



ALTERNATIVE REPORT
to the UN Convention against Torture (UNCAT)
to supplement the Thai government's official submission



Enforced Disappearance & Transnational Repression
Toward Vietnamese Refugees in Thailand

September 2024

*Transnational Repression toward Vietnamese Refugees in Thailand
Alternative Report to CAT - BPSOS 2024*

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1. Introduction

This alternative report is submitted to supplement Thailand's official report under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in 2018.

This report documents cases of enforced disappearances of Vietnamese asylum seekers and refugees in Thailand, often carried out in collaboration or tacit complicity with foreign state actors, particularly the government of Vietnam. These disappearances are part of a broader pattern of transnational repression designed to silence dissent and suppress opposition abroad.

This report acknowledged that Thailand is not a party to the 1951 Refugee Convention or its 1967 Protocol. As a result, it does not have formal legal obligations under the Convention to provide asylum or protection to refugees. Nevertheless, Thailand is required to uphold its commitments under core human rights treaties it has ratified, including UNCAT, which obliges the government to prevent torture, enforced disappearances, and refoulement of undocumented individuals residing in the country.

However, alarming trends of transnational repression involving Vietnamese refugees in Thailand raise significant concerns about Thailand's adherence to these obligations. The Thai authorities' involvement, whether direct or through omission, raises serious concerns about compliance with its obligations under the UNCAT.

2. Background

Thailand has long been a host country for refugees fleeing persecution and conflict, including Vietnamese asylum seekers, known as boat people, escaping political repression and human rights abuses after the fall of the South Vietnam Government in 1975. However, in recent years, there has been growing concern about the treatment of these refugees, particularly in the context of enforced disappearances, extrajudicial deportations, and transnational repression carried out in cooperation with or under pressure from foreign governments, mainly the Vietnamese authorities.

Until today, Vietnam continues to suppress dissent, leading to the imprisonment of activists, lawyers, religious leaders, and even social media users. The government cites vaguely worded

clauses in the Criminal Code to justify its crackdown on activities deemed threatening to national security. These include charges related to undermining national unity, conducting propaganda against the state, and disrupting security.

Beyond the boat people and activists, there are other vulnerable groups seeking refuge in Thailand:

- **Montagnards:** *Indigenous peoples from Vietnam's Central Highlands*, the Montagnards, face persecution due to their ethnicity and religious beliefs, as many of them converted to Christianity. Many of them were victims of land expropriation – the Vietnamese Government forcibly expropriated their ancestral land in the name of economic development.
- **Hmong:** An ethnic minority group living mainly in Northern Vietnam. Traditionally, animists, and many Hmong converted to Christianity in the 20th century. As Communist regimes seized power in the region, they became victims of violent persecution due to their religious beliefs.
- **Khmer Krom:** The Khmer Krom, also known as the “Khmer from Below” (referring to their location along the Mekong River), primarily inhabit the Mekong delta region. Being mostly Theravada Buddhists, the Khmer Krom face religious suppression. In 1981, the Vietnamese Government eliminated the Khmer Krom Buddhist Church. It forced all Khmer Krom Buddhists to join the state-created and controlled Vietnam Buddhist Buddhist Sangha, which predominantly follows Mahayana Buddhism and is dominated by the majority “Kinh” ethnic group (86% of the population). Khmer-Krom Buddhist monks and leaders are continuously persecuted and face racial discrimination in their own homeland.

About 800 Vietnamese nationals of different ethnicities have already been recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR) in Thailand, and over 700 people who are seeking asylum or have been denied refugee status but still reside in the country.

3. Transnational Repression from the Vietnamese Government toward Refugees and Asylum Seekers in Thailand

This section describes cases where Vietnamese refugees and asylum seekers have been subjected to such practices while on Thai soil, often involving the collaboration of the Thai authorities with the Vietnamese government (may or may not be a “grudging” collaboration). The phenomenon of transnational repression—the extension of authoritarian control beyond national borders—poses a direct threat to the safety and security of refugees and undermines Thailand’s international human rights commitments as well as its national sovereignty.

