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Imminent Deportations of Uyghurs from Thailand to China Would Breach Numerous International Laws

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Thailand is facing mounting international scrutiny following reports that it is preparing to deport a group of 48 Uyghur men to China, where they are at risk of torture, detention, and possibly death. The Uyghurs, a predominantly Muslim minority group, have been subjected to systematic persecution in China's Xinjiang region, where an estimated one million people are detained in so-called "re-education" camps, where torture and sexual violence are rampant. Many Uyghurs, fleeing genocide, sought refuge in neighboring countries, including Thailand, which has held these 48 men in immigration detention for over a decade.

Originally, 300 Uyghur detainees were held by Thai authorities, with some deported to China in 2015 and others having died in custody. However, as global attention shifts due to various geopolitical crises, China is reportedly increasing pressure on the Thai government to deport the remaining Uyghurs. If carried out, such deportations would violate key international laws, including the principle of non-refoulement and the prohibition against genocide.

Under Article 3 of the Convention Against Torture, countries are prohibited from returning individuals to states "where there are substantial grounds for believing that [they] would be in danger of being subjected to torture". Though Thailand is not a state party to this Convention, the principle of non-refoulement – which prohibits the return of individuals to countries where they are at risk of torture or death – is considered customary international law, binding on all states. Deporting Uyghur refugees to China, where widespread reports of torture and systemic genocide against Uyghurs are well-documented, would constitute a grave violation of this principle.

Further, Thailand's actions could implicate the country in complicity with genocide under international law. The International Law Commission in its *Articles on State Responsibility* holds that a state can be held responsible for "aiding and assisting" in the commission of an internationally wrongful act pursuant to the criteria outlined in its Article 16. The International Court of Justice (ICJ) adopted these elements as the test to determine whether a state is responsible for complicity in genocide, under Article III(e) of the UN Genocide Convention, in the case of *Bosnia and Herzegovina v Serbia and Montenegro*. Notably, although Thailand is not a state party to the Genocide Convention either, the ICJ in that case concluded that Article 16 reflects a customary rule, and it is widely accepted that the prohibition against genocide is likewise binding on all states as a peremptory norm from which no derogation is permitted.

In forcibly returning Uyghurs to China, Thailand would be providing the means to enable the commission of genocide by the Chinese government. This is practical assistance in the genocidal project of the Chinese government that has a substantial effect on the commission of the crime.

Rights-respecting nations, including Canada, must act decisively to prevent these deportations. Canada should urgently communicate with the Thai government, emphasizing that deportations of Uyghur refugees to China would likely breach Thailand's legal obligations under both the principle of non-refoulement and the prohibition against genocide. Moreover, Canada and other global advocates should make it clear to Thailand that continuing with deportations could lead to formal complaints, including legal action before the International Court of Justice.

"The international community must make it clear to Thailand that it cannot allow geopolitical pressure from China to trump its legal and moral obligations under international law," said Sarah Teich, co-founder and president of Human Rights Action Group. Mehmet Tohti, executive director of Uyghur Rights Advocacy Project, said, "we urge Thailand to stand strong against such pressure and fulfill its responsibility to protect refugees and asylum-seekers."

As global attention on this issue intensifies, rights-respecting countries are urged to take immediate action to ensure that Thailand's decisions reflect both its obligations under international law and its duty to uphold the fundamental principles of human rights.

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