



EUROPEAN PARLIAMENT

**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION
DIRECTORATE B**

- POLICY DEPARTMENT -

STUDY

***"The Human Rights Situation in Laos with Particular Emphasis on the Situation of
the Hmong People"***

Abstract:

The Hmong people of Southeast Asia are believed to have originated in China, and some scholars argue that their customs preserve many elements of an ancient civilisation from an area that is now China. The expansion of the Han Chinese people forced the resisting Hmong and other indigenous minorities to flee southwards into the northern areas of present-day Laos, Vietnam and Thailand, early in the nineteenth century. Due to a constant cycle of rebellions and brutal reprisals, this process continued for several decades

DGExPo/B/PolDep/Note/2005_ 08

02/09/2005

[PE N°]

EN

This note was requested by the European Parliament's subcommittee on Human Rights.

This paper is published in the following languages: English

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Manuscript completed in September 2005.

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Brussels, European Parliament, 01/09/2005

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The forgotten Hmong hiding in the jungles of Laos

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1st September 2005

1.0 History

The Hmong people of Southeast Asia are believed to have originated in China, and some scholars argue that their customs preserve many elements of an ancient civilisation from an area that is now China. The expansion of the Han Chinese people forced the resisting Hmong and other indigenous minorities to flee southwards into the northern areas of present-day Laos, Vietnam and Thailand, early in the nineteenth century. Due to a constant cycle of rebellions and brutal reprisals, this process continued for several decades.

Today, around 8 million Hmong live in China, 250,000 in Vietnam, 125,000 in Thailand, 4,000 live in Burma (Myanmar) and around 200,000 are scattered around Laos with a large concentration in the northern part of the country. The 1974 census indicated that there were 350,000 Hmong living in Laos, but tens of thousands soon fled the country after the communist takeover of the country in 1975. Fearing persecution for their wartime alignment with the United States and the Royal Lao Government, these people ended up in refugee camps in Thailand where the majority of them were resettled in the United States (around 160,000), but smaller numbers ending up in France, Canada, and Australia.

The traditionally agrarian Hmong live at altitudes of 2,000 feet and higher. They produce rice and maize throughout the year as their main source of food. They apply the system of slash and burn in their agriculture, which is a known source of antagonism between the Hmong highlanders and the Lao government who fear deforestation. The Hmong have also been known for the cultivation of the opium poppy, inflaming conflict with both Lao and Thai authorities in the past.

The Hmong have seldom known peace. Since the Han Chinese expulsions, they gained the reputation of being fiercely independent and excellent warriors. The Hmong have always valued loyalty, courage and honour, qualities that commended them to the French colonizers of the region. The French trained them in combat and found a convenient and forceful ally in these “montagnards”, or mountain fighters.

After World War II, with the withdrawal of the French and the conflict in Indochina escalating, the US government feared that the whole region would fall into the hands of the communists. The US thus increased its presence in the area and began secret operations in Laos designed to stop the spread of communism from North into South Vietnam. Once again, the Hmong were co-opted into the confrontation, and played a major role in the US Secret War (1962 – 1975) against the North Vietnamese Army (NVA) and the growing Pathet Lao, or Laotian Communist insurgents.

1.1 The CIA Secret War

For ten years thousands of armed Hmong under General Vang Pao halted the advance of the NVA through Lao territory into South Vietnam, and disrupted its supply lines, known as the Ho Chi Minh Trail. Trained and armed by the CIA, the Hmong not only fought with incredible courage, tenacity and loyalty, saving thousands of US soldiers' lives, but provided safe homes for US personnel, guarding their military installations and rescuing downed pilots. All told, some 30,000 Hmong tribesmen fought alongside the Americans against Pathet Lao and Vietnamese forces. Some 17,000 died in fighting, while another 50,000 Hmong civilians perished in the conflict.

