

Table of Contents

- ***U.N. says Thailand leaves legal loophole for torture, disappearances***
 - ***70 Uyghurs under threat of deportation to China on a hunger strike***
 - ***The Christians held in Thailand after fleeing Pakistan***
 - ***Why Thailand is ripe for EU sanctions***
 - ***International scandal of 95 detainees held in one cell, including children***
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U.N. says Thailand leaves legal loophole for torture, disappearances

Reuters (28.02.2017) - <http://reut.rs/2mKQL6N> - Thailand has dropped legislation to criminalize torture and disappearances after years of working on the bill, the United Nations human rights office said on Tuesday, leaving state employees unaccountable for serious crimes.

Torture is not a criminal offense in Thailand. Victims have won compensation in the past, but perpetrators cannot be prosecuted, human rights spokeswoman Ravina Shamdasani told a U.N. briefing in Geneva.

"Clearly this is not an acceptable state of affairs for such serious human rights violations," she said, adding the office was informed last week that the country's military-appointed parliament had shelved the legislation.

The lack of a law on disappearances leaves a legal loophole that means security officials who abduct people and kill them, imprison them or send them to a third country may never be brought to justice.

"What ends up happening is where you don't find a dead body or where, after a certain amount of time you don't have enough evidence, they just close the case," Shamdasani said.

"The decision not to enact the bill is also a devastating blow to the families of those who have disappeared. They have the right to know the truth."

A U.N. working group on enforced disappearances recorded 82 cases in Thailand since 1980, including that of lawyer Somchai Neelapaijit in 2004 and Pholachi Rakchongcharoen, a human rights activist from the Karen minority, in 2014.

Thailand's Department of Special Investigation recently suspended an inquiry into Somchai Neelapaijit's disappearance due to the lack of a codified law on the crime, Shamdasani said.

There were also an increasing number of criminal cases being brought against people who reported allegations of torture, she said.

Amnesty International said last year Thailand's military government has allowed a "culture of torture" to flourish since the army seized power in a 2014 coup, with allegations of beatings, smothering with plastic bags, waterboarding and electric shocks on detainees by authorities.

Bangkok rejects accusations of rights violations and a government spokesman said after the Amnesty report that investigations into allegations of torture had found no evidence of such abuse.

70 Uyghurs under threat of deportation to China on a hunger strike

By Willy Fautré from Bangkok

HRWF (07.06.2016) - More than 70 Uyghurs locked up in the Thai Immigration Police detention centre are on a hunger strike to appeal for help and raise awareness about their situation; they face the threat of being sent back to China where they could be prosecuted for fleeing the country. At the detention centre, they were separated from their wives and children, parents and siblings. "We are not criminals," they said.

The detainees said they would rather die in Thailand than go back to China where they face torture and death, or would be sentenced to life in prison.

Last year, the military regime of Thailand surprised the international community with its decision to hand over 109 Uyghurs to Chinese authorities. China then promised Thailand that the Uyghurs would be treated humanely, but pictures of them being hooded and dragged from the transport plane suggested otherwise.

When local reporters confronted Prime Minister Prayut Chan-o-cha about the deportation, the junta chief shot back and asked "Do you want us to keep them for ages until they have children for three generations?"

For the Uyghurs, Thailand is simply a transit point to Turkey, where Erdogan said they would be welcome.

In recent decades, Thailand has permitted many people to enter and stay in the country: anti-communist Lao fighters, Khmer Rouge leaders, various anti-Burmese ethnic armies (Shan, Karen, Mon...), as well as the now defunct Tamil Tigers. Thailand has a lot of experience with different groups seeking refuge on its soil. Therefore, there is no need to bend over backwards to please the Chinese.

The Christians held in Thailand after fleeing Pakistan

A BBC investigation has found that Thailand, a country known for its hospitality to tourists, routinely arrests and detains asylum seekers. Many are Pakistani Christians who have fled religious persecution in their own country. Some are children. And they are held despite being UN-registered asylum seekers, whom the UN is under a duty to protect.

