

Socialist Republic of Viet Nam

Renewed concern for the Montagnard minority

Introduction

On 10 and 11 April 2004 thousands of ethnic minority people known as Montagnards engaged in protests against government policies in three provinces of the Central Highlands region of the country. These events come some three years after an unprecedented series of protests by members of ethnic minority groups in the same area, which led to a harsh crackdown by the Vietnamese authorities. Once again the Vietnamese government reaction has been immediate brutal suppression, and to blame the unrest on US-based Montagnard opposition groups. Immediately following the protests the Central Highlands region was effectively cut off from the outside world and the existing considerable security presence further reinforced.

Amnesty International is deeply concerned by accounts emerging from the Central Highlands of disproportionate use of force by the authorities, or people acting on their behalf, resulting in unknown numbers of dead and injured, arrests and reports of people missing. Amnesty International has obtained the names of eight individuals who were killed either during the demonstrations or who died from their injuries shortly afterwards. The organization is also alarmed by the subsequent reported use of intimidatory practices such as “self-criticism” sessions and the stationing of police in the homes of members of the Montagnard minority as official efforts to restore order and control all information emanating from the provinces concerned.

Amnesty International is reiterating recommendations to the Vietnamese government that were first made in December 2002 to address the serious human rights situation in the Central Highlands. The organization believes that greater transparency including immediate and unfettered access to the Central Highlands for independent observers are essential first steps to ascertain the truth about recent events and must take place as a matter of utmost urgency.

Recent developments

On 10 and 11 April 2004, the Easter weekend, coordinated demonstrations were held in Dak Lak, Gia Lai and Dak Nong provinces of the Central Highlands¹ by Montagnard protestors including women and children, the majority of whom are Christians. Thousands of people began a planned five days of peaceful protests about long-standing land and religious freedom issues and the cumulative frustration of the last three years of restrictions on freedom of movement, communication and religious practice. There are conflicting reports about the demonstrations and the way they were handled by the authorities but the official Vietnamese

¹ As of November 2003, Dak Lak Province was divided into two provinces, Dak Lak in the North and Dak Nong in the South.

media have described them as “large-scale”.² Unofficial sources have claimed that members of the security services, in coordination with men in civilian clothing, attacked demonstrators using disproportionate force including tear gas, electric batons, and water canon as well as crude weapons such as metal bars, machetes and chains, resulting in large numbers of dead and injured.³ People reported to have been unlawfully killed during the crackdown on demonstrators include those listed below. Amnesty International fears that the final death toll is considerably higher and has further names of victims which are yet to be corroborated.

- 1 H’Lo Kbuor (f), blind, from Cu Mgar district, Dak Lak province. Reportedly killed on 10 April 2004 on the outskirts of Buon Ma Thuot city, Dak Lak province.
- 2 Ksor Hnun (m), from Plei Ring village, Dak Doa district, Gia Lai province. Reportedly shot and killed on 11 April 2004 in Gia Lai province.
- 3 Siu Plen (m), 33, from Bon Ama Djong village, Ayun Pa district, Gia Lai province. Reportedly killed on 10 April 2004 in Gia Lai province.
- 4 Ksor Jo (m), 33, from Bon Hoang village, Ayun Pa district, Gia Lai province. Reportedly killed after the demonstrations in Gia Lai province.
- 5 Y’Bhit Enuol (m), Buon Dah Prong village, Buon Ma Thuot, Dak Lak province. Reportedly killed on 10 April 2004.
- 6 Y’Dlah Eban (m), Buon Dah Prong village, Buon Ma Thuot, Dak Lak province. Reportedly killed on 10 April 2004.
- 7 Y’Wien (m), Buon Dah Prong village, Buon Ma Thuot, Dak Lak province. Reportedly killed on 10 April 2004.
- 8 Y’Luyen Eban (m), Buon Cuor Knia, Buon Don district, Dak Lak province. Reportedly killed on 10 April 2004.

An unknown number of people are also reported to have been arrested, some of whom were reported to have been subsequently released. The fate of many of those arrested is not known. Unofficial sources have also reported that hundreds of people who took part in the demonstrations are missing.

² *VNExpress* web site, Hanoi, in Vietnamese 18 April 2004 as reported by *BBC monitoring* on 19 April 2004.

