

4 April 2002

Further information on UA 87/02 (ASA 23/002/2002, 22 March 2002) - Fear of forcible return/fear for safety

**KINGDOM OF CAMBODIA/Ethnic minority asylum-seekers from Viet Nam
VIET NAM**

The USA has offered to accept all the ethnic minority asylum-seekers now in two camps in Cambodia. However, it is not known how many will want to resettle in the USA. Cambodian Prime Minister Hun Sen announced on 31 March that Cambodia agreed in principle to the US offer, which has not yet been formalised, but said that no more asylum-seekers would be allowed to enter the country from Viet Nam, and any who did would be deported. Some 400 soldiers have reportedly been sent to Cambodia's northeast border with Viet Nam, the region where the asylum-seekers entered the country.

More than 900 Montagnard (hill tribe) asylum-seekers from Viet Nam remain under the protection of the United Nations High Commissioner for Refugees (UNHCR) in the two camps, in Ratanakiri and Mondulkiri provinces, northeast Cambodia. Cambodia has threatened to close the camps, which would seriously compromise the asylum-seekers' access to protection, and to the UNHCR.

The UNHCR signed an agreement with Cambodia and Viet Nam in January allowing for the repatriation of the asylum-seekers. Amnesty International criticized this agreement as it lacked guarantees for the voluntariness of such repatriations. On 21 March the Cambodian authorities allowed a 400-strong Vietnamese delegation to visit the Mondulkiri camp, where they pressured the asylum-seekers to return to Viet Nam, using threatening behaviour towards them and UNHCR staff. The UNHCR withdrew from the agreement the following day, saying it could not be implemented in accordance with international standards for the protection of refugees. The agreement has now effectively collapsed.

Amnesty International is seriously concerned that ethnic minority asylum-seekers already in Cambodia still risk being forcibly returned to Viet Nam, and that any new asylum-seekers will be turned back at the border or deported immediately. Cambodia is a state party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol and is obliged to ensure that the right of individuals to seek and enjoy asylum is upheld.

FURTHER RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- welcoming the fact that Cambodia is a state party to the UN Refugee Convention, and reminding the authorities of their obligation to comply with international standards for the protection of refugees;
- reiterating that, regardless of the collapse of the January 2002 agreement, Cambodia is bound by the international standards applicable to refugees, including those set out in the UN Refugee Convention;
- urging the authorities to ensure that no asylum-seekers are forcibly returned to Viet Nam, where they would be at risk of human rights violations, including ill-treatment by the police;
- urging the authorities to extend full protection to the Montagnard asylum seekers in the camps in Mondulkiri and Ratanakiri provinces and to give the UNHCR unhindered access to the camps.

APPEALS TO:

Prime Minister Hun Sen
Office of the Prime Minister
Phnom Penh
Kingdom of 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
Salutation:Dear Deputy Prime Minister

Long Visalo
Secretary of State
Ministry of Foreign Affairs and International Cooperation
Tera Vithei Preah
Sisowath Blvd
Phnom Penh
Kingdom of Cambodia
Fax:+ 855 23 426144
Salutation:Dear Secretary of State

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 16 May 2002.