

Vietnam: New Documents Reveal Escalating Repression

A Human Rights Watch Briefing Paper

Human Rights Watch has received credible first-hand reports of an escalation of repression by Vietnamese authorities against the ethnic minorities known as Montagnards in Vietnam's Central Highlands.¹ Human rights violations have continued unabated since protests for land rights and religious freedom began in February 2001.

In addition, dozens and perhaps hundreds of Montagnards have tried and failed to obtain protection and asylum from the U.N. High Commissioner for Refugees (UNHCR) in Cambodia. Since the beginning of this year, more than 100 Montagnards have been forcibly returned from Cambodia to Vietnam.

According to investigations by Human Rights Watch and official Vietnamese sources, more than seventy Montagnards have been sentenced to prison in Vietnam for participating in protests or trying to flee to Cambodia since February 2001.² The Cambodian government announced in early April that it will close the refugee transit center operated by UNHCR in Phnom Penh as soon as the final forty-two refugees are resettled. With the two provincial refugee camps operated by UNHCR closed since April 2002, this seriously undermines UNHCR's ability to protect and screen new Montagnard asylum seekers.

This briefing paper provides an overview of events through March 2003, specific recommendations to Vietnamese, Cambodian, and U.N. officials involved with the issue, and, in an attached appendix, English translations of previously unavailable documents: six hand-written Montagnard testimonies on the crackdown and two Vietnamese government directives, the contents of which are summarized below.

New Government Directives

Human Rights Watch has obtained original copies of official government documents issued in February 2003, detailing ceremonies in which Montagnard villagers are forced to "Swear Brotherhood" (*le ket nghia*) with local party cadres in front of pictures of Ho Chi Minh. In addition, local officials are instructed to "coordinate activities with hamlet and village heads, the [Vietnamese Communist Party] Fatherland Front, and all departments to, step by step, eradicate out-dated and backward ways, and eradicate all illegal religious organizations..."³

¹ The indigenous Montagnards include several different ethnic groups, including Mnong, Ede, Jarai, Koho, and Bahnar.

² For a listing of the Montagnard political prisoners, see: "New Assault on Rights in Vietnam's Central Highlands: Crackdown on Indigenous Montagnards Intensifies," Human Rights Watch Briefing Paper, January 2003.

³ "The Plan: Swearing brotherhood between all government organizations and units with all hamlets and villages in the district," Communist Party of Vietnam, Party Office of Dak Lak, Dak Song District, No 14 – KH/HU, February 12, 2003. For English translation of the documents, see Appendix 8. Vietnamese language document on file at Human Rights Watch.

This latest initiative is consistent with other efforts by Vietnamese government and party officials over the last two years to rein in the “restive” highlanders—whether it be by force (arrests and detention) or coercive ceremonies that require Montagnards to renounce Christianity and swear allegiance to the government and the party. The “swearing brotherhood” ceremonies appear to be an effort to implement the decision of the Central Committee of the Vietnamese Communist Party (VCP) in January 2003 to “better manage religion” and achieve the goal of “great national unity”—perceived as the solution to the problems of land, religion, and ethnicity highlighted at the January party congress.

Human Rights Watch has received reports that loyalty/religious renunciation ceremonies have taken place since the beginning of 2003 in many parts of the Central Highlands, including Ea H’leo (January), Ea Sup (February), and Dak Song (February) districts of Dak Lak. One government document obtained by Human Rights Watch lists twenty-two villages in four communes in Dak Song District, Dak Lak where the ceremony is to take place and provides instructions for how the official program is to be organized.

Continued Repression in the Central Highlands

To enforce the new directives, in February 2003 the Vietnamese government launched a fresh round of arrests of Montagnard Christians as well as those suspected by the government of wanting to flee to Cambodia or of supporting the U.S.-based Montagnard Foundation, Inc. (MFI), an indigenous rights organization led by Jaraí-American Kok Ksor. This followed a wave of arrests and church closures at the end of 2002.

Among the arrests carried out in February in Gia Lai province, Vietnam were fifteen people in Cu Se district, four people in Chu Pah district and two people in Ia Grai district.⁴ In Kontum and Gia Lai, leaders of the Mennonite Evangelical Church of the Central Highlands have been beaten and detained.⁵ Authorities have closed down church services, ransacked church leaders’ homes, and confiscated Bibles and church workers’ belongings. Officials have withheld or threatened to confiscate family registration documents from Christians and demanded that they cease holding religious services in their homes.

Nine letters written by Mngong church leaders in Dak Lak detail ongoing human rights violations up to the end of February 2003. The violations described in these letters include beatings of church leaders by police and other officials, destruction of churches, official prohibitions on nighttime gatherings and travel outside of villages unless written permission is obtained, and widespread confiscation of villagers’ farm land by authorities.

