

included on the list of 21 banned organizations proscribed under the U.K.'s Terrorism Act 2000, making it illegal to belong to, support, or raise funds for the LTTE.

United States

Ambassador Ashley Wills outlined the U.S. position on Sri Lanka in a speech in Jaffna on March 7. He said that the U.S. supported an end to the war—"the sooner the better"—and rejected the possibility of a military solution. The U.S. favored a negotiated settlement and supported Norway's efforts to facilitate talks. Wills rejected "the idea of an independent state carved out of Sri Lankan territory" and the LTTE as sole representative of Tamils in Sri Lanka. He acknowledged complaints of discrimination against Tamils in Sri Lanka, saying Tamils must be treated "equally, respectfully and with dignity" within a democratic state. Wills said the U.S. would reconsider its ban on the LTTE if it renounced violence, embraced democratic principles, and entered into negotiations to end the war.

The U.S. continued to provide economic support funds (ESF) for development as well as international military education and training (IMET). The Bush administration requested \$3 million in ESF and \$275,000 for IMET in fiscal year 2002, the latter a \$30,000 increase over the previous year.

United Nations

U.N. agencies, including UNICEF, criticized the LTTE's continued recruitment of child soldiers. U.N. Secretary-General Kofi Annan, in a September report to the U.N. Security Council noted that, despite LTTE commitments, children "continued to be targeted in the ongoing conflict of Sri Lanka." Annan noted that the Sri Lankan government was one of only two to set the minimum age for voluntary enlistment at eighteen and acknowledged efforts in the country to demobilize child soldiers, but said prevention of recruitment and re-enlistment was an overwhelming concern. He stressed the need for adequate resources, structures, and programs to ensure successful reintegration into society of demobilized children.

Hoping to help revive agriculture in Sri Lanka's war-torn north and east, the World Bank in September announced plans to fund renewed U.N. mine clearance efforts in the northern regions, where civilian casualty rates from mines are reported to be among the world's highest. The U.N. began its demining program in July 1999 but fighting in 2000 had halted operations.

VIETNAM

The government's human rights record took several major steps backward during 2001, with religious rights in particular coming under attack. Security forces arrested dozens of ethnic minority Montagnards in a heavy-handed

response to a popular protest over land rights in the Central Highlands in February. The authorities detained, arrested or harassed many religious leaders and political dissidents, including members of the banned Unified Buddhist Church of Vietnam, the Hoa Hao Buddhist sect, Roman Catholics, retired Communist Party of Vietnam (CPV) members and military veterans known for their criticism of the party, and ethnic minority Protestants in the northern and central highlands.

The election of new CPV General Secretary Nong Duc Manh, known as a consensus builder, at the Ninth Party Congress in April, raised hopes that Vietnam might step up the pace of reform. These hopes had been largely dashed by October.

HUMAN RIGHTS DEVELOPMENTS

In February 2001, unprecedented mass demonstrations broke out in Gia Lai, Dak Lak, and Kontum provinces in the Central Highlands. Thousands of indigenous minority people known collectively as Montagnards, many of them Christians, gathered to demand greater land rights and religious freedom. In response, authorities sent troops to the region, and police conducted door-to-door searches for suspected leaders of the protests, arresting at least twenty in February alone. Some were beaten, kicked, or shocked with electric truncheons by police officers upon arrest and during interrogation. In many parts of the highlands, the government banned gatherings of more than four people, restricted freedom of movement, and increased its surveillance and harassment of ethnic minority Protestants. Telephone communication to, from, and within the region was cut off for weeks. Diplomats and foreign media were barred from visiting the area, other than a government-sponsored press tour in mid-March and a four-day trip by the U.S. Ambassador in July.

Fearing arrest, more than 1,000 Montagnards fled to Cambodia. (See Cambodia.) In September, the People's Courts in Dak Lak and Gia Lai sentenced fourteen Montagnards to prison sentences ranging from six to twelve years on charges of disrupting security brought under article 89 of the Penal Code. At least ten other Montagnards were sentenced in several district-level trials quietly conducted in Dak Lak and Gia Lai in October, bringing the total tried as of November to at least twenty-four people.