BBC (26.02.2016) - <http://bbc.in/1Q6FcAy> - The sound of the faithful in prayer and song bursts out of a small rented room where a congregation of more than 100 people have gathered for Sunday mass.

They would be risking their lives to worship like this in their homeland, where Islamist extremists force Christians to convert, or even kill them.

Leading the prayers is Pastor Joshua, a Christian from Lahore, in what is officially known as the Islamic Republic of Pakistan. Along with thousands of other Christians, he's had to flee to Thailand and still fears the people in Pakistan who punished him for converting from Islam to Christianity.

"My bone was broken - the one right above the heart. And they tried to cut my arm off," he says.

"My sister was murdered, she was burned alive, just because she spoke the word 'God'. They hate the word 'God' so much. She was burned for this reason alone."

The Pakistani Christians head to Thailand because it's easy to enter the country on a short-term tourist visa and in Pakistan's hostile neighbourhood there are few safe options closer to hand.

But there is hardly a welcoming committee in Thailand. The country doesn't want asylum seekers from anywhere. It is not a signatory to the United Nations Refugee Convention, and anyone without a valid visa or a work permit risks being arrested, charged with illegal immigration and jailed.

Thailand has allowed the UN refugee agency, the UNHCR, to step in and investigate the credibility of those claiming to flee persecution - a process with two possible outcomes, either repatriation or relocation to another country. But many of these families say they've been waiting years to be assessed by the UN and they have no access to work, education or healthcare.

As they await the outcome of their case, thousands of Pakistani asylum seekers set up temporary home in dingy rooms in a network of tower blocks on the outskirts of Bangkok. People who were once comfortably-off professionals arrive with just a few possessions, their rent and food paid for by local Christian charities.

And they live in constant fear.

The Thai immigration police have lost patience with the UN's failure to process asylum cases in good time, one young father tells me, holding a 25-week-old baby in his arms.

"They are taking people out of the rooms from everywhere, they can strike at any time, there is always tension," he says.

I hear that the immigration police are raiding a block of rooms close by, so I go straight there and find dozens of women crying and clutching their children.

The police have just broken down the doors and taken away all their husbands. Women and children were also taken from other blocks. All told, more than 50 Pakistani asylum seekers have been arrested.

I find them at the local court, where they are handcuffed, charged with illegal immigration, fined 4,000 Baht (£90) and then sent to Bangkok's Immigration Detention Centre.

This isn't supposed to happen. All registered asylum seekers are issued with a UN document, which certifies them as an "internationally recognised UN person of concern". This means they should not be arrested or detained for seeking asylum while the UN investigates their case.

Earlier I met one man called Sabir, who fled Pakistan two years ago with his wife, Laila, their two daughters, Laila's parents, and her siblings and grandparents. They shared a

small, sparse room with no kitchen or toilet, all 10 of them - until Laila was arrested two months ago.

Sabir hasn't seen her since and sobs that he is lost without her. He doesn't regret leaving Pakistan though, where he says a gang threatened to kill his family if they didn't convert to Islam. "Over here, the only fear we have is of the immigration police, nothing else," he says.

But the UN won't investigate his asylum case until 2018. He says he's been told there is a backlog.

In a statement to the BBC, the UNHCR admits it is struggling. "Amid the context of today's acute global humanitarian funding crunch, it is correct that at present we are facing long delays in the processing of asylum claims with funding for Thailand at only a third of the level needed." But it adds that it has managed to prevent the arrest of more than 400 "people of concern to UNHCR" in the last six months, by insisting on their status as registered asylum seekers.

Meanwhile the Thai government complains the UN's inactivity is "creating far-reaching impacts on its security" - a reference to Thai fears that immigrants from Pakistan could be involved in terrorism - "leading to a number of arrests of illegal immigrants in the past year".

Anyone arrested - Sabir's wife, for example - is taken to Bangkok's filthy and overcrowded immigration detention centre.

Journalists and cameras are not allowed inside but volunteers delivering much-needed fresh water and food for inmates are, and that is how I enter, with other members of the BBC crew. Wearing search-proof hidden cameras we nervously pass through security checks and hand over our water and food to be checked by the guards.

