



News Bulletin

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Threatening refoulement: harassment and pressure on refugees in Tha Song Yang District

Local Thai military authorities appear to be moving forward with plans to evict 3,000 refugees residing at three temporary sites in Tha Song Yang District, Tak Province. This is not consistent with public and private assurances given by higher-level Thai authorities that any repatriation would be “voluntary.” Refugees interviewed by KHRG report that, starting on February 1st, Thai soldiers began visiting the temporary sites three times a day, threatening refugees and telling them that the camps must be vacated by February 15th. This bulletin details events between January 26th and February 3rd 2010. Appendix 1 then provides full transcripts of four interviews with refugees describing what could be the initial stage of refoulement. Appendix 2 then summarises significant threats to human rights and security that refugees could face should they be forced to return to Pa’an District.

More than 3,000 refugees¹ in Thailand’s Tha Song Yang District, Tak Province, are being told they have until February 15th 2010 to leave three temporary sites at which they have resided since fleeing fighting and exploitative abuse in Le Pleh and Dta Greh townships, Pa’an District during June 2009.² Orders for refugees to leave contradict assurances given by the Thai government that no refugees would be forcibly repatriated. On January 26th 2010, in a meeting held with the Thai-Burma Border Consortium, Karen National Union (KNU), Democratic Karen Buddhist Army (DKBA), the United Nations Refugee Agency (UNHCR) and representatives of the refugees, the Thai military denied earlier Thai media reports that refugees would be forcibly repatriated, and promised that any refugees returning to Burma would only do so voluntarily. Refugees for whom it was not safe to return home would not be sent back, meeting attendees were assured, and a meeting was scheduled for February to determine their future location, although relocation to the larger Mae La camp system was explicitly taken off the table.

¹ KHRG has previously reported the number of refugees in Tha Song Yang to number more than 4,000. This number is based upon research done by KHRG during September 2009, which calculated the total number of refugees to have fled to Thailand from Pa’an District to be 4,862. See, “Abuse in Pa’an District, Insecurity in Thailand: The dilemma for new refugees in Tha Song Yang,” KHRG, September 2009. This number is significantly larger than figures currently utilised by humanitarian organisations, which currently feed at least 3,019 people located in three sites: Nong Bua, Mae Oo Hsu and Mae Salit. KHRG refers to these sites by their commonly used Karen names, Noh Boe, Oo Thu Hta and Mae Salit, respectively.

² For a summary of the events that led to the refugees’ flight, including exploitative abuse and armed conflict, see “Abuse in Pa’an District, Insecurity in Thailand: The dilemma for new refugees in Tha Song Yang,” KHRG, September 2009. For a detailed chronicle of the events during the initial exodus during June 2009, see “Over 700 villagers flee to Thailand amidst fears of SPDC/DKBA attacks on a KNLA camp and an IDP camp in Pa’an District,” KHRG, June 5th 2009; “Over 3,000 villagers flee to Thailand amidst ongoing SPDC/DKBA attacks,” KHRG, June 7th 2009; “Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand,” KHRG, June 13th 2009.

By January 28th 2010, however, refugees at the sites in Tha Song Yang and humanitarian organisations tasked with supporting them began reporting increased harassment by Thai Army Rangers (Rangers) and Border Patrol Police (BPP). On January 28th 2010, 50 refugees returned to Ler Per Her to check on their homes and clear brush. According to the Karen Women's Organisation (KWO), this party was forced to return by the Thai military, and included 20 women and children under 16 years old and was an advance preparation for repatriation.³ A KHRG source that observed the group during their visit to Ler Per Her described the villagers walking gingerly and staying only in the middle of the road for fear of landmines.

On February 2nd, media again began reporting that refugees were to be forcibly repatriated, likely by mid-February.⁴ Refugees interviewed by KHRG have reported this as well, and have said that Thai soldiers are telling them they must leave the sites by February 15th. Some refugees have told KHRG that Thai Army Rangers (Rangers) and Border Patrol Police (BPP) are harassing them and telling them they should leave because they have nothing to fear and the State Peace and Development Council (SPDC) or the DKBA will not abuse them should they return. Other refugees have reported that they have been more directly threatened, and told that they will be forced to leave if they do not do so on their own. One refugee interviewed by KHRG quoted a soldier as saying: "*If you do not go back, we will ask big trucks to come pick you up and throw you all into the sea.*"⁵ Full details of this interview as well as three other interviews with refugees at the temporary sites are included as Appendix 1 below. If these refugees are indeed forced to return, they will face significant threats to their human rights and security. A summary of these threats is included as Appendix 2 below.