Human Rights Watch received reports of security forces burning down several Protestant churches in the Central Highlands. On March 10, heavily-armed police and soldiers, in full riot gear and carrying electric batons, raided Plei Lao village, Chu Se district, Gia Lai where several hundred ethnic Jarai villagers were conducting an all-night prayer meeting. After police officers arrested one young villager, a crowd gathered and pulled the youth from the police jeep. Police and soldiers fired tear gas and then bullets into the crowd. Dozens were wounded by shooting or beating, and at least one villager, Rmah Blin, was killed. The security forces then burned down the church. As of October, at least four of the dozens arrested were believed to remain in detention at T-20 prison in Pleiku. In September, Plei Lao villager Siu Boc was sentenced to eleven years in prison at a trial in Gia Lai. Beginning in June,

provincial authorities conducted dozens of ceremonies in the Central Highlands in which Montagnards who had participated in the February demonstrations were forced to read confessions about their alleged wrongdoings and renounce Christianity in front of entire villages, sealing their pledges by mandatory drinking of rice wine mixed with goat's blood.

Throughout Vietnam, the government conducted a systematic campaign of intimidation and surveillance of perceived political opponents. On February 9, academic Ha Sy Phu was placed under administrative detention for two years in Dalat for allegedly collaborating with "hostile forces" abroad. That same month democracy activist Vu Cao Quan was summoned to police headquarters several times after he organized a meeting in Hai Phong to discuss democratic reforms. On April 24, Vu was arrested and detained for ten days after meeting in Hanoi with other democracy activists. On April 26, a squad of policemen in Hanoi went to the home of another well-known dissident, Hoang Minh Chinh, and insisted that he go with them to police headquarters. Hoang Minh Chinh refused and remained under surveillance throughout the year.

In June, security police apprehended Vietnam's most influential dissident, Tran Do, in Ho Chi Minh City (Saigon) and confiscated a draft section of his memoirs. Afterwards, Tran wrote to party leaders and the Vietnam Association of Writers to protest the seizure of his writings.

The government stepped up the harassment in September, when fifteen dissidents were detained in Hanoi, including Pham Que Duong, Hoang Tien, Hoang Minh Chinh, Tran Van Khue, Nguyen Vu Binh, and Nguyen Thanh Giang. On September 2, just before the detentions, Pham Que Duong and Tran Van Khue had submitted a request to the government to form an independent anti-corruption organization. On October 9 Tran Van Khue was officially placed under house arrest for two years under Administrative Detention Decree 31/CP. In February and again in June, Pham Que Duong, Hoang Minh Chinh, and Hoang Tien joined more than a dozen other dissidents in signing joint appeals to CPV officials calling for the repeal of decree 31/CP, which authorizes detention for up to two years without trial.

Police summoned outspoken Buddhist monk Thich Quang Do, the second highest-ranking monk in the banned Unified Church of Vietnam (UBCV), for interrogation several times during the year. On February 4, Thich Quang Do was detained and searched by security police after visiting UBCV's Supreme Patriarch, Thich Huyen Quang, who has been under house arrest in Quang Ngai province since 1982. In June, Thich Quang Do was placed under administrative detention for two years at his pagoda after he announced that he intended to escort Thich Huyen Quang to Ho Chi Minh City for medical treatment. Three other UBCV monks, Thich Khong Tanh, Thich Quang Hue and Thich Tan An, were also detained at the same time. On September 2, Ho Tan Anh, a leader of the banned Buddhist Youth Movement (BYM), which is affiliated with the UBCV, burned himself to death in Danang, reportedly as an act of protest against religious intolerance in Vietnam. Afterwards, police searched the homes of several BYM leaders.

