



**Special Representative of the Secretary-General
for Human Rights in Cambodia**

តំណាងពិសេសរបស់លោកអគ្គលេខាធិការទទួលបន្ទុកសិទ្ធិមនុស្សប្រចាំកម្ពុជា



Statement by the Special Representative of the Secretary-General of the United Nations for human rights in Cambodia on the forcible expulsion of montagnard asylum seekers

4 March 2002

The Special Representative is deeply concerned by the forced deportation, on 2 March 2002, of 63 ethnic minority Montagnards to Vietnam.

These individuals were deported over the objections of staff from the United Nations High Commissioner for Refugees. They had crossed from Vietnam to Andong Meas district of Ratanakiri province at least a day earlier, but provincial police denied access to UN officers on grounds that the Montagnards were "illegal immigrants".

These deportations are in clear violation of the 1951 Convention on Refugees, to which Cambodia is a party. The non-refoulement principle in this convention states that asylum seekers should not be returned to a country where they face a well-founded fear of persecution.

This is not the first time that such incidents have come to the Special Representative's attention. In his July 26, 2001 report to the UN General Assembly, the Special Representative expressed concern that Montagnards were being repatriated without proper review of their asylum claims. At that time he expressed hope that Cambodia would act in accordance with its obligations under the 1951 refugee convention. The Special Representative regrets that this does not appear to be the case.

On January 25 Vietnam tried and convicted four Montagnard asylum seekers who were forcibly deported from Cambodia. These people were sentenced to prison terms of up to six and a half years imprisonment for "organising illegal migrations." No less worrying is evidence of mistreatment by the Cambodian authorities. During a February 22 visit by Vietnamese and Cambodian officials to a UNHCR site in Mondulakiri five asylum seekers were struck with an electric baton after speaking out against repatriation.

It is the responsibility of the Cambodian authorities to ensure that those responsible for these incidents are brought to account, and to ensure that staff of the UNHCR are allowed to carry out their work properly. Where repatriations do occur these must be voluntary. No asylum seeker should be mistreated or forcibly deported. In these and all regards the Special Representative urges the Royal Government of Cambodia to fully uphold its international obligations on the treatment of refugees.