We are led to a large, stiflingly hot room, crammed with hundreds of asylum seekers pressing their faces against a wire-mesh internal barrier. They are nearly all Pakistani Christians. For one hour a day, some of the 200 asylum seekers held here are let out of their cells to see visitors.

The men are semi-naked. Unaware we are BBC journalists, they tell us it's the only way to keep cool in the overcrowded cells they're kept in. The women cradle their children and babies. Many complain their children are suffering from diarrhoea and vomiting because of poor sanitation and dirty drinking water. The room gets noisy as the inmates cry out to the visiting charity workers for their help to get released, but food and clean drinking water are all they can offer. One mother tells me she has been here for three months with her children. "The youngest is three and the eldest is 10. They are finding it very difficult being here, they are getting so ill," she says.

The Thai government says parents "often choose to have their children with them while in detention".

Yet the country has signed up to a number of UN international laws governing the humane treatment of prisoners and outlawing the imprisonment of children - particularly in centres holding adults.

None of the detainees I speak to have received legal assistance from the UNHCR since their arrest.

"We have no faith in the United Nations," 19-year-old Nazeem tells me, as she holds on to her baby cousin. "We only have faith in God. He will bring us freedom."

Their only way out of detention is for local charities to request bail from the Thai authorities. It costs about £900 (\$1,250) to release one person, so they do this only for those deemed most vulnerable.

There are no official figures for the numbers arrested, but campaigners say it amounts to hundreds every month. It's alleged that 132 Pakistani Christians were arrested on one day alone in March last year. Altogether there are an estimated 11,500 Pakistani asylum seekers in Thailand, more than from any other country except Myanmar.

Suddenly I come across a young woman I was hoping to meet. There on the other side of the security cordon is Laila, Sabir's wife. It's an emotional meeting - she is obviously desperate to see her family. "I miss them, bring my daughters here so I can see their faces," she pleads. But the only way she is likely to see children for the foreseeable future, is if they are arrested too.

In its statement to the BBC, the UNHCR says it is working with the Thai government to find a solution. "Better and more humane management of the situation must be found in accordance with international legal norms," it says.

The Thai government insists that it strives "to provide the best possible care... based on international humanitarian principles."

Yet it inflicts an even worse fate upon some Pakistani Christians and their children. Those who are unable to pay the 4,000 Baht fine after they are arrested are thrown into one of Thailand's notorious jails.

This happened last year to a group of 20 Pakistani men, women and children. Separated from the women, the men's heads were shaved, and their ankles and hands placed in shackles.

"We had a lot of problem sleeping, sitting, standing up and walking," says one. "The chains weighed about 4kg or 4.5kg, and we used to have injuries on our ankles. We were in a lot of pain. It was very difficult for us."

One of his cellmates, Daniel, bursts into tears when he describes how the men were searched. "All we had to wear for clothing was a small piece of cloth," he adds.

The people charged with assuring the protection of these UN-registered asylum seekers were nowhere to be seen.

It was a local missionary who eventually bought their freedom.

But remarkably, Daniel is still able to invoke his faith's humility and forgiveness.

"Jesus said to us, 'If someone troubles you, don't ask for curses for him, instead, you should ask for blessings for him.' So, we ask for blessings for the UNHCR."

Why Thailand is ripe for EU sanctions

The EU has proven itself to be flexible and effective when it comes to imposing sanctions. When it comes to the Thai military junta, the time is nigh for us to put this experience into practice, argues Willy Fautré.

Euractiv (17.02.2016) - <http://bit.ly/1mJaHWH> - While Prussian military theorist Carl von Clausewitz famously ruminated that "War is the continuation of politics by other means", there are of course numerous means to achieving a political end.

While the European Union's diplomatic efforts to rein in Thailand's military dictatorship have so far come to nought, Brussels has not exhausted all of the available options. Not only are targeted sanctions against the Bangkok junta a logical next step, but they are both necessary and urgent to prevent Thailand from sinking irretrievably into the darkness of dictatorship.

