

UA 288/96 Refoulement / Possible prisoners of conscience 11 December 1996CAMBODIA/VIET NAM Nguyen Thi Viet Nhan *alias* Ngoc Anh

Vuong Thi Vieng *alias* Xuyen
(Chiem) Kiem Dung *alias* Hoa
Tran Thi Loan *alias* Nhat Lang
Le Van Tinh *alias* Huynh Van Chinh
Nguyen Bao Giang *alias* Lam Son
Ly Hoang Thanh Hung *alias* La Tam
Le Dong Phuong *alias* Le Hoang Dung
Nguyen Huu Tri
Nguyen Cong Cam
Nguyen Van Trai *alias* Thanh Trung
Tran Cong Minh *alias* Quoc Nam
Nguyen Minh Tri *alias* Minh Chi
Nguyen Van Vien *alias* Seng Thi
Ha Phuoc Hoa *alias* Chui Hoa
Lam Kien *alias* Son Hol
Dinh Van Lu
Nguyen Van Thoi
Thach Duoc *alias* Thach Wot

On 5 December 1996, 19 people of Vietnamese descent were forcibly removed from Cambodia to Viet Nam, where they could face long prison terms, possibly as prisoners of conscience, or even the death penalty. The 19, who are currently in detention in Ho Chi Minh City, were *refouled* despite requests by UN agencies that they be allowed to apply for asylum in Cambodia and fears that they could face persecution on return to Viet Nam.

The 19 were part of a group of 28 ethnic Vietnamese men and women arrested on 28 November in Poipet, close to the Thai border in northwestern Cambodia, where they were attempting to cross into Thailand to attend a meeting. The Cambodian authorities claim that they are all members of the "Free Viet Nam Movement", an illegal organization which allegedly aims to overthrow the Vietnamese Government. Other sources claim they belong to the "People's Action Party" which is said to be a US-based organization which advocates democracy in Viet Nam.

On 5 December, the Cambodian authorities decided to: deport one of the group, who holds US citizenship, to the USA; release eight who were holding Cambodian identity papers and allow them to remain in Cambodia if they agreed to have no further involvement with the "Free Viet Nam Movement"; and to forcibly remove the remaining 19 deemed not to have Cambodian citizenship to Viet Nam, despite the fact that nine of them had already registered their applications for asylum with the United Nations High Commissioner for Refugees (UNHCR) in Phnom Penh before their arrest and despite expressions of concern from UN agencies that they could face persecution if forcibly removed to Viet Nam.

On 6 December, the Vietnamese Foreign Ministry announced that the 19, named above, had been detained for investigation. Amnesty International fears that they may be charged under national security legislation, which provides for long terms of imprisonment or the death penalty, for their membership of an organization opposing the Vietnamese Government.

Cambodia, as a state party to the 1951 Convention relating to the Status of Refugees, is bound by the fundamental principle of non-*refoulement* which

prohibits the forcible return of any person to a country where he or she would be at risk of serious human rights violations on return.

BACKGROUND INFORMATION

In the last 18 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 discrimination against them in Cambodian society which is reflected in government policies, and in recent years they have been attacked, forcibly exiled and denied equal protection under the law.

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

APPEALS TO THE VIETNAMESE AUTHORITIES:

- expressing concern at the detention of 19 men and women of Vietnamese descent deported from Cambodia and calling on the authorities to uphold their rights as defined in the International Covenant on Civil and Political Rights to which Viet Nam is a state party;
- calling on the authorities to make public what charges the 19 men and women face;
- calling for their immediate and unconditional release if they are held solely on account of their peaceful political beliefs.

His Excellency Le Minh Huong
 Minister of Interior
 Ministry of Interior
 Tran Binh Trong
 Ha Noi, Socialist Republic of Viet Nam
Telegrams: Interior Minister, Ha Noi, Viet Nam
Salutation: Your Excellency

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
Salutation: Your Excellency

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

APPEALS TO THE CAMBODIAN AUTHORITIES:

- expressing concern at the *refoulement* to Viet Nam of 19 individuals, nine of whose asylum applications with UNHCR were ignored by the authorities, and who are at risk of serious human rights violations in Viet Nam;
- stressing Cambodia's obligation under the principle of *non-refoulement* as outlined in Article 33 of the 1951 Convention relating to the Status of Refugees, to which Cambodia is a party, not to forcibly return anyone to a country where he or she would be at risk of serious human rights violations;

- urging the authorities to seek assurances from their Vietnamese counterparts of the safety of the 19 *refouled* individuals;
- calling on the authorities to ensure that there is no further *refoulement* of asylum-seekers and refugees from 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

COPIES TO: diplomatic representatives of Cambodia accredited to your country.

Please bring to the attention of the Refugee Coordinator in your Section

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 25 January 1997.