

November 28, 2007

**A Report to the Mayor
and the St. Paul City Council:**

**Findings and Conclusions of the City of St. Paul's
Delegation to Address the 2005 Exhumation
of Hmong Graves at
Wat Tham Krabok, Saraburi, Thailand.**

By

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The Delegation's Mission

On September 19, 2007, the City Council of the City of St. Paul unanimously adopted Resolution #07-831 to support a privately funded delegation appointed by Mayor Christopher B. Coleman to travel to Thailand to establish a working relationship with the Thai government, to explore the options of bringing peace and reconciliation to the Minnesota families affected by the 2005 grave desecration at Wat Tham Krabok in Saraburi, Thailand, and to work to bring about an honorable and appropriate solution to this emotional and difficult tragedy. The Delegation members were: State Senator and Senate Majority Leader Lawrence Pogemiller, State Senator Mee Moua, community activist Yee Chang and the Mayor's Policy Associate, Va-Megn Thoj. The Delegation departed on Friday September 21, 2007 and returned on Saturday, September 29, 2007. This report contains the findings and conclusions of the City of St. Paul's delegation (the "Delegation").

The Historical Context

In the early 1990's when the Thai government began to close Hmong Lao refugee camps in Thailand, many of the Hmong families who were unable to be resettled in the United States were afraid to return to Laos. Several thousand fled to the grounds of Wat Tham Krabok, a Buddhist temple and monastery, which had been home to a small number of refugees since the 1970s. The Hmong were allowed to live peacefully on the grounds of the temple. In 2003, the government of Thailand began a registration program aimed at the eventual removal of the Hmong refugees from Wat Tham Krabok to a remote military base in Eastern Thailand. The United States stepped in and agreed to resettle the refugees to the United States.

The resettlement began in early 2004 with the majority of the Hmong having reached the United States by the end of 2005. In the fall of 2005, only a few hundred refugees remained in the camp for tuberculosis and other health related treatments under the supervision of the US State Department and the Department of Defense, the International Organization for Migration (IOM) and the United Nations High Commission on Refugee (UNHCR). In late October of 2005, the recently arrived Hmong refugees received word that the graves of their buried relatives were being desecrated. This news came from the remaining refugee families who were still in the camp. The relatives also sent to their Hmong American relatives video footages of the desecrations.

The video showed bus loads of men and women, wearing white, unloading at the grave site, directed by individuals who looked to be uniformed Thai officials. The video also showed groups of men digging different grave sites, pulling the coffins out of the ground, and removing the bodies from the coffins. Once the remains were removed from the coffins, other groups of workers dismembered the bodies by cutting off the heads and limbs, cutting away the multiple

layers of ceremonial burial clothes and then carefully scraping the flesh from the bones, including the heads and limbs. In some of the footages, some of the dead were so freshly buried that their facial features were still recognizable. In these instances, the bones were boiled in large cauldrons to separate the flesh from the bones. After the bones were cleaned, they were carefully wrapped and taken away. The remaining flesh and clothing were thrown back into the open graves. The video also showed the diggers burning incense and making offerings at the grave sites, sometimes before and sometimes during an exhumation.

The actions shown on the video have caused significant anguish, deep emotional and psychological distress and untold grief to the Hmong American relatives of the dead buried at Wat Tham Krabok.

In November and December 2005, local outcries against the grave desecrations were captured by the press, which led to the first meetings between many of the victim families and Hmong American elected officials from St. Paul. Public pressure from affected victim families led to inquiries about the mass exhumations by US congressional leaders to both the US Embassy in Thailand and the US State Department. The State Department reported that the exhumations were conducted in accordance with local authorities and were being carried out for reasons of water sanitation.

Dissatisfied with this response, the office of State Senator Mee Moua, in collaboration with Professor Barbara Frey and the University of Minnesota's Human Rights Program, initiated a two-prong effort to address the exhumations. The plan was to pursue a human rights violation approach and, at the same time, to also exert pressure through political channels. There was tremendous urgency to prevent any further exhumations and also to identify the immediate whereabouts of the remains that were removed from the Wat Tham Krabok grave sites.

The Human Rights Approach

The University of Minnesota's Human Rights Program, primarily through the efforts of students from Professor Barbara Frey's human rights' class, convened a town hall meeting on March 2, 2006 to interview the affected victim families and to assist them to write letters to the United Nations. On March 9, 2006, a joint complaint drafted by the Human Rights Program, along with the families' letters, was sent to the United Nations Special Rapporteurs on Religious Intolerance and Contemporary Forms of Racism. The joint complaint stated that the horrific acts were a violation of the rights of the Hmong to manifest their beliefs, to participate in cultural life, to be free from discrimination, and were a violation of their right to family. The joint complaint also stipulated that the Kingdom of Thailand freely entered into its obligations as a State Party to the international treaties that protect the rights of the Hmong, and by permitting and providing logistical support for the disinterment of the Hmong graves at Wat Tham Krabok, Thailand was violating the rights of the Hmong people and disregarding its international obligations under the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Culture Rights; and the International Convention on the Elimination of All Forms of Racial Discrimination.

On April 22, 2006, United Nations Secretary General Kofi Annan visited St. Paul for the opening of a new center at Macalaster College. On that occasion, Mayor Christopher B. Coleman spoke with him about the grave desecration at Wat Tham Krabok. The Secretary General assured Mayor Coleman that he had already heard about the issue and that he would ask his office to look into the matter. In a follow up letter to Mayor Coleman, the Secretary General told the Mayor that he would be asking the Office of the High Commissioner for Human Rights to look into the issue.

