

To: The United Nations Special Rapporteur on Religious Intolerance and the United Nations Special Rapporteur on Contemporary forms of Racism

From: The Human Rights Program of the University of Minnesota on behalf of the Relatives of Hmong Dead Buried at Wat Tham Krabok Monastery

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Re: The Government of Thailand

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I. Introduction and Summary

A. Request for Urgent Action

The Human Rights Program requests the Special Rapporteurs on race and religious intolerance to communicate its concerns urgently to the Government of Thailand regarding the desecration of the graves of at least 900 Hmong refugees buried at Wat Tham Krabok monastery in Saraburi, Thailand. This mass exhumation of graves has taken place at the request of the Wat Tham Krabok monastery, and with the consent and involvement of the Thai Government and specifically the Thai military and the Thai Ministry of Health. The Hmong graves have been dug up, the corpses dismembered and the bones carried away to unknown locations for unknown purposes. These actions have been carried out between October 2005 and the present without the notice or involvement of the relatives of the deceased. The desecration of the Hmong graves at Wat Tham

Krabok is based on a long history of discrimination against the Hmong, an indigenous ethnic minority that lives in several countries in Southeast Asia. These actions constitute violations of many fundamental rights of the Hmong people, including the right to be free from discrimination, the right to manifest one's religion or belief, the right to culture and the right to family.

The Human Rights Program requests the Special Rapporteurs to communicate urgently with the Thai Government in order to prevent any further desecration of graves, to locate and return the remains of the Hmong ancestors buried at Wat Tham Krabok to their relatives who have been grievously affected by these actions.

B. Exhaustion of Remedies

Prior to sending this urgent action communication, representatives of the surviving families contacted the offices of the King as well as the Prime Minister of the Kingdom of Thailand. Because most of the affected refugee families currently reside in the United States, they also contacted the U.S. Secretary of State, the Thai Embassy and Consulate offices in the United States, the U.S. Embassy in Bangkok and members of the United States Congress. The only response garnered from the Thai Government so far has been an acknowledgement of the receipt of the claim from the Office of the National Human Rights Commission in Thailand. We have attached this receipt as Appendix A. Because of the ongoing nature of these violations, the lack of a credible response from the Thai authorities and the geographical distance between where the violations took place and the surviving families in the United States mandate the international community's involvement in this matter.

II. Background

A. Hmong History

After generations of living as an indigenous ethnic minority in China, where there are an estimated 10 million today, many Hmong migrated south to Laos, Vietnam, Thailand and Burma in the nineteenth century. From 1961 to 1975, many Hmong people fought alongside U.S. forces in the Vietnam conflict, more specifically known as the “Secret War” in Laos. In 1975, when U.S. personnel left Laos, the Hmong fled because they feared persecution; an estimated 300,000 Hmong sought refuge in Thailand.

Thailand allowed temporary asylum to the Hmong refugees with the assistance of the United Nations High Commissioner for Refugees and many Non Governmental Agencies. The Thai Government encouraged the Hmong refugees in Thailand to resettle in Western countries or return to Laos as it does not allow for Hmong refugees to obtain any other legal status in Thailand. Today, more than 300,000 Hmong live in the United States of America, with smaller numbers who immigrated to France, Australia, Canada, and other South American countries.

In the late 1980s to early 1990s, life for Hmong refugees in Thailand became increasingly difficult as the Thai Government consolidated camps and tightened control over camp life. As pressures mounted to find options for the Hmong who remained in the camps, the Thai government initiated a program of forced repatriation to Laos and made the decision to close the Ban Vinai Refugee Camp in Loei, Thailand, and Chiang Khan Refugee Camp in 1992. Many Hmong feared for their lives at the prospect of being repatriated to Laos, one of the world’s last Communist countries. With no place to go, the Hmong then sought refuge at Wat Tham Krabok in mass numbers beginning in 1992.