In June 1974 the US negotiated its way out of the Vietnam War, and the last American plane flew across the Mekong River. The Pathet Lao soon dominated the political scene in Laos, and subjected the Hmong to retribution. Those suspected of collaborating with the CIA were dispatched to so called "seminars", or re-education camps. Many never returned to their families. Demoralization and panic resulted in a massive exodus of the Hmong. In 1975, over 44,000 Hmong had fled to Thailand, and by 1990 about 120,000 Hmong left Laos. Thousands died in Pathet Lao retaliation and re-education camps.

However, there was a third group who never made it across the Mekong River, yet who escaped the fate of the camps. Instead, they retreated into impenetrable mountain jungles, disappearing there for decades. This is the community that I visited, and whose human rights situation I have witnessed and recorded resulting in a documentary shown on the BBC in May 2004.

2.0 Present Situation

In January 2003 two Western journalists, Philip Blenkinsop and Andrew Perrin, managed to visit one of the groups of the CIA Secret War veterans and their families trapped in the jungles of Xaysomboune Special Zone, to bring their plight to the world. For the first time in more than 27 years reports and photographs emerged about those trapped and hunted down in the jungles of Laos, people who still refuse to surrender.

2.1 BBC Commission

In 2004, the BBC approached me to go into the rebels' camp in Laos with cameras, and make a documentary film about this forgotten conflict. The concept was to film the day-to-day life of people caught in wars. Because the Lao government impedes journalistic access, I entered Laos with my husband Misha Maltsev, who is also a journalist posing as a couple of backpacker tourists.

During the research process we found that there are still somewhere around 12,000 – 20,000 people, former CIA soldiers and their families, still living in the jungle and resisting the Lao authorities. They live in groups of 250 to 800 people, concentrated in the provinces of Bolikhamsay, Xaysomboune, Xieng Khouang and Luang Prabang. We were getting continuous reports of atrocities and human rights abuses against the Hmong – Lao military offensives on the settlements using assault helicopters and ground troops, systematic shelling and allegations of spraying the areas adjacent to the camps with chemical agents. The evidence for this was video footage smuggled out to the west by an underground network called the 'Blackbirds' with the help of the Fact Finding Commission (FFC) based in California, USA. FFC is an

organisation dedicated to bringing information regarding the plight of the Hmong CIA veterans in Laos.

Through this organisation, we established contact with the underground network operating inside Laos and began planning our journey. It took nearly two months for the network to find a safe route through the jungle by which we could trek and access one of the groups. There was also concern as to which group we should try and reach, particularly after a terrible incident in 2003, when three foreign journalists were detained after a firefight in Xaysomboune province. The three foreigners and their “blackbird” guides were captured and tortured and subjected to unfair trials. Two of the blackbirds, Thao Moua and Pafue Khang are still in jail to this day. So it was decided that we should go to the group under command of Wa Leng Lee (former Regiment 25) in Bolikhamsay province, north-east of Vientiane.

2.2 Arrival and preparations

On 7th March 2004 we arrived in Bangkok and met with the Lao/Hmong coordinators to finalize our plans. The “blackbird” network communicates with rebel camps through satellite phones and walkie-talkies. We travelled to the Thai-Lao border and met our “blackbird”, Pao Chong*, who lives in the little town of Bolikham. As soon as the route was known, the call went into the jungle to plan a rendezvous. Six rebels were dispatched from a destination camp to meet us; a three days walk from the drop off point. Two days later we crossed the border into Laos with all our filming and communication equipment.

Nai Kham*, a Hmong who lives in the USA, was to be our companion and interpreter. In order to avoid any suspicion towards our mission we were advised to behave as ‘normal’ tourists and while waiting to enter the jungle, we spent a few days walking the streets of Vientiane, visiting museums, historical sites and Buddhist temples. Apart from some relaxed and friendly traffic police, there was no military presence. Still, we changed our hotels three times.