On May 16, 2006, Mr. Zong Khang Yang, while attending the Fifth Session of the Permanent Forum on Indigenous Issues at the United Nations on behalf of his organization, the World Hmong People's Congress, gave a statement on the grave desecration issue. He also made available newspaper clippings and other information from local elected officials regarding the issue. On May 17, 2006, the Thai delegation to the Fifth Session of the Permanent Forum on Indigenous Issues formally submitted a responding statement at the Forum. The Thai response stated that the bodies had been removed for water contamination, and that the bodies had been respectfully reburied. This represented the first official statement on the issue by the government of Thailand.

In June 2006, the Human Rights Program followed up its formal complaint to the UN by sending a questionnaire to the Special Rapporteurs on Religious Intolerance and Contemporary Forms of Racism. The questionnaire was intended to solicit answers from Thai authorities regarding several concerns, including the exhumations, the organizations responsible for the exhumations, the cremation and reburials, notification offered to families, Thai government involvement, and the alleged water contamination. The Delegation believed that the Special Rapporteurs sent a version of this questionnaire to the Thai government, which had already asked for an investigation by the Saraburi Provincial government. The Saraburi Governor submitted the results of his investigation to the Thai Ministry of Interior in a memo dated September 11, 2006, described in more detail in the following "Memorandum."

The Political Approach

On the political front, several efforts were initiated to urge action from political leaders. As mentioned earlier, in November and December of 2005, many elected officials responded immediately to the crisis and sent a round of letters to the US Embassy in Thailand and the US State Department, urging immediate inquiry into the matter and prevention of any further exhumations. In January and February of 2006, the elected officials received their first responses from the US Embassy and the US State Department. The US government acknowledged the mass exhumation, and indicated that it had direct communications with Thai officials on the matter and re-iterated the Thai government's articulated position of water contamination prevention. The US government did not take any further position on the exhumations and did not commit to try to stop further exhumations of Hmong graves in Thailand.

In February 2006, the office of Senator Mee Moua organized a community town hall meeting of newly arrived Hmong Minnesotans and their host families at Hmong American Partnership in St. Paul. The purpose of that meeting was to express concern about the exhumations. At the meeting, Senator Moua's office circulated a form to gather information from the families in Minnesota to gauge the impact of the exhumations on Hmong Minnesotans. The form solicited the contact information for the Hmong American family, information about their deceased family members buried at the Wat, their date of birth, date of death, date of burial, and if known, the date of their exhumation. The form also asked whether or not the dead were buried on temple property or on land privately purchased from owners adjacent to temple grounds. This form was subsequently sent to other states, specifically in Wisconsin and California, by request of newly arrived Hmong Americans in those states.

On April 20, 2006, the St. Paul City Council unanimously passed a resolution supporting the Hmong families affected by the exhumations and urged the government of Thailand to investigate the events, in particular to help locate and return the remains to the families.

On April 24, 2006, hundreds from the Hmong American community gathered at the Minnesota State Capitol for the “Hear Our Grief: Minnesotans Say No to Grave Desecration” rally, which was organized by students from the University of Minnesota’s Human Rights Program, and supported by the offices of Senator Mee Moua and Representative Cy Thao, community organizations and activists. The Hmong families, many of whom were directly affected by the exhumations, witnessed the Minnesota House and Senate unanimously pass resolutions urging the Minnesota Congressional delegation, along with the US government and the United Nations, to investigate the exhumations, to prevent any further exhumations, and to identify the whereabouts of the remains. At the rally, a representative of the City of Minneapolis also announced a City of Minneapolis Proclamation to declare April 24th “Minnesotans Against Grave Desecration Day.”

On July 14, 2006, Congresswoman Betty McCollum gave a Statement for the Record Concerning Desecration of Hmong Graves in Thailand and urged the government of Thailand to stop any further exhumation, outlining the difficulties faced by her constituents because of the actions in Thailand.

In November 2006, Senator Mee Moua received a copy of a document in Thai that was a memorandum (the “Memorandum”) prepared by the Saraburi Governor’s office in response to the inquiries from the United Nations Special Rapporteurs who had been monitoring the case. The Memorandum was reportedly released at a September 15th 2006 meeting comprised of Thai government officials. The Memorandum purported to offer to return the bodies of

approximately 211 people to their relatives, if the relatives could prove the relationship. In January of 2007, the U.S. Embassy in Thailand transmitted an English translation Memorandum to Senator Coleman's office. The Memorandum described in more detail below, represented the second formal response from the Thai government.

On January 27, 2007, The Human Rights Program, the offices of Senator Mee Moua and Representative Cy Thao, and the Hmong Grave Desecration Committee held a community meeting at the Lao Family Community Center to share the information with the affected families and to solicit input. The families asked that the Human Rights Program help lead a political response to ask the Thai government to waive the July cremation deadline, and to work with the families to identify an appropriate solution. The Human Rights Program drafted a letter and forwarded it to a number of elected officials to sign and send to the US Embassy and the US State Department. Mayor Chris Coleman, Senator Mee Moua and Representative Cy Thao each sent a letter requesting the US Embassy's assistance to ask Thai officials to delay the July deadline. All three officials received letters from the US Ambassador offering his assistance and inviting the Mayor to send an exploratory delegation.