3.1. The Abduction of Truong Duy Nhat - Journalist

On January 26, 2019, journalist Truong Duy Nhat, who worked as a reporter for Radio Free Asia at the time, reportedly disappeared in Bangkok, Thailand. Two eyewitnesses provided BPSOS with photos and video clips showing the Thai police monitoring and arresting Nhat. According to a third witness, a Thai police officer, the police subsequently took him to a relatively low-traffic area about half a kilometre from the restaurant where Nhat was allowed to have dinner, and delivered him to people in a white van:

“Seven people were in the van, including a Thai in the driver’s seat, a woman wearing a mask, and 5 Vietnamese police officers. Three Vietnamese police officers wearing masks and black gloves came out from the van. One of them used his right hand to choke Nhat’s throat to prevent any screaming and his left hand to squeeze the back of Nhat’s throat. The second man locked one of Nhat’s arms by bending it at the elbow. The third man lifted one of Nhat’s legs while taking the backpack containing his personal articles. They dragged him out of the car and shoved him into the van where the remaining two Vietnamese overpowered Nhat. The kidnapping took very little time. Completely caught off guard, Nhat struggled in vain, dropping a Samsung phone in the process. The woman wearing a mask could be a medically trained person who injected Nhat with what appeared to be an anesthetic drug. The van sped away. The operation showed that the Vietnamese police had been well trained in kidnapping and had planned it meticulously.”

This witness report includes a picture of the van, its license plate, and its registration documentation, which shows that it was owned by the Thai police.

During his trial on August 14, 2019, Nhat disclosed that he had been arrested by Thai Royal Police on 26 January, the day after he registered with the UNHCR for refugee protection, and handed over to Vietnamese police in Thailand, who then took him across the border into Laos, and from there back to Vietnam,¹ confirming the account of the three witnesses in Thailand. On March 9, 2020, he was sentenced to 10 years in prison for “abusing his position and power while on duty”² - an ambiguous charge. He was originally charged with illegally acquiring property, but this charge was later dropped for lack of evidence to convict him.³ On August 17, 2020, the People’s Appeal Court upheld that sentence.⁴

On September 18, 2020, the Working Group on Arbitrary Detention (WGAD) rendered its opinion about the arrest of Truong Duy Nhat: “*The Government of Viet Nam is responsible for its action in detaining Mr. Nhat in Viet Nam, as well as jointly responsible with the Government of Thailand for the arrest, detention and forced transfer of Mr. Nhat to Viet Nam,*”⁵ and the U.S. Department of State, in its press release, expressed grave concern and dismay “*by the conviction of blogger and Radio Free Asia (RFA) contributor Truong Duy Nhat, and his sentencing to 10 years imprisonment*” on vague charges. The press release called for the immediate release of Nhat.⁶

3.2. The abduction of Duong Van Thai - Journalist

Undeterred by international criticisms for its kidnapping activities, Vietnam abducted dissident journalist Duong Van Thai on April 13, 2023. By that time, Thai had already been recognized a refugee and was being processed for resettlement by the UNHCR.⁷ On April 16, the Police

¹ Truong Duy Nhat, Contributor and blogger, RFA Vietnamese Service, US Agency for Global Media. Available at: <https://www.usagm.gov/news-and-information/threats-to-press/truong-duy-nhat/>

² “Vietnamese blogger who was abducted in Thailand sentenced to 10 years in prison,” Committee to Protect Journalists (CPJ), 9 March 2019. Available at:

<https://cpj.org/2020/03/vietnamese-blogger-who-was-abducted-in-thailand-se/>

³ “Vietnamese blogger who was abducted in Thailand sentenced to 10 years in prison,” Committee to Protect Journalists (CPJ), 9 March 2019. Available at:

<https://cpj.org/2020/03/vietnamese-blogger-who-was-abducted-in-thailand-se/>

⁴ Vietnamese blogger Truong Duy Nhat’s 10-year jail sentence upheld on appeal, CPJ, 17 August 2020, available at: <https://cpj.org/2020/08/vietnamese-blogger-truong-duy-nhats-10-year-jail-sentence-upheld-on-appeal/>

⁵ Ibid.

⁶ U.S. State Department Condemns Jailing of RFA Blogger in Vietnam, Radio Free Asia, 16 March 2020. Available at: <https://2017-2021.state.gov/sentencing-of-blogger-and-radio-free-asia-contributor-truong-duy-nhat/index.html>

⁷ “Journalist Duong Van Thai arrested in Vietnam after disappearing in Thailand,” Committee to Protect Journalists (CPJ), 18 April 2023, available at:

<https://cpj.org/2023/04/journalist-duong-van-thai-arrested-in-vietnam-after-disappearing-in-thailand/>

Department of Ha Tinh Province announced that Thai was in its custody after being captured while allegedly trying to enter Vietnam illegally.⁸ On July 20, the MPS officially notified Thái's family that he was detained at Detention Center B14 in Hanoi for "propaganda against the state" pursuant to Article 117 of the Penal Code, and not for illegal entry as initially accused.⁹ The UN Working Group on Enforced or Involuntary Disappearances (WGEID), following its urgent procedure, transmitted the case of Duong Van Thai to the Thai Government.¹⁰ He continued to be detained for investigation.

