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Geneva, 12 March 2010

Excellency,

The Committee wishes to express its gratitude for the letter of 2 October 2009, providing information on the general situation of the Hmong people, in response to the Committee's letter of 13 March 2009. I write to inform you that during its 76th session, the Committee considered further the situation of the Hmong people under its early warning and urgent action procedure, in light of your Government's letter as well as additional information submitted by non-governmental organizations since March 2009.

The Committee expresses its continued concern about the situation of the Hmong people, particularly in light of information received since its letter of 13 March 2009, concerning allegedly continuing military action against the Hmong people in the Phou Bia Mountain area. According to this information, from 15 to 17 March 2009, 60mm and 82mm shells were fired at the Hmong people in the area, including shells that exploded with green and blue smoke, causing dizziness, nausea and diarrhea among the civilians. Some 2,000 Lao and Vietnamese troops were reported to have surrounded the area. Also, on 10 June 2009, a military helicopter allegedly sprayed chemical substances onto the area, causing breathing difficulties, skin swelling, nausea, dizziness and vomiting among the people on the ground.

The Committee reiterates its previous request for urgent submission of specific information on the situation of the Hmong people in Haisomboune / Phou Bia Mountain area. It also urges the State party to take the necessary steps to immediately stop any military operation and withdraw its military forces from the territories mentioned, allowing for the provision of humanitarian aid and medical assistance. The Committee also wishes to draw the State party's attention to article 30 of the United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295, 2 October 2007), which states that military activities shall not take place in the lands or territories of indigenous peoples.

The Committee also takes note of the State party's reference in its letter of 2 October 2009 that the Hmong people are not considered a minority or an indigenous community, as they have "never been colonized by the Lao ethnic group". The Committee wishes to clarify that the United Nations Declaration on the Rights of Indigenous Peoples uses the principle of self-identification in this regard. Article 33 of the Declaration states that indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. The issue of whether colonization has occurred is therefore not a qualifying factor in identifying an indigenous people.

In accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests the State party to submit its response before **31 July 2010**.

Allow me, Excellency, to flag that the Committee's 77th session is scheduled to be held in August 2010, and to avail myself of this opportunity to invite a representative of the Lao People's Democratic Republic to appear before the Committee during that session in order to engage in a constructive dialogue with it on matters raised in this letter, including with a view to provide assistance in the effective implementation of the Convention.

Yours sincerely,



Anwar Kemal
Chairperson of the Committee on the Elimination
of Racial Discrimination

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