As in past years, the government only allowed religious activities by officially-recognized churches and organizations. In April 2001, the State Bureau of Religious Affairs recognized the Evangelical Church of Vietnam, thus granting legal status to

approximately three hundred individual churches in the south but specifically excluding the much more numerous ethnic minority Protestant house churches. Christians in ethnic minority areas were suppressed and pressured to renounce their faith, not only in the Central Highlands but also in the northern provinces of Lai Chau, Lao Cai and Ha Giang. At least sixteen ethnic Hmong were thought to be in prison in Lai Chau, Vinh Phuc and Thanh Ha provinces as of October. In April and June, Ho Chi Minh City police shut down services conducted by outspoken Mennonite pastor Nguyen Hong Quang, who was beaten and detained on August 17, reportedly for operating a school for children without official permission.

In January, Ha Hai, secretary general of the banned Hoa Hao church, was sentenced to five years in prison for violating house arrest orders and “abusing democratic rights.” On March 17, Le Quang Liem, Chairman of the Central Council of the Hoa Hao Buddhist Church, was arrested in Ho Chi Minh City. Two days later, Hoa Hao church member Nguyen Thi Thu immolated himself in a protest in Dong Thap province. Other Hoa Hao members sentenced during the year included Ho Van Trong and Truong Van Duc.

Despite a visit by a Vatican delegation to Vietnam in June, little progress was made towards establishing diplomatic ties between Vietnam and the Vatican. Vietnam continued to insist on having final approval over Catholic religious appointments, accepting three Vatican-approved bishops in June but rejecting three others. However, the authorities permitted Catholics to attend an annual celebration mass at the historic Our Lady of La Vang Church in Quang Tri province. In March, Catholic Father Nguyen Van Ly was put under house arrest in Hue and denounced by state media after he submitted written testimony to the U.S. Commission on International Religious Freedom. On May 17, he was arrested after leading a religious service at which he allegedly distributed leaflets. He was charged with violating his house arrest order and inciting public disorder. In October, after a one-day trial by the People’s Court in Thua Thien-Hue province, he was sentenced to fifteen years in prison for “undermining the policy of national unity” and violating his probation order under articles 87 and 269 of the Penal Code. At least three members of the Catholic Congregation of the Mother Co-Redemptrix, imprisoned in 1987 for holding training courses and distributing religious books, remained in prison.

Freedom of association continued to be severely restricted, and the formation of independent associations, trade unions, or nongovernmental organizations (NGOs) remained prohibited. The government tolerated a number of small gatherings and “sit-ins” to protest land grabs or corruption. In an unusually large protest in Hanoi in March, five hundred ethnic minority people from northern Son La province gathered outside Ho Chi Minh’s mausoleum in Hanoi to put forward their side in a land dispute. Police, who allowed representatives of the delegation to speak with officials, quickly cordoned off the area. Later, as part of security arrangements for the Ninth Party Congress, the prime minister ordered a clampdown on public protests in Hanoi.

Strikes, while rare, increased during the year, mostly directed against foreign and private companies. In the first six months of the year there were more than a dozen strikes in Ho Chi Minh City against foreign-invested companies. In August, more

than four hundred garment workers struck in Ho Chi Minh City to claim unpaid wages and protest the alleged beating of a pregnant worker at a South Korean-owned company.

All media remained state-owned and tightly controlled. There were no private newspapers and television was operated solely by the government. Foreign media representatives were required to obtain advance authorization from the Foreign Ministry for all travel outside Hanoi and to clear all interviews with Vietnamese nationals four days in advance. In July a new media decree, 31/2001/ND-CP, took effect. It imposed fines for a variety of offenses, including republishing previously banned stories, intentionally providing false information to the media, and publishing articles containing pornography or “superstitious attitudes.”

In August, the government passed a decree that imposed stricter regulations on Internet cafes and imposed fines for illegal Internet usage, while opening up provision of Internet services to privately-owned businesses, including foreign companies. The government continued to maintain strict control over the country’s overall gateway to the Internet by controlling the operation of the sole Internet access provider. In addition, the government continued to use firewalls to block access to sites considered objectionable or politically sensitive. In August, Internet access was terminated in Phu Yen province, on the grounds that it could threaten national security.

