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Hmong Times

By: PaChia Yang

United Nations Expert Hears Moving Testimony from Hmong Families on Grave Desecrations in Thailand

Calls accounts of exhumations "assault to culture"

After listening to four hours of testimony describing the Hmong grave exhumations at Wat Tham Krabok in Thailand, United Nations Special Rapporteur James Anaya addressed several hundred people gathered at the hearing, stating, "What I have heard are accounts that are very serious - accounts of assault to culture, assault to a people." Anaya is independent expert on the human rights of indigenous people. He visited Minnesota on December 10 at the invitation of the University of Minnesota's Human Rights Program to learn more about the desecration of an estimated 900 graves in Thailand. At the end of the hearing, Professor Anaya committed to raise further concerns about the diggings with the Thai Government and then "to formulate an opinion, views, and communicate those views to the government and to the Human Rights Council in a report that will be made public and available for you."

The consultation with the UN expert was the culmination of years of work by the University's Human Rights Program, Minnesota public officials, and community activists. According to the Human Rights Program's Director, Professor Barbara Frey, "Professor Anaya's visit gave us the chance to pull together all the research and fact-finding that has been done and to present it as a full case for the United Nations' consideration." The hearing featured a dozen witnesses, including family members, Hmong shaman, and community representatives who had been involved in investigating the case and advocating for a satisfactory resolution with the leadership of the monastery and the Thai Government. More than 200 Hmong community members attended the hearing, along with human rights advocates and students.

The hearing was introduced by Professor Frey and Professor David Wippman, Dean of the University of Minnesota Law School, who noted, "Our collective work will leave the law clearer and more enforceable, will add to the protection of the cultural and religious rituals of indigenous groups, and will leave our students better prepared to take on the challenges facing our global community."

Minnesota State Senator Mee Moua gave a welcome by video, as she was out of the country at the time of the hearing. Senator Moua asked the UN expert to "help us to recognize the wrong that has been perpetrated...Let this be the last time any people should ever have to witness their loved ones violated in this manner."

After a general overview of the case from Hmong activist Yee Chang and Mr. Vang Xiong X. Toyed, of the National Hmong Grave Desecration Committee, the UN Special Rapporteur heard from traditional Hmong funeral expert, Shong Ger Thao, who testified that "the desecration of Hmong graves is the most fundamental and deeply painful violation of all violations against the Hmong...because it violates not only tradition, but history of an entire people." Asked by the UN Expert if anything could be done to heal the



Victim family members and witnesses at the U.N. Hearing on the desecration of Hmong graves pose with U.N. Special Rapporteur James Anaya during welcoming reception at the University of Minnesota on December 9, 2008. L-R: Chue Thao, Lee Thao, Lee Yang, Professor James Anaya, Kao Xiong, Pa Ze Xiong, and Soua Dao Thao. Not pictured is Lia Thao. (Photo courtesy of Mr. Yee Chang.)



Ms. PaChia Yang and witnesses, Mr. Lee Thao and Mr. Kao Xiong, testify at U.N. Consultation on the desecration of Hmong graves. (Photo courtesy of University of Minnesota.)

spiritual damage brought about by the exhumations, Nhia Yer Yang, responded that there were no known healing ceremonies to restore the spirit of the deceased in this situation, in which the grave site is entirely demolished and the body removed.

Affected family members gave gripping testimony about the shock of witnessing the exhumations, the ongoing spiritual and psychological consequences of the exhumations and their fear of further harm.

Lee Yang spoke about his concerns for his family and children as they are constantly falling ill because of the desecration of his parents' graves.

"Alive or dead, I will always be upset," said Lia Thao, as she described her feelings on the digging of her husband's grave.

Pa Ze Xiong told the U.N expert that "we're not here to ask for a sum of money. We're here to ask the international community to secure our right as a people to never be violated ever again."

Chue Thao spoke to the UN expert asserting his fear that the "Thai authorities will remove or desecrate" his father's grave that is still intact at the burial site of temple Wat Tham Krabok.

University of Minnesota law students, Katie Devlaminck and Kevin Morrison, summarized the legal arguments on behalf of the Hmong people, based on violations of their rights to non-discrimination and to practice their cultural and religious beliefs. The students asked the UN expert to "recognize these violations against the Hmong people and demand that the Government of Thailand ensure no further Hmong grave exhumations take place at Wat Tham Krabok or anywhere else in the country without the express consent of family members."

The United Nations expert was clearly moved by the testimony which he called "disturbing" while quickly adding that it was at "the same time encouraging to see the courage and the determination by the people to have their rights respected and the violation of their rights vindicated." Anaya pledged to the community that "I will take measures that will help restore some level of dignity and some level of trust and perhaps some level of understanding, mutual understanding, between the Hmong people and the rest of the Thai society...this is a matter of concern that you can rest assure that I will address."

Professor Anaya was welcomed to the Twin Cities the night before the hearing at a reception at the University of Minnesota featuring elected officials, Hmong community leaders and human rights advocates. Mayor Chris Coleman welcomed the UN expert to the community, noting that the suffering in the Hmong community, and especially for the City's newest immigrants from Wat Tham Krabok, had led him and the St. Paul City Council to take various steps to try to resolve the crisis. Other public officials speaking at the event included Minnesota State Representative Cy Thao, Northfield Commissioner of Human Rights, Judy Dirks. Singer-songwriters Tou SaiKo Lee and Logan Moua of The New Sky Development provided entertainment.

Carleton College graduate, PaChia Yang, was presented with the Sullivan Ballou Foundation's award for her work in interviewing families of the victims and writing up an extensive analysis of the human rights violations in the grave desecration case. The award was presented to PaChia Yang by the Foundation's board members, Judge Bruce Peterson and Elissa Peterson.