⁸ "Vietnamese police confirm missing blogger is in their custody," RFA, 18 April 2023, available at: <https://www.rfa.org/english/news/vietnam/duong-04172023160927.html>

⁹ "Vietnam arrests blogger who went missing in Thailand in April," RFA, 20 July 2023, available at: <https://www.rfa.org/english/news/vietnam/duong-04172023160927.html>

¹⁰ WGEID - Communications transmitted, cases examined, observations made and other activities conducted, 2` July 2023, available at: https://www.ohchr.org/sites/default/files/documents/issues/disappearances/advance-versions/A_HRC_WGEID_130_1_AEV.docx

3.3. The threat of extradition of Montagnard Christians per Vietnam's request

Leaders of the Evangelical Church of Christ of the Central Highlands (ECCCH) have been severely persecuted by the Vietnamese government. Pastor A Ga, its founder, had faced imminent risk of being forcibly repatriated from Thailand despite having been recognized as a refugee by the UNHCR. On 12 January 2017, Vietnam's Ministry of Public Security issued an arrest warrant and later confirmed that it had also issued an Interpol "red notice" against him. In early 2018, the Thai police arrested him and arranged for him to be interviewed in the Suan Phlu IDC with a Vietnamese diplomat based in Bangkok about repatriation. Thanks to the strong intervention by the U.S. Department of State, the Thai government allowed the UNHCR to quietly relocate Pastor A Ga and family to the Philippines while waiting for refugee resettlement processing. In September 2018, they arrived in the United States. In July 2019, he was invited to join a delegation of victims of religious persecution for a meeting with the U.S. President at the White House. On 8 April 2023, MPS' Public Security Department of Đắk Lắk Province announced criminal prosecution against him in absentia. On 3 November 2023, this department re-issued its arrest warrant against Pastor A Ga.

3.4. Transnational repression toward Montagnard Stand for Justice (MSFJ) and Hmong Human Rights Coalition in Thailand

3.4.1. Interrogation and threats directed at refugees in IDC Bangkok, Thailand, by the Vietnamese Embassy

The Montagnard Stand for Justice (MSFJ) was founded in July 2019 in Thailand by a group of Montagnard refugees and became incorporated as a nonprofit in the United States in April 2023. MSFJ advocates for the rights of Montagnard and other indigenous peoples in Vietnam's Central Highlands, using international human rights mechanisms to call for accountability and compliance with UN treaties of which Vietnam is a state party. It has produced some 200 reports on violations of human rights to the different UN Special Procedures. In response to this peaceful activism, the Vietnamese government has targeted the group with a campaign of defamation and repression, falsely labeling it a terrorist organization. The government has escalated its retaliation against MSFJ, accusing the group of orchestrating "terrorist" attacks on government buildings in

Đắk Lắk Province in June 2023—a baseless claim intended to silence and discredit its human rights advocacy.

The Vietnamese government’s allegations against MSFJ include accusations of organizing terrorist activities, recruiting members, raising funds, procuring weapons, and planning attacks aimed at creating an autonomous state in the Central Highlands. In reality, MSFJ’s actions have been peaceful, relying on international legal and advocacy mechanisms such as the Universal Periodic Review (UPR), submissions to UN Special Rapporteurs, and reports to treaty bodies to highlight Vietnam’s ongoing human rights violations. The Vietnamese authorities have sought to discredit and delegitimize these efforts by falsely portraying the group as a violent separatist movement. This pattern of state repression undermines Vietnam’s international human rights obligations and violates the right to peaceful advocacy.

