



**Submission No 8**

**Inquiry into Australia's Human Rights Dialogues with China  
and Vietnam**

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Private Capacity

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Joint Standing Committee on Foreign Affairs, Defence and Trade  
Department of House of Representatives  
PO Box 6021  
Parliament House, CANBERRA ACT 2600

Dear Committee Members

**Inquiry into Australia's Human Rights Dialogues with China and Vietnam**  
**SUBMISSION: Montagnards or Degar people**

I respectfully lodge this submission concerning the inquiry with a focus solely on Vietnam, more particularly on the situation facing the indigenous ethnic minorities of Vietnam commonly known as Montagnards or Degar people.

My involvement in this issue is one of human rights and I have worked on a pro bono basis on the Montagnard issue for the last 11 years. The primary activities with this issue have involved a close working relationship with the Montagnard Foundation Inc (a US based non profit organization comprised of ethnic Montagnards working in advocacy for their people in Vietnam).

I note the committee may be aware of the overall human rights, historical and geopolitical situation concerning Vietnam and the Montagnards. Further, I note that Human Rights Watch has produced a number of excellent reports over the years specifically about the Montagnards and the US Commission on International Religious Freedom has also produced excellent reports concerning Montagnard prisoners and religious persecution. Accordingly I will make this submission brief focusing on two keys areas of concern with suggested recommendations for the committee. The following supplementary documents listed below are also attached to this submission.

- Attached PDF copy of the report by Human Rights Watch of March 2011 entitled, "Vietnam: Montagnard Christians in Vietnam: A Case Study in Repression."
- House of Representatives Speech by Hon. MP Luke Simpkins: 6 July 2011

## AREA OF CONCERN AND SUGGESTED RECOMMENDATIONS

### 1. RELIGIOUS, POLITICAL PRISONERS AND DEATHS IN CUSTODY

I quote below statements from the recent report from the Human Rights Watch report of March 2011 entitled, "Vietnam: Montagnard Christians in Vietnam: A Case Study in Repression." (report is attached as a supplement to this submission).

**Page 23:** *"Since 2001, more than 350 Montagnards have been sentenced to long prison sentences on vaguely-defined national security charges for their involvement in public protests and unregistered house churches considered subversive by the government, or for trying to flee to Cambodia to seek asylum.*

**Page 23:** *The arrests are ongoing, with more than 70 Montagnards arrested or detained during 2010 in Gia Lai alone.*

**Page 24:** *Montagnards who are arrested are often severely beaten or tortured in police custody and pre-trial detention.*

**Page 24:** *"Since 2001, at least 25 Montagnards have died in prisons, jails, or police lock-ups after beatings or illnesses sustained while in custody, or shortly after being prematurely released by prison authorities to a hospital or home.*

Over the last decade I have personally received information indicating thousands of Montagnards have been arrested, detained, imprisoned, or even killed by Vietnamese security forces. Many of these are arrested in what could be described as a tactic of "arrest, torture, threaten and release" a policy designed to repress the Montagnard population. Virtually all of these incidents pertain to so called illegal religious activity or peaceful demonstrations, or such activity as fleeing to Cambodia or contacting overseas Montagnards with mobile phones. Human Rights Watch (HRW) and the US International Commission of International Religious Freedom (USCIRF) have confirmed "hundreds" of Montagnards have been sentenced to long prison terms. USCIRF stated in its Annual Report of May 2010 (page 187) that,

*"hundreds of Montagnard Protestants arrested after the 2001 and 2004 demonstrations for religious freedom and land rights remain in detention in the Central Highlands. The circumstances and charges leveled against them are difficult to determine, but there is enough evidence available to determine that peaceful religious leaders and adherents were arrested and remain incarcerated.*

An example of such as prisoner is described further below from an interview I conducted in June 2011 with a former Montagnard prisoner who stated that there were 475 other Montagnard political or religious prisoners in the same prison that he was imprisoned in. This prisoner was in his sixties, was crippled, and had spent 5 years in prison from 2002 - 2007. He stated he was arrested by security forces while participating in Christian prayer services. He provided me with his prison release documents that list his religion as Christian (“tin lanh”). The scanned document is below:

Another example is that of the \_\_\_\_\_ who died in prison in 2008. Montagnard prisoners told their families that \_\_\_\_\_ was specifically targeted for torture in prison because he was a spiritual leader to the prisoners. Below in italics is an excerpt from a Montagnard Foundation press release about his death, followed by a picture smuggled out of prison.