Professor James Anaya's Closing Remarks

United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Professor James Anaya's Closing Remarks from the "Consultation with the United Nations Expert on the Desecration of Hmong Graves"

I want to thank all those who provided testimonies. It's been very moving and in addition to enlightening and I must say, disturbing. Disturbing while the same time encouraging to see the courage and the

determination by the people to have their rights respected and the violation of their rights vindicated. It's inspiring really, and so I want to thank you for that and those of you who testified. I also want to thank the students who just presented arguments about the legal aspect of this situation and arguments that assert a violation of human rights law and thus then if those arguments are accepted it attach international legal responsibility to the Thai Government. What I have heard are accounts that are very serious and accounts of assault to culture, assault to a people, that can only be fully understood in light of the kind of testimonies I've heard that reveals the particular significance of death, the passing of life, the funeral ceremony, the grave itself, and the ongoing spiritual connections that people have to that grave and to the life that that grave represents. I do understand the seriousness of these allegations, certainly not fully. I think in order to fully understand them, one must actually live the Hmong culture. It's impossible for an outsider like me to understand it. But that only puts greater responsibility on me to look upon the Hmong, as I am called upon and must look at other cultures with full respect, understanding that there are differences. With those differences come limitations and understanding. With that understanding of our limitations in our understandings, we must then take extra care when matters of cultural integrity are at stake.

What will I do with this information? I am called upon by the United Nations Human Rights Council to do precisely what I have been doing here today, investigate allegations of human rights violations by talking to the people affected in addition to engaging with the governments who are the subjects of such allegations. So this is a very meaningful opportunity for me to hear directly from the people affected, to hear their accounts of what has happened. I must say that I did my best to learn about this situation by reading the documents that were presented to me but there is no substitute for hearing directly from the people concerned.

I want to thank you for your courage and coming and testifying and for your forthrightness and for those who had worked so hard to provide this opportunity. My mandate comes from the United Nations Human Rights Council which many of you know is the main organ of the United Nations system charged with promoting the human rights of all. It is an intergovernmental body, it is a political body. It is made up of U.N member-states. They appoint Special Rapporteurs in a number of subject areas in order to act as an independent source of inquiry and of recommendations; an independent source of interactions and dialogue on matters of human rights. The understanding, I think, underlying this system is that this political body, this body made up of states, needs independent perspectives. And so it relies, on principle at least, on the system of Special Rapporteurs to provide an independent perspective, independent from any state, independent from any political agenda, independent of the directors of any particular interested party. That is what this independence is about, so it relies on the system of Special Rapporteurs to provide this independent perspective. So that's what I'm hear trying to do, access the situation on an independent basis and on that basis then precede to make any appropriate recommendations and take any appropriate actions.

Pursuit to my mandate, I must act appropriately when I encounter human rights violations, that includes communicating them to the government concerned or to the parties concerned. Already, as you know, as I think most of you or many of you know, this matter has gone to the attention of the United Nations Human Rights Council through my predecessor Dr. Rodolfo Stavenhagen who was before me the U.N Special Rapporteur on indigenous people. Communication about this situation was submitted to him in 2006 or 2007 I believe it was, no, it's 2006. And in fact, there has been the response by the Thai Government. But this, this information will be the basis for further interactions with the Thai Government. That is something I commit to do, to raise these concerns with the government and after hearing from them, I will formulate an opinion, views, and communicate those views to the government and to the Human Rights Council in a report that will be made public and available for you. That is something, that is something I commit to do.

Furthermore, I will to the extent possible, engage the Thai Government in our discussion that I hope could lead to some appropriate measure that could, if not, entirely resolve the situation and indeed as I've heard it's impossible to completely resolve this situation, it's impossible to heal the pain, entirely heal the wounds. And if not doing that, at least take measures that will help restore some level of dignity and some level of trust and perhaps some level of understanding, mutual understanding, between the Hmong

people and the rest of the Thai society and the rest of the society in this world. I don't think that the Thai Government should be singled out for this kind of thing. Of course, it is the government in this territory where this has happened and if these allegations are true than there's some level of responsibility. But we're talking about a phenomenon as you know that is world wide, the phenomenon of discrimination against indigenous people which included desecration of burial sites that has happened, as it's been mentioned before, not just regard to the Hmong people but it has happened to indigenous people across the globe, including indigenous people in this country. And it is part of a pattern of discrimination, a part of a dehumanization of indigenous people as it has occurred overtime. Part of that simply disregard for the humanity of indigenous people that is an unfortunate consequence of encounter between cultures in many instances when one tries to dominate the other. And it is unfortunate when those things continue to happen. It's one thing for them to have happened in the past and to leave lasting wounds but another thing for those things to happen in very resent memory and to continue to happen. So, this is a matter of concern that you can rest assure that I will address.

Let me just conclude by again expressing my admiration for those who testified and also my admiration for those who helped put this together. And to the public officials who have intervened in a way that I think has been exemplary and essential and I could only wish that this kind of interaction among people who are affected by human rights violations, the academic world and the world of public service could be repeated. If that were the half of it we wouldn't have human rights violations, at least not as many, if we saw this kind of interactions that is occurring here. So I heard about this legendary exemplary cooperation that happens in Minnesota to promote human rights, not only hear at home but around the world and I want to applaud that and encourage, and I will mention that as well in my report to the Human Rights Council, and encourage it to be replicated in other parts of the world. And encourage this kind of public, academic, private, indigenous cooperation interaction. And finally, thank you again for inviting me to be here. It's truly been a privilege and an honor. Thank you.

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