On February 12, 2007, with the help of Chair of the Northfield Human Rights Commission, a group of Hmong American students from St. Olaf College and Carleton College in Northfield who were concerned and affected by the grave desecrations in Thailand asked the Mayor and the City Council of the City of Northfield City for their support in finding resolutions to the issue. On March 5, 2007, the City Council of Northfield passed a resolution supporting the Hmong American community affected by this issue, and to work with the community to finding a proper avenue to bring peace and justice to the affected families.

Official Thai Responses to the Exhumations

Although the only two public responses from the Thai government did not occur until the spring and fall of 2006, the Delegation confirmed that there was an early investigation by the Thai government. As mentioned in an earlier section, the first public and formal response from the Thai government was the statement issued at the United Nations May 2006 gathering of the 5th Session of the Permanent Forum on Indigenous Issues. The second official response was the Memorandum detailing the existence and location of the 211 remains and the July 2007 cremation deadline.

A careful review of the Memorandum suggested that there had been a very early internal investigation by the Thai government. According to the Memorandum, as early as December 2005, a local government task force conducted a review of the diggings and reported on the following findings:

Since October 26, 2005, the Tham Krabok Foundation has had a plan to reorganize the Hmong community in the Tham Krabok Monks' Residence area in order to prepare space for the Community Museum, Religious Activities and Health Park projects. Accordingly, it has joined with the Sawang Rattana Foundation in Saraburi and the Unknown Corpse Foundation clubs nation-wide in implementing a mega-merit-making project by rehandling the dead bodies of unknown people. The objective of this project is to bring unknown corpses buried on land legally owned by the temple for cremation and bring the ashes of the cremated bodies for storage at the Bhodi Bhawana Songkhroh graveyard in Wiharn Daeng district of Saraburi.

On October 28, 2005, a group of Hmong representatives led by state officers responsible for sending the Hmong people to a third country met with the chairman of the Tham Krabok Foundation (Monk Charoen Panchan) to voice their concerns over the disinterred bodies that may have been their relatives.

The group asked the foundation for sympathy by extending the time to send them to other countries so that they would be able to move the bodies of their relatives to other places.

Monk Charoen then explained that the foundation owned the land, and insisted that thus far, the foundation has never prohibited burials but only suggested that bodies should be cremated if they were not buried elsewhere. He explained that burying the dead on mountain slopes or other high grounds would cause harm to the environment, eco-system and nearby communities especially during the rainy season. In the past, the Hmong people took the bodies of their loved ones back to their hometown without any objections from the foundation. The foundation encouraged them to take the bodies back to their hometown.

Since October 2005, a total number of 726 corpses have been exhumed. It is estimated that about 300-350 bodies remained buried.

This initial report was sent by the Saraburi provincial government to the Ministry of Interior on December 29, 2005 (the “2005 Report”). The Delegation could not obtain a copy of the 2005 Report, however, we believe that this first investigation was in response to early inquiries into the matter by U.S. congressional leaders since the information appeared to coincide with the US State Department responses to Congressional inquiries in early 2006.

Upon a closer review of the Memorandum and through subsequent meetings in Thailand, the Delegation confirmed that the Memorandum was the official government response to inquiries by the two UN Special Rapporteurs on account of the joint complaint filed by the University of Minnesota’s Human Rights Program in March of 2006. According to the Memorandum, in early September of 2006, another ad hoc task force was convened to investigate the exhumations and to respond to the UN inquiry. The Delegation confirmed that the Memorandum was transmitted to the Ministry of Interior in late September 2006, however, as of September 2007, the Memorandum has not yet been received by the UN Special Rapporteurs.¹

¹ The delegation was cautioned that the content of the Memorandum, until it is acted upon by the UN Special Rapporteurs, represented confidential information from the respondent, and that releasing of any information from the report may be seen as a breach of that confidentiality. In our meeting with the Thai government officials on Tuesday, September 25, 2007, we refrained from directly referring to the allegedly confidential document. To our surprise, the vice governor introduced the task force members to us and asked the chair to read to us the responses from the Memorandum. Five minutes into the meeting, the vice-governor stopped the committee chair and referred us directly to the language of the Memorandum. He stated that the Memorandum has already been given to us so we should just ask questions if we have any, indicating that they certainly did not consider the document to be confidential. According to our contact at the UN Council on Human Rights, if the report was given to us by the

The content of the Memorandum can be summarized into the following key points:

1) The Memorandum stated that two exhumations took place. The first round of exhumation was conducted by the Phothi Paowana Songkhroh Foundation during the period between October 26-November 18, 2005. Allegedly 480 bodies were exhumed, of which 206 are male, 161 are female and 113 are children. These remains have been cremated and are buried at a grave for the “unclaimed” at Amphoe Wihan Daeng, Saraburi. The second round of exhumations were conducted by the Bhudda Dharma 31 Nakhon Ratchasima Foundation during the period between November 25 – December 6, 2005. Two hundred and eleven bodies were exhumed, of which 65 are male, 109 are female, and 37 are children. These 211 remains were kept in “perfect” condition and are temporary stored in cement storage units at the Hulin cemetery in Amphoe Kaeng Khoi, also in Saraburi.

