

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Viet Nam/Cambodia: Future of Montagnard refugees at risk**

*(London/New York) - Amnesty International and Human Rights Watch today expressed concern over plans agreed by the Vietnamese and Cambodian governments and the Office of the U.N. High Commissioner for Refugees (UNHCR) to facilitate repatriation of indigenous Montagnard refugees who have fled from Viet Nam to Cambodia during the past year.*

*A report of the January 21 meeting in Phnom Penh, signed by all three parties, makes no mention of the fact that any return of refugees to Viet Nam must be voluntary and that the right of individuals to continue to seek asylum in Cambodia must be respected. In addition, while Viet Nam has now agreed to allow UNHCR to visit its Central Highlands to monitor conditions for return, access appears to be very limited and the Vietnamese authorities must approve each U.N. visit.*

*"We are concerned that this agreement may send a green light to both the Cambodian and Vietnamese authorities that it is now acceptable to forcibly expel Montagnards seeking asylum in Cambodia," said Rachael Reilly, Refugee Policy Director at Human Rights Watch. "There should be no action on repatriation unless there are firm guarantees that any such returns are completely voluntary."*

*The two rights organizations called for any repatriation to be completely voluntary and for UNHCR to have full and unhindered access to the highlands, both before and after any repatriation, in order to assure the safety of returnees.*

*Since March 2001 Human Rights Watch and Amnesty International have documented abuse, imprisonment and beating of*

dozens of Montagnards deported from Cambodia. One man who returned voluntarily to Viet Nam in September 2001, was reportedly interrogated and detained in the provincial prison for a week before being placed under heavy surveillance in his home village.

"There do not appear to be sufficient safeguards to protect the returnees and their families," said Lars Olsson, Refugee Officer for Amnesty International. "Permission to visit the Central Highlands of Viet Nam for UNHCR is not enough -- UNHCR must have freedom of movement there, and must fully assess conditions in the area and monitor the safety of any returnees."

The two rights organizations also expressed concern that new Montagnard arrivals in Cambodia may be denied their basic rights to seek asylum. Cambodia is a state party to the 1951 Convention relating to the Status of Refugees, and has obligations under that Convention to protect the rights of all who seek asylum within its borders.

"There will be people from the Central Highlands of Viet Nam for whom going home is not an option. Their right to seek and enjoy asylum, and to have a durable solution to their plight, must be protected," said Lars Olsson.

Both organizations called on the Vietnamese and Cambodian governments to continue negotiations with the UNHCR to resolve the plight of the Montagnard refugees, keeping in mind UNHCR's mandate at all times to ensure that any repatriations are voluntary, safe and dignified. Alternative solutions must be available to those for whom repatriation to their homeland is not a safe option.

## **Background**

Montagnard people from Viet Nam began crossing the border to Cambodia in early 2001, following unrest in the Central Highlands in February. An initial group of refugees were resettled in the United States of America, while others have been housed in two sites, with aid provided by the UNHCR. There have been several recorded incidents of forced return of refugees to Viet Nam by the Cambodian authorities, most recently in December 2001, when more than 160 people were forced back across the border.

In July 2001, talks between UNHCR and the two governments broke down, when the Vietnamese authorities refused to allow access for the refugee agency to the Central Highlands. While this has now apparently been resolved, the access appears to be limited and the Vietnamese authorities must approve visits. The Vietnamese government maintains that the Montagnard refugees are "illegal migrants" who have left the country without permission. Independent human rights monitors, including Human Rights Watch and Amnesty International, are officially denied access to Viet Nam.

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