⁴ Human Rights Watch interview with source in Vietnam, April 2003.

⁵ “Urgent Declaration” from a Christian church leader in the Central Highlands, dated February 22, 2003, describing recent incidents in Kontum and Gia Lai. Translation of Vietnamese language document on file at Human Rights Watch.

In one letter a Mnong church leader describes being ordered numerous times for interrogation by commune and district police about church activities. On January 22, he was punched in the head three times during interrogation by a police captain, who threatened that the man would be killed if church members continued meeting together. The next day he was summoned to the police station again until 10 p.m. The police officers confiscated his Bible and hymnal and pointed a gun at his head, again threatening him with death if church gatherings did not cease.

On February 9, a district policeman came to his house and pointed a gun at him. "All my family was afraid and crying," the church leader wrote. "The policeman ransacked the church and ordered me to forsake the faith. I said it would be better if he shot me dead in my house."⁶

Human Rights Watch has collected forty-nine reports from ethnic Ede churches in Dak Lak from December 2002 and January 2003 detailing ongoing persecution of minority Christians and the disbanding of Christian churches in Dak N'Drung, Bu Dak, Dak Gan, Drai Hling, Dak Rla, Buon Rvah, Bu Dop, Bu Bong Leng, Buon Ea Rok, Buon Ca Do Hruc, Bu Prang, Dak R'Lap, Dak Sak, Bu N'Drung, Dak Mleh Buon Kwang, Buon Ea Sup, Buon Poc, and Buon Trun.

Human Rights Watch has also received original copies of dozens of official summonses by police and district officials for prominent Mnong and Ede Christian leaders. One packet includes twelve police summonses for a prominent Mnong pastor, calling him to answer for his religious activities from 1992 to the present. Another packet of documents includes seven summonses for another Mnong pastor from 1992 to the present, as well as an official order to demolish a Christian chapel.

Other incidents detailed in documents smuggled out of the Central Highlands in February and March 2003, translated by Human Rights Watch, include:

- The Vietnamese government has confiscated land upon which the Montagnards had planted coffee, fruit trees, vegetables, rice, and other crops. In February 2003, for example, Vietnamese officials bulldozed three kilometers of land in the village of Puk Saw, Dak Lak, a village of 1,000 people where the Mnong had planted coffee, cashews, fruit trees, and rice. Human Rights Watch has obtained hand-drawn sketch maps and photographs of the bulldozed land.
- Officials are forcing Montagnards to sign "voluntary" papers pledging to withdraw petitions opposing government confiscation of their land.⁷
- Vietnamese authorities have destroyed Christian churches. Authorities have used chain saws to destroy the three churches in Puk Saw, Bu Prang, Dak Bu Sao, and Dak Rung in Dak Lak province.

⁶ For English-language translation of the Mnong document, written in late February 2003, see Appendix 6. Original handwritten Mnong document on file at Human Rights Watch.

⁷ See Appendix 4. Letters and photographs from Montagnards in Ayunpa district, Gia Lai who have been forced to sign such petitions, dated February 2003, on file at Human Rights Watch.

- Vietnamese authorities and local police have beaten church leaders and suspected MFI activists. On January 22, 2003, police officers beat and detained the pastor of Jang Plei church in Dak Lak, causing him to lose his hearing in the ear where he was hit. Police also shot and wounded the son of a pastor from Puk Saw. On January 23, civilians thought to be acting on behalf of local officials beat a Mennonite church worker in Phu Trung village, Sa Thay district, Kontum. On February 19, district security police ransacked the home of a Mennonite church leader in Phu Ka Ling village, Sa Thay district, Kontum, after confiscating his motorcycle without stating a reason.
- On March 26, security police and soldiers shot at a group of Jarai who had gone into hiding in the forest in Dak Doa district, Gia Lai. Five people escaped, but two men were wounded and taken to the commune center, where one of the men, Suoc, later died. When his body was returned to his family, his skull had been severely crushed, apparently from additional beatings by security officers at the commune center. The whereabouts of the other man taken into custody, Hwi (Huy), are unknown. A third Jarai man named Ly was arrested and beaten on March 27, but then allowed to return to his village.⁸
- Vietnamese authorities, including village officials, have imposed restrictions on the freedom of movement of minority Christians. Villagers are not allowed to visit each other's houses during the night. Police are also posted in outlying forests to bar Montagnards from leaving their villages unless they have written permission.
- In violation of article 18.2 of the International Covenant of Civil and Political Rights (ICCPR), to which Vietnam is a party, Vietnamese authorities have imposed individualized coercive practices that impair freedom of religion for Christian minorities. For example, police officers are posted inside Christian homes at night, to monitor the activities of Christian families, thereby preventing them from freely observing their religion in their homes.