Treatment of refugees by local soldiers appears to directly contradict orders given by officers higher up the Rangers chain of command. According to humanitarian aid workers tasked with providing services to the refugees, some officers have been willing to engage on issues and have shown flexibility regarding support for the refugees. On February 2nd 2010, for instance, UNHCR received assurances that refugees at one of the sites would be able to continue receiving food support. On February 3rd 2010, however, local Rangers prevented all rations from being distributed. Later on February 3rd, a group of more highly ranked Ranger officers visited the site and publicly dressed down their local subordinates for interfering with food distribution and contradicting earlier orders. Progress also appears to have been made in negotiations regarding the number of refugees who Thai authorities will permit humanitarian groups to support. This same group of visiting Ranger officers on February 3rd granted permission for the number of refugees fed with official sanction to be increased. These officers also reported that they had never before received reports of landmine risks to returning refugees, and promised to investigate reports of landmine risks in potential areas of return. The group of officers visiting on February 3rd also reiterated that no refugees would be forcibly repatriated.

It is not clear, however, whether promises from the Rangers officers visiting the sites in Tha Song Yang on February 3rd, or other promises issued by higher Thai authorities, will be kept. There have consistently been wide gaps between public statements and promises issued by

³ "Emergency appeal to the Royal Thai Government not to forcibly repatriate Karen refugees back to heavily land-mined zone," KWO, February 2010.

⁴ See, "Karens Unhappy About Repatriation," *The Irrawaddy*, February 2009; "Thailand urged to put refugee repatriation on hold," *Mizzima*, February 2009.

⁵ This is a particularly evocative threat given widespread reports that in January 2009 the Thai Navy detained ethnic Rohingya arriving by boat from western Burma, disabled their boats, removed their food stores and towed them back out to sea. See, "Refugees missing at sea after Thais reject them," *New York Times*, January 2009; *Perilous Plight*, Human Rights Watch, May 2009. According to some reports, this led to the known deaths of as many as 300 people with another 200 known to be missing. See, "Thailand: Government, Army to investigate claims of Rohingya abuse," *IRIN* (Integrated Regional Information Networks, part of the United Nations Office for the Coordination of Humanitarian Affairs), February 2010.

Thai military officers and actual treatment of refugees by local soldiers and officers in Tha Song Yang. As such, any promise that refugees will not be forcibly repatriated should be viewed with scepticism. Observers, particularly UN Agencies, international humanitarian agencies and interested foreign governments should take care to include discussions with refugees as a part of any assessment of whether refugees are at risk of refoulement.

It is also important to note that, regardless of official assurances from the Thai government, refugees *feel* as if they are to be forcibly repatriated. Harassment by soldiers has generated a climate of fear sufficient to drive some families to leave the sites already. Given this climate of fear, the possibility of truly 'voluntary' return is doubtful. Any allegedly 'voluntary' return should be carefully verified. Absent this, repatriation at this juncture should be recognised as refoulement, and condemned by the international community accordingly. Refugees in Tha Song Yang should also be genuinely included in decision-making regarding their hosting in Thailand. KHRG was happy to learn that refugee representatives took part in repatriation discussions on January 26th 2010. However, participation is not enough if refugees' voices are not heeded: no refugees should be forced to leave against their will.

Appendix 1: Interviews with refugees in Tha Song Yang

Interview | Naw K--- (female, 37), K--- village, Lu Pleh Township (Tha Song Yang new arrival site, February 2nd 2010)

1. Do you feel that you can stay here or do you have to leave?

Yesterday and today Thai authorities told us that we can't stay here anymore. I will have to suffer difficulties one more time. When I couldn't stay in my own village, I thought I could have stable living conditions if I entered and stayed in a refugee camp in Thailand. But now I suffer from the Thai authorities deporting me and their oppression is not different from the DKBA and SPDC.

2. If you feel that you have to leave, where do you have to go? Why do you think this?

For the time being, I don't know what to do. I absolutely dare not go back to my old village. I have no friends and relatives to stay with in Thai Karen villages. On both sides of the area [the Burma and Thai border], I can't find a safe place for me to stay. I am still waiting to see what will happen after when we receive our rations and after February 15th the refugees will spread out to different locations. I have to look for a place to stay in one location.

3. What have the Thai soldiers said to you about going back? Can you tell me exactly what they said, when and who said it?

Thai military soldiers told us that, "If you go back and stay in your own village, the DKBA and SPDC will not do anything to you. If you do not go back, we will ask big trucks to come pick you up and throw you all into the sea." The Thai authorities who often come are soldiers in black uniforms at --- [resettlement site, censored for security] and some times this has included the Thai border patrol police. They come three times a day. Starting on the 1st of February 2010, at 10am, and between 5pm and 8pm.