³ See for example, Human Rights Watch reports: Vietnam: Violence against Montagnards during Easter Week Protests, Hundreds Arrested or Missing; Border with Cambodia Sealed, 14 April 2004; Vietnam: Open Central Highlands to International Observers, Reported killings of Montagnard Protestors Must be Investigated Immediately, 22 April 2004.

According to official media sources, thousands of minority demonstrators converged on Buon Ma Thuot City, the provincial capital of Dak Lak province on the morning of 10 April and on Pleiku, the provincial capital of Gia Lai province on the morning of 11 April.⁴ The authorities have claimed that some demonstrators attacked police and ransacked government buildings, and that in Gia Lai province demonstrators threw stones. There are conflicting official reports on the cause of two deaths reported by the authorities, both in Gia Lai province.⁵ Other instances of unrest are also reported to have occurred in other areas of the two provinces in addition to areas of Dak Nong province.

Given the refusal by the authorities to permit independent observers unfettered access to the area concerned, Amnesty International is unable to confirm or verify these conflicting accounts. However, the organization believes that the speed and unprecedented detail in Vietnamese official denials, including the publicized visit of the deputy Prime Minister to the area shortly after these events occurred, point towards the extreme gravity of events on 10 and 11 April in the Central Highlands. Moreover an immediate comprehensive ban on visits to the area by diplomats, foreign tourists, foreign journalists and even overseas Vietnamese visitors supports allegations of a government cover-up regarding the gravity of events.⁶

Background to the Montagnard unrest

In February 2001, thousands of people from indigenous minorities, collectively known as Montagnards, held protests in the Vietnamese Central Highlands focusing on a number of grievances, including anger at government confiscation of their ancestral forest homelands, an influx of lowland Vietnamese settlers taking their agricultural land, lack of freedom of worship for the many who are members of unauthorised evangelical Protestant churches, and denial of basic rights including education in native languages. Some protestors were also calling for independence for the Central Highlands region. The authorities quickly closed off the area and prevented journalists and diplomats from travelling to the provinces to assess the situation. The Vietnamese authorities accused US-based opposition groups of fomenting the unrest. The Vietnamese authorities have made well-publicized efforts in subsequent years to address the officially admitted problems of poverty and social deprivation in the Central Highlands. It is unclear to what extent economic investment and new infrastructure projects have directly benefited the indigenous Montagnard population.

⁴ “Vietnamese paper reports ‘large-scale unrest’ in central highlands”, Excerpt from report by X.H., carried by Vietnamese newspaper *VNExpress* website on 18 April 2004, as reported by *BBC monitoring*.

⁵ “Vietnamese media report deaths, injuries in Central Highlands a week after protests”, *Associated Press*, 18 April 2004; “Vietnamese official interviewed on disorders in Central Highland”, *VNA* website, 19 April 2004, as reported by *BBC monitoring*; “Vietnam rejects fabrications about Central Highlands situation”, *Voice of Vietnam*, 20 April 2004.

⁶ It has been reported that some travel restrictions for tourists and overseas Vietnamese were lifted several days after the demonstrations. Diplomats and accredited journalists were denied access to the Central Highlands until a visit - described as “government orchestrated” by *Associated Press* - for some of the accredited Ha Noi-based press corps from 26 to 28 April 2004.

From February 2001 until the present day there have been hundreds of arrests and reports of torture and ill treatment of Montagnards in the Central Highlands in a harsh crackdown against those involved, or suspected to be involved, in the protests. Since 2001, at least 76 Montagnards have been tried and sentenced to prison terms after trials which did not meet international standards of fairness. In 2003 alone, 33 men were sentenced to between 18 months and 13 years' imprisonment for their involvement in the 2001 unrest or for helping those trying to flee the country. Not all cases were made public and the number of those arrested and tried is believed to be much higher.

