

## **History**

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The Khmer Krom are an ethnic-Khmer minority group of around 1 million people living in the lower Mekong Delta region of Vietnam, which is considered to be their ancestral homeland. Claims over this land are subject to academic debate, however it is accepted that it was part of the Khmer Empire up until around the 18<sup>th</sup> Century, and later transferred by the French to Vietnam in the 1940s.<sup>1</sup>

Despite having lost their ancestral lands, the Khmer Krom have continued to practice their traditional Khmer culture, language, education and Theravada Buddhism. However, this has not been without severe repression by the Vietnamese Government. Since the 1950's the Khmer Krom have been subject to repressive policies aimed at assimilating them into Vietnamese culture, which has led to cultural oppression, religious persecution and racial discrimination in Vietnam.<sup>2</sup>

In Vietnam, the Khmer Krom face serious restrictions on freedom of expression, assembly, association and movement. Restrictions are placed on teaching Khmer language and Theravada Buddhism and there has been a history of "land grabbing" by the government of the Khmer Krom's fertile Mekong Delta lands, which has further impoverished and marginalized this part of Vietnam.

These economic and cultural restrictions have motivated many peaceful protests by the Khmer Krom (particularly farmers and Buddhist monks) expressing dissent and often resulted in migration to neighbouring countries such as Cambodia and Thailand. Many have been arrested and faced criminal charges for engaging in activities that 'undermine national unity' or 'threaten national integrity'. The Vietnamese government is wary of possible 'nationalist aspirations' of the Khmer Krom, and so prohibits peaceful protest and tightly controls any religious activity.<sup>3</sup>

## **Legal status**

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*"In Vietnam they say I am a Cambodian but in Cambodia they say I am Vietnamese."<sup>4</sup>*

There is some ambiguity for Khmer Krom citizenship in both Vietnam and Cambodia. As one of Vietnam's officially recognized ethnic minority groups, Khmer Krom in Vietnam are generally recognized as Vietnamese citizens, though this is not always the case.<sup>5</sup> Khmer Krom in Cambodia can be considered stateless on the basis that they have no access to citizenship.<sup>6</sup>

In order to claim refugee status, a person must show that he or she is outside of his or her country of nationality for fear of persecution. However, the asylum claims are complicated by the fact that the Cambodia Government has repeatedly asserted that Khmer Krom are Cambodian nationals and entitled to citizenship. This means that in order to claim refugee status in another country (most commonly Thailand), they must show fear of persecution in Cambodia *and* Vietnam.

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<sup>1</sup> CCHR, *False Promises: Exploring the Citizenship Rights of the Khmer Krom in Cambodia*, July 2011, pp 10-12

<sup>2</sup> *ibid.*, pp 10-14

<sup>3</sup> Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta*, New York, 2009, pp 2-3; and *ibid* at p 16; Unrepresented Nations and Peoples Organisation, *Alternative Report submitted to the UN Committee on the Elimination of Racial Discrimination*, January 2012, p 11

<sup>4</sup> A Khmer Krom man working in Takeo Province, Cambodia, quoted in HRW (2009), *op. cit.* (note 3), p77

<sup>5</sup> HRW (2009), *op. cit.* (note 3), p 56

<sup>6</sup> CCHR (2011), *op. cit.* (note 1), p 42

This predicament has led many Khmer Krom in Cambodia to seek formalization of their citizenship by applying for national ID cards. ID cards are required to apply for citizenship but also to access healthcare, hold a land title, obtain a passport, receive loans, access education and acquire employment.<sup>7</sup> However, the issuance of identity documents is determined on an ad hoc basis depending on whether the government official approached is sympathetic to the Khmer Krom. Their Vietnamese name, distinct accent, lack of permanent address in Cambodia and Vietnamese birth documentation are all further obstacles in satisfying the administrative criteria.

In 2011 the Cambodian Centre for Human Rights reported that Khmer Krom have successfully obtained ID cards after illegally changing their name to a Khmer name and their place of birth to Cambodia. They surmised that Khmer Krom living in Cambodia face a decision—give up their Khmer Krom identity or live without ID cards.<sup>8</sup> Those who are unable to obtain citizenship documents are effectively stateless and their future in Cambodia remains insecure.

### **Current events**

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Particularly in recent years, political activity by Khmer Krom in Cambodia has been heavily repressed, often in collaboration with the Vietnamese Government. Vietnamese authorities have coordinated the defrocking of dozens of Khmer Krom monks. In 2007, Cambodian authorities arrested, defrocked and deported a Khmer Krom monk and leading activist, Tim Sokhorn, who was later sentenced to a year in prison for “undermining national unity”.<sup>9</sup> After serving his prison sentence he returned to Cambodia, then fled to Thailand, fearing prosecution, and was ultimately granted political asylum in Sweden in 2009. Mass protests in 2007 outside the Vietnamese embassy in Phnom Penh were violently broken up with tear gas and riot police, and resulted in the later murder of a monk who participated in the demonstration.<sup>10</sup>

In March 2011, land rights activist Chau Heng who is also Khmer Krom was sentenced to two years in prison in Vietnam on charges of "destruction of property" and "causing public disorder."<sup>11</sup> In March/April 2013, eight Khmer Krom (including Buddhist monks) were arrested in Thailand and deported to Cambodia on a litany of terrorist-related charges against Cambodia. Two denied any wrongdoing or affiliation with anti-government groups or activism against the Cambodian government when they testified in court 23 May 2013. Thach Seta, president of the Khmer Kampuchea Krom Community, called for more evidence to substantiate the charges.

Freedom of movement for Khmer Krom has also been restricted. In March 2013, Mr. Son Subert, a prominent Khmer Krom and adviser to the King of Cambodia, was stopped at the border and not allowed to enter Vietnam despite his possession of a visa issued by the Vietnamese Embassy in Cambodia.

JRS calls on the Cambodian Government to improve civil registration procedures so that Khmer Krom in Cambodia can obtain national ID cards and establish their citizenship. If they are not citizens, they should be entitled to seek refugee status in Cambodia.

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<sup>7</sup> CCHR (2011), *op. cit.* (note 1), pp 23-25

<sup>8</sup> CCHR (2011), *op. cit.* (note 1), pp 23-25

<sup>9</sup> HRW (2009), *op. cit.* (note 3), p 12

<sup>10</sup> Licadho, *Stateless Ethnic Minority Khmer Krom Face Difficult Future in Cambodia*, 23 February 2010, available at: <http://www.licadho-cambodia.org/printnews.php?id=108> [accessed 10 June 2013]

<sup>11</sup> Human Rights Watch, *World Report 2012 - Vietnam*, 22 January 2012, available at: <http://www.refworld.org/docid/4f2007bac.html> [accessed 2 May 2013]