4. Do you want to go back?

My current family attitude is: we don't want to go back to our village. Because, in the past, I couldn't live anymore in my village and I came to Thailand to stay in the refugee camp. If I go back again, it is like I will go back and be a slave for the SPDC and DKBA again.

Interview | Saw P--- (Male, 38), W--- village, Dta Greh Township (Tha Song Yang new arrival site, February 2nd 2010)

1. Do you feel that you can stay here or do you have to leave?

[The] Thais force us to leave --- [resettlement site] camp and I have to go back to my village but I dare not go back. My relatives contacted me and said, "Now the surrounding area close to your village is full of landmines and we do not know who and which groups planted the landmines. No one witnessed who planted the landmines. For this reason, do not come back at this time. If it is possible try to look for a suitable place for you there [in Thailand]."

2. If you feel that you have to leave, where do you have to go? Why do you think this?

If I go back now, I don't know the way to go back. Since when I came and stayed here, I have not gone back. I don't know if people use the old road or the new road. I do not have food there. I don't think that I can go back and stay peacefully. No one will take responsibility for our security.

3. What have the Thai soldiers said to you about going back? Can you tell me exactly what they said, when and who said it?

Thai authorities told us, "Now you can go back and stay in your village. The DKBA and SPDC will not frighten you anymore." They told us that we couldn't stay here anymore: "You can go back by yourselves. No need for us to send you back. But if you are injured or killed by landmines or if something happens to you, that is not concern with us. That is your fortune." [They came on] February 1st at 10 am and at 5pm.

4. Do you want to go back?

I don't want to go back. If I go back, I won't have food, shelter and there is no security for me in my village.

Interview | Saw M--- (male, 40), Bp--- village, Dta Greh Township (Tha Song Yang new arrival site, February 2nd 2010)

1. Do you feel that you can stay here or do you have to leave?

Now the Thai authorities came and forced us to go back and I am afraid of them very much. I dare not go anywhere now. They [will] force us to leave. The latest [they will force us to leave] is February 15th 2010. I made up my mind to go back and stay in one of the villages for a short time and when the rainy season comes, I will stay in one of the villages in Thailand.

2. If you feel that you have to leave, where do you have to go? Why do you think this?

I don't want to go back. There is no one to provide security for us. I made up my mind that I will not go back and stay in my village because of the current situation. I will stay in Thailand in one of the other places.

3. What have the Thai soldiers said to you about going back? Can you tell me exactly what they said, when and who said it?

Thai army scouts came and told us that we can't stay here anymore. "If we can't make you to leave, we will send you all to Myawaddy," said army sergeant Pi ---. I think, the DKBA gave money to this man and asked him to do this. During January he came to the camp everyday, especially on February 1st and 2nd he came three times a day. The time he normally comes is 10am, 5pm and 8pm.

4. Do you want to go back?

I don't want to go back to my village now. If I go back, I will not able to work for my livelihood very well and that is why I made up my mind that I will not go back.

Interview | Naw P--- (female, 40), Gk--- village, Lu Pleh Township (Tha Song Yang new arrival site, February 2nd 2010)

1. Do you feel that you can stay here or do you have to leave?

The difficulty I suffer now is a miserable thing for me. I can't live in --- [resettlement site] refugee camp anymore. If I go outside the camp, I can't think of where I will go and live. If I go back, I am afraid of the SPDC, DKBA and landmines. I can't figure out what to do.

2. If you feel that you have to leave, where do you have to go? Why do you think this?

If I go back to my village, I will have to do forced labour for the SPDC and DKBA: clear rubber plantation areas, clear the [military] camp compounds, be their messengers if they need people to put things on the trucks or bring rice sacks down off the trucks or other equipments. I will have to go and do that as emergency work. There is no good security condition for me. Anytime they need something, I dare not do it. But I can't refuse to go. I always have to go.

3. What have the Thai soldiers said to you about going back? Can you tell me exactly what they said, when and who said it?

The Thai army Black Rangers told us that we couldn't stay here anymore. On February 1st 2010 they told us, "You all must leave." I told them, "If we have to leave, it is better we leave the camp after we receive the rations. Now we don't have any food from last month." They asked, "When will you receive the rations?" I told them we usually receive rations at the end of the month. And they replied, "You can't do that. The latest day for you to leave is February 15th 2010. You all must leave the camp." I couldn't say anything anymore. They continued and said, "If you do not listen to us, we will send you to Myawaddy."

