



Submission No 9

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

Name: Phong Ngyen
Federal President

Organisation: Vietnamese Community in Australia



Cộng Đồng Người Việt Tự Do Úc Châu Vietnamese Community in Australia

PO Box 2115 Footscray VIC 3011

4th August 2011.

Attention:

Mr. Paul Zinkel
Inquiry Secretary
Australian Parliament
Canberra.

Dear Mr Zinkel,

Re: Submission from the Vietnamese Community in Australia to the Parliamentary Inquiry into the Human Rights Dialogues between Australia and Vietnam.

Please find attached the Submission of the Vietnamese Community in Australia on the Human Rights situation in Vietnam after 8 HR Dialogues were held and sponsored by the Australian Government on Vietnam.

We can be contacted on the above number, email and address.

Yours sincerely,

Phong Ngyen
Federal President

SUBMISSION

HUMAN RIGHTS IN VIETNAM

THE AUSTRALIA-VIETNAM HUMAN RIGHTS

DIALOGUES

By

The Vietnamese Community in Australia (VCA)

[3rd August 2011]

THIS Submission is prepared by the Vietnamese Community in Australia (VCA-National) at the invitation of the Human Rights Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. The Sub-Committee plans to conduct an inquiry into Australia's Human Rights Dialogues with China and Vietnam in the second part of 2011.

The Vietnamese Community in Australia (VCA) is the national peak body representing Vietnamese Australians residing in all states and territories of the Commonwealth of Australia. It has VCA Chapters in all States (except Tasmania), in the Australian Capital Territory and in Northern Territory. Since its inception in 1977, the VCA has continuously played its representative role at national and state levels as well as its information, advice, cultural and welfare service providing role to settlers of Vietnamese background - and where possible, to the broader community as an integral part of multicultural Australia. At the national level, the VCA focuses on matters of policy and programs by the Australian Government and where appropriate, contributes its views and recommendations. Over the years, the VCA has presented submissions to inquiries by Parliaments and the three tiers of government and this Submission is an example of its continuing efforts.

The VCA has also encouraged other community groups and individuals to submit their views to the Sub-Committee. Therefore, this Submission does not attempt to cover each and every aspect of the Human Rights issues relating to the Socialist Republic of Vietnam (SRV) or the HR Dialogues between Australia and the SRV. Vietnamese workers' rights, labour protection and labour movement as part of the civil society development in Vietnam, for example, is an important issue to which the VCA hopes to address on another occasion.

Executive Summary and Recommendations:

This Submission focuses on the abysmal records of the SRV in terms of religious freedom, political oppression, freedom of expression and state-controlled media, the rights of women and the child, and discrimination and persecution of ethnic minorities.

Much of the body of evidence of the SRV's violations of human rights is in the public domain. For ease of reference for the Sub-Committee, this Submission includes two Appendices. Appendix 1 is the list of prisoners of conscience updated to March 2011

by the Vietnam Human Rights Network and Appendix 2 is the United States Commission of International Religious Freedom's 2011 Report on Vietnam.

This USCIRF's 2011 report is the most comprehensive document on religious oppression in the SRV. Its finding that human rights violations became more intensified since 2007, after the SRV was taken off the U.S. list of the 'Countries of Concern', belies the often-quoted assumption that FDI, trade and ODA to help economic development would lead to an improved human rights record in a communist country such as the SRV. The People's Republic of China has now become the second biggest economy of the world and the SRV, a 'middle income' country and yet their human rights records remain at least as bad and in many ways become worse.

This assessment is shared by independent observers without any link to any government or any activist international NGO, such as Messrs. Robert Templer and Bill Hayton. As British journalists on duty a decade apart in Vietnam, each wrote his own critically-acclaimed book on the country. In 1998, when Vietnam was still struggling economically, Robert Templer said: "The Vietnamese Constitution supposedly protects the right to freedom of religion but this strange document offers much but delivers little" [1]. A decade later, when Vietnam became, in his own words, a 'rising dragon', Bill Hayton still concludes: "I don't believe the (Communist) Party (of Vietnam) is on the road to liberal democracy, probably not even towards 'managed democracy' [2].

