

## HUMAN RIGHTS WATCH

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March 25, 2010

H.E. Samdech Hun Sen  
Prime Minister  
Office of the Prime Minister  
No. 38, Russian Federation Boulevard  
Phnom Penh, Kingdom of Cambodia

Your Excellency:

We are writing to you as the directors of Human Rights Watch's Asia Division and Refugee Policy Program to provide you with our analysis of the Royal Government of Cambodia's Sub-decree on Procedures for Examination, Recognition, and Provision of Refugee or Asylum Status for Aliens in the Kingdom of Cambodia (No. 224, dated December 17, 2009). This is a public letter.

While we commend the Royal Government of Cambodia for being a party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, and applaud the intent of bringing Cambodian law and procedures into conformity with the obligations of the Refugee Convention, we believe that the Sub-decree falls short of fulfilling these legal obligations.

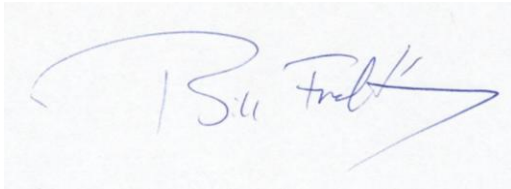
The appendix to this letter contains our preliminary analysis of the Sub-decree. Our assessment is that the Sub-decree fails to incorporate the Refugee Convention's refugee definition, does not provide sufficient procedural protections to prevent refoulement, and does not fulfill Cambodia's other obligations as a party to the Convention. Combined with various exclusion and cessation clauses, the Sub-decree provides Cambodian authorities numerous and overlapping bases for refusal of refugee status or removal with insufficient safeguards to protect against the wrongful removal of people with protection concerns. This will allow Cambodian officials great leeway to reject and expel asylum seekers with insufficient procedural protections in place to prevent refoulement.

Our concerns about the inadequacy of the Sub-decree are heightened by the widely reported refoulement of a group of 20 ethnic Uighur asylum seekers to China on December 20, 2009, just three days after you signed the Sub-decree.

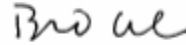
We respectfully urge you to amend the Sub-decree so that it will truly be an instrument for implementing the Refugee Convention and for fulfilling the government of Cambodia's obligations as a state party. As the government builds its capacity to decide asylum claims and to provide protection for those found to need it, we also urge you to consult with the office of the UN High Commissioner for Refugees, to allow them access to all people seeking asylum in Cambodia, and to respect and honor the exercise of their mandate in Cambodian territory.

We would happily meet with you or your representatives to discuss our concerns.

Sincerely,

A handwritten signature in blue ink that reads "Bill Frelick". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Bill Frelick  
Refugee Policy Director

A handwritten signature in black ink that reads "Brad Adams". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Brad Adams  
Asia Division Director