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Secretariat

Joint Standing Committee on Foreign Affairs, Defence and Trade

Parliament House

Re: Submissions in support of Magnitsky Legislation to sanction human rights violators

We represent indigenous Cambodians, known as Khmer Krom, from South Vietnam, located in the Mekong Delta – Kampuchea Krom (in Cambodian language).

Our members, temples and associations are established across eastern and southern states of Australia.

We share and identify ourselves as Cambodians and adopt identical language, cultural, and traditional values to that of our Cambodian cousins in Cambodia. In that regard, our Association serves and caters for all Cambodians and Khmer Krom.

We welcome this inquiry and particularly the implementation of the proposed Magnitsky law.

Our Association is very concerned that even if this law were to be implemented, the Federal government would only use the Magnitsky law discriminatively. Current and past evidence indicates the Federal Government has imposed sanctions on members of other regimes, whilst leaving Cambodia untouched.

We justify our concern as follows:

1. At the present time, the Federal Government has a range of discretions and instruments to sanction regimes and individuals as illustrated in the case of Myanmar:

<https://dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/Pages/myanmar.aspx>

2. On the other hand, as for Cambodia, in the face of well documented evidence by the international community, including Human Rights Watch (HRW) and the recent sanction imposed by the US government against certain individuals named below - the Federal Government has been mute on Cambodia:

<https://www.hrw.org/report/2018/06/27/cambodias-dirty-dozen/long-history-rights-abuses-huns-generals>

3. Thirdly, abundant evidence covered in the local media highlighting corrupt members of the Hun Sen government abusing Australia's taxation law, immigration law, money laundering on a series of ABC network – and more importantly the regime's use of its ambassador to openly recruit members of our community to support its authoritarian leadership in Cambodia - the Federal Government:

<https://www.abc.net.au/4corners/champagne-with-dictators/10053664>

<https://www.voanews.com/east-asia/cambodian-tax-chief-lied-australian-corporate-regulator>

4.

Evidence showing Australia becomes a breeding ground for authoritarian network as human rights violators brought their activities into Australia:

<https://www.abc.net.au/news/2018-09-14/hun-manet-recruiting-for-the-party-in-sydney/10244448>

<https://www.abc.net.au/news/2018-09-15/how-cambodias-government-is-recruiting-students-in-australia/10243468>

<https://www.afr.com/world/asia/australias-engagement-with-cambodias-hun-sen-legitimises-his-regime-20180802-h13gwg>

<http://www.internationalaffairs.org.au/australianoutlook/cambodias-authoritarian-regime-rejected-australian-soil/>

Recommendations:

1. The proposed Magnitsky legislation can be an effective instrument if and only if it is applicable to every individual and government. The law should not be enforced discriminatively based on a particular economic relation, foreign policy or diplomatic preferences to/with a particular regime or government.
2. As for Cambodia, this is an opportunity for the Committee to introduce this law and if implemented, it is proposed a liaison officer or task force to be created within the department. This is a significant step to ensure the community confidence with the Federal Government implementing this legislation. The officer's role is to engage with members of the local community to gather information as to the identity of individuals whose records of human rights violations can be easily substantiated through community contact.

Under an authoritarian government, fundamental concepts of transparency is flawed resulting in human rights violators can be transformed into humanitarian personnel as generals and military officers can disguise themselves as civilians by simply changing the uniform.

The Committee