Among the victims of state persecution,

have become the public faces of the SRV's human rights violations. Their 'show trial' and imprisonment have been condemned. Indeed, Canada, The U.S and the EU have raised objection to the recent re-imprisonment of , and the re-trial on appeal of Dr. and demanded their immediate release. As predicted, appeal was dismissed by the Hanoi's Court of Appeals on .

But there are also numerous less known or even forgotten prisoners of conscience such as who is and has been incarcerated since 1996 for 'carrying out activities aimed at overthrowing the people's administration'. Towards the end of his imprisonment, he is now 'better known' only because he is dying and in urgent need of being hospitalised.

We are encouraged by the stated foci of the Sub-Committee in this inquiry, which include (1) Parliamentary participation and oversight, (2) involvements of the NGOs, (3) the roles and obligations of participating agencies, (4) reporting requirements and mechanisms, and (5) monitoring and evaluation of outcomes (including assessment of whether any human rights reforms with Vietnam and China have been obtained)

WE would like to recommend:

1. that Parliament require the Department of Foreign Affairs and Trade (DFAT) to provide an annual report of human rights progress or otherwise by the SRV at the Budget Session as part of the parliamentary consideration of AusAid development assistance program and such a report be recorded in the Hansard;
2. that an Australian Human Rights Advisory Group be set up comprising representatives of the Human Rights Sub-Committee, DFAT/AusAid and relevant NGOs such as the VCA (who are entitled to observe the HR Dialogues when they are held in Australia);
3. that DFAT and the Australian diplomatic and Consular Missions in the SRV play a more active role in visiting victims of HR breaches in the SRV and reporting outcomes;
4. that the HR Sub-Committee and the proposed Australian Human Rights Advisory Group be informed of the outcome of the annual HR Dialogues; and
5. that serious consideration be given to couple Australian ODA with progress in HR reforms, if evaluation and assessment fail to indentify any tangible positive outcome by the SRV.

THE annual Human Rights Dialogues appear to be so far just a token exercise. Despite 8 rounds of bilateral talks with Australia since 2002, the human rights situation in the SRV has not improved, but if anything, has become worse. HR violations have occurred regularly, almost on a daily basis, with prohibition of peaceful political opposition movements, arrests and conviction of political dissents, and arbitrary detentions without trial.

The one-party regime and the monopoly of power by the Politburo of the Communist Party of Vietnam (CPV) under Section 4 of the SRV's 1992 Constitution, is the root cause not only of this deplorable human rights record but also of the endemic, institutionalized corruptions at all levels. As the fourth estate, the media must be free to hold government authorities accountable, but in the SRV, the strictly state-controlled media is merely the mouthpiece of the CPV.

The SRV ignores its responsibilities to uphold the Universal Declaration of Human Rights as a member of the United Nations, and fails to comply with the U.N. International Covenant on Civil and Political Rights as one of its signatories.

A. RELIGIOUS FREEDOM

In its 2011 Annual Report, the United States Commission on International Religious Freedom recommends that the SRV be re-designated as a CPC, because the USCIRF believes it is ‘not only the right thing to do’ but also because ‘it has proven in the past to produce tangible religious freedom improvements on the ground without hindering other bilateral interests’.

In summary, the USCIRF records very few progresses made in its reporting period. On evidence obtained from field visits to Vietnam and discussions with victims of human rights violations as well as reports by other agencies and NGOs such as Human Rights Watch, the USCIRF concludes that there were ‘ongoing and severe violations of religious freedom in Vietnam, including the detention of many individuals, in prison or under administrative sentence, for their religious activity, religious freedom advocacy, or legal defense of religious communities’.

This report named a number of individuals from the Hoa Hao, Khmer Buddhists, Cao Dai, Montagnard Protestants communities and human rights defenders

has now been re-imprisoned, notwithstanding his extremely poor health.

- a new face among the young intellectual generation from a privileged background – has now been sentenced to during a trial which lasted less than half a day! His ‘crime’ was his professional defence for other victims of human rights breaches and his attempt to challenge a government decision through the SRV’s judicial system, which is controlled by the CPV.

The full text of the USCIRF 2011 Annual Report on Vietnam is at Appendix 2.

B. POLITICAL OPPRESSION

In this part, to highlight the HR situation in Vietnam, we are going to examine events in the period from 2009 to present.