B. Wat Tham Krabok

Wat Tham Krabok is a Buddhist monastery located in the Phra Phutthabat district of Saraburi Province in northern Thailand, a two-hour drive north from Bangkok. The much revered Luang Phaw Chamroon Parnchand headed the monastery from around 1960 until his death in 1999. Wat Tham Krabok is an important monastery in Thailand and since the 1970's has run a drug rehabilitation program of world renown. Wat Tham Krabok had been home to a small number of Hmong refugees since the 1970's. When the Thai government closed other refugee camps the population at Wat Tham Krabok quickly grew as Hmong who were afraid to return to Laos fled to the monastery. By the late 1990s, the Hmong population at Wat Tham Krabok grew to an estimated at 20,000. The Thai government tolerated Abbot Phra Chamroon's generosity and acceptance of the Hmong at Wat Tham Krabok because of the importance of the monastery and the Abbot's standing in Thai society. When Phra Chamroon died in 1999 his brother Luang Phaw Charoen Parnchard became the Abbot. The new Abbot allowed the Thai Government, in the form of the military, to intervene in the control of the camp. In 2003 the Thai Government created an official registry of Hmong living at Wat Tham Krabok, and planned to move them to a remote military base in Eastern Thailand. In response to this action, and other ongoing efforts by Hmong American advocates to reunite their families, the United States Government agreed to resettle the Hmong from Wat Tham Krabok. The monastery has recently increased security and it has become increasingly difficult to gain access to the monastery or the surrounding area. Officials were reportedly worried that people who were not "true" refugees would attempt to gain access to the camp and, through it, resettlement in the United States.

Since early 2004 the majority of the camp's residents, or about 15,000 have resettled in the United States, with a large concentration in the State of Minnesota. A few hundred Hmong remained at Wat Tham Krabok for health reasons under the supervision of the United States State Department and Department of Defense, the International Organization for Migration and UNHCR.

C . Hmong Customs and Religious Beliefs

The majority of Hmong practice animism and ancestral worship. In Hmong culture and religion, the three most important events in life are birth, marriage and death, each accompanied by an elaborate ceremony and much celebration. The Hmong consider the body to be sacred and according to tradition it must remain intact in life and death. Thus the Hmong do not believe in cremation. When a person dies the funeral lasts three days, the body is dressed in the finest and most intricate traditional funeral outfit. Many animals are sacrificed to help guide the spirit back to their ancestral home. After the burial, immediate and close family members frequently return to the grave to perform special ceremonies to honor the dead and to feed and tend to the well being of the spirits. The Hmong believe that the physical condition of the graves of their deceased can have a profound impact on the living. Any inattention, disturbance or other willful acts of desecration of Hmong graves will cause illness, strife and even death in the family of the deceased. For Hmong, a grave becomes a sacred site for that family for generations.

D. Hmong Grave Desecrations in Wat Tham Krabok

It is estimated that there are approximately 2,000 Hmong refugees buried on the grounds of Wat Tham Krabok and other private land adjacent to the monastery. In mid October, 2005, an ethnic Chinese organization, the Bhoti Pavana Foundation, and later,

the Buddha Dhamma organization, began exhuming the dead. A video shot on October 26, 2005 showed hundreds of Thai workers arriving by the busloads, accompanied by an ambulance and other official Thai Government vehicles. The exhumations were reported by many eyewitnesses, including family members of those exhumed who were still in the camp. Some of the Hmong refugees were able to photograph and video-tape the operation, which showed the desecration of the sacred burial sites and the treatment of individual corpses in vivid detail. Examples of photos taken at the site of the grave desecration are attached as Appendix B.

