

UA 87/02

Fea.

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

Amnesty International fears that hundreds of Montagnard (hill tribe) asylum seekers from Viet Nam are at risk of being forcibly returned to Viet Nam where their lives or freedom would be threatened.

The asylum seekers are currently staying under United Nations High Commissioner of Refugees (UNHCR) protection in two sites in Ratanakiri and Mondulkiri provinces in northeast Cambodia. Concerns have been heightened since the Cambodian authorities gave permission to a 400-strong delegation of Vietnamese officials and relatives of the asylum-seekers to visit the Mondulkiri site on 21 March. Cambodian police allowed officials to go from hut to hut seeking out individual asylum-seekers, many of whom had taken refuge inside. Six asylum seekers returned to Viet Nam with the group.

This visit is the latest and largest delegation sent by Viet Nam to Cambodia in an effort to bring the asylum-seekers (referred to by the Vietnamese authorities as "illegal migrants") back to Viet Nam. A tripartite agreement between the Vietnamese and Cambodian authorities and UNHCR on the Montagnard asylum-seekers was negotiated in January 2002, and allowed for these asylum-seekers to be repatriated under the auspices of UNHCR. However, access to Viet Nam's Central Highlands by UNHCR staff to monitor the situation of returning asylum-seekers was suspended by the Vietnamese authorities after only one visit in February. Since then the Cambodian authorities have allowed the Vietnamese to send delegations to the two camps, in increasing numbers.

Amnesty International has grave concerns that granting this kind of permission to visit asylum-seekers exposes them to the risk of undue influence, coercion and intimidation to return to Viet Nam. In particular, it threatens to compromise some fundamental elements of refugee protection, namely that permitting contact with consular and other officials from the country of origin undermines the right to seek and enjoy asylum, that the grant of asylum is a friendly act and that any repatriation must be voluntary and in safety and dignity.

BACKGROUND INFORMATION

In February 2001, thousands of people from indigenous minorities held protests in the Vietnamese Central Highlands focusing on a number of grievances, including anger at government confiscation of their ancestral forest homelands, an influx of lowland Vietnamese settlers taking their agricultural land, lack of freedom of worship for the many who are members of unauthorised evangelical Protestant churches, and denial of basic rights including education in native languages. Some protesters were also calling for independence for the Central Highlands region. The authorities quickly closed off the area and prevented journalists and diplomats from travelling to the provinces to assess the situation. The Vietnamese authorities accused US-based opposition groups of fomenting the unrest.

Following the unrest, members of indigenous minorities began crossing the border to Cambodia, seeking asylum. A small group was swiftly recognised as refugees and resettled overseas. However, in the last year, more than 200 refugees have been forcibly returned by the Cambodian provincial authorities to Viet Nam, some of whom were detained and beaten by the Vietnamese on their return. At least four have been sentenced to prison terms for "organizing illegal

migrations". At the end of 2001, over 1000 people were living in the two camps. Although UNHCR has said that they would only participate in voluntary repatriations, the January 2002 tripartite agreement, among other things, has avoided using the word "voluntary" and has therefore been criticised by Amnesty International and other human rights organizations. Viet Nam has since accused UNHCR of failing to return asylum-seekers swiftly enough and in sufficient numbers. The Vietnamese authorities also appear to be intent upon ensuring the return of all of the asylum-seekers regardless of their wishes. 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.

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 urging the authorities to set an example in the Asian region, by complying with international standards for the protection of refugees;
- urging the authorities to extend their full protection to the Montagnard asylum seekers in the camps in Mondulkiri and Ratanakiri provinces, and ensure that they do not suffer unsolicited visits, pressure and harassment from Vietnamese delegations;
- asking them 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.

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 23 426 144
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 3 May 2002.