2.3 52nd Kilometre settlement

The communist government of Laos has systematically resettled minority people; mountain tribes were encouraged to leave their villages in the inaccessible highlands and settle in specially selected areas. There are concerns about the on-going Hmong resettlement programmes. Social control is one of the driving forces behind the government’s resettlement programmes, and the government justifies this as the only way to provide education, basic provisions and better social services. We visited one such settlement near Vientiane, named “52nd kilometre”, the exact distance from Vientiane. It was a small village of approximately 400 people on the edge of a Lao town, comprised of traditional Hmong one-storey houses made of wooden planks notched together without nails, and a few modern houses built of brick and concrete.

The people were generally friendly and would greet us sitting in front of their home. Men seemed absent, and mostly we saw women and young girls embroidering. At one newly built house a woman secretly introduced us to her husband. Surprisingly open, the man told us his story, how he fought with the CIA. After the Americans withdrew, he was arrested along with many other soldiers and sent to a re-education camp. He said that all the officers were summarily executed without a trial as “war criminals”. Soldiers like him were given the choice to rehabilitate themselves and join Lao society in rebuilding the country. “What choice did we have?” he said to us, “It was either you choose to cooperate with them or you die”. He also told us that life in this settlement is very harsh. They have homes to live in, but no land to cultivate.

So the men were out doing manual labour while the women embroidered to make a living. The morale of these people seemed to be at quite a low point and they didn't seem to feel included within the greater Lao society. The historical antagonism between Hmong highlanders and the Lao government has left a legacy of discrimination, in education in particular. The Hmong remain deeply suspicious of the Lao government and the government of them. There have been some allegations of attacks on the government by the Hmong, some said to be perpetrated by Hmong groups inside the country and others from outside the country.

2.4 Entry into Bolikhamsay jungle

On 17th March we set off for Paksan, from where we would proceed to Bolikham, and then by dirt road until the drop-off point where the rebels would await us. The journey took us about 6 hours to complete. At about 11.30am our "blackbird" received a signal, and soon we drove into the bushes away from the dirt road, jumped out and began unloading our luggage. Suddenly a group of poorly dressed young men, all armed with machetes and AK-47s, appeared from the jungle. After a quick ritual of handshakes we re-distributed the baggage, mounted it on our backs and silently and swiftly proceeded towards the edge of the forest. Two fighters with machine guns took positions on both sides of the entering point.

The next four hours was a non-stop rapid ascent to the top of the mountain. During our first short break we had time to properly introduce ourselves to our six young guides, all men. Chong Cha and Pa Yeng, we learnt, came from the camp we were heading to, and the four others (Wa Txia, Jou Wa and two 18 year old boys, Toua and Thai) came from another village near the Vietnamese border. They appeared to be gentle, polite and humble men, not the hard and fierce anti-communist insurgents, as portrayed by the Lao government.

Pa Yeng said: "We are sorry that we have to take you to our homes in this horrible way, but this is the only way to get there, and thanks again for coming so far, just to see how we live". We had to climb the mountain to avoid two Lao villages in the ravine. I will never forget my first encounter with the jungle, the sheer physical exhaustion, the scratches and bruises and being exasperated by the continuous struggle through the thicket of this impenetrable jungle. This was a good indication of how difficult it is to move freely in this terrain, but more specifically this showed the conditions the Hmong were pushed into, while running for their lives to hide from the Pathet Lao. Therefore, by being in the jungle myself the realisation came to me of the extent of these people's isolation from the rest of the country and the world.

Before descending into the ravine, we enjoyed a modest meal when I noticed Pa Yeng stepping aside with a spoonful of rice, and praying to the spirits of the jungle to protect our journey. With a lack of weapons, these Hmong rely on the spirits of the jungle for protection. After eating we began to record interviews on camera. Our guides told us about their village and people. We found out that they had moved the location of their village 15 times the previous year. Since January 2004, they had already been forced to move five times, losing several men in the ambushes. The aftermath of this ambush, three weeks before our arrival, was recorded by the Hmong on cameras provided by supporters and the footage is available as evidence**. As a consequence they had not stayed in one place even for a full month. Systematically harassed by the Lao military ambushes, the whole camp, including women, children and the elderly are forced to pack up their belongings and trek through the jungle for days until they are safe. This movement of people continues to this day.

