

AMNESTY INTERNATIONAL

Public Statement

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Cambodia: Refugee protection in crisis

Amnesty International is gravely concerned at the continuing forced return or *refoulement* of Vietnamese asylum-seekers, known as Montagnards, who are fleeing the Central Highlands region of Viet Nam in the face of well-documented persecution.

Despite repeated calls from the international community including the United Nations High Commissioner for Refugees (UNHCR), Cambodian authorities are routinely forcibly returning Montagnard asylum-seekers. Most recently a group of approximately 80 people are reported to have been returned to Viet Nam in early May.

"It is particularly shocking to learn of allegations of rape of several female asylum-seekers in this group and robbery of others allegedly perpetrated by members of the Cambodian police prior to their forced return. The Cambodian authorities should immediately conduct an investigation into these allegations and bring any guilty persons to justice" Amnesty International said.

Amnesty International is worried at recent statements by the Cambodian Foreign Ministry that Montagnards arriving from Viet Nam are not regarded as asylum-seekers but illegal economic migrants.

"The Cambodian authorities are redefining, for their own purposes, the definition of a refugee as set out in the 1951 Convention in blatant disregard of international legal standards" continued Amnesty International.

Allegations by the Cambodian authorities that UNHCR has "violated Cambodian sovereignty" reveal a misunderstanding of both the concept of sovereignty and the mandate of the UN refugee agency. State sovereignty carries both rights and obligations, not least of which are those taken on when an international treaty is signed and ratified. UNHCR's mandate in Cambodia is precisely to assist the authorities to deliver on their obligations under the Refugee Convention.

Amnesty International is aware of the on-going discussions between the Cambodian authorities and UNHCR regarding the modalities of refugee and asylum-seeker protection in Cambodia. However, regardless of this and any dispute between the Cambodian authorities and UNHCR, Cambodia's legal obligations under the 1951 Refugee Convention to which Cambodia is a state party continue to apply. Article 33.1 of the Refugee Convention states: *no Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.*

Amnesty International stresses that the international community also has a responsibility to help

Cambodia meet its obligations under the Refugee Convention ensuring protection of both asylum-seekers and refugees. "More pressure must be brought to bear on the Vietnamese authorities to address, in an open and transparent manner, the underlying reasons for a crisis that is not of Cambodia's making" said Amnesty International. "It is vital that refugee protection is respected in Cambodia, one of the few countries in the region that has signed the Refugee Convention".

Amnesty International calls upon the Cambodian authorities to provide protection, and if necessary, safe passage to a third country for Montagnard refugees from Viet Nam in the same way that the international community provided protection to Cambodians fleeing abuses by the Khmer Rouge in the dark days of Cambodia's recent past.

Background

In February 2001, thousands of people from indigenous minorities held protests in the Vietnamese Central Highlands focussing on a number of grievances including government confiscation of their ancestral homelands, an influx of lowland Vietnamese settlers taking their agricultural land, lack of freedom of worship for the many who are members of the unauthorized evangelical Protestant churches and denial of basic rights including education in native languages.

Following a Vietnamese government crackdown after the 2001 protests, thousands of Montagnards fled Viet Nam to seek asylum in neighbouring Cambodia. An initial group of approximately 1,000 were resettled in the United States in 2002 and 2003. Further protests in April 2004 met with disproportionate and brutal force by Vietnamese security officials. Amnesty International has documented the deaths of at least eight people but fears the numbers could be much higher. In addition, hundreds of protesters were reportedly wounded. Montagnard asylum seekers continue to try and flee Viet Nam to Cambodia and there have been numerous reports of the forcible repatriation or *refoulement* of hundreds of people including women and children. Those returned to Viet Nam face possible torture and long periods of imprisonment after trials held in secret.