Failure of Cambodia and UNHCR to Offer Protection to Fleeing Refugees

Recent repression by Vietnamese authorities has resulted in a new flow of Montagnards seeking asylum in Cambodia. During the first week in February, eighty-six Montagnards crossed the border from Cu Se district, Gia Lai, to Cambodia, where they were arrested by Cambodian security officials and forcibly returned to Vietnam. Some of the group remained in detention as of April.⁹

On February 6, ten Montagnards were arrested near the border of Mondolkiri and Kratie provinces in Cambodia, apparently attempting to make their way to Phnom Penh. They were forcibly returned to Vietnam by Cambodian security officials. This followed the arrest and forcible return to Vietnam of two groups of Montagnards, totaling approximately eighty people, in January.

⁸ Human Rights Watch interviews with sources in Vietnam and Greensboro, North Carolina, April 2003.

⁹ Human Rights Watch interviews with sources in Gia Lai, Vietnam and Mondolkiri, Cambodia, March and April 2003.

Human Rights Watch has documented the fact that upon return, many Montagnard asylum seekers are beaten, detained, or sentenced to lengthy prison terms. At least seventeen Montagnards are currently serving prison sentences of up to ten years after being forcibly returned from Cambodia to Vietnam, or for attempting to flee to Cambodia.¹⁰

Meanwhile, border patrols have been reinforced on both sides of the international boundary. Additional security forces have been posted in minority villages in Vietnam, where officials are systematically pressuring Montagnards to renounce Christianity and pledge not to gather in groups or participate in demonstrations. On the Cambodian side of the border, subdecree 124, implemented in March, calls for the deployment of an additional 600 police officers along the border.

In March, Human Rights Watch received a handwritten list of the names of 439 ethnic Mning Christian families (1,206 people) from Dak Song district, Dak Lak province, Vietnam who are requesting international protection in Cambodia. This request was made on thirty-four signed and thumbprinted sheets of paper, which were smuggled across the border to Cambodia in March 2003. "Please have pity for us and rescue the Christian believers and help us receive back our ancestral lands," one of the petitions states. "Only those who have been persecuted have agreed to give their fingerprints below."

Human Rights Watch has also obtained a list of the names of twenty-five Montagnards who have been hiding in the forest in Cambodia since December 2002. "We lack food and medicine," the letter, dated March 22, states. "If you have the heart to help us, please help us otherwise we will die."

Recommendations

Human Rights Watch recommends that UNHCR in Geneva and Phnom Penh, and embassies in Hanoi and Phnom Penh immediately take the following actions:

1. Insist that the Vietnamese government immediately cease the persistent human rights violations and persecution of Montagnards in the Central Highlands.
2. Urge the Vietnamese government to publish a central registry of all Montagnards held in pretrial detention, and a list of all those convicted and sentenced for peacefully expressing their views or attempting to seek asylum abroad.
3. Inquire about the status and conditions of persons included in the partial list published by Human Rights Watch in January 2003 of seventy Montagnards currently known to be in prison because of their political or religious beliefs.
4. Press the Vietnamese government to allow unfettered U.N. access to the Central Highlands at the annual meeting of the U.N. Commission on Human Rights in April 2003.

¹⁰ For details on Montagnard political prisoners see "New Assault on Rights in Vietnam's Central Highlands: *Crackdown on Indigenous Montagnards Intensifies*," Human Rights Watch Briefing Paper, January 2003. Torture of Montagnards forcibly returned from Cambodia to Vietnam is extensively documented in Human Rights Watch, *Repression of Montagnards: Conflicts over Land and Religion in Vietnam's Central Highlands*, (New York: April 2002.)

5. Press Vietnam to invite the U.N. Working Group on Arbitrary Detention, which visited Vietnam in 1994, and the U.N. Special Rapporteur on Religious Intolerance, who visited Vietnam in 1998, for follow-up visits, with unrestricted access to the Central Highlands.
6. Remind the Cambodian government of its obligations under the 1951 Geneva Convention Relating to the Status of Refugees not to return refugees to a place where their lives or freedom are under threat, which is a norm of customary law and the cornerstone of refugee protection.
7. Request the Special Representative of the Secretary-General for Human Rights in Cambodia to address the treatment of asylum seekers in Cambodia, including the issue of refoulement of Vietnamese refugees, in his next report.
8. Press the Cambodian government to authorize UNHCR to immediately establish a field presence in Mondolkiri and Ratanakiri provinces, re-open the provincial refugee camps, maintain the refugee transit center in Phnom Penh, and provide protection and assistance to refugees from Vietnam.
9. Offer technical assistance to Cambodian border officials and police on refugee protection standards, and the fundamental norm of nonrefoulement.

Translations of some of the Vietnamese government documents and Mnong, Jarai and Ede accounts are attached.