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November 6, 2018

Prime Minister Prayut Chan-ocha
Royal Thai Government
Government House Thanon Nakhon Pathom,
1, Phitsanulok
Bangkok 10300, Thailand

Re: Pakistani asylum seekers in Thailand

Dear Prime Minister,

We are writing to express our serious concerns regarding arrests and possible deportation of Pakistani asylum seekers in Thailand. According to media reports, most of the Pakistani asylum seekers that have recently been arrested in Thailand are from the Christian and Ahmadiyya communities.

Human Rights Watch is an independent nongovernmental organization dedicated to defending and protecting human rights. We monitor and report on human rights violations in over 90 countries around the world, including Pakistan and Thailand.

On October 8, 2018, Deputy Prime Minister Prawit Wongsuwan announced [a crackdown](#) on "overstaying foreigners" in Thailand, after complaints that they were engaged in running "suspicious businesses." In the days following the announcement the authorities arrested at least 77 asylum seekers from Pakistan, including 43 children. According to some reports, the number of Pakistanis arrested who are facing possible deportation is much higher.

Before Thailand processes the return of anyone to Pakistan, we strongly urge that access is provided to the United Nations High Commissioner for Refugees (UNHCR) to interview all nationals from Pakistan held at Immigration detention. UNHCR should be permitted to make its own refugee status determinations for these people to ensure that no one is returned to face persecution, torture, or other serious threats to their lives or freedom. In light of the human rights violations, described below, that have been directed against members of minority communities in

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Pakistan, Thailand should recognize the importance of careful, case-by-case consideration of these people and fully abide by UNHCR's determinations to ensure respect for the international customary law principle of nonrefoulement, as well as Thailand's obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Moreover, those Pakistan nationals held at Immigration detention who are found to already hold UNHCR refugee status should be released immediately.

This is because a number of Pakistani nationals arrested in Thailand are Christians and Ahmadis, communities that face an increasingly hostile environment at home.

The authorities continue to arrest, jail, and charge members of non-Muslim communities for blasphemy and other offenses because of their religious beliefs. In several instances, the police have been complicit in harassment and filing of false charges against religious minorities or stood by in the face of violence against them. The Ahmadiyya and Christian communities have also faced deadly violence by militant Islamist groups. In recent years, hundreds of Ahmadis and Christians have been injured and killed in bombings and other attacks by militants.

Members of the Ahmadiyya religious community are subjected to specific anti-Ahmadi laws across Pakistan. They face increasing social discrimination under the law to prevent Ahmadis from "posing as Muslims," including access to government jobs, education and even voting rights.

The Ahmadiyya community remains at particular risk of violent attacks by extremist groups. In recent years, Ahmadi mosques have been attacked resulting in the deaths of hundreds of people. Members of Ahmadiyya community have faced prosecution for "posing as Muslims," barred from using their mosques while their graves have been vandalized and extremist groups incite violence against them with impunity.

A large number of Christians have been arrested under the blasphemy laws in Pakistan. In April 2014, a Christian couple was sentenced to death for sending a blasphemous text message to a local cleric. In September 2017, a court in Gujrat district, Punjab province sentenced to death Nadeem James, a 35-year-old Christian, under blasphemy law provisions. On October 31, 2018, Pakistan's Supreme Court acquitted Asia Bibi, a Christian woman accused of blasphemy. But by the time she was released, she had spent eight years on death row. Two political leaders who criticized her arrest were assassinated.

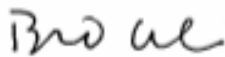
Christians have also been targeted by extremist groups. In recent years, suicide bombings targeting churches in Peshawar and Lahore have killed dozens and injuring hundreds of others. In March 2016, at least 74 people were killed, and 338 others injured in a suicide bombing in a public park in Lahore. The primary target of the attack was Christians celebrating Easter. In November 2014, an angry mob attacked and burnt to death a Christian couple for suspected blasphemy.

While Pakistan has primary responsibility of protecting the religious rights of all communities and upholding its international legal obligations under the International Covenant on Civil and Political Rights, Thailand also has the legal responsibility to not return refugees to a place where their lives or liberty would be in danger.

As a party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Thailand is bound by article 3(1) of the convention which states: “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.” Article 3(2) further states: “For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.” Such grounds are evident with regard to Pakistan Christian and Ahmadiyya communities, who continue to flee the country out of fear for their lives.

We thank you for your time and attention to address this important matter. Please feel free to contact us should you have any questions or want us to provide more information.

Sincerely,



Brad Adams,
Executive Director, Asia Division
Human Rights Watch

cc:

Deputy Prime Minister Gen. Prawit Wongsuwan
Minister of Foreign Affairs Don Pramudwinai
Immigration Chief Pol. Maj-Gen. Surachate Hakpal
UNHCR/Thailand Office
UNHCR/Southeast Asia Regional Office