An initial group of approximately 1000 Montagnard asylum-seekers who fled Viet Nam to Cambodia were resettled in the United States in 2002 and 2003. Montagnard asylum-seekers continue to try and flee Viet Nam to neighbouring Cambodia and there have been numerous reports of the forcible repatriation or *refoulement* of hundreds of people including women and children. At time of writing, the border between Viet Nam and Cambodia has been effectively sealed while reports persist of large numbers of Montagnards hiding in malaria-riddled forest on both sides of the border in an attempt to escape arrest and forcible return to the Central Highlands. On 25 April 2004 - two weeks after the recent protests - four Montagnard asylum-seekers, were forcibly returned from Mondulhiri province in Cambodia to Viet Nam.⁷ On 24 April 2004 another group of six Montagnards reached the office of the United Nations High Commissioner for Refugees (UNHCR) in Phnom Penh requesting asylum.⁸

Continuing concerns

Amnesty International is calling on the Vietnamese authorities to radically rethink their policy towards the Montagnards, particularly extreme limitations placed on freedom of movement, expression, religious practice and access to information. Amnesty International believes that greater transparency and access for independent observers to the Central Highlands is paramount. "Self-criticism" sessions,⁹ forced denunciations of religion and political activity and stationing police in people's homes¹⁰ are all methods of the past used to intimidate and threaten people. Such methods of control have demonstrably not brought about peace, security and stability to the region.

It is over three years since long-simmering grievances erupted in coordinated demonstrations in the Central Highlands region of Viet Nam in February 2001. These demonstrations, which apparently took the authorities by surprise, have been followed by attempts to improve the economic situation on the one hand whilst tightening government

⁷ "Quatre montagnards expulsés dimanche depuis le Mondulhiri", *Cambodge Soir*, 27 April 2004.

⁸ "First Vietnamese Montagnards reach Cambodian capital after deadly protests", *AFP*, 27 April, 2004.

⁹ According to a report quoting local officials by *Deutsche Presse-Agentur (DPA)*, dated 21 April 2004: "Self criticisms" written by at least 100 after riots in Vietnam.

¹⁰ See "Vietnam beefs up checkpoints in restive highlands", *Reuters*, 14 April 2004; "Vietnam sends more forces to Central Highlands", *Radio Free Asia*, 19 April 2004; Human Rights Watch report, 22 April 2004 - Viet Nam: Open Central Highlands to International Observers, Reported killings of Montagnard Protestors Must be Investigated Immediately.

control on the other. The authorities have clearly attempted to address economic problems and relative poverty in the affected areas. However, at the same time the authorities have ruthlessly suppressed any dissent, imprisoned those perceived as trouble-makers and organizers, staunchly the flow of asylum seekers who have tried to seek protection in neighbouring Cambodia, and suppressed the activities of the Dega Protestant church, a religious organization seen by the authorities as being closely linked with the protests. These continuing restrictions and human rights violations have increased feelings of resentment, anger, and fear within the local population.

The Vietnamese authorities have tightly controlled all freedom of movement and information into and within the Central Highlands, including by denying independent observers free access. Diplomats and the international press corps based in Viet Nam have only been allowed into this area in strictly managed tours in the presence of the authorities.

Whilst there is no doubt that overseas Montagnard groups have been linked to the public protests both in 2001 and April 2004, Amnesty International believes that to blame “outsiders” for the unrest avoids addressing fundamental and underlying problems including land rights’ pressures from internal migration and differences of religion and culture. Individuals suspected of having links with these overseas groups have clearly been targeted during the last three years, leading to hundreds being arrested and an unknown number being tried in proceedings which Amnesty International believes did not meet international fair trial standards and sentenced to long periods of imprisonment.

Amnesty International believes that transparency and open debate in conjunction with adherence to international human rights standards enshrined in Viet Nam’s Constitution are essential in order to address the root causes of problems within the Central Highlands.

Recommendations

April 2004 events:

- Amnesty International calls upon the Vietnamese government to permit independent and impartial agencies to carry out a full investigation into the events of April 2004. Any persons suspected of human rights violations should be brought to justice in trials held in public which meet international standards of fair trial.
- Amnesty International calls for an independent investigation into the fate of the eight individuals named in this report who are believed to have been unlawfully killed during or shortly after the demonstrations on 10 and 11 April 2004.
- Amnesty International calls for an independent investigation into other reports of unlawful killings by security forces. Every attempt must be made to bring to justice those responsible for the unlawful killing and injuring of demonstrators in accordance with international fair trial standards. The families of all those found to have been

unlawfully killed or injured by security forces should receive appropriate redress from the authorities.

