

## Three years and counting

### The continuing plight of the 158 Lao Hmong held in the Nong Khai Immigration Detention Centre

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It's an odd place for playtime, but every morning, at about 10am, the yard surrounding the Nong Khai Immigration Detention Centre (IDC) fills with children. The long-worn-away lawn becomes a bocce ball court, and a place for the IDC's 158 Lao Hmong detainees, 87 of whom are children, to get some exercise and a breath of fresh air.

CAPTIVE: Hmong refugee families behind bars at the Immigration Detention Centre in Nong Khai, near the Thai-Laos border.

These two-hour periods outdoors are the closest to freedom and normalcy they get. Even then, they are fenced in by barbed wire and under the watch of IDC officers.

The group has been detained at the IDC, a two-storey structure on a shady street in Nong Khai, for the last three years. They are only a few minutes walk from the Mekong River, and from there, just a short swim to Laos.

According to regulations, they sleep and spend much of their time in two, sunless cells on the IDC's first floor - women and children in one, men in the other. Both are under video surveillance.

Although they are denied visitors - be they humanitarians, journalists, concerned backpackers or anyone else who hasn't managed to schedule an appointment - delegations of Lao officials visit them regularly. According to the detainees, these officials enjoy access no longer granted to the United Nations High Commissioner for Refugees (UNHCR), and are given a warm welcome and refreshments by the IDC staff.

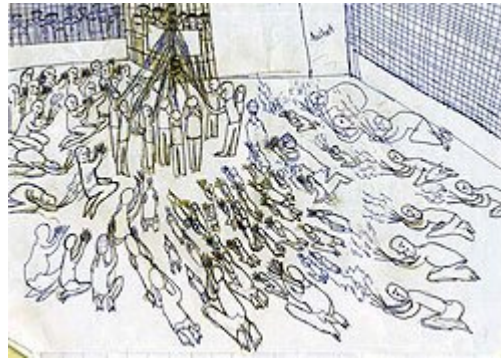
Detainees say their lives are bleak for many reasons, but their biggest fear is that they will be sent back to Laos.

On Tuesday, the Lao Hmong refugees will celebrate their New Year. They'll be given extra chicken portions for the occasion, and the mood at the centre may be unusually festive; yet the occasion will also mark a far less joyous date - it will be the third anniversary of their captivity.

In 2006 the group - less the 11 that have been born since - was arrested in Bangkok on charges of illegal immigration. They had been living in the Thai capital with UN-recognised refugee status, awaiting resettlement to third countries, including the US, Australia, Canada and the Netherlands.

At the time of their arrest, according to an immigration official quoted in a Thai newspaper, their UNHCR documents were confiscated in an effort to verify their legitimacy.

The documents were real, but have never been returned, and the Thai and Lao governments have never recognised their refugee status.



**RESISTANCE:** One of the refugee's depiction of a forced repatriation effort in January 2007. The refugees barricaded themselves in the cells to thwart the attempt.

Still branded illegal immigrants, they have been fighting forced repatriation and living in detention centres ever since. The governments of Thailand and Laos have said that the group must return to Laos before resettlement in third countries will be reconsidered.

Oddly, the fate of these internationally recognised refugees has fallen into the hands of the very government they fled.

A US official, who declined to be named, commenting on the case said: "It is not unusual for countries of origin to insist that refugees return, claiming that conditions are safe. However, it is unusual for countries of first asylum [such as Thailand] to agree to such demands," as it raises concerns that individuals will again be "subject to persecution and other conditions that caused their flight in the first place".

The international community has unanimously declared the situation untenable.

"After three years of detention of men, women and children, recognised refugees, who have not committed any crime, we call on all parties to find an end to their plight," says Kitty McKinsey, the communications officer for UNHCR, which has advocated third-country resettlement and immediate release of the Lao Hmong from detention. But such calls have, so far, made little difference.

The first of the governments' forced repatriation efforts took place in December 2006, when the group was moved from Bangkok to Nong Khai. Zhong Lee, a former jungle leader and one of the most vocal of the 158, claims that on that day immigration officials stripped the group of mobile phones and tricked them onto a truck bound for the Lao border. The repatriation attempt ended as they have on all

occasions since - unsuccessfully and at an impasse - with a diplomatic outcry and desperate measures taken by the Hmong themselves. Lee claims he threatened to kill himself in the truck that day. He and several other men have made similar threats since - his willingness to die in detention came up several times in our conversation - and the group has twice staged hunger strikes, the longest of which lasted for four days, in protest against the forced repatriation efforts.

These efforts - Zhong mentions at least four serious attempts - have continued with varying and increasingly solicitous tactics. He claims the group has been visited by large numbers of Lao and Thai officials, pressured with statements of blame and belittlement, and on the last occasion, courted by a high-ranking Lao general who brought seven of their Lao Hmong relatives with him, and made promises of free land and peaceful living.



**OVERCROWDED:** The Lao Hmong refugees sleep in two cells, women and children in one, men in the other.

Such assurances have done little to inspire the trust of the Nong Khai group. Zhong rattles off a long history of duplicitous persecution and remains certain that the Hmong that visited them were not there under their own free will. He believes returning to Laos will leave the group in the hands of officials who will "make problems for us". He speculates imprisonment, exposure to harmful chemicals or "disappearance". The high profile of some of the Nong Khai detainees as resistance leaders - one of whom publicised an alleged 2006 massacre of 26 Hmong women and children - add weight to their concerns.

