

PUBLIC

AI Index: ASA 41/029/2003

12 September 2003

Further Information on UA 249/02 (ASA 23/006/2002, 7 August 2002) and follow-ups (ASA 23/007/2003, 19 August 2002, ASA 41/022/2003, 8 August 2003) - Fear for safety/forcible return/prisoner of conscience/unfair trial

VIET NAM/CAMBODIA

Thich Tri Luc (m), Vietnamese Buddhist monk

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On 12 September, the Vietnamese authorities confirmed publicly for the first time that Thich Tri Luc will be brought to trial on charges related to his alleged "anti-government activities". If he is found guilty, Thich Tri Luc could face life imprisonment or a lengthy prison term as a prisoner of conscience.

Thich Tri Luc is reported to be held at a Ministry of Public Security detention facility in Ho Chi Minh City. It is not known when Thich Tri Luc's trial will take place. He will reportedly face charges under Article 91 (Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration) of the Criminal Code. It provides for between three years and life imprisonment.

A spokesperson for the Ministry of Foreign Affairs reportedly stated that Thich Tri Luc has been accused of anti-government activities, including rallying foreign organizations "to fight against Viet Nam". The authorities have allegedly said that Thich Tri Luc was arrested in July 2002 at the Cambodia/Viet Nam border.

#### **BACKGROUND INFORMATION**

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 the Ho Chi Minh City People's Court on 1 August. His trial was postponed. Amnesty International considers him to be a prisoner of conscience, detained solely for the peaceful expression of his religious beliefs.

**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 under national security legislation which provides for long terms of imprisonment;
- stating that Amnesty International considers Thich Tri Luc to be a prisoner of conscience, detained solely for the peaceful expression of his religious beliefs;
- seeking assurances that Thich Tri Luc has not been subjected to any form of torture or ill-treatment since his arrest and detention;
- 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) and other UN mechanisms investigating his case about the circumstances surrounding the arrest of Thich Tri Luc, his current well-being and his legal status;

- calling on the authorities to ensure that any trial is held in public and that access is allowed to journalists, diplomatic representatives and UN officials.

**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 forcibly repatriated to Viet Nam following his "disappearance" in July 2002;  
- calling on the Cambodian authorities to publicly explain the circumstances under which Thich Tri Luc was returned to Viet Nam;  
- calling on the authorities to abide 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 at 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

**Telegram: Prime Minister, Ha Noi, Viet Nam**

**Fax: + 844 823 4137 or + 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

**Telegram: Public Security Minister, Ha Noi, Viet Nam**

**Fax: + 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

**Telegram: President Cambodian Human Rights Committee, Phnom Penh, Cambodia**

**Fax: + 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

**Telegram: Interior Minister, Phnom Penh, Cambodia**

**Fax: + 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 24 October 2003.