

Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief

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(Please use this reference in your reply)

26 May 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on minority issues and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 52/7, 51/8, 54/14, 53/4, 52/5 and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged unlawful deportation from Thailand to the People's Republic of China, on 27 February 2025, of 40 Uyghurs with Chinese nationality (though the precise number is uncertain giving conflicting accounts), who remained in detention for over a decade in various locations in Thailand, including at the Suan Phlu Immigration Detention Center, Bangkok. The deportation appears to have been carried out by the Thai authorities under pressure and without the application of proper procedures to ensure that the customary norms of non-refoulement were strictly adhered to. Despite numerous calls and advocacy efforts against the deportation and for access to the detained Uyghurs, including by the United Nations, international human rights mechanisms, the National Human Rights Commission of Thailand, and civil society. However, these calls were not heeded, and access was not permitted.**

We appreciated the meeting between the Special Rapporteur on torture, Dr. Alice Jill Edwards, and representatives of the Chinese Permanent Mission on 6 March 2025. However, that meeting raised an alarm when conflicting figures were presented of how many Uyghurs had been deported (one document showed 40 had been returned, another document showed 45 had been deported).

According to the information received:

On 27 February 2025, the Government of Thailand deported to the People's Republic of China of a reported 40 Uyghurs detained for over a decade at various facilities in Thailand including at the Suan Phlu Immigration Detention Center, Bangkok.

The deportation of the 40 Uyghurs was reportedly carried out without transparency and in what could be described as a secretive manner in the early morning hours, despite numerous calls from the United Nations and other actors to suspend the deportation and have access to them. Their fate and whereabouts

remained unknown until the confirmation of the deportation by the Thai Government, which came later in the afternoon. At the same time, the Chinese Embassy to Thailand posted this information on their Facebook page.

The Government of the People's Republic of China had reportedly made an official request for the repatriation through a diplomatic letter addressed to the Government of Thailand and had provided Thai authorities with assurances that they would be allowed to reunite with their families as they were only charged with the "minor offense" of illegal departure from China.

Immediately following the deportation, the Chinese Ministry of Public Security publicly announced the return of the Uyghurs and stated that "the lawful rights of the repatriated individuals were fully safeguarded throughout the process" and that "the Chinese authorities [would] provide necessary assistance to help them reintegrate society and reunite with their families upon completion of relevant legal procedures".

During a Press Conference on 27 February 2025, the Chinese Foreign Ministry Spokesperson, Mr. Lin Jian, stated that "the repatriation [was] carried out in accordance with the law of China and Thailand, as well as international law and common practices". He qualified this process as a step "to jointly combat human smuggling and other cross-border crimes", which are "internationally recognized crimes, which seriously disrupt the normal cross-border order".

On 18 March 2025, upon invitation by the Chinese Government, Thailand's Deputy Prime Minister and Minister of Defense, Mr. Phumtham Wechayachai, the Minister of Justice, Pol. Col. Tawee Sodsong, the Secretary General of the National Security Council, Mr. Chatchai Bangchud, the Deputy Commander of the Royal Thai Police, Pol. Gen. Kraibun Suadsong, the Government's Spokesperson, Mr. Jirayu Houngsub, as well as a group of media representative travelled to China and visited Xinjiang.

According to the Thai Government's spokesperson, the visit was organized in response to the concern of the global community on the safety and wellbeing of the deported Uyghurs and to "create better understanding on Thailand's straightforward and transparent decision based on mutual agreement between Thailand and China that the returned Uyghurs be allowed to reunite with their families, reintegrate back into the society, and be given fair treatment, safety, and freedom."

Civil society organizations in contact with family members of the deported Uyghurs living in third countries reported that they did not have any contact with them, and they were not informed about their whereabouts.

