



*Executive summary: Indigenous peoples, Khmer-Kampuchea Krom, Montagnards, land claims, religious persecution, excessive violence and torture, arbitrary arrests, forced repatriation.*

## ***Khmer-Kampuchea Krom***

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### **1. Introduction**

The Khmers from Kampuchea-Krom, also known as Khmer Krom, are an indigenous people comprising a majority in Cambodia. There is also a significant population of Khmers living in the Mekong River delta region of Viet Nam.

10 Despite regional ties and a close relationship fostered with the peoples living in Cambodia, the territory of the Khmer Krom was incorporated into Viet Nam, rather than Cambodia. As a result, the Khmer Krom peoples are viewed in Viet Nam as Khmer and in Cambodia as Vietnamese. In addition, under the Presidency of Ngo Dinh Diem (1955 – 1963) all Khmer names were changed into Vietnamese, forever altering Khmer identity. The Khmer continue  
15 to face persecution in Cambodia because of the assumption of their “foreignness”, despite their ancestral ties to Cambodia. Forced repatriations of Khmer, which are often simply deportations as many Khmer have been living within Cambodia for several generations, to Viet Nam by the Cambodian government are commonplace.

20 The Khmers Kampuchea-Krom Foundation (KKF) is an international organisation dedicated to the defence of the fundamental rights and the cultural legacy of the Khmer Krom. The Federation has been a Member of the Unrepresented Nations and Peoples Organization (UNPO) since 2001.

### **2. Land Rights Claims**

25 During 2007, some 150,000 Cambodians, including over 20,000 residents around Phnom Penh's Boeung Kak Lake, were forcibly evicted and lost land, homes and livelihoods following land disputes and land grabbing. According to Human Rights Watch reports (2009), the confiscation of land from the rural and urban poor continues with illegal concessions awarded to foreign firms, government officials, and those with connections to  
30 government officials.

The authorities do not uphold their obligations under international law as party to the International Covenant on Economic, Social and Cultural Rights since 1992, to guarantee the right to adequate housing and protect the population against forced evictions. Authorities often provide insufficient notice of impending evictions and inadequate housing and  
35 compensation to displaced people afterwards. The report claims that more than two years after 1,000 families were forcibly evicted from Sambok Chap village in Phnom Penh, the government had not yet provided adequate health care, water, sanitation, schools, and other basic services to the evictees, relocated to a remote site far from the city. On numerous occasions police and soldiers have used excessive force in evictions. In February 2008, 100  
40 police and military police officers fired AK-47 rifles into the air and used tear gas to forcibly evict 23 families from Russey Keo district in Phnom Penh. In July, villagers in Kampot were beaten and arrested when soldiers dismantled their houses and evicted them for a land concession.

45 Article 3 of the Cambodian Law on Land stipulates that in the event of expropriation of private property by the state ‘the property owner has the right to receive in advance just and proper compensation’. Yet lands that had been in family possession for centuries and theoretically could have been inherited, had to be transferred to State control, depriving the Khmer Krom of the inheritance their ancestral lands. No sufficient action has been taken by the Cambodian governments, local or federal, to resolve such claims. Article 17 of the



50 Universal Declaration of Human Rights (UDHR) stipulates the right to ownership of  
property. Lack of means to pursue this right, as the UDHR does not offer any mechanisms for  
redress, effectively means that this right is violated without repercussion by Cambodia.  
Outstanding land claims in theory could be resolved within the framework of International  
55 Labour (ILO) Convention 169 concerning Indigenous and Tribal Peoples in Independent  
Countries, which addresses the right to ownership of land by indigenous peoples which have  
a historic claim to these lands in Article 14. Unfortunately, Cambodia has neither recognized  
the Khmer Krom as indigenous peoples, nor have they signed and ratified this Convention.  
Khmer people that wish to enforce their rights as have been laid down by the UDHR are  
faced with excessive violence, torture, and arbitrary arrests.

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### **3. Religious Persecution**

Numerous incidents of religious-motivated violence and discrimination have been reported,  
despite the fact that Article 43 of Cambodian Constitution has declared Buddhism the official  
religion, yet also clearly stipulates that both men and women Khmer citizens shall have the  
65 right to freedom of belief.

Although the Constitution sanctions these rights, systematic religious discrimination has  
reached proportions where it can be termed ‘policy’ and incidents of harassment of Buddhist  
Khmer Krom monks including forceful disrobing, and vandalism on their places of worship  
are rampant. Khmer Krom Buddhist monks are often arrested for petty crimes or are forced to  
70 sign confessions to false allegations under (threat of) torture. On 27 February 2007, in  
response to the arrests of several Khmer Buddhist monks following a peaceful protest in Viet  
Nam, a demonstration was organized by Khmer Krom monks living in Cambodia in front of  
the Vietnamese embassy in Phnom Penh. A few hours after the demonstration, Eang Sok  
Thoeun, a monk who took part in the protests was found dead with his throat slit in a temple  
75 in Cambodia. The government claimed the death was an act of suicide, yet several human  
rights organizations have given evidence to prove it was homicide. Following the discovery  
of Eang Sok Thoeun’s death, local Cambodian authorities had his body buried immediately  
and did not authorize his family to organize a formal Buddhist funeral service for him.

