

PUBLIC

AI Index: ASA 41/022/2003

08 August 2003

Further Information on UA 249/02 (ASA 23/006/2002, 7 August 2002) and follow-up (ASA 23/007/2002, 19 August 2002) - Fear for safety/forcible return/possible prisoner of conscience New concern: Unfair trial

VIET NAM/CAMBODIA

Thich Tri Luc (m), Vietnamese Buddhist monk

Li Guojun (m), Chinese national

Zhang Xinyi (f), Chinese national

Thich Tri Luc, who "disappeared" in Cambodia in 2002, is now reported to be detained in Viet Nam awaiting trial. His whereabouts are unknown and there are fears for his safety. It is also feared that he faces an unfair trial which will not meet international standards of justice, and possible long-term imprisonment as a prisoner of conscience.

Thich Tri Luc, a Vietnamese Buddhist monk and former prisoner of conscience, fled from Viet Nam to Cambodia to seek asylum after suffering years of persecution by the Vietnamese authorities. He was granted refugee status by the United Nations High Commissioner for Refugees (UNHCR) in June 2002. On 25 July 2002 he "disappeared" after leaving the guest house where he was staying in the capital Phnom Penh with an unidentified Vietnamese man.

In July 2003, the family of Thich Tri Luc received the first news that he was still alive when they were informed by the authorities that he was scheduled to be brought to trial at Ho Chi Minh City People's Court on 1 August. His trial has been postponed and no new date has yet been set. The charges against him are not known.

It appears that Thich Tri Luc was forcibly repatriated to Viet Nam. Both the Cambodian and Vietnamese authorities have claimed that they did not know the fate or whereabouts of Thich Tri Luc. As a state party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, Cambodia is bound by the principle of *non-refoulement* as enshrined in the Convention, which prohibits the return of a person to a country where he or she would be at grave risk of human rights violations.

Thich Tri Luc is a member of the Unified Buddhist Church of Viet Nam (UBCV) which is not recognized in Viet Nam. Members of the UBCV and other religious groups which are not officially approved by the state have been subject to harassment and imprisonment for many years. Thich Tri Luc has been adopted as a prisoner of conscience by Amnesty International on two occasions previously. In between the two periods he has spent in prison, Thich Tri Luc was subjected to house arrest, harassment, short-term detention and deprivation of basic rights by the police because of his membership of the UBCV and his peaceful religious activities.

There is no further information on the fate of Li Guojun and Zhang Xinyi, two Chinese asylum seekers who were forcibly returned to China by the Cambodian authorities in August 2002.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, French or your own language:

To the Vietnamese authorities:

- expressing grave concern that Thich Tri Luc, an asylum-seeker granted refugee status, faces an unfair trial and possible lengthy term of imprisonment as a prisoner of conscience;
- seeking assurances that Thich Tri Luc has not been subjected to any form of torture or ill-treatment since his arrest and detention;
- urging the authorities to make public the whereabouts of Thich Tri Luc and the charges against him;
- calling on the authorities to ensure that Thich Tri Luc is provided immediate access to lawyers, family and medical care in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners;
- urging the authorities to provide information to United Nations High Commissioner for Refugees (UNHCR) about the circumstances surrounding the arrest of Thich Tri Luc, his current well-being and his legal status.

To the Cambodian authorities:

- expressing concern that Thich Tri Luc, a Vietnamese asylum-seeker who was granted refugee status by UNHCR in June 2002, was apparently forcibly repatriated to Viet Nam following his “disappearance” in July 2002;
- urging the Cambodian authorities to immediately investigate and make public the circumstances under which Thich Tri Luc was returned to Viet Nam;
- seeking assurances that all steps will be taken to ensure that Cambodia abides by the principle of *non-refoulement*, which prohibits the return of a person, including both refugees and asylum-seekers, to a country where they would be grave risk of human rights violations.

APPEALS TO:

Viet Nam

Prime Minister Phan Van Khai
Office of the Prime Minister
Hoang Hoa Tham
Ha Noi, Socialist Republic of Viet Nam

Telegrams: Prime Minister, Ha Noi, Viet Nam
Faxes: + 844 823 1872 (c/o Ministry of Foreign Affairs)
Salutation: Dear Prime Minister

Le Hong Anh
Minister of Public Security
Ministry of Public Security
15 Tran Bing Trong Street
Hoan Kiem District
Ha Noi, Socialist Republic of Viet Nam

Telegrams: Public Security Minister, Ha Noi, Viet Nam
Faxes: + 844 199 2682 (c/o Ministry of Foreign Affairs)
Salutation: Dear Minister

Kingdom of Cambodia

Om Yentieng
Minister & President of the Cambodian Human Rights Committee
Office of the Prime Minister
Phnom Penh, Kingdom of Cambodia

Telegrams: President Cambodian Human Rights Committee, Phnom Penh, Cambodia
Faxes: + 855 12 81 37 81
Salutation: Dear Minister

Sar Kheng
Deputy Prime Minister & Co-Minister of Interior
Ministry of Interior
275 Norodom Blvd
Phnom Penh, Kingdom of Cambodia

Telegrams: Interior Minister, Phnom Penh, Cambodia
Faxes: + 855 23 21 27 08
Salutation: Dear Minister

and to diplomatic representatives of Viet Nam/Cambodia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 20 September 2003.