



31 March 2021

### Urgent Statement

#### **Thai government urged to drop prosecutions and stop deporting refugees fleeing from war Amidst the unrest due to the military coup to seize power from democratically elected civilian government in Myanmar**

The Myanmar Army led by Senior General Min Aung Hlaing has staged a coup to seize power from the NLD government which has been elected by the people. It has prompted people from all over Myanmar to protest to show their opposition to the seizure of power by the army. The coup makers, however, has resorted to the use of lethal force to repress and suppress the demonstrations causing at least 500 deaths and a number of injuries among the civilians including some government officials such as those working on public health and the destruction of medical facilities.

Of late on 27 March 2021, the Myanmar Army has used fighter jets to bomb the Karen State demolishing houses and public offices including schools and causing massive casualties. The operation is aimed at instigating fear and as a result, people who have suffered from the injuries and deaths have decided to flee to the border area in Thailand's Mea Hong Son including at least 3,000 of them, mostly women and children. However, according to still pictures and video from media and social media, the Thai security forces have decided to push back the battered civilians to Myanmar, albeit a number of civilians have decided to sleep by the Salween River fearing the persecution.

In addition, a number of injured and sick persons have no access to emergency services. And those patients are being closely monitored by the military authorities. As a result, a number of patients affected by the crackdown want to flee across the border to Thailand to seek medical treatment on a humanitarian basis including one case in Ranong.

The Migrant Working Group (MWG) and our member organizations and the people in ASEAN would like to condemn the lethal crackdown with the use of weapon to disperse peaceful protests and urge the Thai government to act as follows urgently.

1. Thailand should suspend measures to push back refugees fleeing from the violent repression and should ensure access and support for personnel from the UN High Commissioner for Refugees (UNHCR) or other humanitarian organizations to officially provide help to those refugees fleeing from the feared persecution.

2. Thailand should review the Non-Refoulement principle which applies to all people entering its jurisdiction due to their fear of persecution as prescribed in the following Conventions;

- The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984's Article 3(1) states that "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." Thailand has become a state party to this treaty since 2007.

- The Refugee Convention 1951's Article 33 states that "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

3. Thailand should drop all criminal proceedings including offences concerning the Immigration Act against the people from Myanmar who have been demonstrating to demand help and justice amidst the violent crackdown in Myanmar including when they are gathered at the UN offices located in Thailand.

4. Measures should be meted out to offer protection to those in need of protection due to the repression when they enter Thailand. Prosecutions on immigration offence should be suspended, while deportation put on hold. They should be allowed to have access to protection process based on human rights and humanitarian grounds as well as access to the screening mechanism to bestow on them the protection status while living in Thailand. For people in need of protection who have entered Thailand, the government should consider invoking Section 54/2 and 54/3 of the Immigration Act to suspend any deportation and to ensure they initially have access to the protection procedure. In the next phase, the government should consider allowing them access to the screening mechanism established by virtue of the Regulation of the Office of the Prime Minister on the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin by invoking Section 17 of the Immigration Act to temporarily allow them to stay in Thailand until the situation gets better. This will help to ensure a systematic management mechanism with respect on human rights.

5. The Thai government should promptly initiate a consultation with the sending country and ASEAN countries to explore solutions through dialogue and to urge the commander-in-chief of the Myanmar Army to stop using lethal force and weapons to suppress the protesters and to adhere to the United Nations Charter (1945), the Universal Declaration of Human Rights (1948), and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Apart from taking into account human rights and humanitarian principles, attention should be paid to security and safety of the people in ASEAN with an emphasis on common solidarity to ensure the people of ASEAN can live in stability and peace without any threat from the military.

With respect in human rights and human dignity

Migrant Working Group (MWG)

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For more information, please contact Mr. Adisorn Kerdmongkhon, Migrant Working Group's  
Coordinator, phone 089 788 7138 or email [contact@mwgthailand.org](mailto:contact@mwgthailand.org)