2) The Memorandum emphasized repeatedly that the Tham Krabok Foundation, the Tham Krabok Monks’ Residence, the Phothi Paowana Songkhroh Foundation and the Bhudda Dharma 31 of Nakhon Rachasima Province “conducted public relations campaigns and informed the Hmong community of their exhumation plans”, “invited them to join in the ceremony” and “repeated their announcement in meetings where they encouraged the Hmong to collect any or all of the 211 bodies that were disinterred during the second round of exhumation”. It specifically stated that this public relations campaign began on October 26, 2005, and gave family members until October 21, 2005 to contact the foundation if they “did not want the Tham Krabok Foundation or the

Thai government, thereby breaking the confidential nature of the report, we should certainly submit a response to the report to the UN Special Rapporteurs before they take any further actions on the situation.

involved parties to disinter their loved ones”. This information was allegedly spread verbally and “in over 5,000 documents”. The report also claimed that “the Hmong community has given good cooperation for this activity, some even helping with the exhumation process.”

3) The Memorandum stated that the reason for the clearing was “harm to the environment, eco-system and nearby communities especially during the rainy season”. Furthermore, many of the bodies were buried “without permission or notice to the Tham Krabok Foundation, the Tham Krabok Monks’ Residence or any other governmental body”. It alleged that the remains were a threat to the surrounding community because “there is no information on whether or not the buried bodies . . . have been infected by any communicable disease due to the fact that the Hmong communities did not have modern physicians to treat their patients. In the event that the patients died of a mortal communicable disease, people would be at great risk if the water runs from the graves into local communities.” Finally, the report asserted that the “Hmong people living in the Tham Krabok compound, the villagers living in nearby communities and visitors to the Tham Krabok Monks’ Residence have all demanded for the graveyard to be demolished.”

4) The report asserted that some Hmong came and removed the remains of their family members for reburial elsewhere.

The Delegation's Findings

In preparation for the Delegation's visit to Thailand, the Delegation used the information in the Memorandum as the starting point and interviewed several affected family members, especially one witness who was present at the grave sites during the two rounds of exhumations at Wat Tham Krabok. These conversations, paired with the information in the Memorandum, revealed some contradictory claims and inconsistent facts, which concerned the Delegation.

While the overall objective of the Delegation's mission was to identify potential resolutions to the situation, the Delegation also sought answers to the following questions during the trip to Thailand:

- 1) To what extent was the United States' Embassy willing to assist Hmong American families to resolve this matter?
- 2) To what extent was notice given to the family members?
- 3) To what extent can there be some certainty that the graves still remaining at Wat Tham Krabok will not be exhumed in the future?
- 4) What manifested their decision to dig at Wat Tham Krabok?

1) To what extent is the United States Embassy willing to assist Hmong American families to resolve this matter?

As was stated in the historical context of this report, the US Embassy in Thailand was instrumental in the initial communications with the Thai government. It was in response to the Ambassador's invitation that Mayor Coleman ultimately decided to send a delegation to Thailand. In the preparation stage as well as during the Delegation's visit, Mr. Guy Margalith, the Embassy's Human Rights Director, was tremendously helpful in setting up critical meetings with all the exhumation participants.

On Monday, September 24, the Delegation had an opportunity to meet with the Ambassador and a number of his staff members at the US Embassy office in Bangkok. During the meeting, the Ambassador restated his position that this issue was of highest priority for the Embassy and the US government, and expressed a desire to see some closure and resolution to the issue. Towards that end, he committed to future assistance, as is diplomatically appropriate, to ensure a workable solution for both the Thai parties involved and for the affected Hmong American families. He reiterated that the Embassy considered this issue a private matter, as does the Thai government. However, both governments were committed to finding a workable solution.

Later in the week, the Embassy sent Mr. Margalith to attend a meeting in Saraburi Province where the Delegation had an opportunity to meet with the Saraburi provincial government, the Phra Phuthabhat District office, representatives from the offices of Thailand's Foreign Minister and the Ministry of Interior, representatives from Wat Tham Krabok, and representatives from the two digging religious organizations. When the Delegation returned to the United States without verification of the existence of the 211 remains, the Embassy, at the Delegation's request, conducted a follow-up visit with the Bhuda Dharma 31 Foundation. The Embassy took some photos and transmitted the information to the Delegation.

The Embassy strongly encouraged the Delegation to recommend to the community that, with respect to the 211 remains, it was highly unlikely that any of the remains would be able to be brought to the United States. It was certainly unprecedented, meaning that it theoretically could be done, however, it has never happened before, but the Embassy did not want to raise the expectations of the families. For those families who would like to bring the remains to the US, the Embassy recommended that they hire legal counsel in Thailand to assist in the process. The

Embassy provided a list of Thai lawyers to be made available to family members. Outside of this option, the Embassy strongly encouraged the Delegation to communicate to family members that they work with the Bhudda Dharma 31 Foundation to find the best means to reclaim and rebury the remains in Thailand.

2) To what extent was notice given to the family members regarding the exhumations?

As summarized earlier, the Memorandum stated that there was “an extensive public relations campaign” to notify the Hmong families. According to the Delegation’s interviews with those who were still at the temple during the exhumations, none of the affected families had prior knowledge of the diggings. They reported that there were no leaflets distributed, no telephone numbers given and no communications to them regarding the diggings. The lack of notice was also corroborated by the international refugee resettlement workers who were present in the camp at the time of the diggings. In fact, it is our understanding, and corroborated by the Memorandum that sometime during the first round of exhumations, a group of affected families met with the Abbot in protest, but they were told that the diggings would proceed as planned.

Once the diggings commenced, and as the families learned that the workers were not disturbing the marked Chinese graves in the same areas being cleared by the workers, they then began to construct hand-made markers on their relatives’ graves. In the video from late October 2005, there was evidence of family members standing by their relative’s marked graves, claiming ownership. All of these graves, however, were subsequently dug up.