We descended into the valley with the darkness broken by silhouettes of men with backpacks and machine guns moving silently in the moonlight. We crossed a burnt out rice field and a road, and then began another climb, which continued for six full hours through the night. With the constant threat of being discovered by Lao troops, we had to get away as far as possible from the roads and places populated by Lao loggers who see any Hmong emerging from the jungle as legitimate targets.

It took us three days to reach the rebels' camp. Having lived their entire lives in the jungle, these Hmong guides have become attuned to their situation, which helps them negotiate through this often dangerous and hostile environment. They exercise resilience, tenacity and calmness and were always watchful for our safety. It was important for them to get us to their base camp so we could witness their conditions.

On several occasions on the way to the camp we came across abandoned and burned villages, ruined plantations, sites of ambushes and the traces of the Lao military presence. This has been observed to be a tactical strategy employed by the Laotian troops in systematically killing through starvation. The Hmong avoid harvesting fruit or cassava root for fear of leaving visible signs of their presence at specific locations. It forces them to search wider for limited food sources that are now becoming scarce. There are also many examples of the Hmong being attacked, often women and children, while out gathering food. They become sitting targets. After a few months of our visit, in May 2004, a dozen young boys and girls were out gathering food when they were ambushed; the teenage girls raped and brutally mutilated to death. Evidence footage** of this was smuggled out of the jungle and given to Time magazine Journalist Andrew Perrin who had the footage authenticated by independent sources. It was concluded to be a genuine attack carried out by Laotian troops. When challenged by journalists the Lao government denied responsibility for lack of evidence and dismissed the footage as a fabrication that could have been staged in the jungles of Thailand or Burma. Subsequently, the same was said about our filmed footage questioning the integrity of the BBC and our journalism. It is clear there is a pattern of denial of the problem or even the existence of any of these rebel groups by the Lao Government.

3.0 The Mountain base camp.

On the third day we arrived at the base camp of the group led by Wa Leng Lee. The emotional meeting was beyond any comprehension. Men and elders, women and children, with their hands clasped were weeping and prostrating themselves to us, showing their wounds and pleading for help - "We waited 30 years for you to come here, like children waiting for parents". Even our guides broke down. I have never experienced anything like this before, and the emotional impact of this first encounter will stay in my psyche forever. Since fleeing to the jungle this group had not encountered any journalists or in fact any outsiders. The international community has failed to notice this conflict because of the secrecy and the Lao government's prohibition of any contact or communication with these remaining children and grandchildren of the veterans of the Vietnam War.

During our five-day stay in the camp we interviewed people, took photos and video of the wounded, and followed the daily routine of the Hmong. Gradually the full tragic story of a never resolved conflict unravelled. The camp consisted of about 250 people; about ten men who had been directly involved in the CIA secret war, and their families – mostly women and children. Most households belonged to the Lee and Yang clans, although there were people of different family lineages living in the same village. The older men who were actual veterans, fighting

with the Americans, still held fading documents proving their membership of the Royal Lao military. However they had no official documents proving their involvement with the CIA because of its clandestine nature. Even Americans involved in the operation in Laos were not allowed to carry their identity tags or documents aligning them to this war effort against the North Vietnamese and Communist Pathet Lao.

