hmong men, women and children are held in Thai detention and face the risk of imminent deportation. At least 153 of them are recognized refugees under UNHCR's mandate, but the majority of them have not had access to a screening process to have their protection needs ascertained.

<sup>49</sup> See e.g. Thailand: Fear of forcible return/arbitrary arrest, Urgent Action, Public AI Index: ASA 39/017/2006, 29 November 2006, and ASA 39/018/2006, 8 December 2006

<sup>50</sup> Human Rights Committee, General Comment on Article 7, CCPR General Comment 20 (1992). UN Doc HR/GEN/1/Rev 1 at 30 (1994) para 9

One attempt has already been made at deporting the recognised refugees, in clear breach of international law:

In the morning of 30 January 2007 following a bilateral agreement between Thailand and Laos reached some six weeks earlier, authorities attempted to deport 153 refugees. Immigration officials dragged women and girls crying and screaming out of their cell in the Immigration Detention Centre in the north-eastern town of Nong Khai where they had been held since 17 November. They were then loaded onto buses that drove them to the Lao border. Two of the women were eight months pregnant and one had a baby who had been born weeks earlier in the detention centre.

Two seriously sick men were also put into vehicles, after having been taken from their hospital beds where one had been receiving care for a serious liver condition and another for a bullet wound to the face.

The women and sick men were kept in the buses at the border awaiting the men, who had barricaded themselves in the male cell in an attempt to evade deportation. Police tried to saw through the bars to gain access to the cell. Witnesses also reported that police released a gas-like substance, possibly tear gas, three times, despite the fact that 20 children, all boys, were in the cell.

By afternoon, the deportation attempt was halted, a decision that Amnesty International welcomed. The women, girls and sick men were later taken back to the immigration detention centre at Nong Khai. Thai authorities said they would not deport the refugees against their will, but instead pledged to agree to them being resettled in third countries.

Meanwhile, Lao government spokesman Yong Chanthalangsy blamed the Thai government for having been ill-prepared ahead of the deportation and urged for the deportation to go ahead:

*"The Lao side requests Thailand continue to ready the group for repatriation and ensure the security of Lao officials who will accompany the group."<sup>51</sup>*

Thai authorities have yet to confirm that the deportation of these refugees, which with a new-born now number 154, has been permanently halted. Amnesty International remains concerned about their safety. The organisation is also concerned about the possible risk of

<sup>51</sup> Lao statement on Lao Hmong illegal migrants. Vientiane Times. 2 February 2007

forcible return of many other Lao Hmong people who may also be in need of international protection.

## Recommendations

Amnesty International makes the following recommendations:

### To the Lao authorities

- Immediately stop all armed attacks against Hmong people living in the jungle;
- Ensure that the security forces immediately end the use of arbitrary detention, rape and torture or other cruel, inhuman or degrading treatment or punishment of detainees, and in particular the unlawful detention and ill-treatment of children;
- Ensure prompt, independent and impartial investigation of all allegations of attacks by the security forces on Hmong living in jungle encampments or other unlawful use of force against them, including killings, torture or other ill-treatment, rape and other sexual abuse, and bring the perpetrators to justice in proceedings which meet international standards of fairness and without the imposition of the death penalty;
- Enable the people living in jungle encampments to realise their basic economic, social and cultural rights, in particular their right to an adequate standard of living, including access to food, water, shelter, and essential health care, including through permitting access by international humanitarian organisations to the areas of concern;
- Allow and assist those Hmong who want to reintegrate into mainstream society and have not committed any internationally recognizably criminal offence to do so, while ensuring respect for their human rights during this process, including the right to life, liberty and security of person, an adequate standard of living, and liberty of movement and freedom to choose their place of residence. Any resettlement should be with the free and informed consent of those affected who should be involved in the planning and management of their relocation;
- Allow international monitoring, including by UN human rights bodies and experts, of such reintegration.

### To the Thai authorities

- Ensure that under no circumstances persons are returned to Laos if they face a risk of serious human rights violations, including violations of the right to life, torture or other ill-treatment;

- Ensure that Lao Hmong asylum seekers inside Thailand, including approximately 7,000 Lao Hmong at the camp in Huay Nam Khao, are provided access to a fair determination process in order for their protection claims to be assessed either by UNHCR or national bodies, in keeping with international human rights law and international refugee law;
- Ensure that those who are in need of international protection inside Thailand are provided with such protection and that all attempts at finding durable solutions, including local integration and resettlement are explored.

### **To UN agencies and the international community**

- Whenever possible open up dialogue with the Lao authorities about human rights and exert pressure on the Lao government to end human rights violations committed against Hmong living in the jungle;
- Call on the Lao government to accept independent monitoring of the concerned areas inside the Lao jungles and areas where groups from the jungle have resettled so as to ascertain their needs and assure their well-being;
- Those states in a position to do so make clear to the Lao government their willingness to provide international assistance to support the authorities in meeting its minimum core obligations with regard to ensuring the economic, social and cultural rights of the groups in the jungle as well as of those who reintegrate in to the mainstream.