As for the claim, both in the Memorandum and repeated by the two digging organizations during the Delegation’s visit, that Hmong people were very accommodating and participated in the exhumations, the Delegation did not receive any corroborating evidence to support this

claim. Neither of the two digging organizations offered physical evidence or photos to show that Hmong people assisted in the diggings. Although the two organizations also indicated that several Hmong families actually exhumed their deceased and took the bodies elsewhere for reburial, neither organizations could confirm definitively that any remains were removed by their relatives. Interviews with Hmong families in St. Paul indicated that no such removals occurred and that no Hmong people participated in any of the exhumations.

3) To what extent can there be some certainty that the graves still remaining at Wat Tham Krabok will not be exhumed in the future?

On the Tuesday, September 25, the Delegation had an opportunity to visit the Abbot at Wat Tham Krabok, Luangpaw Charoen Panchand. During the visit, the Delegation asked the Abbot whether there would be any further exhumations of the graves still remaining on temple grounds. The Abbot responded that there were no further exhumations planned, unless future environmental problems were to arise. The Abbot was also asked directly whether he would allow the 211 remains to be brought back to the Wat for reburial, and his response was no. This conversation with the Abbot was witnessed by US government officials, Thai government officials and the two US delegations.

The conversation with the Abbot left the Delegation with the impression that the Abbot and the Wat Tham Krabok Foundation were offended that Hmong Americans would object to their decision to clear their property of human remains. The Abbot and the Wat Tham Krabok Foundation, through its lawyer, stated that the temple had expended vast amounts of resources to keep the Hmong on the monastery grounds for many years. They felt that questioning their actions about the exhumations were both deeply disrespectful of them and a display of

ingratitude for their good deeds. The Delegation observed that the Wat and the Abbot could not move beyond their own sense of outrage to express any remorse or regret that the exhumations may have caused pain or suffering for the thousands of Hmong families who had called Wat Tham Krabok home for the last 20 years.

4) What manifested the decision to dig at Wat Tham Krabok?

The Delegation spent two days meeting with each of the foundations. In each meeting, the Delegation met with the chairmen of the foundations, their board members and officers, as well as volunteers of the organization. During these conversations, the Delegation gained new information which has never been communicated to the affected families. The Delegation also learned that the exhumations, as represented by the foundations and Wat Tham Krabok, seem to be the unfortunate convergence of circumstances that both served the religious purposes of the digging foundations and met the practical needs of the Wat Tham Krabok.

As stated earlier, two rounds of exhumations took place at the Wat Tham Krabok. The first round of exhumation was conducted by the Phothi Paowana Songkhroh Foundation (the “First Foundation”) during the period between October 26 through November 18, 2005. While the Memorandum states that only 480 bodies were exhumed during this period, affected families estimate the number to be closer to 600. The remains from this first round of exhumations were de-fleshed at the gravesites, the bones were brought back to the First Foundation’s headquarters and cremated on November 27, 2005, according to foundation leaders. The ashes were subsequently buried at the grave for the “unclaimed” at Amphoe Wihan Daeng in Saraburi Province, Thailand.

The second round of exhumations was conducted by the Bhudda Dharma 31 Nakhon Ratchasima Foundation (the “Second Foundation”) during the period between November 25 and December 6, 2005, according to foundation leaders. According to the Memorandum and confirmed by the Second Foundation, 211 bodies were exhumed. These 211 remains, however, were kept in “perfect” condition and are currently stored in cement casing units at the Hulin cemetery in Amphoe Kaeng Khoi, also in Saraburi, Thailand.

On Wednesday, September 26, the Delegation visited the headquarters of the First Foundation in Bankaeng, a suburb of Bangkok. During the meeting, the Delegation learned much about the foundations’ religious beliefs, articulated the grief suffered by Hmong American families to the foundation’s leaders, and obtained an expression of regret and a commitment from the foundation to work with Hmong Americans for a resolution and reconciliation.

According to the First Foundation, a core function of their mission was to help the souls of the “unclaimed” or “unknown” deceased to seek re-incarnation. To this end, they periodically exercise mass exhumations to clear unclaimed or unknown graves and cremate the remains to liberate the souls for re-incarnation. In return, the volunteer workers receive blessings from the souls and merit from their god. In 2005, the religious foundations were directed by their god to conduct a mass exhumation throughout Thailand. The organizations advertised for volunteer diggers and property owners who needed their land to be cleared. According to the First Foundation, the Abbot saw their advertisement in the newspaper and contacted them.

During the meeting, the First Foundation representatives stated that they did not harbor any malicious intent towards the Hmong. They provided the Delegation with a release form signed by the Abbot granting them permission to clear his land of the graves. The foundation

representatives who participated in the exhumations stated that they were directed by the Abbot to clear all the “unmarked”, “illegal”, “unclaimed” and “unknown” graves.

They also explained that, in keeping with their religious beliefs, they prayed to the deceased before the diggings and took great care to ensure that not a single piece of bone was left behind. In the past, when they have not been as careful, they have had to comb the grounds with rakes to find every little piece of the missing bones. They shared with the Delegation that when the bones were brought back to the cremation site, the members prayed to the souls, making offerings of food, incense and paper money for three days and nights before the remains were cremated. In fact, the mass cremation ceremony for the remains from the Wat Tham Krabok were so special that it was witnessed by a very high level Thai official representing the royal family. The ashes were subsequently buried at a special memorial dedicated to the “unclaimed”, and every year in April, the members make offerings of food, ceremonial paper money and incense to these souls to “feed them” in the place of relatives who may not be able to make these annual offerings.