In July 2007, the Cambodian government called for the deportation of Buddhist Abbot Tim  
80 Sakhorn back to Vietnam, despite his refugee status. The UNPO remains deeply concerned  
about the fate of multiple Khmer Krom Buddhist monks, as well as the larger Khmer Krom  
community, and has issued an appeal addressing their continuous and systematic harassment  
and persecution, including torture, arbitrary detention, and infringements upon their rights to  
free speech, free assembly, and free access to information and media.

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### **4. Excessive violence and torture**

The Cambodian authorities are known for using excessive violence when maintaining order,  
and reports have been made of police officers using methods of torture to thwart peaceful  
demonstrations and to intimidate Khmer Krom from actively seeking equal rights. The  
90 Khmer Krom disproportionately suffer from misconduct by Cambodian security personnel  
and police officers as a result of discrimination. Peaceful protests on numerous occasions  
have been harshly put down, as was the case with the peaceful Buddhist demonstrations  
throughout 2007, which lead to the violent deaths and of several Khmer monks.  
Demonstrations are often met with the use of electric batons, arbitrarily arresting persons  
95 taking part in these demonstrations and by inflicting injuries upon persons whilst in police  
custody, and forceful defrocking conducted by Cambodian police and military officers.

Cambodia is party to the UN Convention Against Torture and Other Cruel Inhuman or  
Degrading Treatment or Punishment and the 1951 Geneva Convention on the Protection of



100 Refugees, including the 1967 Protocol (ratified 1992), and as such should follow its obligations under international law to cease its systematic use of violence and torture against the Khmer Krom refugee communities within its borders.

### **5. Forced Repatriation**

105 In 2006 it was reported by the Federation of Khmers of Kampuchea Krom that over a million Khmer Kroms currently reside in Cambodia. This number reflects a primarily refugee community who have fled their traditional homeland in Viet Nam. Being seen as neither completely Cambodian nor completely Vietnamese puts the Khmer Krom in a particularly precarious political and sociological situation. The Khmer Krom face regular discrimination in Cambodia—labelled as Vietnamese due to their having a slightly lighter skin than the  
110 general Cambodian population, as well as their Khmer accents appearing starkly foreign. Many Khmer Krom refugees have fled because of religious persecution, only to find the case to be the same in Cambodia as it is in Viet Nam. If the Khmer Krom refugees who fled for fear of persecution return or are forced to return, they risk facing arbitrary arrests and systematic torture.

115 There is ample evidence showing Viet Nam’s dealing with the Cambodian government in order to persecute Khmer Krom living beyond its borders. The Khmer Krom population living in Cambodia are constantly under the threat of persecution for supposedly disrupting the relationship between the Cambodian and Viet Nam governments. Forced repatriation of Khmer Krom born in Viet Nam from Cambodia is often justified as a means to which this  
120 “friendly” pact can remain stable. This is particularly volatile as the Khmer Krom’s citizenship status is often ambiguous and thus seen to be easily revoked. Cambodian police throughout the provinces refuse to issue identification paper to Khmer Krom citing provincial authorities’ order. According to a Radio Free Asia report, Khmer who were born in Cambodia to Kampuchea-Krom (Southern Vietnam) parents are also denied identification  
125 paper.

One infamous case illustrating such conduct is in the case of Venerable Tim Sakhorn. Buddhist monk Tim Sakhorn was arrested in June 2007 in Cambodia, where he had been living since 1978 and where he holds citizenship, and deported to Viet Nam. This was done under the guise of protecting “friendly relations” between the two states. Tim Sakhorn was  
130 arrested and defrocked on charges of ‘harming the solidarity’ between Cambodia and Viet Nam by spreading ‘propaganda’ from his Pagoda. Cambodia repatriated him to Viet Nam despite the lack of a bilateral extradition treaty and he was consequently arrested for illegal entry in Viet Nam. Following a mock trial, Venerable Sakhorn was sentence to a year imprisonment and was released from prison on 28 June 2008 only to be kept under house  
135 arrest. According to the sentence that convicted Venerable Sakhorn, he was supposed to have the option of returning to Cambodia. Despite repeated calls for ending Tim Sakhorn’s house arrest by UNPO, various other human rights organizations and the European Parliament, the status quo has not changed.

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### ***Montagnards***

#### **6. Introduction**

145 The Montagnards<sup>1</sup> inhabit the area known as the Central Highlands, straddling the borders of Viet Nam and Cambodia and stretching into Laos. Towards the end of the 17<sup>th</sup> century

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<sup>1</sup> Sometimes also referred to as Degards or Montagnard Degards.



when Vietnamese invasions forced the Montagnards to permanently retreat into the mountains and leave the coastal regions, forever altering their traditional way of life and placing them in the precarious position as “outsiders” no matter where they dwell.