While we do not wish to prejudge the accuracy of the above-mentioned information, we wish to express our serious concerns at the failure of both Governments to follow closely the proper procedures required under international law to ensure that any deportations are lawful and regular. We take note of the reported information by both the Chinese and Thai authorities that the repatriation was carried out following bilateral diplomatic exchanges, in accordance with the laws of both countries, as well

as international law and “common practices”. However, we note with concern that the reported information describes a process that could be qualified as a bilateral political agreement without observing the required procedures in line with international human rights law, as well as in accordance with the principles of *non-refoulement*. National laws and “practices” should always be informed by the international law obligations of the concerned States, and the law should prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] religion or other status [...]. Furthermore, the reported claims about the repatriation being part of Chinese Government’s efforts to combat cross-border crimes, including “human smuggling”, do not usurp international human rights obligations, which remain paramount. We take this opportunity to remind your Excellency’s Government of China’s international obligations as a State party – and your mutual obligations to other States parties arising under those treaties – to respect the peremptory prohibition on *refoulement*, arising inter alia from article 3 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which China is a party since 4 October 1988 and Thailand is also a party. Bearing obligations to other States parties of the Convention requires that there be no interference, pressure or intimidation in respect of their implementation (or non-implementation) of their obligations thereto.

In this regard, we refer you to the Committee against Torture’s General Comment No. 4, whereby “diplomatic assurances from a State party to the Convention to which a person is to be deported should not be used as a loophole to undermine the principle of non-refoulement as set out in article 3 of the Convention, where there are substantial grounds for believing that the person would be in danger of being subjected to torture in that State.” (CAT general comment no. 4, CAT/C/GC/4, para. 20). The Committee also points out that any bilateral extradition or other such arrangements are subservient to the prohibition on *refoulement* (ibid, para. 23). Irregular migration measures are also subject to compatibility with the prohibition on refoulement. Monitoring pre-removal processes, return processes, and reception of individuals in receiving States should be undertaken, including by independent monitors, in accordance with international human rights law and standards, including for the prevention of torture and ill-treatment and *refoulement*.

We recall that the prohibition of refoulement is equally enshrined in article 8 of the Declaration on the Protection of All Persons from Enforced Disappearance and we emphasise that the prohibition of enforced disappearance has attained the status of *jus cogens*.

We also note with concern information received regarding the reported absence of contact between the repatriated Uyghurs and members of their families, most of whom are reportedly residing outside China. References to the “completion of relevant legal procedures” in no circumstance should prevent the repatriated Uyghurs from being in contact with their family members as well as from enjoying the appropriate and adequate support and assistance, including inter alia legal assistance and medical care. Any attempt to prevent families from receiving information about the fate or whereabouts of their family members and the concealment of such information by state authorities could constitute an enforced disappearance in violation of a host of international legal standards, including the relevant provisions under the International Covenant on Civil and Political Rights (ICCPR), signed by China on 5 October 1998,

such as on the right to life (art. 6), the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment (art. 7), the right to liberty and security (art. 9), , the right to fair trial and to judicial guarantees (art. 14), to recognition, everywhere, as a person before the law (art. 16), and the right to privacy (art. 17), read alone and in conjunction with the right to an effective remedy (art. 2.3), as well as under the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by China on 27 March 2001, namely the right to protection and assistance to the family (art. 10). In relation to the former, as signatory to the ICCPR, China has an obligation to refrain from any acts which would defeat the object and purpose of the Covenant prior to its entry into force, in accordance with article 18 of the 1969 Vienna Convention on the Law of Treaties.

We recall that, in its General Allegation of 2024¹, the Working Group on Enforced or Involuntary Disappearances regretted the lack of response by the Government regarding the measures taken to ensure: (a) that the families can realize their right to know the truth about the fate and whereabouts of their family members who are deprived of their liberty; (b) that human rights defenders, political activists, members of ethnic minorities, and refugees can benefit from protective measures during deportation and return processes to neighbouring countries; and (c) that relatives who are overseas have the right to communicate with their loved ones who are deprived of liberty, without fear of threats and reprisals. We reiterate the concerns expressed at continuing reports of incommunicado detention and enforced disappearance of Uyghurs based on their religion or belief or cultural affiliation.