This First Foundation had a chance to hear from the Delegation and to learn about Hmong cultural and religious beliefs as well as burial practices. Three members of the Delegation are Americans of Hmong descent. The foundation also learned that, for the Hmong, the real harm was not just in the acts of mistreatment of the remains, but also in the very act of disturbance of the gravesites which are considered sacred grounds. They heard for the first time that many of the family members in fact, witnessed their relatives’ exhumations, but those family members were too afraid to speak up at the time for fear that they would not be allowed to resettle in the United States. The mass grave exhumations at Wat Tham Krabok occurred during

the intense, emotional and often anxious resettlement process. And according to these family members, no one wanted to risk getting arrested or detained by the Thai authorities.

Upon hearing the Delegation's information, members of the First Foundation expressed regret that their action had resulted in so much pain and grief for Hmong families.

The First Foundation took then the Delegation to visit the site of the tomb of the unclaimed, located at an ethnic Chinese Thai cemetery in Saraburi Province, Thailand. The foundation leaders went to great lengths to explain the history of the tomb of the unclaimed and the details of how and where the ashes of the 480 Hmong remains were buried. The Delegation was able to take many photos of the site, including extensive video footages of foundation officials speaking directly to the affected families regarding the exhumations and the gravesites where their relatives' ashes are said to be buried. The foundation also asked the Delegation to invite Hmong American family members to visit the memorial in the future.

On Thursday, September 27, the Delegation visited the Second Foundation in Nakhon Ratchasima Province, a two-hour drive from Bangkok. The Second Foundation also expressed regret and repeated that their actions were not intended to be malicious in nature. They claimed that they treated the remains with the utmost respect. The Second Foundation made a commitment to by-pass the December 2007 cremation deadline to allow Hmong American families time to decide what they want to do with these remains. They were also open to working with the families to deal with the remains in whatever ways that would be best for the families.

The Second Foundation took the Delegation to the cemetery where the 211 remains were kept. The President of the foundation accompanied the Delegation. When the Delegation arrived at the cemetery, we were shown an open field on a hillside of the cemetery where there

were four rows of concrete caskets, some above ground, others half buried. Each concrete casket is approximately 3 feet by 3 feet by 6 feet. The President indicated that each of the caskets contained anywhere from 3-4 bodies depending on the size of the bodies. Some of the caskets were open and others had concrete slabs on top as covers. The President indicated that some of the closed caskets contained the remains of the 211 Hmong, in addition to over 200 other remains that were awaiting cremation in December of 2007. The four rows of caskets contained 17, 22, 23, and 17 caskets in each row for a total of 79 caskets. Of the ones that had enclosed covers, however, there were only 34. Estimating that there were four bodies in each of the caskets, at most there could only likely be 136 remains, not the 211 or the over 400 that the Delegation was told were supposedly at the location.

The Delegation inquired if the concrete caskets could be open for viewing and verification, as requested by the affected victim families, and as one of the objectives of the Delegation's mission to Thailand. The Delegation was told by the foundation President that the caskets could only be opened with the proper conducting of a special religious ceremony. The Delegation was alarmed and disappointed by the lack of visual identification of 211 remains.

Subsequently, the Delegation immediately conveyed this information to the US Embassy and requested the Embassy to conduct a follow up as a matter of urgency and importance.

On October 4, 2007, the US Embassy conducted a follow up visit and was shown a different set of concrete caskets, in the same location, which were completely buried and not visible. The Embassy was able to get the concrete containers opened and took photos of what looked to be a pile of green body bags. It was observed and corroborated with photo evidence that the remains were wrapped in similar plastic materials which were shown in the family video footages taken during the second exhumation in early December 2005. The Delegation, so far,

have not been able to determine if the Embassy actually conducted a count, but the Embassy appears to be satisfied with evidence of the existence of the 211 remains.

It has come to our attention that a second Hmong delegation to Thailand during the same time as the City of St. Paul's Delegation has negotiated a deal with the foundation, Wat Tham Krabok and other Thai officials for the reclamation and reburial of those remains. The Delegation is neither aware of the terms of those agreements, nor did the Delegation participate in those negotiations. The Delegation is aware that the foundation has raised concerns about who would be responsible for the removal of the remains, who would pay for the handling and transportation of the remains, ultimately, the reburial of those remains. In addition, the question was also raised about where the remains would be re-buried.

The Delegation had contemplated similar questions.

That being said, the Delegation did ask for and indeed received a commitment from the foundation that, regardless of any negotiated deals with the other Hmong delegation, that our Delegation have reserved the right of families to decide for themselves how they would resolve this issue individually. Our Delegation also made clear that the affected families may not be bound by any deals with the other group, just as we would not expect ALL families to be bound by ANY recommendations that would be coming from the Delegation.

The Delegation's Conclusions

After the trip to Thailand, the Delegation has identified three areas for the affected families in Hmong American community to consider: 1) protection of the undisturbed graves; 2) verification of the ashes of the 480 remains; and 3) reclamation of the 211 remains.

With respect to the protection of the undisturbed grave sites, there are two actions that still need to be taken. First, there must be more research and communication with Thai officials to ascertain whether there is truly a water quality issue. This information will be helpful to determine whether the remaining grave sites are in danger of future exhumations. Secondly, the UN Special Rapporteurs have not yet taken action on this issue. The Delegation will be recommending that the University of Minnesota Human Rights program continue to monitor and press on with the Human Rights complaint which was first filed in March 2006, especially now that the Thai response has been made public. The Human Rights Program can directly respond to any inaccuracies in the report, as well as supplement any other deficiencies in the report.