In the year 2009

In **June** prominent was arrested for posting editorials critical of the government and for defending prominent human rights defenders, such as . Later the government claimed that and plotted with overseas elements to overthrow the government. , state-run media reported that they

would be tried under Article 79 of the Criminal Code, a national security provision reserved for “organizers, instigators, and active participants” of anti-state activities that typically carries more severe penalties, ranging from 12 to 20 years in prison to the death sentence. An associate of _____, also faced charges under this Article 79.

In March eight participants arrested in the prayer vigils in _____ lost an appeal contesting their December 2008 convictions of disturbing public order and destroying public property.

In four separate trials on October 6-9, nine dissidents affiliated with **Bloc 8406** and

Land-rights protesters in Ho Chi Minh City and several Mekong Delta provinces also reported harassment from local authorities, and many were arrested.

In the year 2010

On _____, dissident _____ was arrested in Hai Duong Province and charged with violating Article 88, which prohibits distribution of propaganda against the state.

On _____, _____, was convicted in Haiphong for violating Article 88 and sentenced to four years' imprisonment and three years' administrative probation relating to her petition to hold a demonstration against the government's policies on inflation and for criticizing the government's handling of border disputes with China.

In March 2010, unidentified intruders assaulted human rights activist [redacted] and vandalized his home. They threatened additional action unless he stopped writing articles in the dissident online journal [redacted]. He is a peaceful reform advocate previously imprisoned for circulating through the Internet an essay on democracy downloaded from the Web site of the U.S. Embassy in Hanoi [redacted].

On a more positive note, several persons, including political activists and religious leaders, were released during 2010 after serving their sentences,

But they have been subjected to strict control and harassments. Since [redacted] release [redacted], police have detained [redacted] three times, most recently on [redacted] when they held [redacted] for eight hours, questioning [redacted] about [redacted] poems and interviews on the internet. [redacted] continued to be monitored and harassed by Police since his release [redacted], and in [redacted] was detained and questioned by [redacted] police after he publicly advocated on behalf of peaceful dissidents serving long prison terms. [redacted] has been under house arrest, and prohibited from travelling out of his designated living area.

In the year 2011

On

On

In

In May 2011, in keeping with a long history of trying to seize control of the sea off Vietnam's east coast, Chinese patrol boats harassed and severed cables of a Vietnamese ship conducting seismic surveys on continental shelf within Vietnam's exclusive economic zone. That caused people in Saigon and Hanoi to demonstrate and protest China's belligerent expansionist behaviour on June 5. Since then, spontaneous demonstrations have occurred every week in June and July. In the first few demonstrations, the Police just isolated and monitored the crowd but did not crack down on the demonstrators. But perhaps fearing that the demonstrations may become widespread and escalate to attacking the pusillanimity of the Vietnamese government, lately they have used brutal force to disperse public rallies and made several arrests.

However, there are some rare good news in term of human rights situation in Vietnam. _____ was released after serving his 4 year sentence, but still has to serve out his 4 years of house arrest.

C. RESTRICTION ON FREEDOM OF EXPRESSION

Although the 1992 Constitution of the SRV recognises freedom of expression, the ruling CPV in practice controls all media organisations and publications. There is no privately-owned media organisation or publisher. Journalists must follow strict guidelines set by the ruling regime. Writers cannot publish their work without approval from the Ministry for Culture and Information. Even internet bloggers are frequently arrested and imprisoned for publishing their opinions critical of the regime.

Based on statistics issued by Vietnam's Ministry of Information and Telecommunications, in 2010 there were in operation a total of 706 print media and 160 online papers under their control, 21 cyber press addresses, 76 radio and TV stations with over 17,000 certified journalists. Nevertheless, these statistics mean very little as all of these agencies merely serve the CPV propaganda of its policies.

The regime restricts freedom of expression by criminalising the dissemination of materials deemed to be 'anti-state propaganda' through Article 88 of the Criminal Code 1999 or equating criticisms of the regime to 'plotting to overthrow government' through Article 79 of the said Code. In 2010 for example, the regime prosecuted and imprisoned a number of well known human rights lawyers and dissidents including:

Internet restriction

In the last ten years, the Internet's growth has soared, as has the country's economic integration. The Web has been a great success with Vietnam's young population. In November 2009, the social network *Facebook* boasted a million users, as compared to only 50,000 early in that year.