We also remind your Excellency's Government of article 13(2) of the Universal Declaration of Human Rights and article 12 of the ICCPR, which provide that everyone has the right to leave any country, including their own; and further article 14 of the Universal Declaration of Human Rights that establishes the customary right of any person to seek and enjoy asylum from persecution in other countries.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to the involvement of China in the repatriation of the Uyghurs and how you ensured your mutual respect for the obligations of non-refoulement.
3. Please clarify the exact number of persons who have been repatriated on 27 February 2025, given conflicting reports.

¹ A/HRC/WGEID/132/1, Annex II, pp. 29-31, at <https://docs.un.org/A/HRC/WGEID/132/1>

4. Please provide detailed information about the procedures of receiving the repatriated Uyghurs, including the types of services and assistance provided to them, and the place where the repatriated Uyghurs have been received and provided with assistance.
5. Please indicate whether any of the Uyghurs were or are still being held in detention in China. If yes, please provide the legal and factual grounds for their detention and how it is in line with international law and international human rights obligations of the People's Republic of China. If they are detained, please provide detailed information about their place of detention, their detention conditions, and whether they are afforded with access to legal assistance, medical care, means to contact their relatives, as well as regular visits.
6. Please provide detailed information about any charges against the or any other consequences of their travel to Thailand and explain the Uyghurs deported on 27 February 2025 legal and factual grounds, and compatibility with international human rights law, in particular article 12 of the ICCPR.
7. Please provide information about your efforts to allow independent monitors to visit and meet with the returned Uyghurs and members of their families, without interference and with due respect for their privacy, confidentiality and safety.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent any irreparable damage to the life and personal integrity of the persons deported from Thailand on 27 February 2025, to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any persons responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Further, we would like to inform your Excellency's Government that, after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. Similarly, the Working Group on Enforced or

Involuntary Disappearances may also consider the cases under its humanitarian procedure. The Government is required to respond separately to the present communication and the procedures of each Working Group.

We also take the opportunity to express our willingness to provide any technical advice and cooperation on the case of the returned Uyghurs, as well as on other similar cases/matters.

Please be informed that we have also written to the Government of Thailand regarding this matter.

Please accept, Excellency, the assurances of our highest consideration.

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Matthew Gillett
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Gabriella Citroni
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Nicolas Levrat
Special Rapporteur on minority issues

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to refer to relevant international human rights standards, namely:

Non-refoulement

The norm prohibits all forms of removal or transfer of any individual, regardless of their legal status, when there are substantial grounds for believing that the individual would be at risk of irreparable harm, such as death, torture or cruel, inhuman or degrading treatment or punishment, persecution, enforced disappearance or other serious human rights violations, in the place to which they are to be transferred or removed. The principle of *non-refoulement* under international human rights law is characterized by its absolute nature without any exception, applying to all persons, including all migrants, at all times, irrespective of their citizenship, nationality, statelessness or migration status.

We would like to remind your Excellency's Government in particular of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in at least articles 1, 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and in article 7 of the International Covenant on Civil and Political Rights (ICCPR), and the prohibition of *refoulement* enshrined in article 3 of CAT and is also considered as *jus cogens* customary norm; and is inherent in article 7 ICCPR.

We refer your Excellency's Government to the Committee against Torture's general comment No. 2, whereby States parties to CAT must ensure the protection of individuals or communities who are especially at risk of torture or ill-treatment by virtue of, inter alia, their religious beliefs (CAT/C/GC/2, para. 21). We also refer your Excellency's Government to the Committee's general comment No. 4, whereby "[T]he non-refoulement obligation in article 3 of the Convention exists whenever there are 'substantial grounds' for believing that the person concerned would be in danger of being subjected to torture in a State to which the person is facing deportation, either as an individual or as a member of a group that may be at risk of being tortured in the State of destination. The Committee's practice has been to determine that 'substantial grounds' exist whenever the risk of torture is 'foreseeable, personal, present and real' (CAT/C/GC/4, para. 11). The general comment elaborates a wide range of actions required of States to be satisfied of compliance with the prohibition on refoulement to torture and other cruel, inhuman or degrading treatment or punishment.