4. Do you want to go back?

I made up my mind that I will not go back to my village. It is difficult for me to go back. It is not easy for me to go back. I think, I will look for a place to stay here in Thailand that is suitable for me and if I am not able to do that, I will go back and stay in the Karen State in another location. I

know that I can't stay but I will stay with a bad feeling. Now I strongly have hope, my country will find peace and I can go back and stay in my village peacefully.

Appendix 2: Refugees forced to leave Tha Song Yang District face substantial threats to human rights and security

- **Landmines laid by the DKBA, SPDC and KNLA pose a serious risk to returning refugees.** KHRG has documented five cases of villagers being killed or wounded in the Ler Per Her area since June 2009, including a 13-year-old boy and a woman in her third trimester of pregnancy. The most recent landmine injury occurred on January 18th 2010.⁶
- **Some returning refugees face credible threats of violent reprisals as alleged supporters of the KNLA.** The DKBA has a history of violently punishing villagers suspected of supporting the KNLA, and has explicitly warned some refugees in Tha Song Yang that they should not return to Thailand because they will be treated as if they are aligned with the KNLA. Since June, KHRG has documented the DKBA executing one village head who it accused of cooperating with the KNLA. Given this history, assurances from DKBA officers that no reprisals will be carried out are not credible or sufficient.⁷
- **It is highly likely the villagers returning to the Ler Per Her area will be forced to work as unpaid labourers for the DKBA and SPDC.** Refugees that fled in June and afterwards have repeatedly told KHRG that they fled not only because of fighting, but because of demands for forced labour inherent in SPDC and DKBA military operations. These demands have continued, and KHRG continues to document the DKBA's use of forced porters and human minesweepers, as well as labourers building and repairing military camps and roads.⁸
- **Returning refugees will face food shortages.** The majority of refugees in Tha Song Yang left early in the 2009 rainy season and were not able to tend to their paddy crops, which should have been harvested in October. They are primarily subsistence farmers, and this means that they will not be able to produce another large store of food until October 2010. Most refugees were also not able to carry large amounts of food or other supplies during flight. Given that it has been seven months since they arrived in Tha Song Yang, it is not likely that food and other supplies currently remain at their homes, should they be able to return.
- **DKBA promises to remove landmines are not sufficient to reduce the threat to civilians.** The DKBA has presented no evidence indicating that it has the capabilities to remove large numbers of landmines, that removal is feasible or that it has actually begun. Moreover, landmines have also been laid by the SPDC and KNLA. A promise for landmine removal from one group is not sufficient. No safe return will be possible until removal of landmines laid by all three groups has been verified.

⁶ For details on these incidents, see "Unsafe return: Threats to human rights and security for refugees leaving Tha Song Yang District," KHRG, January 2010; "Security concerns for new refugees in Tha Song Yang: Update on increased landmine risks," KHRG, September 2009.