Commander Wa Leng Lee explained that he personally was assigned to guard American radar installations for aircraft navigation and other Hmong units were assigned to disrupt North Vietnamese supply lines which went through the jungles of Laos. Since they were unable to flee to Thailand after the US left, his group took to the mountains in the Bolikhamsay region of Laos, where they have lived ever since. In the last few years the aggression of the Lao troops has accelerated making it harder for them to cultivate and maintain permanent fields, they are forced to live on what they can forage for in the jungle. There are known to be many such groups comprised of Hmong, Khmu, and Lao scattered across the vast mountainous jungles of Laos. The largest settled in the Xaysomboune special zone, led by Moua Toua Ter and Yang Toua Tao who were first reached in January 2003 by Andrew Perrin of Time Asia magazine and Independent photographer Philip Blenkinsop, whose award winning photographs of this journey have been exhibited across the world. Later that year, Belgian Journalist Thierry Falise and French journalist Vincent Reynaud reached the same region. Upon exiting the jungle the journalists and their guides were arrested and jailed by the Lao authorities. After intervention of the French authorities the two journalists and their American Hmong translator were freed leaving their Hmong guides Thao Moua, Pafue Khang and Va Char still in jail. One of these guides, Va Char managed to escape and is now living in safety in the United States, he is available as a witness and was responsible for bringing out the video footage of the May 2004 massacre of the teenagers.

Chong Cha Lee, one of the young men who guided us in, lives with his family of eight in a small bamboo hut, with makeshift beds and a little yard, which serves as a kitchen. The extended Lee family lives together in a little four-hut compound. Their basic everyday diet consisted of cassava roots and palm trees. Every day the women seek food (cassava, palms and leaves) in the nearby jungles; they also look after numerous children, many of them malnourished.

3.1 Education

The children in the jungle are given no formal education; they resent their illiteracy and ignorance of the world beyond. When we showed them our copy of the Lonely Planet guide to Laos, they yearned to be part of this country, its peoples and cultures described. Yet these Hmong don't officially exist. All the parents wish for is a peaceful life where their children can enjoy the benefits of basic education. The only way they can communicate with their relatives in other camps in the jungle is by sending recorded tape messages.

3.2 Health

Most children suffer from poor health, the most common ailments being respiratory problems (constant coughing) and malnutrition due to lack of milk, protein, and a monotonous diet since birth. The idea of a luscious jungle full of fruit and wildlife is not the case in these mountains. The Hmong have no access to any forms of meat, vegetables or fruit. Although they keep a handful of pigs and chicken these are only eaten by women during pregnancy and consumed in

conjunction with their spiritual ceremonies. The basic diet consists of cassava roots, leaves and the husk of an Asian palm tree known as 'Tong-La'.

3.3 Food

The women spend their entire day in the production of food. Collecting, gathering and digging for the cassava root. Always accompanied by young armed men for protection they wander far and wide in search for this rapidly limited resource. Unable to cultivate and maintain permanent fields, they are forced to live on what they can forage for in the jungle. Many have been ambushed and killed while collecting food.

Once gathered, the cassava is eaten simply boiled like a potato or grated and eaten as a rice substitute; many of the children have never tasted rice – generally a staple in Southeast Asia. The palm tree husk is laboriously prepared by chopping and hacking out the husk which is then washed several times to eliminate the poison. This is finally used as a makeshift noodle substitute to be eaten with the boiled leaves. The additional but rare source of nutrition is from small fish caught in the streams.

3.4 Medical

They also collect herbs and leaves for medicinal purposes. The children have insect bites and wounds that are festering and never heal. In this particular group, adult men and children had wounds from direct bullet hits and shrapnel which disabled and maimed them. We witnessed a two year old who was hit by a bullet in the back of his knee while being carried in his mother's arms running away from Lao soldiers. To this day the child is unable to walk and continues to crawl dragging his wounded leg. Another 18 year old young man can only walk supported by crutches, his knee bone was totally smashed by a bullet in an ambush.

Men and boys mostly patrol surrounding areas, guarding the settlement and scouting new routes, after older ones were mined. We covered one such patrol with Chong Cha, accompanied by his 10-year-old nephew Sor. Chong Cha commented: "Of course, he shouldn't be carrying a gun, he should be studying. But in this situation we have to be able to defend ourselves, otherwise we'll be wiped out. We don't trust the Lao government, because they kill us and that's why we are here in the jungle."

