

-Humanitarian Law RULES!-

Center for the Study of Humanitarian Law
Newsletter

August 2017

THE DEPORTATION OF MONTAGNARD ASYLUM-SEEKERS TO VIETNAM

In late 2014, Montagnards, a Christian minority tribal group from the Central Highlands of Vietnam who have been subjected to abuses by the Vietnamese authorities, including arbitrary arrest, intimidation, and religious persecution, began escaping into Cambodia. More than 200 Montagnards have been sent back to Vietnam, or have been returned involuntarily. Montagnards are not the only ethnic asylum seekers whom Cambodia has sent back to the country of origin. In 2009, twenty Uyghurs, a persecuted Muslim minority from northwest China were sent back to China by Cambodian government. Consequently, all of the adults were jailed, including four who received life sentences.

Cambodia is a state party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol that require Cambodia to allow asylum seekers to claim for protection. However, the government's position seems to be relying on the provisions of December 17, 2009 sub-decree on the procedure for recognition as a refugee or providing asylum rights to foreigners in the Kingdom of Cambodia, which grants the Ministry of Interior a major role to decide whether or not a person will enjoy asylum and refugee status.

Cambodia shall comply with the Refugee Convention that it ratified. The Special Rapporteur on the situation of human rights in Cambodia, Ms. Rhona Smith, expressed her concern on Montagnards that "If Cambodia cannot be a safe place of refuge then the government should work with UNHCR to ensure that they can be transited to a third safe country and settle there...".¹ Cambodia could be held legally responsible for the human rights implications resulted from the act of sending back those minority groups to their country of origin where there is a well-founded fear of being persecuted based on grounds that they are Christians and they were the supporters of US during the Indochina war. If those Montagnards were to be sent back to Vietnam, they would once again face abuses and persecution.

Cambodian government shall cooperate with the international community to ensure that Montagnards' fundamental freedom and human rights are respected. Moreover, while the government is concerned with its national interests, the government should also take into account human rights obligations entailed under international human rights treaties it ratified.

¹ UN Special Rapporteur Rhona Smith speech at the press conference in Phnom Penh on 18 August 2017.

LIBRARY HOURS

August 2017

Mon to Fri: 8.45am – 5.30pm

UPCOMING EVENTS

Westlaw training sessions will take place from 3:30PM to 5PM on the following dates: Tuesday, 03 October, Friday 06 October, and Tuesday 10 October. If you want to come to session, please register via <https://goo.gl/forms/9PizMedWG FhcBtQ02>.

RESEARCH AT THE LIBRARY

Did you know that you can access online databases, Westlaw International and Westlaw UK, at the library? These databases give you access to 1000s of documents that will help you with your research. And if you need help using them, we're more than happy to assist!

