

EXTERNAL

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Legal concern / Fear of ill-treatment

11 March 1996

CAMBODIA / VIET NAM Ly Chandara
Ly Thara
Nguyen Phong Seun

The three men named above have been illegally arrested by the Cambodian authorities and deported to Viet Nam, where Amnesty International fears they may face ill-treatment and long prison terms. None of the guarantees enshrined in Cambodian and international law to prevent illegal arrest and deportation were upheld in their case.

On 9 March 1996, eight police officers forcibly entered Ly Chandara's house while he was still asleep and arrested him without a warrant. The officers kicked his wife and his pregnant daughter when they tried to prevent the arrest.

Ly Chandara, also known as Ly Ngoc, is a Cambodian from the ethnic Vietnamese minority, and edits the Vietnamese language magazine *Viet Nam Tu Do* (Free Viet Nam), published in the capital, Phnom Penh. The magazine publishes articles critical of Viet Nam's government. Despite the fact that Ly Chandara was born in Phnom Penh in 1960 (his mother was also born in Cambodia and has always lived there), the Cambodian Interior Ministry claims that he is an "illegal alien" and a Vietnamese national.

Ly Thara was arrested at his house - which is also his office - on 9 March.

As many as 15 police officers burst in, pointed their guns at his employees, and searched the premises. They had no arrest or search warrants. Ly Thara, also known as Nguyen Minh Mung, is believed to have been born in Cambodia in 1960. He lived in the United States for some years in the 1980s, then returned to Cambodia in 1987 and set up a business. Both he and Ly Chandara are believed to have been detained briefly in December 1995.

Amnesty International does not have information about the circumstances of Nguyen Phong Seun's arrest and deportation.

The Cambodian Interior Ministry allege that all three men have been involved in an illegal organization, the Free Viet Nam Movement, which, the Ministry claims, aims to overthrow the Vietnamese Government.

Amnesty International fears that the Cambodian and Vietnamese authorities made an agreement to arrest and deport these three men from Cambodia, in order that they should stand trial in Viet Nam. The organization fears that they are likely to be detained in harsh conditions, denied access to legal representation and charged under national security legislation which contravenes international human rights standards including the International Covenant on Civil and Political Rights (ICCPR) to which Viet Nam and Cambodia are both parties.

BACKGROUND INFORMATION

In the last 12 months, prominent dissidents in Viet Nam have been sentenced to prison terms of up to 15 years because of their peaceful opposition to the government. All are prisoners of conscience. Some of them are very ill and have been denied adequate medical treatment in detention.

In Cambodia, the ethnic Vietnamese minority are one of the most vulnerable groups in the country. There is widespread prejudice in Cambodian society and in the government against them, and in recent years they have been attacked,

forcibly exiled and denied equal protection of the law. Cambodia has no Nationality Act at present, and therefore there is no legal definition of who qualifies for Cambodian citizenship. The Cambodian Government claims that large numbers of Cambodia's ethnic Vietnamese population are illegal aliens, despite the fact that many ethnic Vietnamese families have been resident in Cambodia for generations, and have no ties to any other country.

In the past year, journalists in Cambodia who have criticised the Royal Cambodian Government have been prosecuted merely on the basis of the opinions they have expressed. The targeting of those involved in the *Viet Nam Tu Do* paper is the first time the Cambodian authorities have taken action against a Vietnamese-language publication. In December 1995, the Cambodian authorities arrested 38 people, whom they claimed were involved in the Free Viet Nam Movement. Six US nationals were deported from Cambodia; the remaining 32 people were released.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or French or your own language:

To the Cambodian authorities:

- expressing deep concern that Ly Chandara, Ly Thara and Nguyen Phong Seun were arrested without warrants and deported to Viet Nam without regard for their legal rights;
- calling on the government to uphold the rights of all people in Cambodia, including members of ethnic minorities, to freedom of expression and association, and asking for assurances that there will be no further deportations.

To the Vietnamese authorities:

- expressing concern about the circumstances by which Ly Chandara, Ly Thara and Nguyen Phong Seun arrived in Viet Nam and calling on the Vietnamese authorities to uphold their human rights as defined in the ICCPR to which Viet Nam is a state party;
- calling on the authorities to make public the whereabouts of the three men and what charges they face;
- calling for their immediate and unconditional release if they are held solely on account of their peaceful political activities.

APPEALS TO CAMBODIA:

Samdech Krompreah Norodom Ranariddh
First Prime Minister
Office of the Council of Ministers
Phnom Penh, Cambodia

Telegrams: HRH Norodom Ranariddh, Phnom Penh, Cambodia

Faxes: +855 234 26054

Salutation: Your Royal Highness

His Excellency Hun Sen
Second Prime Minister
Office of the Council of Ministers
Phnom Penh, Cambodia

Telegrams: HE Hun Sen, Phnom Penh, Cambodia

Salutation: Your Excellency

APPEALS TO VIET NAM:

His Excellency Vo Van Kiet
Prime Minister, Office of the Prime Minister
Hoang Hoa Tham, Ha Noi, Socialist Republic of Viet Nam
Telegrams: HE Vo Van Kiet, Ha Noi, Viet Nam
Faxes: +844 259205 c/o Ministry of Foreign Affairs
Salutation: Your Excellency

His Excellency Bui Thien Ngo
Minister of Interior, Ministry of Interior,
Tran Binh Trong, Ha Noi, Socialist Republic of Viet Nam
Telegrams: HE Bui Thien Ngo, Ha Noi, Viet Nam
Salutation: Your Excellency

COPIES RESPECTIVELY TO: diplomatic representatives of Cambodia and Viet Nam
accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 30 April 1996.