Moreover, such restrictions stand a real chance of success, as the political and economic stars have aligned to ensure that Thailand is ripe for EU sanctions.

Few can doubt that sanctions are now an entirely justified step. The very basis of Brussels' sanctions strategy is to pursue the "principles of the Common Foreign and Security Policy" set out by the EU, in which the promotion of democracy and the protection of human rights are core objectives.

Sadly, these universal values on which free society is based are in short supply in Thailand. Since seizing power in May 2014, unseating the country's democratic leader Yingluck Shinawatra, General Prayuth Chan-ocha has at best treated personal liberties as an unpleasant nuisance. Gatherings of more than five people have been outlawed, opposition activists have been arrested, while criticism of the regime has been steadfastly removed from print and broadcast.

The junta shamelessly admits that it will not even seek a public mandate until late next year at the earliest and the latest draft of a new constitution promises to merely further entrench their rule. Meanwhile, the Thai economy is riddled with naked abuse. The hugely lucrative fishing industry for example is propped up by modern-day slavery.

Not only does this appalling state of affairs demand action, but the EU has exhausted every other possible diplomatic tool. Following the coup, Brussels took the admirable decision to suspend talks on a free trade deal and end official visits to Thailand. The EU made it clear that any relaxation would be dependent on a "roadmap" towards "credible and inclusive elections," which appear as far away as ever.

In October, the European Parliament overwhelmingly condemned a myriad of abuses at the hands of Bangkok's generals. Yet, no form of public censure nor display of outrage has moved Prayuth. He has left Brussels with little choice but to choose sanctions.

Of course, Europe's leaders are under no illusions that targeted sanctions are a silver bullet to end Thai autocracy overnight. However, the EU's increasingly frequent use of such restrictions over the last two decades means that Brussels has acquired valuable experience in their application. Whether working alongside international partners to resolve international crises such as Iran's nuclear armament, or individual action to promote democracy in places such as Myanmar, the EU has refined the tool of sanctions.

For example, experience has shown the importance of timing. The more deeply entrenched a dictatorship, the longer the road until sanctions can be said to have a real impact. Decades of authoritarian rule often allow autocrats to mobilise support, rallying around the flag those who have little or no memory of democracy.

For example, EU sanctions were first instituted in Myanmar in 1990, with the country already in the firm grip of generals since the 1960s. Only now is Myanmar beginning to witness the emergence of a workable democracy. By contrast, Thai autocracy is in its infancy and the dream of Thai democracy remains very much alive in the public

consciousness. As such, the dictatorship can still be rolled back, a process in which sanctions could be an important rallying point.

Meanwhile, experience also demonstrates that money talks. The absence of any real trade relations is perhaps one reason why restrictions placed by Brussels on Syria and Libya had limited impact. By contrast, Iran's instant re-engagement with European business after nuclear sanctions were lifted last month reflects the importance Tehran places on trade with Europe.

When it comes to Thailand, Europe is crucial to a teetering economy, as the country's second largest investor and third most lucrative trade partner. Given time, the leadership, acutely aware of the threat sanctions pose, will likely wean Thailand off too much reliance on European and Western trade. Bangkok is already negotiating a deal to sell \$172 million worth of rice to Iran. Consequently, there is little time to lose to make sanctions count.

The timing may be right, but can Brussels tailor-make a sanctions regime to bring about change in Thailand? The EU's track record resoundingly suggests that it can. When needed, Europe has demonstrated a sharp focus on precision. For example, Myanmar's democratic emergence is possible in part, because restrictions were carefully targeted almost exclusively at the country's military hard men, minimising resentment from the population itself.

Equally though, the EU has also applied flexibility when appropriate. Russia has been hit with differing packages of restrictions, one relating to Moscow's annexation of Crimea and the other to the destabilisation of the nearby Donbass region. This fluidity allows Brussels to respond to a fluctuating situation appropriately, rewarding or punishing developments as necessary. The EU is more than capable of constructing and delivering a set of targeted, sustainable and effective restrictions to apply real pressure on the Thai regime.