3.5 Military capability

All the men and some younger boys were armed with AK-47 assault rifles and old American rifles, leftovers from the days of General Vang Pao. They have to forage or barter for weapons. Each man had at least five bullets in the magazine – "it is not enough even to protect ourselves". The Hmong have been accused by the Lao government of banditry and wide-scale insurgency which includes alleged attacks on tourist buses and villages. However, in our observation this particular group has no significant military capability and so pose no real threat to the government forces but will defend themselves if attacked. To protect our journey out of the jungle, the fighters gathered the collective bullets in the group and handed them to the six men walking us out. They were left with six bullets to defend their village.

Many Hmong have given themselves up in the hope of amnesty to live as citizens in Lao society. The Hmong we met simply ask for freedom and democracy and to be left alone with a piece of land to farm and education for their children. However reports indicate continuous persecution and in my understanding, they mistrust the government and so fear surrender. They ask for the international community to intervene in supervising their exit from the jungles to live as equal citizens in Lao society. They are running out of food supplies and if the international community, human rights organizations and the Red Cross don't gain access to these desperate people, they will eventually die out.

4.0 The International Community

Since our visit in March 2004, another independent Canadian journalist Nelson Rand, made the journey to the Xaysamboune special zone and spent three weeks with the group led by Yang Toua Tao. During his stay Nelson Rand witnessed fighting and the relocation of the group two times in three weeks, which Nelson filmed and the footage is available.

A week after he left the jungle, both Nelson Rand and I were invited as witnesses to address a special framework team at the United Nations in New York. This was facilitated by Amnesty International. The Framework team chaired by Assistant Secretary General Ms Julia Taft comprised of various UN bodies including, department of political Affairs, OCHA, WFP, UNICEF, and others. During this visit to the United States, Nelson and I also gave eye-witness accounts and presented visual evidence to the State Department in Washington.

In November 2004, Misha Maltsev and I were invited by the 'Mouvement Lao Democracy' to a conference hosted by MP Chantal Brunel at the "Assemblée Nationale" (French Parliament). Once again we presented our eye-witness accounts to this group of leaders from the Lao, Hmong, Vietnamese, and Cambodian diaspora.

A year after our trip and two years after Philip Blenkinsop's journey and discovery of these secret war veterans in the jungles of Laos, there has been no change or action taken by the International community. In a combined effort, as independent journalists, Misha and I joined forces with Nelson Rand and Philip Blenkinsop and again attempted to carry out our responsibility to the Hmong people we individually met to bring awareness to their desperate situation. We went to Capitol Hill in Washington to meet senators and congressmen who represent large Hmong constituencies in the States and are familiar with the Hmong situation in Laos.

Unfortunately to this day there has been a malaise in finding true solutions to this problem. The situation of the Hmong remains unchanged despite another high profile film and account of the French filmmaker/journalist Cyril Payen who trekked to the Xaysamboune special zone in February 2005. Apart from Human Rights groups like Amnesty International and Human Rights watch, there is a lack of initiative from governments and the International community as a whole. It needs courage and will to bring about change to this desperate humanitarian crisis.

5.0 The present situation

Recently for these people in the jungle the situation has become untenable. Continuous attacks by the Lao troops and the lack of food has compelled a group of 171 women and children to surrender on 4th June 2005. According to the Vientiane Times in Laos, the surrendered Hmong have been resettled in Ban Pua and are receiving food, medical attention, money and materials for construction of homes, and have been given land to grow rice. However, it is difficult to assess the accuracy of these reports as no International organization or even the United Nations have been granted access to these people. This has not given any confidence to the remaining groups in the jungles to surrender and join the women and children. There is still fear and distrust by the remaining Hmong groups in the jungle who are assessing and monitoring the surrender. This situation will inform their decision to surrender or not.

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* Original names are changed for safety reasons

** Ambush aftermath footage available from the Fact Finding Commission, California, USA