According to media accounts, at least 900 corpses had been disinterred as of December 10, 2005. The Thai government claims the bodies are being disinterred because of water quality complaints and that the bodies are being treated with respect and properly cremated according to Thai tradition. The actions of those disinterring the bodies make it evident that those claims are not true. Video footage of the desecration shows crews dismembering the bodies and using knives and sometimes bare hands to cut off the decomposing flesh, the bones are then boiled and in some cases burnt over a fire pit to rid all flesh from the bones, then the skeletons are carefully scrubbed and cleaned, then reassembled and removed from the camp. Then all the flesh and other refuse (clothes, coffin slabs and debris, and general garbage from the workers) are thrown back into the grave and the grave is left open. If the bodies were being removed for reasons of sanitation they would not have been treated in this way. This also raises the question of why there are sanitation issues at this point in time when all but 300 refugees have already left the camp. The real danger of water contamination from these graves, if true, would have had serious consequences for the 20,000 plus residents of Wat Tham Krabok

for the past 15 years, and yet Wat Tham Krabok did nothing to stop it or prevent it, or at least informed its residents of such dangers.

We have enclosed a video of the exhumation of the graves at Wat Tham Krabok for your review in relation to this complaint as Appendix C.

The monks of Wat Tham Krabok have stated that Hmong relatives were given a chance to claim the bodies and make other burial arrangements, but the relatives insist they were not notified and those who have tried to make other arrangements have been told that they have no right to do so. After having received word of the desecration, Minnesota State Senator Mee Moua, a Hmong-American elected official, sent several urgent petitions to the offices of several United States Congressional representatives and the United States Department of State to inquire and request that the Thai Government immediately halt the exhumations and start a full investigation of the events at Wat Tham Krabok. To date, Senator Moua's request has not received any official response from the Thai Government other than an acknowledgement of one receipt of the claim from the Office of the National Human Rights Commission in Thailand.

The Human Rights Program has collected the names and stories of more than 170 people whose immediate family members' graves have been desecrated, exhumed, cremated or otherwise missing. As you will see from the enclosed letters, relatives of those exhumed express deep grief, pain and confusion as to why this is happening to them and their families. They perceive the disinterment as an ongoing manifestation of the discrimination they have experienced as an indigenous ethnic population residing in Thailand and elsewhere in Southeast Asia.

The monks at Wat Tham Krabok and Thai officials allege that the Hmong refugees buried their dead without permission. The Hmong refugees, many of whom have lived at Wat Thamkrabok since the early 1990s know full well that nothing is ever done without the proper and specific permission from the Abbot or the leaders of the monastery, as well as the Thai security guards and government officials. It is a common practice that when a person dies at Wat Thamkrabok, the family must seek the proper permission from the monastery as to where the family can bury their dead. As a result, the Hmong always buried their dead only in places where they were specifically told they could, only on land the monastery has set aside for burial sites, or cemetery lots.

Some Hmong refugees, however, did not wish to bury their dead on specified monastery burial lots, and instead sought to purchase private land adjacent to Wat Tham Krabok. These families have obtained contracts to purchase burial lots from local Thai private land owners in order to bury their dead. Many of them paid as much as 7,000 to 11,000 Baht for one lot. The graves on those private plots have also been exhumed. Copies of many of those receipts are attached to the victims' complaints enclosed herein.

Interspersed with the Hmong graves in this area of Wat Tham Krabok are a number of ethnic Chinese graves which have reportedly been left undisturbed. This fact is a challenge to the real motives of the organizations doing the exhumations.

The history of Hmong grave exhumation and desecration has been a long and painful one. For many centuries, and passed down from generation to generation, many Hmong in Southern China and Southeast Asia have experienced the tragedy of seeing the graves of their people dug up and the bones of their dead taken away, for purposes no one has yet admitted to. With the Hmong being so few in numbers and holding no political or

social clout in the lands where they have lived, many have taken up the tradition of burying their dead in “Chinese-style graves,” so as to fool the ethnic Chinese grave diggers from disturbing the sacred sites of their dead. Even today, many Hmong around the world still adhere to the tradition of “Chinese-style graves.”

Additionally, thousands of Hmong refugee graves at Ban Vinai Refugee camp were bulldozed over by the Thai government in the early 1980s to make way for new development. At Chiang Kham Refugee Camp, the same destruction of graves occurred as families watched helplessly. Thousands of Hmong American families today still live with the memories of those grave desecrations as vividly as the recent desecrations at Wat Tham Krabok.