Cybercafés are still the main means of Internet access. Managers are required to ask their customers to present their IDs and to record in detail what connections they

make. Some arrests involving customers who consult prohibited websites have been noted in the past.

In 2009 the SRV initiated a takeover of the Internet. In October 2008, the government set up a new administrative entity, the Department of Radio, Television and Electronic Information under the Ministry of Information and Communications which passed an order that reinforces government control of the Internet. Web users who disseminate information deemed to be 'hostile' toward the government may be subject to sanctions. Since January 2009, new measures have been implemented to regulate Vietnamese blogs. In a document entitled "Circular no.7," the authorities required that blogs only provide strictly personal information (Art. 1). For example, Internet users are not permitted to disseminate press articles, literary works, or other publications prohibited under the Press Law (Art. 2). Further, every six months, or at the authorities' request, the host companies must produce a report on their customers' activities that mentions the number of blogs they manage and their statistics, as well as any data relating to blogs that have violated the host company's regulations (Art. 6).

Even though the SRV claims to filter only content that is obscene or endangers national security, censorship also affects opposition websites or those that are in any way critical of the regime. One subject that is growing more and more taboo is territorial disputes between Vietnam and China in *Bien Dong* (The East Sea also known as the South China Sea). Censorship primarily involves blocking website addresses, and particularly concerns sites in Vietnamese [4].

As for foreign information, the government continued to prevent the people from accessing independent and objective sources, either by jamming the waves of Vietnamese language international broadcasters (typically RFA - Radio Free Asia), or by firewalls, to keep people off accessing the Internet

declared at the 'Nationwide Conference on the Achievements of the Vietnamese Press Agencies in 2010' that 300 'bad' cyber media sites and individual blogs had been hacked and destroyed by his subordinates. According to McAfee, one of the most prestigious cyber security companies, Vietnam was ranked the top criminal state on the Internet in 2010 [5].

The number of cyber-attacks is growing. Hackers - especially in January 2010 - have zeroed in on sites that 'push the envelope' of freedom of expression on the Internet: and . Although they take a moderate tone, these sites have proven to be critical of the authorities' policies with regard to Beijing. The

. This website has been turned into a sort of forum for the free exchange of ideas on controversial subjects such as corruption, democracy, and particularly Sino-Vietnamese relations. Its editor, , has been summoned several times by the police.

Pressure is being placed on editors of unauthorized online newspaper websites like in an attempt to force them to shut down.

associate editor was summoned by police in February 2010. As for [redacted], one of this newspaper's co-founders, on one occasion police surrounded his house.

Those arrests and convictions are compelling arguments for self-censorship. Blogger [redacted], a.k.a. [redacted], was released in September 2009, but ultimately yielding to police pressure, she decided to close down her blog.

In December 2009, Western donor countries had warned Hanoi against imposing restrictions on the Internet, a step which would be liable to slow down the country's economic development. The Ambassador of the United States - Vietnam's biggest export market - asserted in February 2010 that these convictions of dissidents 'were affecting bilateral relations'. Reporters Without Borders called upon the European Union to suspend any dialogue with Vietnam on the subject of human rights as long as its netizens and jailed journalists remain in custody [6]

Academic and Publication Restriction

In 1997, a group of intellectuals set up an independent research think tank called Vietnam's Institute of Development Studies (IDS) headed by Professor Hoang Tuy. The Institute published a number of researches on matters relating to economics, education, and agriculture, environment critical to the social and economic development policies of the SRV. However fearing too much academic freedom, the regime passed a Decree 97/2009 prohibiting the IDS from publishing its research without prior approval. The IDS responded by closing down itself [7].

D. HUMAN RIGHTS ISSUES RELATING TO WOMEN AND CHILDREN IN VIETNAM

Women and children are usually the more vulnerable groups in any society. They are even more vulnerable in countries where the system is doing little to protect and enforce their rights.