The Vietnamese government's transnational repression extends to the harassment and intimidation of Vietnamese refugees residing in Thailand. On December 21, 2023, An Ninh TV, an official channel of the Ministry of Public Security, accused Y Quynh Bdap, the leader of MSFJ, of masterminding the June 11, 2023 shootings in Dak Lak Province. This false narrative served as the pretext for a series of retaliatory actions against Vietnamese refugees, including the November 2023 raid by Thai police that resulted in the arrest of 11 Montagnard refugees, four of whom were members of MSFJ.¹¹

This crackdown on MSFJ members has also impacted other Vietnamese human rights advocates in Thailand. On December 7, 2023, Lu A Da, a leader of the Hmong Human Rights Coalition, was detained by Thai authorities in front of his home and his nine-year-old daughter.¹² Both groups were held in Thailand’s Immigration Detention Centre (IDC), where they were subjected to intimidation and harassment by Vietnamese Embassy officials and their proxies.

¹¹ Thai police arrest 11 Montagnards near Bangkok, RFA, 2023, available at: <https://www.rfa.org/english/news/vietnam/thailand-arrests-montagnards-11272023214538.html#:~:text=Thai%20Royal%20Police%20arresting%2011,24%2C%202023.&text=Thailand's%20Royal%20Police%20and%20immigration,organization%20representing%20the%20ethnic%20group>.

¹² “Vice Chair @FredDavieUSCIRF: “USCIRF is concerned for Lù A Da, a #Hmong activist & preacher who fled religious persecution in #Vietnam”, X, 2023. available at: <https://x.com/USCIRF/status/1735763924228751828>

During their detention, detainees reported regular visits by Vietnamese Embassy officials, including Hoàng Minh Hải, First Secretary of the Vietnamese Embassy in Bangkok.¹³ These officials interrogated the refugees about their connections to Y Quynh Bdap and pressured them to disclose his location.

On December 28, 2023, the Vietnamese officials allegedly threatened Lu A Da with deportation to Vietnam and harm to his family if he did not cooperate.

Vietnamese authorities have also been accused of orchestrating violence against the detainees by using other Vietnamese detainees, primarily undocumented migrants, as enforcers within the detention center. These detainees, reportedly led by individuals such as Bui Thanh Tuan and Nguyen Xuan Tuat, acted under promises of leniency from Vietnamese authorities. They carried out physical assaults on Montagnard and Hmong refugees, including beatings with electrical wires, with the knowledge of IDC officials who failed to intervene.

While the Thai government has not been directly implicated in these acts of torture and repression, it has failed to uphold its obligation to protect refugees and asylum seekers within its territory, including those held in immigration detention. The failure to prevent such abuses, coupled with the lack of accountability for the actions of Vietnamese embassy officials operating on Thai soil, raises serious concerns about Thailand's compliance with its international obligations.

3.4.2. Y Quynh Bdap facing extradition case

The two co-founders of MSFJ, Y Phic Hdok and Y Quynh Bdap, both young Montagnard Christians, have experienced severe persecution by the Vietnamese public security police. In Summer 2016, they attended a week-long human rights training hosted by Amnesty International in Bangkok, Thailand. At the time, Y Phic Hdok was working in Cambodia, assisting stateless Vietnamese children. After this training, the government escalated its pressure on his parents to bring him home to face investigation. Towards the end of December 2016, Y Phic Hdok's father, Y Ku Knul, disappeared under mysterious circumstances. A few days later, his wife discovered his body hanging from a bamboo tree. The family suspects that this was not a suicide as Y Ku

¹³ Hoàng Minh Hai profile, Vietnamese Embassy website. Available at: <https://vnembassy-bangkok.mofa.gov.vn/vi-vn/Consular%20Services/Contacts/Trang/default.aspx>

Knul was a devout Protestant, and suicide contradicts his Christian beliefs. They believe that he was kidnapped and murdered as a result of ongoing religious persecution. Y Phic Hdok fled from Cambodia to Thailand to seek refugee protection. In 2018, he and Y Quynh Bdap co-founded MSFJ. Y Phic Hdok currently resides in California, the United States. The government-run media has accused both Y Phic Hdok and Y Quynh Bdap of being members of an armed resistance group that had ceased existence before they were born.¹⁴

Y Quynh Bdap¹⁵ is the son of a pastor¹⁶ and a prominent member of the Ede ethnic group, one of the Montagnard ethnic groups in Vietnam. He has been an advocate for religious freedom among minority ethnic groups, particularly the Montagnards. As a co-founder of the Montagnards Stand for Justice (MSFJ), he aims to train Montagnards on Vietnamese and international law, civil society, and how to collect and report information on violations of freedom of religion to the United Nations and the international community. In 2016, he and Y Phic Hdok attended the human rights training offered by Amnesty International in Bangkok, Thailand. Upon return to Vietnam, he was repeatedly interrogated by the police and threatened with imprisonment.

