

PUBLIC

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Fear of forcible return/fear for safety

13 January 2005

CAMBODIA/VIET NAM

Ksor Choi (m), aged 30

Kpa H'Seo (f)

Two children, one aged three years, one nine months (f)

The ethnic minority Montagnard family named above recently fled Viet Nam to seek asylum in Cambodia. Their whereabouts are now unknown, and Amnesty International fears they may have been forcibly returned to Viet Nam, where they would be at risk of serious human rights violations including ill-treatment in detention and a long period of detention after unfair trial.

After they fled Viet Nam, Kpa H'Seo, Ksor Choi and their two young children managed to reach the Cambodian capital, Phnom Penh. They made initial contact with the United Nations High Commissioner for Refugees (UNHCR) in order to seek asylum on 9 January, at one of several shelters housing Montagnard asylum-seekers. However, the family were taken away by police officials and reportedly handed over to the Ministry of Interior.

On 13 January, the Ministry of Interior informed UNHCR that Ksor Choi and his family had "voluntarily" returned to Viet Nam the previous day. However, according to the available information, Amnesty International fears that the family were in fact forcibly returned before being allowed to present their request for asylum to UNHCR. The UNHCR had not been able to assess their asylum claim or verify if they were genuinely willing to return to Viet Nam.

Ksor Choi and his family lived in the village of Buon Sec, in the Ea H'leo district of Dak Lak province in the Central Highlands of Viet Nam. He is the younger brother of a prominent political prisoner, Y Phen Ksor, who was arrested in February 2001 and sentenced to seven years' imprisonment in September 2001 for taking part in large-scale protests in the Central Highlands that year. Ksor Choi is reported to have been subjected to constant pressure and surveillance by the authorities, and was detained and beaten by police in November 2004.

BACKGROUND INFORMATION

Demonstrations and protests by ethnic minority Vietnamese, collectively known as Montagnards, which took place in 2001 and more recently in April 2004 in the Central Highlands, have been met by a harsh crackdown by the authorities, resulting in large numbers of arrests and long prison terms, with reports of torture and ill-treatment continuing today. The protests focused on a number of grievances, including government confiscation of ancestral lands, influxes of lowland Vietnamese taking agricultural land, lack of freedom of worship for unauthorized evangelical Protestant churches, and denial of basic rights, including education in their own language.

Following the crackdowns by the Vietnamese authorities, hundreds of Montagnards have fled to neighbouring Cambodia to seek asylum. Cambodia is failing, on a regular basis, to fully live up to its obligations under the 1951 Refugee Convention, to which it is a party. While some Montagnard asylum-seekers have been resettled in the US under the auspices of UNHCR, hundreds of asylum-seekers have been forcibly returned from Cambodia's border provinces to Viet Nam, where they face punishment and ill-treatment by the Vietnamese authorities. There have also been several high-profile cases of UNHCR-recognized refugees being forcibly returned to Viet Nam from Phnom Penh in recent years.

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

To the Cambodian authorities:

- expressing fears for the safety of Montagnard asylum-seekers Ksor Choi, Kpa H'Seo and their two young children, H'Ravi and H'Riva, who are believed to have been forcibly returned to Viet Nam on 12 January;
- urging the authorities to make the family's whereabouts known immediately;
- stressing Cambodia's obligation not to forcibly return people to countries where they would be at risk of serious human rights violations, as outlined in Article 33 of the 1951 Convention relating to the Status of Refugees, to which Cambodia is a party.

To the Vietnamese authorities:

- expressing concern for the safety of Montagnard asylum-seekers Ksor Choi, Kpa H'Seo and their two young children, H'Ravi and H'Riva who are believed to have been forcibly returned to Viet Nam;
- urging the authorities to make public information about the family's whereabouts, to guarantee their safety, and to ensure that they are treated in accordance with international human rights standards.

APPEALS TO:

Cambodian authorities:

Sar Kheng
Deputy Prime Minister & Co-Minister of Interior
Ministry of Interior, 275 Norodom Blvd
Phnom Penh, Kingdom of Cambodia

Fax: + 855 23 21 27 08

Salutation: Dear Minister

Om Yentieng
Minister & President of the Cambodian Human Rights Committee
Office of the Prime Minister
Phnom Penh, Kingdom of Cambodia

Fax: + 855 12 81 37 81

Salutation: Dear Minister

Vietnamese authorities:

Prime Minister Phan Van Khai
Office of the Prime Minister, Hoang Hoa Tham
Ha Noi, Socialist Republic of Viet Nam

Fax: + 844 823 4137 or + 844 823 1872 (c/o Ministry of Foreign Affairs)

Salutation: Dear Prime Minister

Le Hong Anh
Minister of Public Security, Ministry of Public Security
15 Tran Bing Trong Street
Hoan Kiem District
Ha Noi, Socialist Republic of Viet Nam

Fax: + 844 199 2682 (c/o Ministry of Foreign Affairs)

Salutation: Dear Minister

COPIES 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 25 February 2005.