150 **7. Land Claims and Forced Relocation**

A demonstration to ask the Vietnamese government to address land rights issues in early April 2004 was followed by a massive military crackdown, after which many Montagnards sought refuge in neighbouring Cambodia or fled to seek asylum in far off countries. As a result, dozens of Montagnards were arrested for organizing demonstrations or for assisting fellow refugees in fleeing to Cambodia. This tactic of instigating fear amongst the Montagnards in order to prevent further land claims being launched often causes large numbers of refugees to seek asylum in Cambodia.

155 The UNPO has repeatedly received information reporting the use of torture and harassment by Cambodian officials to gain access to Montagnards’ lands. The forced relocation of  
160 Montagnards creates massive social and survival problems when they are extracted from their traditional lands and forced to live in less fertile areas. The UNPO has received reports stating that these relocations to rocky, infertile terrain often lead to starvation and often an overall disbanding of the traditional structure of families and community.

165 **8. Religious Persecution**

The Montagnards traditionally believed in ‘good’ and ‘bad’ spirits and had no concrete organized religion. This changed when in the 1940 missionaries came to the region and converted most Montagnards to Christianity, mostly Protestantism, though some were converted to Catholicism. As stated above, Article 43 of Cambodian Constitution has  
170 declared Buddhism the official religion, yet also clearly stipulates that both men and women Khmer citizens shall have the right to freedom of belief. Still, the Montagnards are not only indigenous peoples of Cambodia, but also a religious minority, leading to increased discrimination and persecution from the State.

175 **9. Excessive violence and torture**

Due to ongoing violence in Viet Nam, thousands of Montagnards have fled to Cambodia. However, as is the case with the Khmer Krom, it often happens that these people are repatriated by Cambodia to Viet Nam, where they are consequently put under house arrest or detained in government facilities and intimidated or tortured. Cambodia is in grave violation  
180 to the UNHCR codes which prohibit forced repatriation of asylum seekers who will ultimately face persecution if returned to their countries of origin.

In one such case, Y Hing, a thirty-six year old Montagnard, fled to Cambodia after facing ethnically driven and religious persecution for his Christian beliefs, only to be set back to Viet Nam by Cambodian officials. After being forced to return to Viet Nam, he was  
185 incarcerated and his family was forced to pay for his bail. The Montagnard Foundation in the United States actively lobbied his release in 2008, but Hing remained in house arrest and was forced to publically renounce his affiliation with the Christian faith.

Additionally, cases of the families of Montagnard human rights defenders suffering persecution, threats to life and livelihood, and having their family members harassed are  
190 commonly reported by human rights organizations including the UNPO.

Cambodia is party to the UN Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the 1951 Geneva Convention on the Protection of Refugees (including the 1967 Protocol) and as such should follow its obligations under



195 international law to cease its systematic use of violence and torture against the Montagnard  
refugee communities within its borders.  
The UNPO and other rights organizations have repeatedly called upon the Cambodian  
government to cease these violent deportations.

### 10. Recommendations

200 In conclusion, it seems that the plight of indigenous Khmer Krom and the Montagnards is  
largely centred on poor political will from the central Cambodian government. This lack of  
will is widely manifested in lack of an effective system to deal with land claims, excessive  
use of force by law enforcement, poor implementation of the right to freedom of religion,  
forceful relocations and repatriations of refugees, and tactics of coercion based on  
205 intimidation and torture.

Generally speaking, in spite of widespread violations of human rights inflicted upon members  
of the Khmer Krom and Montagnards minorities, the government of Cambodia should be  
commended for having incorporated key human rights, such as the freedom of religion, in  
their national constitution. In addition, they should be commended for having ratified the  
210 International Covenant on Civil and Political Rights, despite the fact that the implementation  
of the rights enshrined in this document remains poor.

The overall assessment of the human rights situation in Cambodia leads UNPO to conclude  
that in the areas of civil and political rights enough mechanisms are in place to adequately  
guarantee the rights of minorities, but that the implementation thereof is severely lacking. It  
215 takes political will from the Cambodian government to ensure that the human rights of the  
aforementioned groups are respected.

In particular, UNPO urges Cambodian authorities:

220 *To acknowledge the indigenous status of both the Khmer Kampuchea Krom peoples, as well  
as that of the Christian Montagnards;*

*To, in line with article 8 of the Universal Declaration on the Rights of Indigenous Peoples,  
create an effective mechanism for the settlement of outstanding land claims by both  
225 indigenous groups and to compensate those groups for the loss of their ancestral lands;*

*To sign and ratify International Labour Organization (ILO) Convention 169 concerning  
Indigenous and Tribal Peoples in Independent Countries, with the aim of respecting the  
230 traditions of indigenous peoples in relation to the use of their ancestral lands;*

*To commit to investigating widespread allegations of abuse by law enforcement, arbitrary  
arrests, and extrajudicial torture, and explore possible judicial remedies for victims and their  
families;*

235 *To end the forceful repatriation of Khmer and Montagnard refugees from Cambodia to Viet  
Nam.*