*Torture: Vietnam authorities try to break his will :The security police found out that \_\_\_\_\_ was providing spiritual guidance to these prisoners and so decided to break his will. They were angry that the Degar prisoners cared and loved each other. At around 8 O'clock in the evening on August 22, 2008, the security police took \_\_\_\_\_ to their office and they began shocking him with their electric prods, punching, kicking and stomping him with their boots. He was electric shock tortured many times and the authorities kept him in isolation from the other prisoners and he was tortured over a long period of time.*

*On September 5, 2009, at around 7 am in the morning, the time that all the prisoners went out to work in the field, \_\_\_\_\_ was breathing his last breath and cried out so strongly and said:*

*“My dear brothers, my eyes are blind and I am about to leave you all. So please come and shake my hand before I go.”*

*One of the prisoners heard the voice and ran toward it and he found \_\_\_\_\_ lying on a table crying out in great pain. \_\_\_\_\_ told the prisoner who was there: “I have a terrible pain for my head has been cracked and my ribs have been broken from the severe torture that I had received from the hands of security police. So, please tell my wife and kids that I have suffered because I love them, because I love my Lord God, because I love my land, because I love my people, because I love freedom. Now I am going to freedom where the Vietnamese government cannot get me anymore.”*

Another case is that of the Montagnard woman named \_\_\_\_\_ (pictured below) who was arrested on or about April 11, 2008, at 4 am. She had been conducting prayer services when eight security force members stormed into her house, put her in a truck and took her to Ia Grai district prison. The European Parliament has stated the following about her case:

## **2. HUMAN RIGHTS, RELIGIOUS FREEDOM:**

The evidence suggests that not only is religious persecution continuing in Vietnam today but that the government in Hanoi has merely changed tactics in persecuting religious groups such as Montagnard Christians. The intent seems that Vietnam has adopted a clear policy to repress house churches from expanding their membership. It is estimated that over the past decade Protestant congregations have grown 600% in Vietnam, a statistic that has greatly alarmed communist officials.

While some improvement on paper have been implemented such as removing “forced renunciations” of religious beliefs it appears the Vietnamese have replaced these laws with other control mechanisms, namely, torture, beatings, imprisonment and killings. Instead of forcing Christians to renounce their faith, Vietnamese authorities force Montagnards to join “government approved” Churches, such as the Evangelical Church of Vietnam - South (ECVN-S). It should be noted that the USCIRF has recommended that Vietnam be designated on the Country of Particular Concern watch list of nations that commit egregious violations of religious freedom, every year since 2001.

### **RECOMMENDATIONS:**

- 1. THE AUSTRALIAN GOVERNMENT FORMALLY RECOGNISE THE EXISTENCE OF THE HUNDREDS OF MONTAGNARD RELIGIOUS AND POLITICAL PRISONERS AND PRIORITISE DEMANDS FOR THEIR RELEASE IN ALL FUTURE DIALOGUE WITH VIETNAM. FURTHER THE AUSTRALIAN GOVERNMENT SHOULD CONSIDER LINKING FOREIGN AID OR TAKE OTHER CONCRETE MEASURES IN ORDER TO PRESSURE VIETNAM TO RELEASE THE MONTAGNARD PRISONERS.**
- 2. THE AUSTRALIAN GOVERNMENT SHOULD UNDERTAKE THE LEAD IN SEEKING A PERMANENT SOLUTION TO RESOLVE THE MONTAGNARD HUMAN RIGHTS SITUATION BY ORGANISING A FORMAL DIALOGUE BETWEEN THE KEY ACTORS, INCLUDING INVOLVMENT BETWEEN THE VIETNAMESE GOVERNMENT AND THE MONTAGNARD FOUNDATION.**

Please feel free to contact me anytime and I would more than willing to provide further information and assist the committee.

Thank you and kind regards

Scott Johnson (signed)