The Human Rights Program could ask, as part of the action from the Special Rapporteurs, outside of declaring the action to be in violation of UN Human Rights Conventions, that the remaining grave sites be declared sacred grounds and thereby not to be disturbed in the future.

With respect to the ashes, outside of demanding for the re-exhumation of the buried ashes as visual evidence of its existence, the Delegation could not otherwise independently verify the details of the cremation of the 480 remains from Wat Tham Krabok. The Delegation concluded that it would take the First Foundation at their word, about what took place in regards to those cremated remains. In private conversations with some board members of the First Foundation, there is a desire on the part of the foundation to find some ways to make amends. The foundation appears to be willing to find a way to memorialize the Hmong presence at the site of

their grave for the unclaimed. This is an option that the Delegation would be willing to pursue if it is desired by the affected family members.

As for the reclamation of the 211 remains, this is again, up to the affected family members. One of the goals of the Delegation to Thailand was to verify that the existence of the 211 bodies. The Delegation is not fully satisfied on this because we were not able to visually identify the bodies during our visit with the Second Foundation. The Delegation recommends that before other actions proceed too far, that a further and detailed verification process be conducted. To the extent that the families are satisfied with the existence of those remains, the following may be their options:

1) Some families who knew that their family members were exhumed during the second exhumation may wish to review the bodies themselves and perhaps lay claim to them if they can identify them first by sight and then by DNA testing. This option may take some time and may result in financial costs to the families. Both the US and Thai government have indicated repeatedly that this grave exhumation issue remains a private matter between the affected families and the foundations and Wat Tham Krabok, and thus, the likelihood of both governments assisting in the cost factor is not promising. But, with this option, once the remains are positively identified, the families could choose for reburial in Thailand, at their own cost, or bring them to the US for reburial, a process which could prove to be difficult and expensive.

2) Some families may choose to let the foundations to deal with the remains as they wish, and instead seek political or any other remedies in the international arena.

3) Some families may wish to join with the efforts of the other Hmong delegation or community groups and participate in the reclamation and reburial efforts. Again, this would be at personal cost to the families and others seeking this avenue. If the families desire to rebury

somewhere in Thailand, but not with this other group, they could contact the foundation to work independently because the foundation has committed to it.

These are some preliminary conclusions and thoughts of the Delegation. The same information, including photos and raw video footages from the Delegation's trip to Thailand in late September, 2007 was presented at a public community forum on Wednesday, October 10, 2007 at the Hmong American Center in St. Paul. Many of the affected families, Hmong American individuals, community leaders, local elected officials and representatives of several Minnesota Congressional offices were present. The event was widely covered by the local media. During the 2-hour meeting, the four Delegation members, along with Mayor Chris Coleman, Representative Cy Thao, and Professor Barb Frey gave presentation on the details of the Delegation trip to Thailand and answered many questions. The Delegation also had a chance to discuss the conclusions and recommendations as outlined in this report.

At this juncture, the Delegation is waiting for input from the families as to what their decisions are for future steps in resolving this difficult and painful issue.

The Delegation's Recommendations

1. Protection of the Graves at Wat Tham Krabok

- a. Seek human rights mandate to declare grave sites sacred
- b. Establish permanent memorials and headstones
- c. Secure the right for families to return to visit

2. Memorial at the Site of the Tomb of the Unclaimed

- a. Seek assistance from First Foundation and international entities to establish permanent memorial, acknowledging the Hmong remains.
- b. Perform public dedication ceremony involving all parties, including the affected families.

3. Reclamation of the 211 Remains

- a. Leave all remains with foundation, seek political remedy
- b. Reclaim all, reburial in Thailand
- c. Reclaim individually
 - i. Reburial in Thailand
 - ii. Reburial in US

Acknowledgments

The City of St. Paul Delegation to Thailand wishes to thank the following people, groups, offices, institutions and organizations for their support of this endeavor on behalf of the hundreds and thousands of affected families in the Twin Cities area and throughout Minnesota.

First, the Delegation would like to extend much thanks to the Mayor of St. Paul, Christopher B. Coleman and all members of the St. Paul City Council for their continued leadership and passion on this issue, and for your guidance in finding ways to help the many Hmong American families in the City of St. Paul deal with this issue.

Second, the Delegation deeply appreciates Kathy Mouacheupao and the Center for Hmong Arts and Talent for their willingness to be the fiscal agent for this mission. The Delegation trip to Thailand was made possible through the support from Northwest Airlines, the Shakopee Mdewakanton Sioux Community, and the Prairie Island Indian Community.

Third, the Delegation thanks Professor Barbara Frey, the University of Minnesota's Human Rights Program, human rights lawyer Maya Diokno, the Minnesota Advocates for Human Rights, and the many students and volunteers who have worked so hard to put the necessary information together for our Delegation packets.

Finally, this Delegation would not be possible without support from many of our local as well as state and national elected officials. We want to recognize our Congressional leaders and their staffers who have put in countless hours in communicating with the U.S. Embassy in Thailand and the Thai government officials on our behalf as a Delegation: Congressman Keith Ellison, Congresswoman Betty McCollum, Congressman Mike Honda, Senator Amy Klobuchar, and Senator Norm Coleman. The Delegation has also received tremendous support from the office of State Representative Cy Thao as well as other state legislators. The Delegation also

received letters of support from the Mayor of the City of Northfield, their City Council, and the Northfield Human Rights Commission.

