



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

តំណាងពិសេសរបស់លោកអគ្គលេខាធិការទទួលបន្ទុកសិទ្ធិមនុស្សប្រចាំកម្ពុជា



Statement of Peter Leuprecht, the Special Representative of the United Nations
Secretary-General for Human Rights in Cambodia on Montagnard asylum seekers
28 May 2004

The Special Representative of the Secretary-General for human rights in Cambodia, Peter Leuprecht, is concerned about recent reports that law enforcement and security forces have been involved in serious breaches of Cambodia's international obligations, including the forcible deportation of ethnic minority asylum seekers from Vietnam's central highlands (collectively known as Montagnards). Local communities, national non-governmental organizations and some members of the international press have all reported restrictions imposed upon their freedom of movement, including the imposition of roadblocks. Villagers who have spoken to human rights organizations in recent weeks have been subject to harassment by local authorities.

"In this context, it is worrying that the Foreign Minister recently stated that the Government would deport Montagnards, whom he has labeled "illegal immigrants", without providing for an asylum process within Cambodia or allowing the United Nations High Commissioner for Refugees the opportunity to assess the claims", Mr Leuprecht said. "It is of particular concern that the Foreign Minister has repeated unsubstantiated claims that the world's refugee agency, UNHCR, is smuggling asylum seekers into Cambodia rather than reaffirming the Government's commitment to its international obligations."

After having been told not to access border areas to assess the claims of asylum seekers over the last two years, UNHCR had to close its Ratanakiri office on 10 April 2004, with its operations now being confined to Phnom Penh. Cambodia is a party to the 1951 Convention on Refugees and its related 1967 Protocol, and the International Covenant on Civil and Political Rights, which guarantees the right to freedom of movement, a right that is also protected by the Cambodian Constitution. Central to the obligation of non-refoulement enshrined in the Refugees Convention is the need for a fair refugee status determination procedure by which to identify those persons in need of protection. Since Cambodia has yet to develop a procedure for asylum determination, UNHCR must be given access to asylum seekers in order for Cambodia to comply with its Convention obligations.

The Special Representative calls upon the Government to resume constructive dialogue with UNHCR and to comply with its international obligations, in particular the core principle of non-refoulement. The forcible deportation of refugees and asylum-seekers to countries where they risk torture and ill-treatment also contravenes Cambodia's obligations under Article 3 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.