There is also a recent precedent. Of a group of 29 Lao Hmong refugees repatriated by force from Thailand in 2005, 21 girls spent a year in a prison and the whereabouts of that group's leader, 59-year-old pastor Zoua Yang, have never been acknowledged.

Meanwhile, the group has lost hope of intervention by the international community. As untenable as governments and international organisations have found the situation in Nong Khai, their advocacy has done little to shift or influence Thai or Lao policy. The situation is further complicated by the Thai government's coupling of it with another protracted Lao Hmong refugee situation. More than 5,000 Lao Hmong

asylum seekers live in Phetchabun's Huay Nam Khao camp, and face similar mandates of repatriation.

"We are encouraging Thailand to adhere to international norms, but the Thai position has been inflexible and we do not expect their agreement in the near term," said the US official, who added that no progress has been made with efforts to convince the Thai government to begin resettlement processing of the group - an offer extended by several governments - or to find an alternative to detention.

Even so, the lack of sway these diplomatic players have had on the situation - particularly the US, which played a role in the antagonism between the Hmong and their government when it recruited and trained them to fight Communists in the 1960s - has been increasingly interpreted as abandonment by the detainees.

"We used to help the Thai and the US, but right now, they've forgotten us," Zhong says.

With no hope for the future, Zhong at times seemed to be still trying to make sense of the predicament they face. "It's very sad and very upsetting. We're just refugees. If we were illegal immigrants, we'd be here for only a few months. We've been in detention for three years.

"It's not fair when compared with how other nationalities are treated. They give us no positive news, no hope - they just indicate that one day we'll go back."

While it is no consolation to the endless detention, there have been nominal improvements to the group's living conditions.

Last month the group was given freer access to water, which had previously been trucked in from a fishing pond, filtered and used conservatively. The detainees are also known to recycle water from splash showers.

Donations have yielded additional clothing, increasing means to pass the time - sports equipment, craft materials, a garden plot, periodic English lessons - and an additional room where, as an alternative to the upstairs cells, detainees can pass the day. Recently they've also been provided with a teacher who gives English and Thai lessons.

Healthcare has also improved over time. Since September 2007, the International Organisation of Migration (IOM) has arranged for a nurse to visit for two hours a day to provide basic healthcare for the group. Those with more serious health issues - one woman suffered a brain aneurysm last year - are treated at the local hospital. Dr Nigoon Jitthai, the IOM's Migrant Health Programme Officer, says the nurse also provides basic counselling to the Lao Hmong, adding that stress and anxieties are usually relieved simply by dispelling rumours and correcting misinformation among the group - usually related to imminent repatriation.

"There's a lot of false information, and they become worried. We correct it - there is no clear decision on how to manage the group."

While the counselling service is not limited to these assurances, some observers worry about a lack of more intensive psychological care for the detainees - especially given the group's record of suicide threats and their protracted period of detention.

Several people I spoke to raised concerns about the perilous state of the group's mental health. Joe Davy, co-founder of the Hmong International Human Rights Watch, who has visited the Nong Khai facility numerous times and is close to the detainees, calls the physical and psychological conditions of the group's detention "torturous". Aside from the stress of the lives they fled, the repeated repatriation attempts and three years in detention, observers note members of the group suffer from simply being indoors for too long - they are used to living outdoors - and from guilt for giving birth or raising children in a detention center, he says.

Zhong claims these thoughts are often encouraged by IDC officers, who remind them they will one day return to Laos, and often blame them for wasting resources.

Zhong, for one, says he will die in Nong Khai, although he also says that is one of his fears, before he will be returned to Laos.

But surprisingly he has a good understanding of the strict code of the IDC officers. "They make problems for us, because we make problems for them." I asked him what he meant, and he said they've resisted repatriation, and the rules were strict.

After a total of seven people escaped in 2007 - two were captured and sent to prison - the group has made a no-escape pact, and patrols by the IDC prevent further escapes. After 11 babies were born in detention, the group has become careful to not let it happen again. Zhong says officers have forbidden them to have any more children, although Dr Nigoon says that's not the case, it's just not a fit place to have a baby.

Zhong is less accepting of the new "no visitors" policy, a change made earlier this year, reportedly after a spate of visitors contributed to the spread of photos and reports on the group's situation. Their cause is posted and widely followed on Facebook. At the time, visitors were turned away with claims of fear of a swine flu outbreak. When backpackers returned with doctor's certificates guaranteeing their health, they were simply turned away, and the policy has since been officially changed.

Mr Davy, of the Hmong International Human Rights Watch, says this change in policy has taken a significant psychological toll on the group.

The effect has been perhaps greatest on the children. While not all are familiar with the details of their circumstances, they all seem to share the same bleak outlook.

One teenage boy I spoke with told me he was sad, and wanted to die. He could not go out. He found no joy in the available activities, and had no use for his English classes.

"I don't understand why we've been here so long. I want my freedom, just like everyone else" he said.