The Delegation members are honored to represent the many Hmong families who have been affected by this tragedy. It is the Delegation's hope that the information in this report will provide some comfort and peace of mind for the victim families as we move closer to resolving together this painful issue.

Itinerary of the City of St. Paul's Delegation to Thailand

- Fri. Sept. 21 3:00 p.m. Depart Minneapolis
- Sat. Sept. 22 12:00 a.m. Arrived in, Bangkok
- Sun. Sept. 23 7:00 a.m. Breakfast Meeting
8:30 p.m. Dinner Meeting
Preparation and finalization of Delegation Packets
- Mon. Sept. 24 7:00 a.m. Breakfast Meeting
10:00 a.m. U.S. Embassy Meeting – Office of the U.S. Embassy, Bangkok
-Hon. Ralph Boyce, U.S. Ambassador
-James Entwistle, Deputy U.S. Ambassador
-Cynthia Brown, Deputy Press Attache
-David Greenberg, Deputy Political Counselor
-Guy Margalith, Second Secretary and Human Rights Section
-Unidentified Thai expert
2:00 p.m. **UN Council on Human Rights – OHCHR Regional Office**
-Pablo Espiniella, Human Rights Coordinator, Office of the UN High Commissioner for Human Rights
4:30 p.m. Dinner Briefing
- Tue. Sept. 25 6:00 a.m. Breakfast Meeting
8:30 a.m. Pre-Meeting with Guy Margalith and HNGDD – Governor's office
9:00 a.m. **Thai officials meeting - Saraburi Provincial Governor's office**
-Mayor's Delegation: Larry, Mee, Va-megn and Yee
-Vice Governor
-Wat Tham Krabok Foundation representative - lawyer
-Bhodi Pawana Songkrob Foundation representatives
-Buddha Darma 31 Foundation President and representatives
-District Phra Puttabath Committee spokesperson and members
-U.S. Embassy officials (Guy Margalith and official U.S. Embassy translator)
-Thai Ministry of Interior official
-Thai Ministry of Foreign Affairs officials, including translator
-Public Health official from Phra Puttabath
-National Hmong Grave Desecration Delegation

1:00 p.m. **Wat Tham Krabok Site Visit – Saraburi Province**

- Mayor's Delegation
- Abbot Charoen Pancharn
- Wat Tham Krabok Foundation board members, leaders and volunteers
- U.S. Embassy officials
- Thai Ministry of Foreign Affairs officials, including translator
- National Hmong Grave Desecration Delegation
- Thai military and security guards
- Hmong refugee family members

4:00 p.m. Lunch and briefing session

6:30 p.m. Arrive at hotel

Wed. Sept. 26 7:00 a.m. Breakfast Meeting

11:30 a.m. **Bhodi Pawana Songkrob Foundation Meeting**

- Mayor's Delegation
- Porn Sri, translator for Mayor's Delegation
- Outgoing President of foundation
- Incoming President of foundation
- Vice Presidents of foundation
- Sujitra (Eh) and husband, grave exhumation volunteers
- foundation translator
- Grave digger featured in Thai newspaper with exhumed Hmong remains

1:30 p.m. Lunch

3:00 p.m. **Viham Daeng Cemetary Site Visit – Saraburi Province**

- Mayor's Delegation
- Sujitra Aphichonnabutr and husband Eh, foundation volunteers
- Board members of foundation and volunteers

6:00 p.m. Arrived at foundation headquarters in Bangkok

7:30 p.m. Arrived at hotel

8:30 p.m. Dinner and debriefing meeting

Thur. Sept. 27 7:00 a.m. Breakfast Meeting

10:00 a.m. **Buddha Dharma 31 Foundation Meeting – Nakhon Ratchasima**

- President of foundation
- Vice President of foundation
- Orachai Punnaniti, Secretary of foundation
- Members of the National Hmong Grave Desecration Delegation

1:00 p.m. Lunch

2:30 p.m. **Hulin Cemetary Site Visit – Saraburi Province**

- President of foundation, driver and bodyguard
- Mayor's Delegation: Mee and Va-megn
- Members of the National Hmong Grave Desecration Delegation

10:00 a.m. **International Organization for Migration Meeting – Bangkok**

- Mayor's Delegation: Larry and Yee
- Irena Jackojova-Sollarano, Southeast Asia Regional Representative
- Monique, Thailand country representative
- Hans Becker, Regional Program Coordinator

12:00 p.m. **UN High Commissioner for Refugees Meeting – Bangkok**

- Gieuspie de Vicentis, Deputy Director, Regional Office for Thailand, Cambodia, Laos and Vietnam
- Jeffrey Davis, Resettlement Officer

Fri. Sept. 28 8:30 a.m. Breakfast Meeting

11:00 a.m. **U.S. Embassy Debriefing – Office of U.S. Embassy, Bangkok**

- Mayor's Delegation: Larry, Mee, Va-megn and Yee
- Cher Lor, Hmong Thai guide
- Guy Margalith, Second Secretary and Human Rights Section

2:00 p.m. Drop delegation packet to Jeffrey Davis at UNHCR

3:30 p.m. Lunch

6:30 p.m. **Dinner Meeting with Irena Jackojova-Sollarnao**

- Irena Jackojova-Sollarano
- Mayor's Delegation: Mee, Yee and Va-megn
- Cher Lor, Hmong Thai guide

Sat. Sept. 29 Depart Bangkok – 6 a.m.

Sat. Sept. 29 Arrive Minneapolis – 2 p.m.