



Open Letter to the Royal Thai Government on the extradition of United Nations-recognized refugee Y Quynh Bdap

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extradition of United Nations-recognized refugee Y Quynh Bdap**

18 October 2024

Prime Minister Paetongtarn Shinawatra
Office of the Prime Minister, Royal Thai Government
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Foreign Minister Maris Sangiampongsa
Ministry of Foreign Affairs, Royal Thai Government
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Thung Phaya Thai Sub-district, Ratchathewi District,
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Dear Prime Minister Paetongtarn and Foreign Minister Maris,

We, the undersigned civil society organizations, write to you today to express our grave concern for the fate of Y Quynh Bdap, a Vietnamese national and United Nations-recognized refugee currently in Thai government custody. Specifically, we urge you to comply with Thailand's international and domestic legal obligations and decline to extradite Y Quynh Bdap to Vietnam, where he faces a real risk of torture, prolonged arbitrary detention and other grave human rights violations.

On 30 September 2024, the Criminal Court of Thailand ordered the extradition of Y Quynh Bdap, a Montagnard human rights activist, religious freedom advocate and refugee. After the verdict was delivered, Mr. Bdap's lawyer informed the court that he would appeal the decision. The Court ordered his detention while he awaits the Royal Thai Government's decision on his extradition. Pursuant to section 22 of the Extradition Act B.E. 2551 (2008), a court order and approval from the Royal Thai Government are needed for extradition. Thus, the Royal Thai Government can decline to extradite Mr. Bdap in proceedings parallel to his pending appeal of the Criminal Court's decision.

Mr. Bdap has long been an advocate for religious freedom and the rights of ethnic minorities in Vietnam. He fled Vietnam in 2018 to escape religious persecution and sought protection in Thailand where the United Nations High Commissioner for Refugees (UNHCR) recognized him as a refugee. UNHCR's recognition of Mr. Bdap as a refugee is premised on its determination that he has a well-founded fear of persecution if he were returned to Vietnam.

On 11 June 2024, Thai authorities arrested Mr. Bdap pursuant to an extradition request from the Vietnamese government. The Vietnamese government's extradition request is based on accusations that Mr. Bdap was involved in an attack against several government buildings in Dak Lak Province, Vietnam on 11 June 2023. Despite the fact that he was already in Thailand at the

time of the attack, Mr. Bdap was convicted in absentia and sentenced to 10-years' imprisonment on terrorism charges arising from the abovementioned attack in a mass trial in Vietnam that took place from January 16 to 20 January 2024. United Nations human rights experts have expressed concern that the trial, in which 100 defendants were convicted, did not meet fair trial guarantees and that Mr. Bdap's conviction may be politically motivated.

In addition, during a broadcast on the Vietnamese Ministry of Public Security's (MPS) official television channel, on 21 December 2023, the authorities accused Mr. Bdap of being a member of FULRO, an anti-government guerrilla group that disbanded in 1992, the year of Mr. Bdap's birth. The MPS television broadcast also showed Y Quynh Bdap holding what the Vietnamese officials alleged was an automatic weapon. However, the alleged weapon was in fact a toy air gun, which shoots pellets with air and is common at local community fairs in Thailand. Apart from these false allegations, the Vietnamese government has not publicly disclosed any evidence to support its claim that Mr. Bdap was involved in the Dak Lak attack. Y Quynh Bdap has consistently denied any such involvement in the attack.

Given the well-documented persecution of Montagnard human rights activists and defenders of minority religions in Vietnam, as well as his political activities as the founder of Montagnards Stand for Justice (MSFJ), which advocates for the indigenous rights of Montagnards in Vietnam, extraditing Mr. Bdap to Vietnam would violate Thailand's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) and the International Covenant on Civil and Political Rights (ICCPR), which prohibit the *refoulement* of people to a country where they would face a real risk of torture, other ill-treatment or other irreparable harm. Further, Mr. Bdap's extradition would be contrary to Section 13 of Thailand's Prevention and Suppression of Torture and Enforced Disappearance Act, which prohibits the extradition of individuals to countries where they may face torture, ill-treatment, or enforced disappearance. Human rights experts, including officials from the National Human Rights Commission of Thailand and United Nations experts, have expressed serious concerns over the real risk of egregious human rights violations against Mr. Bdap if he were to be extradited to Vietnam.

Moreover, this case comes at a time when the Royal Thai Government has recently been elected to the UN Human Rights Council for the 2025-2027 term. The outcome of this case could impact Thailand's image regarding its stated commitment to uphold international human rights law, including those commitments outlined by the Permanent Mission of Thailand to the United Nations in its note verbale dated 10 May 2024.

Thailand has demonstrated an admirable commitment to refugees over many decades, and for that reason, Mr. Bdap's extradition to Vietnam would not be in keeping with Thailand's reputation as a haven for people fleeing repression and violence. Mr. Bdap's case is emblematic of broader issues faced by Vietnamese refugees, thousands of whom have fled to Thailand to escape persecution on religious, ethnic and political grounds. While we consider that, under international law, including international human rights law, States have an obligation to take measures to combat terrorism, we are concerned that Mr. Bdap's extradition would embolden those who target and punish peaceful human rights activists like Mr. Bdap.

We appreciate your attention to this letter and call on the Royal Thai Government to uphold its international and domestic legal obligations, and to preserve its international reputation as a human rights advocate, by declining to extradite Mr. Bdap to Vietnam.

Sincerely and respectfully yours,

1. Amnesty International
2. Asia Human Rights and Labour Advocates (AHRLA)
3. Asian Cultural Forum on Development (ACFOD)
4. Asia Pacific Refugee Rights Network (APRRN)
5. Boat People SOS (BPSOS)
6. Campaign Committee for People's Constitution (CCPC)
7. Coalition for the Rights of Refugee and Stateless persons (CRSP)
8. Cross Cultural Foundation (CrCF)
9. Duayjai Group
10. Human Rights and Development Foundation (HRDF)
11. Human Rights Lawyers Association (HRLA)
12. International Commission of Jurists (ICJ)
13. International Detention Coalition (IDC)
14. 14. International Federation for Human Rights (FIDH), within the framework, of the Observatory for the Protection of Human Rights Defenders
15. Manushya Foundation
16. Migrant Working Group (MWG)
17. Milk Tea Alliance Thailand
18. Mokeluang Rimnam
19. Patani Human Rights Organization (HAP)
20. Peace and Culture Foundation
21. Peace Rights Foundation
22. People's Empowerment Foundation (PEF)
23. Jaringan Mangsa Dari Undang-Undang Darurat (JASAD)
24. Sarawak Dayak Iban Association (SADIA)
25. THAI for Palestine
26. Thai Lawyers for Human Rights (TLHR)
27. Thailand Migration Reform Consortium (TMR)
28. Thailand NOC for ASEAN Civil Society Conference/ASEAN People Forum
29. Union for Civil Liberty (UCL)
30. United Front of Thammasat and Demonstration
31. Viet Tan
32. Vietnamese Advocates for Change
33. World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders
34. 24 June Democracy

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