- The authorities should provide comprehensive lists of all those arrested during the demonstration including any charges against individuals and their current whereabouts. The authorities should also ensure that all those arrested have access to medical care, their families and lawyers and are not subjected to torture or ill-treatment.
- Should anyone be prosecuted in connection with the April 2004 disturbances Amnesty International urges that independent observers be allowed to attend their trials.

Amnesty International reiterates recommendations made to the Vietnamese authorities in a report issued in December 2002¹¹:

- Amnesty International urges that unfettered access to the Central Highlands should be made available to diplomats and the international press corps. Viet Nam should extend an invitation to the UN Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, the UN Working Group on Arbitrary Detention, and the UN Special Rapporteur on Torture, to make visits and assess the situation, and make recommendations accordingly.
- Amnesty International calls on the government of Viet Nam to issue clear and unambiguous orders that human rights violations against the Montagnard minority will not be tolerated.
- The activities of Vietnamese security forces, including both military and police, in the Central Highlands should be open to monitoring by international humanitarian organizations and international non-governmental human rights organizations.
- Members of the security forces engaged in abuses should be immediately suspended from duty, pending investigation. Those against whom there is a case should be brought to justice.
- Amnesty International urges the Vietnamese authorities to ensure prompt, effective, independent and impartial investigations into reports of torture and ill-treatment of the Montagnard civilian population especially those in detention and that those responsible should be brought to justice.

¹¹ Amnesty International, *Socialist Republic of Viet Nam/Kingdom of Cambodia, No Sanctuary: The plight of the Montagnard minority* (AI Index: ASA 41/011/2002).

- Police and military dispatched to the Central Highlands should receive training in basic human rights standards, including and especially the protection of the human rights of detainees.
- Amnesty International calls on the Vietnamese government to urgently address the underlying serious human rights problems including issues surrounding the preservation of indigenous culture of the Montagnard minority in the Central Highlands. These issues include:
 - the right to the peaceful expression of their political beliefs.
 - the right to practice the religion of their choice. This includes the right to freedom of belief and right to assemble as enshrined in Articles 69 and 70 of the 1992 Constitution, but also the right to freedom of worship, as laid down in international law, in particular articles 18¹² and 27¹³ of the ICCPR to which Viet Nam is a state party.
- Amnesty International calls upon Viet Nam to permit humanitarian agencies access to work across the Central Highlands.
- Amnesty International urges that independent observers be allowed to attend any future trials of those linked with the uprising in 2001 and its aftermath.
- Amnesty International believes that people should not be prosecuted for having fled the country or having helped others to do so.¹⁴ Charges should only be brought for those accused of recognizably criminal offences.

¹² Article 18(1) of the ICCPR states: “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

¹³ Article 27 of the ICCPR states: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in communality with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.”

¹⁴ Article 12(2) of the ICCPR states: “Everyone shall be free to leave any country, including his own.”

Concern for the Montagnard minority in the Central Highlands of Viet Nam

TAKE ACTION NOW!

Write to:

President Tran Duc Luong

Office of the President
35 Ngo Quyen
Ha Noi
Socialist Republic of Viet Nam

Prime Minister Phan Van Khai

Office of the Prime Minister
Hoang Hoa Tham
Ha Noi
Socialist Republic of Viet Nam

- expressing grave concern about the events of 10 and 11 April 2004 in the Central Highlands during anti-government protests by thousands of Montagnard demonstrators.
 - calling on the authorities to give full unfettered access to the Central Highlands to independent observers and agencies in order to carry out investigations into allegations of human rights violations, including the deaths of eight people named in this report.
 - calling on the authorities to bring to justice those responsible for unlawful killings and injuring of demonstrators in accordance with international fair trial standards.
 - calling on the authorities to provide comprehensive lists of all those arrested during the demonstrations, including any charges against individuals and their current whereabouts.
- ▶ Copy some of your letters to the Vietnamese Embassy in your country.
- ▶ Write to your locally elected representative about your concerns for the Montagnard minority in the Central Highlands of Viet Nam, asking that this issue be raised by your government with the Vietnamese authorities at any opportunity.