General comment No. 31 of the Human Rights Committee (CCPR/C/21/Rev.1/Add.13), further specifies that State obligations of the ICCPR entail "an obligation not to extradite, deport, expel or otherwise remove a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated in articles 6 and 7 of the Covenant" (para. 12).

We refer further to article 14 of the Universal Declaration of Human Rights, which states that “everyone has the right to seek and enjoy in other countries asylum from persecution.”

We would also like to recall that the Special Rapporteur on Torture, in his report A/60/316, has stated that “*diplomatic assurances* are unreliable and ineffective in the protection against torture and ill-treatment: such assurances are sought usually from States where the practice of torture is systematic; post-return monitoring mechanisms have proven to be no guarantee against torture; diplomatic assurances are not legally binding, therefore they carry no legal effect and no accountability if breached; and the person whom the assurances aim to protect has no recourse if the assurances are violated. The Special Rapporteur is therefore of the opinion that States cannot resort to diplomatic assurances as a safeguard against torture and ill-treatment where there are substantial grounds for believing that a person would be in danger of being subjected to torture or ill-treatment upon return” and called “on Governments to observe the principle of non-refoulement scrupulously and not expel any person to frontiers or territories where they might run the risk of human rights violations, regardless of whether they have officially been recognized as refugees.” (paras. 51 and 52).

We reiterate that the prohibition of enforced disappearance has attained the status of *jus cogens* and, pursuant to art. 7 of the [United Nations Declaration on the Protection of All Persons from Enforced Disappearances](#), it is absolute in nature. In its report to the UN Human Rights Council on enforced disappearances in the context of transnational transfers ([A/HRC/48/57](#)), the Working Group on Enforced Disappearances noted the increasing practice of force returns by States in violation of article 8 of the Declaration and the principle of *non-refoulement*. It noted that some enforced disappearances may be transnational in nature, even if there is no consent of the host State or transnational transfer of the victim *per se* (para. 49). In this sense, the Working Group on Enforced or Involuntary Disappearances reiterates that, however it is qualified, the practice of States resorting to the deprivation of liberty of individuals and refusing to acknowledge it or to disclose the fate or whereabouts of the individual concerned, for whatever purpose or duration and in whatever context, constitutes an enforced disappearance, in violation of *jus cogens* norms of international human rights law.

The report on enforced disappearances in the context of migration of the Working Group on Enforced or Involuntary Disappearances ([A/HRC/36/39/Add.2](#)) states that among the main obligations of States is not to expel, return (*refouler*) or extradite a migrant to another State where there are substantial grounds to believe that she/he would be in danger of enforced disappearance (para. 59), that all returns of migrants must be formally documented and undertaken in accordance with the law in order to avoid disappearances during those processes, including temporary or short-term disappearances (para. 60), and all returns of migrants must be formally documented and undertaken in accordance with the law in order to avoid disappearances during those processes, including temporary disappearances. Accordingly, all migrants deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability to fully exercise their rights are assured (para. 63). We also note in this regard that enforced disappearances violate the right to personal liberty and personal security and are incompatible with the

right to life (Human Rights Committee, general comment 36).

We recall the Joint statement on short-term enforced disappearances of the Committee on Enforced Disappearances and the Working Group on Enforced or Involuntary Disappearances, which emphasizes that, under international human rights law, the duration is not a constituent element of enforced disappearance. Any enforced disappearance, irrespective of its duration, entails serious harm and consequences for the disappeared persons and their families ([CED/C/11](#)).

