

United States Senate

WASHINGTON, DC 20510

January 27, 2010

The Honorable Hillary Clinton
Secretary of State
Department of State
Washington, DC 20520

The Honorable Robert Gates
Secretary of Defense
Department of Defense
Washington, DC 20301

Dear Secretary Clinton and Secretary Gates:

We are writing concerning the December 28, 2009, forced repatriation by Thai authorities to Laos of about 4,000 Hmong asylum seekers from Laos. This occurred despite the efforts by both your departments, particularly Assistant Secretary of State Eric Schwartz and Army Chief of Staff General George Casey, with the support of Members of Congress and international humanitarian organizations, to find an expeditious solution to this problem consistent with international standards.

Some of the Hmong who were sent back to Laos had links with the United States and Thailand in the so-called "secret war" in Laos. Commencing in 1975 with the collapse of the U.S.-allied governments in Laos, Cambodia and Vietnam, the Royal Thai Government (RTG) had a commendable record of providing refuge to asylum seekers from these countries. Unfortunately, this forced repatriation by the Thai military, which runs counter to basic international refugee and human rights norms, has badly damaged the RTG's positive humanitarian reputation.

The RTG authorized the Thai military border committee, working with its counterpart Lao military border committee, to manage the involuntary repatriation of the Hmong asylum-seekers to Laos, contrary to a previous pledge by the Thai Foreign Minister that there would be no forced repatriation. There was virtually no transparency in the planning for the repatriation, or in the Thai screening process that preceded it. Moreover, we are deeply concerned that among the thousands of Hmong who were returned, many hundreds were reportedly "screened in" by the Thai authorities, and more than 150 had been interviewed by the UN High Commissioner for Refugees (UNHCR) and deemed to merit protection. We still do not know exactly how many Hmong were forced back, who they are, to where they have been taken, or how they are being treated.

We understand that General Anupong, Chief of the Thai Army Staff, was contacted by General Casey shortly before the forced repatriation, and asked that the Hmong not be forcibly returned so they could be properly screened and identified for possible resettlement. We are also informed that General Anupong plans to come to Washington to meet with U.S. officials in February.

Given the potentially dire consequences this action has for the Hmong, and the much broader implications such actions have for international refugee protection standards, we urge the Administration to take the following actions immediately:

-- Continue to strongly protest the forced repatriation and the lack of transparency to the Thai Government, and urge the Thai authorities to permit UNHCR to interview any remaining Hmong asylum-seekers in Thailand.

-- Request General Anupong to bring with him to Washington the names and biographic information of each of the Hmong from Petchuban Camp who were sent back to Laos, and any additional information on those among the group who were screened in by the Thai authorities. Thai officials have repeatedly promised they would provide such a list, but have failed to do so, and the visit would provide an obvious opportunity to meet this commitment. The General should also be encouraged to provide details of the Thai-Lao agreement concerning treatment of the Hmong who were forcibly returned.

-- Determine which, if any, senior Thai military officers who were involved in the repatriation had previously participated in U.S. military training programs or exercises.

-- Recognizing that the annual Cobra Gold military exercise involves U.S. cooperation with several other nations of the region in addition to Thailand, there is ample rationale for continuing with this year's exercise as planned. However, the Administration should consult with the appropriate congressional committees regarding whether Thai military officers and personnel involved in the forced return of the Hmong should participate in Cobra Gold exercises.

-- The U.S. Ambassador in Vientiane should request that the Lao Government verify the locations of Hmong returnees from Thailand, and allow prompt and unimpeded access for U.S. officials and international humanitarian organizations.

-- If the Lao Government does not permit access to the Hmong returnees by such officials and organizations, U.S. bilateral assistance and support for multilateral assistance for the Lao Government should be subject to prior review and consultation with Congress.

It is critically important that the United States treat flagrant violations of international refugee and human rights norms with the utmost seriousness, and that there are consequences when they occur. Until the repatriation was imminent, the U.S. Government did not adequately address the issue of Hmong seeking asylum in Thailand. We hope your departments will strengthen the

capacity to act expeditiously to protect and assist refugees of concern, and demonstrate that there are serious consequences when their rights are violated.

Thank you for your consideration.

Sincerely,


PATRICK LEAHY
United States Senator


RICHARD G. LUGAR
United States Senator


RUSSELL D. FEINGOLD
United States Senator


BARBAR BOXER
United States Senator


AMY KLOBUCHAR
United States Senator


AL FRANKEN
United States Senator


JEFF BINGAMAN
United States Senator