Prison conditions continued to be extremely harsh. Human Rights Watch received reports of the use of shackles and solitary confinement in cramped, dark cells, and the beating, kicking, and use of electric shock batons on detainees by police officers. In June, the official press reported that more than 17 percent of detainees at Chi Hoa prison in Ho Chi Minh City were held beyond the expiration of their sentences, including one inmate who was still in detention thirteen years after his conviction was overturned on appeal. Police officers routinely arrested and detained suspects without written warrants, and suspects were often held in detention for as long as a year without being formally charged or tried. Decree 31/CP, the administrative detention decree, was used on many occasions to place dissidents under house arrest.

Corruption was identified by the Ninth Party Congress as one of the “four dangers” facing Vietnam. The Central Committee passed new measures to address corruption within the CPV, such as requirements for members to reveal their assets. In July, the Ministry of Public Security proposed to establish a special court to address corruption, saying it threatened to undermine the CPV’s authority. In September, six government officials were convicted for corrupt land deals involving the Thang Long water park. While a businessman convicted in the same case was jailed for twenty years, the officials were either released or sentenced to prison terms of a year or less. In mid-November a provincial court opened a trial of twelve people accused of bribery and embezzling money from government development projects in northern Lai Chau province, inhabited primarily by low-income ethnic minorities.

The National Assembly appeared to be more assertive than in previous years. In June, National Assembly members grilled cabinet officials on live television about their progress on previous policy commitments. That same month the assembly rejected a law supported by the minister of planning that would have increased the

authority of district courts, reportedly because of concerns that the bill would cause a dramatic increase in the prison population and violations of judicial procedures. Also in June, assembly members questioned safety plans for the party-approved Son La dam project as well as the proposed relocation of hundreds of thousands of people to make way for the dam. Despite the controversy, however, they approved the project in late June.

In July, Prime Minister Phan Van Khai called for the 1992 constitution to be amended, reportedly in order to clarify the role of the judiciary, national assembly, and state bureaucracy, and distribute more decision-making power to local authorities. A nationwide campaign was announced in August to solicit public opinion on the proposal, with the caveat that CPV policies be reflected. A clandestine group called the Vietnam Restoration Party (To Chuc Phuc Hung Vietnam) ignored that caveat and distributed a letter calling for the repeal of article 4 of the constitution, which states that the CPV is “the force leading the State and society.”

DEFENDING HUMAN RIGHTS

The government did not allow independent associations or human rights organizations to operate in Vietnam. Contact with international human rights organizations was strongly discouraged and the government continued to refuse to permit international human rights organizations such as Human Rights Watch and Amnesty International to conduct official missions to Vietnam. In October Tran Van Khue, who had proposed to establish an anti-corruption NGO, was placed under house arrest.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Vietnam’s increasingly poor human rights record came under international criticism during the year. The government’s repression of religious leaders and its crackdown against ethnic minorities in the Central Highlands drew particular fire. At the annual World Bank-sponsored donor meeting in December 2000, Vietnam’s donors, while pledging U.S. \$2.8 billion in aid, pressed the government to focus more on environmental issues and good governance, in addition to economic reforms. In July, the World Bank signed its largest set of loan agreements with Vietnam, totaling U.S. \$520 million, targeted at infrastructure development, economic growth, and poverty reduction. The Asian Development Bank (ADB) announced that its Japan Special Fund would provide U.S. \$600,000 for secondary education in rural areas, targeted at ethnic minorities.

