

**Public statement by 46 Thai civil society organizations regarding the deportation of asylum seekers from
People's Defence Force to Myanmar dictator regime**

The Myanmar dictator regime has ascended to power through staging a military coup to topple a democratically elected government. It was the decimation of the supreme power of the people of Myanmar. The only legitimate ruling government in Myanmar should be the National Unity Government (NUG) which is consisted of representatives democratically elected by the people. According to the Assistance Association for Political Prisoners (AAPP), as of 10 April 2023, 21,300 individuals have been arrested and more than 3,229 have been killed following the seizure of power from the civilian government on 1 February 2021.

The people of Myanmar have formed the People's Defence Force (PDF) to oppose the coup by the Myanmar dictator regime. On 5 April 2023, it has been reported by various news agencies in Myanmar that the Thai Immigration Bureau has arrested three members of the PDF which is opposed to the coup by the Myanmar dictator regime and handed them over to the Border Guard Force (BGF) at a Thailand-Myanmar border checkpoint. At present, the three individuals have reportedly been transferred to the custody of the Myanmar dictator regime.

The three members of the PDF. Ko Thiha (38), Htet Nay Wun (31) and Saw Phyo Lay (26), have travelled to Mae Sot District to seek medical treatment on 1 April 2023 and were intercepted by the Immigration officials at a checkpoint. They were later handed over to the BGF close to the Myanmar's Ingyin Myaing border pass by the Moei River, in Tak's Mae Sot.

The undersigned civil society organizations find the deportation of the three members of the PDF who sought medical treatment in Thailand to the BGF forces under the command of the hostile Myanmar army knowing full well that the three of them were vulnerable to fatal treatment including torture and persecution is a violation of Section 13 of the Act on Prevention and Suppression of Torture and Enforced Disappearance 2022 which came into force in Thailand since 22 February 2023 following our ascension to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). Section 13 clearly stipulates that "No government organizations or public officials shall expel, deport, or extradite a person to another State where there are substantial grounds for believing that the person would be in danger of torture, cruel, inhuman, or degrading treatment, or enforced disappearance." Thailand should have known that PDF has been formed by the forces that want to fight against the egregious and cruel crime committed by the Myanmar dictator regime against its own

people. Therefore, what the Thai authorities have done in this case is a blatant breach of international law concerning non-refoulement.

In addition, such act could be tantamount to a denial of medical treatment for an injured person which would amount to a violation of war crime including the Geneva Convention III's Articles 13 - 16 which place an importance on protecting prisoners of war to ensure they are treated based on a humanitarian basis, without discrimination, revenge and the provision of free-of-charge-medical attention. The act of the Thai authorities in this case could, therefore, be tantamount to a war crime given its obvious support and aiding to the Myanmar dictator regime.

Thailand's civil society organizations therefore condemn this act and have these recommendations for the concerned Thai authorities;

1. The Thai state must immediately ensure an effective enforcement of the Act on Prevention and Suppression of Torture and Enforced Disappearance B.E. 2565 including by refraining from expelling, deporting ,or extraditing a person to another State where there are substantial grounds for believing that the person would be in danger of torture, cruel, inhuman, or degrading treatment, or enforced disappearance and must stop deporting members of the People's Defence Force and anti-coup activists from Myanmar to their country of origin.

2. An effort should be promptly made to accelerate the enforcement of the Regulation of the Office of the Prime Minister on the Screening of Aliens who Enter into the Kingdom and are Unable to Return to the Country of Origin in order to screen and identify the persons in need of protection since they have fled from persecution in their country of origin.

3. Thailand must respect the non-refoulement principle which obliges the host state to not immediately deport refugees or asylum seekers should such deportation may result in danger against the life or liberty of the persons.

4. The Thai government must clarify to the public about the criteria based on which the three members of the People's Defence Force had been deported since the issue has garnered national and international attention and must pledge to not violate its own domestic laws and international laws.

5. The Thai state must promptly investigate the alleged deportation of the three members of the People's Defence Force to establish if it is a violation against domestic and international laws or not. And if a violation could be established, the offenders shall strictly be brought to justice.

For human rights, freedoms and democracy

The Civil Society Network Monitoring the Situation in Myanmar

13 April 2023