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Press Release

Indefinite detention of asylum seekers should be abolished, the extrajudicial killing of a Rohingya in Phang-Nga must be independently investigated

As reported in the news, on 23 May 2016 around 1am a group of Rohingya escaped from Phang Nga Immigration Detention Center (IDC). Five of them have been rearrested and taken into police custody. However, while the escapees were hunted down, one Rohingya was shot dead by a police officer who claimed that it was an act of self-defense.

The Migrant Working Group, a coalition monitoring the implementation of the state policies on management of migrant labour and irregular immigration of the Rohingya refugees, has found that over the past year the Thai government has invested efforts to crack down groups and networks involving with human smuggling. The incidence that turned the international community's attention to Thailand's human trafficking situation was the discovery of more than 30 unidentified bodies in Padang Besar Sub-district, Sadao District, Songkhla Province. Further investigation has led to the arrest and prosecution of more than 80 perpetrators involved with human trafficking ring. The court cases are being tried by the Bangkok Criminal Court.

Nevertheless, some Rohingya refugees have not been treated as victims of human trafficking. They stand to face legal action as a result of their violation of the Immigration Act and insofar have been held in custody in the IDCs of the Immigration Bureau. From our documentation, the MWG has found that many of the IDCs feature the conditions unfavorable to protracted period of detention. Many of the long-term detainees have developed feeble muscles and suffered from respiratory and digestion problems. Children from 4-18 years have also been among the detainees including one four year old boy who had died in custody. The detention which lasts over 12 months to two years has led to severe stress and it paves the way for human traffickers to take the advantage and to exploit these vulnerable people.

The MWG considers that indefinite “*detention pending deportation*” in accordance with the Immigration Act was an underlying cause of the Rohingya detainees' attempt to escape, which, in turn, led to the extrajudicial killing. It demonstrates a failure of the Immigration Act, which is utterly inhumane and degrading. The MWG and other signatories demand that the Thai government undertake the following measures as a matter of urgency.

1. Stop detaining more than 400 Rohingya refugees who had been detained for more than 12 months and, instead, invoke Article 54 of the Immigration Act to adopt the measure of ordering the Rohingya refugees to stay at any given place including outside detention facilities. Alternatively, invoke Article 17 to give them reprieve and temporary stay in the Kingdom. This should be done taking into account the fact these people are asylum seekers and victims of human trafficking who are not able to return to their countries of origin.

2. Stop detaining children and youth entering the country with their parents as dependents, or entering the country by themselves, and ensure that they are provided with protection and safeguard per the 2003 Child Protection Act.

3. An investigation into the extrajudicial killing of the Rohingya refugee must be carried out by other agencies or a working group independent from the taskforce responsible for recapturing the escapees. Also, the post mortem inquest must be conducted as inquest per Article 150 of the Criminal Procedure Code.

The government is urged to seek collaboration from international organizations and civil society to ensure that their implementations comply with human rights principles.

Indefinite detention is simply a prolonged death sentence.

Migrant Working Group (MWG)
Coalition for the Rights of Refugees and Stateless Persons

Contact:

Adisorn Kerdmongkol, Coordinator of the Migrant Working Group 089 788 7138
Or Siwawong Suktawee 081 4339125