



**Khmers Kampuchea-Krom Federation**

**Briefing paper concerning the Eighth to Thirteenth Periodic Reports of  
Cambodia (CERD/C/KHM/8-13) under the Convention on the  
Elimination of All Forms of Racial Discrimination**

**For consideration at the 76th Session of the Committee on the Elimination  
of Racial Discrimination (15 February – 12 March 2010)**

**January 2010**



KHMERS KAMPUCHEA-KROM FEDERATION  
ASIA – AUSTRALIA – EUROPE – NORTH AMERICA  
A MEMBER OF UNPO & IDBF  
P.O.Box 193, Pennsauken, NJ 08110, U.S.A  
Email: thach.thach@khmerkrom.org - <http://www.khmerkrom.org>

## **Overview**

Kampuchea-Krom is the Khmer name for the Mekong Delta and surrounding region of the current state of Viet Nam. Kampuchea-Krom measures up to 67,700 square kilometres and is the traditional homeland of Khmer-Krom. The Indigenous Peoples of Kampuchea-Krom are the Khmer-Krom, the ancient descendents of the people of Nokor Phnom (or Funan in the Chinese translation) empire. Throughout history, the identity and name of the Khmer-Krom people and their ancestral lands have been changed and/or referred to differently by various colonizing forces. Under the colonization of France, Kampuchea-Krom was called Cochin China. The terms Khmer, Khmer-Krom and Vietnamese of Khmer origin are used interchangeably when referring to the people of Funan.

During the past decade, the Indigenous Khmer-Krom People in Kampuchea-Krom have continued to flee oppression in their homeland to seek refugee status in Cambodia. Unfortunately, when arriving in Cambodia, they are not recognized by the UNHCR as refugee because the Cambodian government informed the UNHCR that the Khmer-Krom are Cambodian. If that is the case, the Khmer-Krom should enjoy equal rights as Cambodian citizens when they arrive in Cambodia. In reality, the Khmer-Krom do not receive any financial assistance or legal documents from the Cambodian government. The Khmer-Krom who have crossed the border into Cambodia are therefore forced to live in stateless circumstances with neither the protection afforded to refugees, nor to Cambodian citizens..

**This briefing paper provides comments to the Eighth to Thirteenth Periodic Reports of Cambodia with key recommendations, as made by the Khmers Kampuchea-Krom Federation.**

### **Article 1 of the Cambodian State Party Report CERD/C/KHM/8-13**

1. Paragraph 44 of CERD/C/KHM/8-13 states that “every citizen shall enjoy the right to defence through judicial recourse”. In reality, when the Khmer-Krom refugees arrive in Cambodia, the Cambodian government does not provide any assistance to the Khmer-Krom refugees in applying for legal documents, such as Cambodian Identification. If they have money, the Khmer-Krom refugees may get Cambodian Identification through the bribing of corrupt Cambodian officers. Even if the Khmer-Krom refugees have money to bribe, they have to change their birthplace (not from Kampuchea-Krom) and their name (not a Khmer-Krom name) in order to receive the Cambodian Identification.

2. Paragraph 51 of CERD/C/KHM/8-13 states that “all Cambodian citizens enjoy their rights to basic needs, such as the rights to an adequate standard of living, access to health care, to educational services.” In reality, because the Khmer-Krom refugees rarely have money to bribe the Cambodian immigration officers to obtain the Cambodian Identification, they are living in Cambodia without any legal documents and consequently face several major problems:

- Their children cannot attend public school, and have no access to public healthcare.
- They have no rights to vote and cannot find jobs in government positions, factories, or open their own business.
- They can be arrested and deported to Kampuchea-Krom at any time.

### **Recommendation to the Committee on the Elimination of Racial Discrimination:**

**The Cambodian government should be urged to provide legal documents for the Khmer-Krom refugees so they can be fully protected as Cambodian citizens and have the rights to access the government’s public services. The Khmer-Krom should have the right to keep their Khmer-Krom identity, such as their name and birth place, when they receive the Cambodian Identification and other legal documents.**



#### **Article 5 of the Cambodian State Party Report CERD/C/KHM/8-13**

4. Also Paragraph 83 of CERD/C/KHM/8-13 states that "every citizen shall enjoy the rights to defence through judicial recourse." In reality, even if recognized as a Cambodian citizen, the Khmer-Krom still do not have the right to defence in front of the Cambodian court. On June 30, 2007, Venerable Tim Sakhorn who was an Abbot of North Phnom Denh temple in Phnom Denh Village, Takeo province, was arrested, defrocked and deported by the Cambodian government to Vietnam, where he was imprisoned the same day. He was accused of "undermining the friendship between Cambodia and Vietnam." He was imprisoned in Vietnam until June 28, 2008.

5. Paragraph 84 of CERD/C/KHM/8-13 states that "the law guarantees there shall be no physical abuse against any individual. The law shall protect the life, honour and dignity of the citizens." In reality, on 27 February 2007, after participating in a peaceful demonstration in front of the Vietnamese embassy in Phnom Penh, Venerable Eang Sok Thoeun was killed at Tronom Chroeng pagoda, Boeng Thom commune, Ang Snuol district, Kandal province. He was murdered under mysterious circumstances. His body was buried in haste in the middle of the night by the Cambodian police. The police also forbade bringing his corpse for a traditional Cambodian funeral ceremony. Since then, the Cambodian police have not carried out any investigation to bring the perpetrators to justice.

6. Paragraph 108 of CERD/C/KHM/8-13 states that "freedom of expression is the basis of liberal pluralistic democracy to which the Kingdom of Cambodia adheres." In reality, on December 17, 2007, approximately 50 Khmer-Krom Buddhist monks in Phnom Penh marched peacefully to the Vietnamese Embassy to hand over a petition asking Vietnam to release their fellow Buddhist monks. The Vietnamese Embassy refused to take the petition and ordered the Cambodian polices to disperse the monks. Electric batons were used by the Cambodian police against the defenceless Khmer-Krom monks rendering three monks unconscious. The monks that were knocked unconscious were Venerable Ly Vanny, Venerable Meng Savan Dararithy and Venerable Lam Keo Samnang. Fifteen other monks were wounded.

7. Paragraph 124 - 141 of CERD/C/KHM/8-13 discusses the rights to housing and public health service. The Khmer-Krom refugees who are on the blacklist of the Vietnamese government feel unsafe in Cambodia. They had to escape from Cambodia to Thailand. Unfortunately, some of the Khmer-Krom refugees were arrested and deported back to Cambodia by the Thai police.

On June 13, 2009, 62 Khmer-Krom and Khmer-Krom Buddhist monks were arrested in Bangkok by Thai authorities. On July 3, 2007 56 out of the 62 were deported by the Thai immigration police to Cambodia. At the border city of Poipet, the 56 deportees were questioned by the Cambodian authorities. Because they lacked legal documents about their national status, the Khmer-Krom refugees were labelled as Cambodian citizens by the Cambodia police, so that the Khmer-Krom refugees would not be protected by UNHCR.

On December 4, 14 Khmer-Krom refugees were arrested and deported back to Cambodia by the Thai police. The Cambodian government does not provide any financial assistance, housing, or healthcare.

#### **Recommendation to the Committee on the Elimination of Racial Discrimination:**

**The Cambodian government should be urged to provide humanitarian assistance to the Khmer-Krom refugees to start their new lives in Cambodia, with no restrictions on freedom of movement and expression.**