



# General Assembly

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## Human Rights Council

### Forty-fifth session

14 September–2 October 2020

Agenda items 4 and 6

### Human rights situations that require the Council's attention

### Universal periodic review

## Written statement\* submitted by International Educational Development, Inc., a non-governmental organization on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2020]

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\* Issued as received, in the language(s) of submission only.

GE.20-12428(E)



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## **The on-going genocidal situation of the Hmong people in the Lao People's Democratic Republic**

International Educational Development, Inc. and the Association of Humanitarian Lawyers continue to be deeply concerned about the genocidal situation of the Hmong people in the Lao People's Democratic Republic (hereinafter Laos). We have submitted a number of written statements and urgent action appeals, including personally to the Special Advisor to the Secretary-General on the Prevention of Genocide and Mass Atrocities and have maintained that the situation invokes the "Responsibility to Protect (R2P)" principles as the Hmong people are at risk of extermination. Given both the history of the Hmong people and their grave situation since the end of the Viet Nam War more than forty years ago, we have also urged that they have the right to self-determination as the only way to realize their basic human rights.

We have repeatedly raised the intention of the Laotian authorities to eliminate the Hmong people before the Council can take measures. Actions against the Hmong take place after every session of the Council, in keeping with their intention of meeting their deadline of 2020 to rid Laos of all Hmong in the traditional territories, and before there is any action by the Council or the international community as a whole. As members are aware, the number of Hmong in Laos are catastrophically reduced with hundreds of thousands living in exile. We fear what the Lao authorities would do to the Hmong given the situation of Covid-19 and the inability of non-governmental organizations to present live testimony at Council sessions. In fact there continues to be concerted actions by the Laotian authorities against the Hmong living in their traditional territories as well as those living elsewhere in Laos.

One example of this involves the disappearance of three minor Hmong girls in March 2020. Another is an attack on May 9 in the La Na area of the Xaysombun Special Zone. Yet a third is the discovery of the body of Za Xeng Thao, aged 40, who was repatriated forcibly from Thailand in 2009. Laotian authorities also continue to destroy crops and foodstuffs in other parts of the Hmong traditional territories. As we have stressed in earlier submissions, denying food to the civilian population is an element of the crime of extermination under the Rome Statute. Small groups of Hmong remain in the Phou Bia jungle.

At time of writing, the Laotian authorities are preparing to send a military battalion (Battalion 13) from Vang Viene to the Xaysombun Special Zone to hunt for Hmong Cai-fa to carry out their pledge to eliminate the Hmong in 2020. While we will be submitting an urgent action on this situation, the Council must itself and mandate holders must act as strongly as possible to avert a catastrophic genocide.

In exercising the right of reply following our statements at earlier sessions of the Council, the Laotian representative asserted to the Council that under Laotian law, all groups enjoy the same basic rights, and all live in harmony. He stressed that this includes the Hmong. But he is referring to the Hmong people who came to Laos from Viet Nam to support the Patet Lao during the Viet Nam War, not the Hmong people in their traditional territories in Laos who supported the United States of America during the Viet Nam War. These Hmong, as we have shown in our many written and oral statements, have been subjected to genocidal conditions since the end of the Viet Nam War. Also at several earlier sessions the representative referred to our claims as "bogus." This, however, has not been verified by an impartial investigation, which we most strongly urge. We note that the authorities have denied requests by international actors to investigate properly what is occurring in the Hmong traditional territory.

We have urged that the international community, in concert with the High Commissioner and Council mandate holders establish a special protected area in the Hmong traditional area guarded by international actors. This type of "safe haven" would allow the surviving Hmong people to congregate, to receive humanitarian aid and to communicate with the outside world unfettered by the Laotian authorities. The safe haven should be located near an international border to facilitate entrance and egress of interested parties such as humanitarian aid workers, the media and, of course, relatives. Failure to establish such an area is likely to encourage the Laotian authorities to escalate their hostile actions against the surviving Hmong.

## Conclusions and recommendations

It is patently clear that the Laotian authorities have no intention adequately to address the situation of the Hmong people in their traditional territory. It is also clear that action by United Nations bodies to date continues to be grossly inadequate to address their genocidal situation. Laos continues to refuse on-site investigations. While the treaty bodies have addressed the situation, they can only issue early warnings and urgent actions. We have urged the Council, the General Assembly or the Security Council take affirmative action, which to date has not occurred. The Universal Periodic Review process serves to illustrate or identify violations, even serious ones, but it alone is not an action procedure. The International Committee of the Red Cross can undertake relief efforts, but in this case are restrained from doing so by the relevant authorities.

As a result of the urgency of this situation, we again recommend that the following actions be undertaken:

1. A safe haven for the Hmong people in their traditional territory should be establish as soon as possible.
2. The international community should invoke the Responsibility to Protect (R2P) mechanisms as soon as possible due to the genocidal situation and should recognize the right to self-determination of the Hmong people.
3. The Secretary-General should consider other action on this situation such as encouraging or instigating independent investigation, including the issue of unexploded ordnance in the Hmong areas.
4. The relevant mandate holders of the Council, including those addressing summary execution, disappearances, torture, internally displaced persons, health, housing, food, water and sanitation, arbitrary detention, human rights defenders, truth, and minority issues should insist on site visits to the Hmong areas in Laos, either alone or in concert.
5. Given that nearly all special procedures are highly relevant to the situation in the Hmong areas of Laos, the Council should consider requesting the High Commissioner to undertake action such as establishing a commission of inquiry as has been established in other situations. In the alternative, the Council should establish its own commission of inquiry or appoint a special rapporteur or independent expert.