In its study on the impact of enforced disappearances on the enjoyment of economic, social and cultural rights, the Working Group on Enforced or Involuntary Disappearances also observed that the disappearance of indigenous or ethnic or religious minorities may prevent their communities from exercising their cultural rights ([A/HRC/30/38/Add.5](#)). Enforced disappearances may adversely impact on their right to take part in cultural life, hold traditional funerals for the deceased and preserve the language, oral traditions, and religious ceremonies. Due to the collective character of certain economic, social and cultural rights, the disappearance of one person may have a negative effect on the larger community (paras. 40-41)

Moreover, we wish to recall article 12 of the ICCPR which provides that everyone shall be free to leave any country, including his own. According to the Human Rights Committee's general comment No. 27, freedom to leave the territory of a State may not be made dependent on any specific purpose or on the period of time the individual chooses to stay outside the country. Restrictions in the rights enshrined in article 12 only apply under exceptional circumstances, such as to protect national security, public health and the rights and freedoms of others. States are obliged to specify the legal norms upon which restrictions are founded and demonstrate that are in conformity with the requirements under article 12, paragraph 3, while at the same time such restrictions should be consistent with other rights guaranteed by the Covenant; they should conform with the principle of proportionality and be the least intrusive (CCPR/C/21/Rev.1/Add.9, paras. 8-18).

Prohibition on arbitrary deprivation of liberty

Furthermore, article 9 of the ICCPR guarantees the right to liberty and security of the person. Regarding this provision, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings.

We also wish to recall the current standards established in international law concerning immigration detention. The Working Group on Arbitrary Detention has long asserted that while administrative detention of asylum seekers is not prohibited in itself by international law, it can amount to arbitrary detention if it is not carried out according to the principle of proportionality and accordingly to strict legal safeguards². In this sense, it has affirmed that "If there has to be administrative detention, the

² A/HRC/13/30, Report of the Working Group on Arbitrary Detention, 18 January 2018

principle of proportionality requires it to be the last resort. Strict legal limitations must be observed and judicial safeguards be provided for. The reasons put forward by States to justify detention, such as the necessity of identification of the migrant in an irregular situation, the risk of absconding, or facilitating the expulsion of an irregular migrant who has been served with a removal order, must be clearly defined and exhaustively enumerated in legislation.”

We also wish to recall the recommendation of the UN General Assembly (A/RES/67/172 (2013), para. 4) that States review detention periods to avoid excessive detention of irregular migrants and to implement, whenever possible, alternative measures to detention.

Regarding procedural safeguards on detention, generally, we refer to article 9(3) of the ICCPR, which requires that individuals arrested or detained on a criminal charge be brought promptly before a judge or other officer authorized by law to exercise judicial power and be entitled to trial within a reasonable time or to release. In accordance with general comment no. 35, 48 hours is ordinarily sufficient to satisfy the requirement of promptness and any delay longer than 48 hours must remain absolutely exceptional and be justified under the circumstances.

Humane treatment in detention

In addition to treaty obligations in articles 9 and 10 of the ICCPR, we also wish to draw the attention of your Excellency’s Government to paragraph 27 of General Assembly resolution 68/156, which, “[r]eminds all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished.”

We further would like to refer to the body of standards and guidelines governing conditions of detention and treatment, not least the Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), based on the obligation to treat all prisoners with respect for their inherent dignity and value as human beings, in particular rule 27 which states that “All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care.

Right to an effective remedy

We wish to bring to the attention of your Excellency’s Government the right to an effective remedy established by article 2.3(a) of the ICCPR and article 14 of the ICCPR, which enshrines the right to a fair trial and due process. In particular, article 14(1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent, and impartial tribunal established by law; article 14(2) establishes the presumption of innocence; and, article 14(3) details the due process guarantees

including access to an interpreter free of charge, to adequate facilities and time for the preparation of one's defence, and to legal assistance and representation.

Finally, we wish to refer to the International Covenant on Economic, Social and Cultural Rights, in particular the right to protection and assistance to the family (art. 10).

Ethnic and religious minorities

We wish to refer to international standards with regards to the rights of persons belonging to ethnic, religious or linguistic minorities, including article 27 of the ICCPR and the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

In addition, reference is made to article 18 of the ICCPR which guarantees the right of everyone to freedom of thought, conscience and religion. This right includes the freedom to have or to adopt a religion or belief of his choice, and the 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.

Reference is also made to the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,³ which states in its article 2(1) that “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief.” Furthermore, article 4(2) of the Declaration states that “[A]ll States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs.”

³ UN Res. 36/55.