United Nations

In August, the U.N. Committee on the Elimination of Racial Discrimination (CERD) issued its Concluding Observations on a report, overdue since 1993, submitted by the Vietnamese government. The committee expressed concerns about

religious persecution of ethnic minorities, allegations of forced sterilization of Montagnard women, and the impact of population transfers to areas inhabited by indigenous groups. Relations between the Vietnamese government and the United Nations High Commissioner for Refugees (UNHCR) were often strained during the year over the fact that thirty-eight Montagnards were resettled to the U.S. in April, and the UNHCR's establishment of sites to receive asylum seekers in Cambodia. In July, talks between UNHCR, Vietnam and Cambodia on the possibility of voluntary repatriation of Montagnards from Cambodia broke down when Vietnam refused to grant UNHCR unhindered access to the Central Highlands to monitor the status of returning asylum seekers. In September, Vietnam ratified two optional protocols to the Convention on the Rights of the Child, one on the sale of children, child prostitution and child pornography, and the other on child soldiers.

Japan

Vietnam's largest donor, Japan, provided assistance to conduct legal training programs and reform of the legal system in the specific areas of civil code reform, drafting of the civil procedure code and criminal procedure code, as well as various commercial laws.

European Union

The E.U., Vietnam's second largest donor, was vocal in its support of human rights. In July, the European Parliament adopted an emergency resolution on religious freedom in Vietnam and denounced the persecution of several religious leaders and ethnic minorities in the Central Highlands. That same month E.U. External Affairs Commissioner Chris Patten raised concerns about religious freedom and restrictions on international media based in Vietnam in a meeting with the Vietnamese foreign minister. In talks with CPV Secretary General Nong Duc Manh during an August visit to Vietnam, the foreign minister of Sweden raised the issue of human rights and greater freedom of the press, and even broached the topic of a multiparty system. After an European Commission (EC) meeting in Hanoi in November, an EC spokesman said that Vietnam had made some progress on human rights conditions but that it still had a long way to go.

Several E.U. political figures became the subject of controversy after they visited dissidents in Vietnam. In April, Member of the European Parliament (MEP) Lars Rise of the Norwegian opposition Christian People's Party was detained and deported from Vietnam after visiting several dissidents. In June, Italian MEP Olivier Dupuis was expelled after he tried to stage a sit-in at the monastery where Thich Quang Do lives under house arrest.

United States

Relations between the U.S. and Vietnam were strained at times during the year, but the overall trend was positive. Vietnam reacted defensively, however, to any suggestion that its human rights record could be improved. Several times during the

year the Foreign Ministry charged that the U.S. was inciting unrest in Vietnam and interfering in its internal affairs, in particular by sponsoring hearings on religious rights in Vietnam in February and by approving Montagnard resettlement to the United States. U.S. Ambassador Pete Peterson pressed hard for an official visit to the troubled Central Highlands after the February unrest. He secured approval only in July, shortly before he ended his term as ambassador. Peterson was highly critical of some provincial officials for preventing him from talking freely with villagers.

U.S. Assistant Secretary of State James Kelly, the first senior Bush administration official to visit Vietnam, made a strong statement criticizing the arrest of Father Nguyen Van Ly, which occurred during Kelly's visit in May. The seventh round in the U.S.-Vietnam human rights dialogue took place in Hanoi in July, with no tangible results.

In October the Senate passed a resolution approving the Bilateral Trade Agreement between the U.S. and Vietnam. In September, the House approved the Vietnam Human Rights Act, which would link future increases in non-humanitarian aid to progress on human rights. Vietnam reacted strongly against the measure, issuing public statements from the Ministry of Foreign Affairs and the mass party organizations.

Association of South-East Asian Nations (ASEAN)

Fellow ASEAN members made virtually no comment on Vietnam's human rights record during the year. In July, Hanoi hosted the annual ASEAN ministerial meetings, the ASEAN Regional Forum, and the ASEAN Post Ministerial Conference, attended by ASEAN members as well as the U.S., E.U., Canada, Japan, and China.

Vietnam's relations with neighboring Cambodia were tense at times over the issue of the Montagnards, especially when Cambodian Prime Minister Hun Sen defied his long-time ally by refusing to send the first group of twenty-four Montagnard asylum seekers back to Vietnam in March. However, the two countries signed agreements during the year to strengthen border controls, prevent illegal crossings, and train Cambodian police in Vietnam.