The reports that the ethnic Chinese graves were left untouched and that the organizations carrying out the exhumations at Wat Tham Krabok were ethnic Chinese, sanctioned by both the Abbot of the monastery and the Thai Government, have prompted many remaining refugees in the camp to fear the worst. Many tried in vain to disguise the graves of their relatives as Chinese graves by removing distinctive Hmong burial markers and altars. Some put up “Please do not dig” signs in the Thai language, to no avail.

III. Analysis

The Thai Government failed to protect the most basic and sacred cultural rights of the Hmong people whose family members’ remains were gruesomely disinterred and taken away without their consent and are still missing. Thailand’s actions at Wat Tham Krabok are a clear violation of its obligations as a State Party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social

and Cultural Rights, and the International Convention on the Elimination of All Forms of Racial Discrimination. Thailand's failure to protect these rights also violates customary law as set forth in the Universal Declaration of Human Rights.

A. Right to Manifest Beliefs

The Universal Declaration of Human Rights, article 18,¹ proclaims that all people have the right to freedom of thought, conscience and religion and the right to manifest their beliefs. The International Covenant on Civil and Political Rights, also in article 18,² echoes and develops this right. The manner in which a people chooses to bury its dead inexorably involves the people's right to manifest its beliefs. In Hmong culture and religion, the graves of ancestors "become a holy place where families can pay their respects," according to a Hmong émigré. Since the disinterment of the graves profoundly affects the Hmong people's ability to honor their loved ones according to tradition, the disinterment violates the Hmong people's right to manifest their beliefs or religion.

The Draft Declaration on the Rights of Indigenous Peoples recognizes the need for an affirmative statement regarding Indigenous peoples' right to manifest, practice,

¹ **Universal Declaration of Human Rights:** G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

² **International Covenant on Civil and Political Rights:** G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force Mar. 23, 1976*. Thailand Acceded: 29 October 1996

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

develop and teach their spiritual and religious traditions, customs and ceremonies and the right to maintain, protect, and have access in privacy to their religious and cultural sites. Further, it requires States to take effective measures, in conjunction with the indigenous peoples concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected.³ While this Declaration has not yet been adopted by the United Nations, the consensus that is developing around the respect for burial sites indicates that the Thai Government failed in this case to take effective measures to protect the rights of this indigenous minority.

B. Right to Culture

The Universal Declaration of Human Rights, article 27,⁴ asserts that everyone has the right to freely participate in the cultural life of the community. The International Covenant on Economic, Social and Cultural Rights reiterates in article 15⁵ that States Parties recognize the right of everyone to take part in cultural life. The International

³ **Draft Declaration on the Rights of Indigenous Peoples:** U.N. Doc. E/CN.4/Sub.2/1994/2/Add.1 (1994)
Article 13

Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of ceremonial objects; and the right to the repatriation of human remains.

States shall take effective measures, in conjunction with the indigenous peoples concerned, to ensure that indigenous sacred places, including burial sites, be preserved, respected and protected. (Emphasis added.)

⁴ **Universal Declaration of Human Rights:** G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)
Article 27

1. Everyone has the *right freely to participate in the cultural life* of the community, to enjoy the arts and to share in scientific advancement and its benefits. (Emphasis added.)

⁵ **International Covenant on Economic, Social and Cultural Rights:** G.A. res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* Jan. 3, 1976. Thailand Acceded: 5 September 1999

Article 15

1. The States Parties to the present Covenant recognize the *right of everyone:*
(a) To take part in cultural life... (Emphasis added.)

Covenant on Civil and Political Rights, article 27,⁶ mandates that in those States where ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture or to profess and practice their own religion.

Burial rituals are inherently cultural and religious. In Hmong tradition, bodies are never disinterred; the burial place is sacred and is an integral part of the Hmong culture. By allowing and, through its agents, participating in the desecration of the graves of the Hmong dead the Thai Government is violating the rights of the Hmong people to participate in their cultural life.

