

PUBLIC

AI Index: ASA 23/007/2002

19 August 2002

**Further information on UA 249/02 (ASA 23/006/2002, 7 August 2002) - Fear for safety/possible "disappearance"/fear of forcible return**

**CAMBODIA/VIET NAM/Thich Tri Luc (m), Vietnamese Buddhist monk  
PEOPLE'S REPUBLIC OF CHINA**

**new names:Li Guojun (m), Chinese national  
Zhang Xinyi (f), Chinese national**

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Fears for the safety and protection of refugees and asylum-seekers in Cambodia have increased following reports of the arrest and forcible return of two Chinese asylum-seekers to China. Amnesty International is gravely concerned that the Cambodian authorities are failing to fulfil their obligations as a state party to the 1951 UN Refugee Convention, which prohibits the forcible return of persons to a country where they would be at grave risk of serious human rights violations.

Li Guojun and Zhang Xinyi had left the People's Republic of China (PRC) in 1998 and sought the protection of the United Nations High Commissioner for Refugees (UNHCR) in the Cambodian capital Phnom Penh in January 2000. Their case was under consideration when they were arrested by Cambodian police on 2 August 2002. On 9 August they were forcibly returned to the PRC. There are unconfirmed reports that they are now in detention in the PRC. Both are reported to be members of the Falun Gong spiritual movement and to have been arrested in Cambodia after they had received Falun Gong material by mail.

Tens of thousands of Falun Gong practitioners have been arbitrarily detained in China since the spiritual movement was banned as a "threat to social and political stability" in July 1999. Some have been charged with crimes and sentenced after unfair trials, while others have been sent to labour camps without trial. Many are reported to have been tortured or ill-treated in detention.

Fears remain for the safety of Thich Tri Luc, a Vietnamese Buddhist monk and former prisoner of conscience seeking asylum in Cambodia, who "disappeared" on 25 July. At the time of his "disappearance" he had already been granted refugee status by the UNHCR. His whereabouts and fate continue to be unknown. It is feared that he may have been abducted and forcibly returned to Viet Nam where he is at risk of imprisonment and other serious human rights violations.

#### **BACKGROUND INFORMATION**

Cambodia is a state party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Importantly, Cambodia is bound by the principle of *non-refoulement*, set out in article 33 of the 1951 Refugee Convention, which prohibits the return of a person to a country where he/she would be at grave risk of human rights violations. This principle of *non-refoulement* is the cornerstone of international refugee protection, and applies to refugees as well as to asylum-seekers whose status has not been finally resolved.

Cambodia is host to several hundred refugees and asylum-seekers, mainly from countries in the Asia region. Their access to protection has become increasingly precarious. The recent incidents of the forcible return of two Falun Gong members to China as well as the disappearance of a Vietnamese refugee are disturbing developments. In 2001, the flight of over 1000 Montagnard (hill tribe) asylum-seekers from Viet Nam into Cambodia resulted in recognition of the

majority of them as refugees and an agreement for their resettlement overseas (see UA 7/02, ASA 23/002/2002, 22 March 2002 and follow-up ASA 23/003/2002, 4 April 2002). However, more than 200 Montagnard refugees were forcibly returned by Cambodian provincial authorities to Viet Nam in 2001 and 2002, some of whom were detained and beaten by the Vietnamese on their return.

**FURTHER RECOMMENDED ACTION: Please send appeals in English or your own language or in your own language:**

- urging the Cambodian authorities to immediately investigate the current whereabouts of Thich Tri Luc, who had been granted refugee status by the UNHCR in Phnom Penh when he "disappeared", and to ensure that he is not forcibly returned to Viet Nam;
- urging the authorities to launch an immediate investigation into the arrest and forcible return to the People's Republic of China of Li Guojun and Zhang Xinyi, who were also persons of concern to UNHCR at the time of their arrest;
- seeking assurances from the authorities that immediate 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 at grave risk of human rights violations;
- urging the authorities to comply fully with international standards for the protection of all refugees, without discrimination including on the basis of race, religion or country of origin.

**APPEALS TO:**

Prime Minister Hun Sen  
Office of the Prime Minister  
Phnom Penh  
Kingdom of Cambodia  
**Telegram: Prime Minister Hun Sen, Phnom Penh, Cambodia**  
**Fax: + 855 23 360666**  
**Salutation: Your Excellency**

Sar Kheng  
Deputy Prime Minister and Co-Minister of Interior  
275 Norodom Blvd  
Phnom Penh  
Kingdom of Cambodia  
**Telegram: Deputy Prime Minister, Phnom Penh, Cambodia**  
**Salutation: Dear Deputy Prime Minister**

Long Visalo  
Under Secretary of State  
Ministry of Foreign Affairs and International Cooperation  
Tera Vithei Preah  
Sisowath Blvd  
Phnom Penh  
Kingdom of Cambodia  
**Telegram: Under Secretary of State, Ministry of Foreign Affairs, Phnom Penh, Cambodia**  
**Fax: + 855 23 216 144/939**  
**Salutation: Dear Secretary of State**

and to diplomatic representatives of the Cambodia/Viet Nam/People's Republic of China accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 30 September 2002.