In 2018, Y Quynh Bdap sought asylum in Thailand and was granted refugee status by the UNHCR. He and Y Phic Hdok co-founded MSFJ. Y Quynh Bdap coordinated MSFJ's preparation of reports on religious persecution in Vietnam for submission to the different United Nations Special Procedures and Treaty Bodies.

On June 11, 2024, Thai immigration police arrested Y Quynh Bdap in Bangkok. The reason cited was "illegal immigrant" his visa, but the situation is more complex. The Vietnamese Government has requested his extradition based on terrorism charges. These charges are part of a broader campaign of transnational repression aimed at silencing dissidents and human rights defenders

¹⁴ Public Security of Cu Xe District, Dak Lak Province, "Montagnards Stand for Justice – MSFJ" - the reactionary organization that deceives ethnic minority people, causing instability in the Central Highlands," 21 June 2023, available at:

<https://www.facebook.com/conganhuyenchuse/posts/pfbid02WDM8SpKc5nQaPWhdnv64doGYGg3cE9zNVGZAc ajPLeo2hkGXWfngdxS6FjAyan5el>. English translation by BPSOS:

<https://dvov.org/wp-content/uploads/2024/03/MSFJ-reactionary-organization-that-tricks-ethnic-minorities-21-06-2023.pdf>

¹⁵ Thailand: Montagnard Indigenous activist must not be extradited to face torture in Viet Nam, Amnesty International, 2024. Available at:

<https://www.amnesty.org/en/latest/news/2024/07/thailand-montagnard-indigenous-activist-must-not-be-extradited-to-face-torture-in-viet-nam/>

¹⁶ Pastor Y Pho Eban is being targeted in Vietnam because his independent house church refuses to join a government-controlled religious organization.

abroad. Should Y Quynh Bdap be extradited to Vietnam, he faces a high likelihood of persecution, including imprisonment for up to ten years, based on his peaceful advocacy for religious freedom and minority rights.

Currently, Y Quynh Bdap is detained at the Bangkok Remand Prison, awaiting a decision on his extradition. The case raises serious concerns under international human rights law, particularly with respect to Thailand's obligations under the principle of non-refoulement, which prohibits the return of individuals to a country where they are at risk of persecution, torture, or other forms of ill-treatment. The potential extradition of Y Quynh Bdap would violate these obligations and place him in grave danger of severe reprisals by the Vietnamese government.

4. Violation of the UNCAT

4.1. Article 2: Obligation to Prevent Torture

Article 2 obligates states to take effective measures to prevent acts of torture within their jurisdiction.

4.2. Article 3: Prohibition of Refoulement

This is the most directly relevant article, which prohibits the extradition, return, or expulsion of an individual to a country where there are substantial grounds for believing they would be in danger of being subjected to torture. The extradition or forced return of refugees and asylum seekers, such as **Truong Duy Nhat, Duong Van Thai**, and the potential extradition of **Y Quynh Bdap**, to Vietnam, where they risk severe persecution, imprisonment, or torture.

4.3. Article 16: Prevention of Other Cruel, Inhuman, or Degrading Treatment or Punishment

The treatment of Montagnard and Hmong refugees in detention, including physical abuses by other detainees acting under the direction of Vietnamese authorities, as well as the use of threats and coercion by Vietnamese officials against Lu A Da and other refugees in IDC, fall under this article. The failure of Thai officials to intervene or protect detainees from abuse by other Vietnamese detainees who "allegedly" work for the Vietnamese Embassy in Thai IDCs amounts to the violation of this Article.

5. Recommendations

5.1. Strengthen Non-Refoulement Protections:

Thailand should immediately halt any pending extradition requests or deportations of individuals facing credible threats of persecution, torture, or other ill-treatment in their home countries. This includes refugees such as Y Quynh Bdap and others facing transnational repression from the Vietnamese government.

5.2. Improve Legal Framework:

Thailand should establish stronger legal safeguards against enforced disappearances and ensure that its law enforcement agencies respect the rights of refugees and asylum seekers under international law.

5.3. Stop Collaborating with Countries with high record of human rights violations

Thailand must reassess its cooperation with countries that have a known record of severe human rights violations, particularly when such cooperation involves refugees, asylum seekers, and dissidents in exile. In cases like Vietnam, where there is documented evidence of systematic persecution, arbitrary detention, use of torture, and the practice of transnational repression, such collaboration undermines Thailand's commitments to international human rights norms