C. Right to Family

The Universal Declaration of Human Rights states in article 12⁷ that no one shall be subjected to arbitrary interference with his family. In article 16(3)⁸ the Declaration acknowledges that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State. This sentiment is echoed in the

⁶ **International Covenant on Civil and Political Rights:** G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976. Thailand Acceded: 29 October 1996

Article 27

In those States in which *ethnic, religious or linguistic minorities* exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to *enjoy their own culture*, to profess and *practise their own religion*, or to use their own language. (Emphasis added.)

⁷ **Universal Declaration of Human Rights:** G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)

Article 12

No one shall be subjected to *arbitrary interference* with his privacy, *family*, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks. (Emphasis added.)

⁸ **Universal Declaration of Human Rights:** G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948)

Article 16

3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

International Covenant on Civil and Political Rights in articles 17 and 23⁹ and the International Covenant on Economic, Social and Cultural Rights, article 10.¹⁰

Burial customs are inextricably linked to family. As a result, the defilement of Hmong graves violates the Hmongs' right to family as it influences the Hmong people's ability to honor relatives in their burial practices.

D. Right to Be Free from Discrimination

The International Convention on the Elimination of All Forms of Racial Discrimination affirms that States Parties condemn racial discrimination and requires each State Party to engage in no act or practice of racial discrimination against persons and not to sponsor, defend or support racial discrimination by any persons or organizations. It prohibits discriminatory intent and discriminatory effects. States Parties also must guarantee the right of everyone, without distinction as to ethnic origin, to

⁹ **International Covenant on Civil and Political Rights:** G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976

Thailand Acceded: 29 October 1996

Article 17

No one shall be subjected to *arbitrary or unlawful interference* with his privacy, *family*, home or correspondence, nor to unlawful attacks on his honour and reputation. (Emphasis added.)

Article 23

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

¹⁰ **International Covenant on Economic, Social and Cultural Rights:** G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* Jan. 3, 1976

Thailand Acceded: 5 September 1999

Article 10

The States Parties to the present Covenant recognize that:

The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.

freedom of thought, conscience and religion and to equal participation in cultural activities.¹¹

The disinterment of Hmong graves has the effect of nullifying or impairing the Hmong people's enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms on the basis of their ethnic origin. The Thai government is preventing the Hmong people from enjoying their culture, beliefs and family in that the Hmong people are unable to enjoy their burial traditions. The fact that the graves of ethnic Chinese individuals are being left in peace while those of the Hmong are being disinterred further illustrates the discriminatory nature of the actions of all those involved. Thailand's involvement in the disinterment contravenes its avowal not to discriminate on the basis of ethnicity.

¹¹ **International Convention on the Elimination of All Forms of Racial Discrimination:** G.A. res. 2106 (XX), Annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, *entered into force* Jan. 4, 1969. Thailand Acceded: 28 January 2003

Article 2

- I. States Parties *condemn racial discrimination* and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:
 - (a) *Each State Party undertakes to engage in no act or practice of racial discrimination against persons*, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
 - (b) Each State Party *undertakes not to sponsor, defend or support racial discrimination* by any persons or organizations... (Emphasis added.)

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to *guarantee the right of everyone*, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (d) Other civil rights, in particular:
 - (vii) The *right to freedom of thought, conscience and religion*;
 - (viii) The *right to freedom of opinion and expression*;
 - (ix) The right to freedom of peaceful assembly and association;
 - (e) Economic, social and cultural rights, in particular:
 - (vi) The right to equal participation in cultural activities...
- (Emphasis added.)

IV. Conclusion

The Kingdom of Thailand freely entered into its obligations as a State Party of the treaties discussed in this communication. By permitting and providing logistical support for the disinterment of the Hmong graves at Wat Tham Krabok Thailand is violating the rights of the Hmong people and ignoring its international obligations. Accordingly, the Hmong people, particularly those who have buried relatives at the Wat Tham Krabok monastery, request that the U.N. Special Rapporteurs on religious intolerance and racism communicate urgently with the Thai government to demand that it take all appropriate action to halt further exhumations, to investigate the whereabouts of the remains that have been disinterred and to return those remains to family members.

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