In fact, such restrictions represent a win-win situation. The EU has the opportunity to position itself as an example to the rest of the free world, the spearhead pressing for democracy in a region where freedom cannot be taken for granted. Of course, sanctions can do only unquestionable good for Thailand itself. But the clock is ticking. The further Thailand moves away from its recent democratic past and the less economically reliant it becomes upon Western partners, the more difficult it will be to tackle the despots. The EU possesses considerable sanctions know-how. The time to apply it is now.

International scandal of 95 detainees held in one cell, including children

Lord Alton (04.09.2015) -

<https://www.facebook.com/LordAltonofLiverpool/posts/54463834568315> -

Earlier today, Friday September 4th, during a visit to Bangkok's Detention Centre for Refugees, the British Independent Peer, David Alton (Lord Alton of Liverpool), met Pakistani Christians who are being held there. One detainee told him that he and his six year old son are sharing a cell with 95 other men and children and is permitted to see his wife and other children, who are held elsewhere in the Detention centre, once a week for one hour.

The man, who is a Christian pastor, had fled Pakistan after threats to him and his family. There are around 4,000 Pakistani Christian men, women and children now living as illegals or being held in detention centres in the Thai capital.

Their plight is documented in the Jubilee Campaign report "Don't Turn Them Back":

http://jubileecampaign.org/.../Jubilee-Campaign_Thailand-Repo...

In meetings with the United Nations High Commission for Refugees (UNHCR) the Peer presented officials with a petition organised by Pakistani Christian leaders in Bangkok along with a dossier. This documented appalling, scandalous overcrowding; the lamentable failure to process asylum applications - some will not be considered and resolved 2018; the dismal lack of UNHCR resources and personnel; the lack of legal representation for detainees; the failure to protect women and children; inadequate and flawed translation provision; the denial of education for children and young people; meagre health care, leading to deteriorating conditions and deaths of refugees while detained; and the dismissal of evidence from Pakistan highlighting an escalation in violence against the tiny Christian minority and the well-founded fear of lethal persecution.

UNHCR officials conceded that there is "extreme overcrowding" in the detention centres and that "conditions in Thai prisons are actually better than in the detention centres."

The Peer later met with senior British officials who have been monitoring the situation and held evidence taking sessions with a number of Pakistani Christians who are forced to live illegally because of the failure to process their applications.

He said that "the exodus from Pakistan is driven by visceral hatred and a fanatical disregard for the rights of minorities. In a country where the brave Minister for Minorities, Shahbaz Bhatti, can be murdered in broad daylight, where churches are bombed, where an illiterate woman can be sentenced to death of alleged blasphemy charges, where a husband and wife can be burnt alive in front of their young children, and where there is a culture of impunity which rarely leads to those responsible being brought to justice, it is little wonder that many Christians are fleeing for their lives. It doubly compounds their suffering when the international community fails to step up to the plate in defense of those who have to endure such pitiless suffering and hardship."

Recommended reading

BPCA urge UNHCR in Thailand to protect asylum seekers from existing brutality

<http://www.britishpakistanichristians.co.uk/blog/bpca-urge-unhcr-in-thailand-to-protect-asylum-seekers-from-existing-brutality>

Lord Alton visits UNHCR to discuss brutal treatment of Pak-Christian asylum seekers in Thailand

<http://www.britishpakistanichristians.org/blog/lord-alton-visits-unhcr-to-discuss-brutal-treatment-of-asylum-seekers>

Report on Forced Marriages and Forced Conversions in the Christian Community of Pakistan

https://d3n8a8pro7vhmx.cloudfront.net/msp/pages/162/attachments/original/1396724215/MSP_Report_-_

[Forced Marriages and Conversions of Christian Women in Pakistan.pdf?1396724215](https://d3n8a8pro7vhmx.cloudfront.net/msp/pages/162/attachments/original/1396724215/Forced_Marriages_and_Conversions_of_Christian_Women_in_Pakistan.pdf?1396724215)