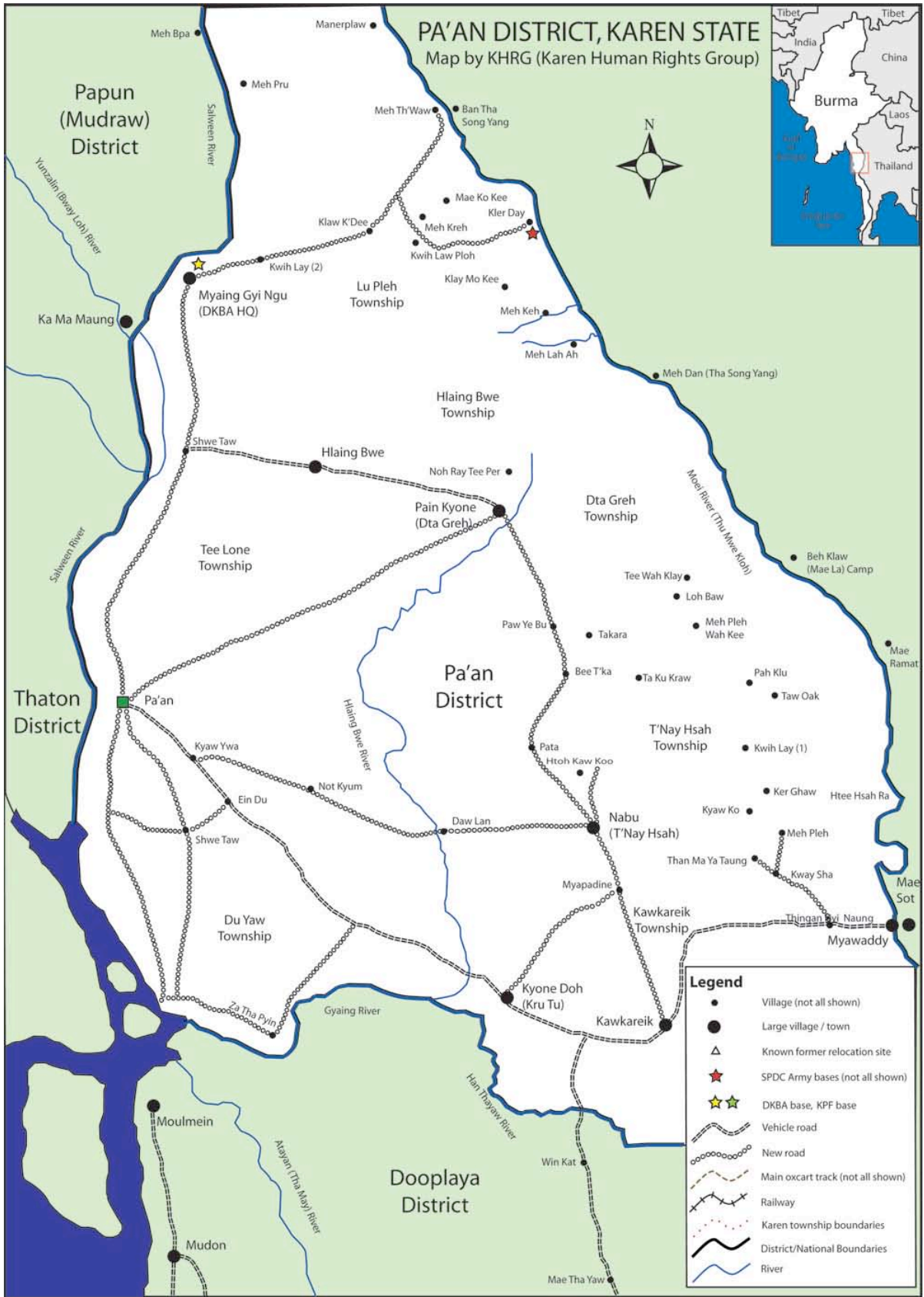
⁷ See, "Unsafe return: Threats to human rights and security for refugees leaving Tha Song Yang District," KHRG, January 2010; "Abuse in Pa'an District, Insecurity in Thailand: The dilemma for new refugees in Tha Song Yang," KHRG, September 2009.

⁸ KHRG documented forced labour in the area from which refugees fled most recently in January 2010. See, "Unsafe return: Threats to human rights and security for refugees leaving Tha Song Yang District," KHRG, January 2010.

- **Conflict between the DKBA and KNLA is ongoing. Apparent cordial interpersonal relations between individual KNLA and DKBA officers should not be misinterpreted as an indicator of rapprochement between the two groups.** Many individual KNLA and DKBA officers have relationships, which stem from shared operational areas, economic interests and connections formed prior to the DKBA's split from the KNLA in 1994. Elsewhere in Karen areas, armed conflict between joint SPDC and DKBA forces and the KNLA continues. While fighting in the immediate Ler Per Her area has decreased substantially since June, fighting has increased elsewhere. North of Dta Greh Township in Papun District, for instance, the DKBA has been attempting to take control of Dweh Loh and Bu Tho townships since the end of the 2009 rainy season. Though a large-scale offensive predicted by some observers has not yet materialised, conflict continues; according to a KHRG source in the DKBA, on February 1st 2010 100 soldiers from DKBA Brigade #999 left Shwe Gko Gkoh, just north of Myawaddy, to engage KNLA 5th Brigade in Papun District.
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For more information on refugees in Tha Song Yang District as well as the impact of the SPDC and DKBA on villagers in Pa'an District, see the following previously published KHRG reports:

- *Unsafe return: Threats to human rights and security for refugees leaving Tha Song Yang District* (January 2010)
- *Security concerns for new refugees in Tha Song Yang: Update on increased landmine risks* (September 2009)
- *Abuse in Pa'an District, Insecurity in Thailand: The dilemma for new refugees in Tha Song Yang* (August 2009)
- *Exploitation and recruitment under the DKBA in Pa'an District* (June 2009)
- *Update on SPDC/DKBA attacks at Ler Per Her and new refugees in Thailand* (June 2009)
- *Joint SPDC/DKBA attacks, recruitment and the impact on villagers in Dooplaya and Pa'an districts* (May 2009)



Karen Districts



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Scale: 1 cm to 22 km
1 in. to 35 miles