Human trafficking remains a significant and ongoing problem for Vietnam. Vietnamese women are being trafficked for sexual exploitation primarily in Cambodia, Malaysia, China, Taiwan, and South Korea, and also to Macau, Thailand, Indonesia, The United Kingdom, Eastern Europe, and the United States [9].

Many of these women are victims of fraudulent marriages and false promises of employment. Some causes of the problem are poverty, little education, unemployment, family conflict, lack of awareness, the demand of Chinese men for wives, and the open and difficult-to-police borders between countries [10].

In 2004 Cambodian police estimated that more than 50,000 girls were in brothels throughout Cambodia and many of whom were Vietnamese [11]. The World Human Rights Organization and UNICEF estimated that one-third of the prostitutes in Cambodia are under the age of 18, the majority of whom are Vietnamese [12]. There is not much information about these children, details of their family or their future. Usually people are only aware of them as part of a number of the many people being trafficked over to other countries. Their whereabouts are not really known and their future seems to be in the own hands, and most often at the mercy of the commercial sexual exploiters.

It is difficult to know the exact numbers and the age of all the victims of human trafficking for sexual exploitation. However, a Vietnamese NGO estimated that the average age of Vietnamese trafficking victims was between 15 and 17, other NGOs have estimated that the average age is even lower[13].

The SRV authorities are always quick to mention the fact that Vietnam is one of the first countries to have signed and ratified the Convention on the Rights of the Child [14]. However, in realty many situations are quite appalling where children's rights are not protected. Child prostitution, particularly of girls but also boys, exists in major cities especially in Ho Chi Minh City [15].

For many years there have been laws in Vietnam which criminalise child trafficking and child prostitution, but whether they are effective is another issue. The Criminal Code, issued in 1999 and updated 2009, criminalises all acts of sale, fraudulent exchange, or control of children as well as all acts related to child prostitution and forced child labour. The 2009 Criminal Code carries sentences ranging from three years to life imprisonment and fines VND five million to VND 50 million. Articles 254, 255 and 256 describe acts related to child prostitution, including harbouring prostitution (12 to 20 years imprisonment), and buying sex with minors (3 to 15 years imprisonment) [16].

The minimum age of consensual sex is 18. Statutory rape is illegal under the article 111 of the Code and carries sentences of life imprisonment or capital punishment. Penalties for sex with minors between the ages of 16 and 18 vary from 5 to 19 years in prison. Child pornography is also illegal under Article 253 and carries sentences from 3 to 10 years [17].

Human trafficking and child prostitution of its people should be the concern of the SRV authorities, but when little has been done to help the victims, organisations abroad have been established with the objective of trying to help the victims. Vietnamese humanitarian organisations abroad such as the Catholic priests in Taiwan have been helping victims of the human trafficking network, victims who have been lured into ‘marrying’ certain men in Taiwan, South Korea or China. Also, charitable organisations abroad

have been established to alleviate the victims, the women and children who have been cheated in becoming whores in Vietnam as well as in neighboring countries [18].

Laws have been passed and organisations have been established to help the problems with human trafficking and child prostitutions. However, the situation has not improved. There was evidence from cases, documents and government statistics to show that the number of victims of sex-related trafficking was actually growing [19].

According to a South Korean Immigration Service, by the end of 2010 the number of Vietnamese brides ranked first among other foreign brides in South Korea. Many Vietnamese brides in Taiwan and South Korea continue to suffer mistreatment, slavery, sex abuse at the hands of their ‘husbands’ or sold to whorehouses.

[20].

Instead of taking proactive steps to prevent the human trafficking problems widely occurring in Vietnam and in the neighboring countries, ironically the state-controlled media promotes this inhuman ‘human industry’ by idealising the ‘export brides’ with glowing reports on the rare case of ‘happiness’. Also, in early 2011 Vietnam even planned to establish a marriage introduction agency to work between Vietnamese girls and foreigners [21].

The human trafficking keeps on surviving under various extreme complex forms of operation, partly due to the people’s desire to escape poverty but more so due to the complicity and protection of powerful and corrupt government officials [22].

The report, “From ‘Vision to Fact’: Human Rights in Vietnam under its Chairmanship of ASEAN” found that both civil and political rights as well as economic and social rights are being flagrantly violated in Vietnam. Economic liberalisation under a one-party system with no independent judicial oversight resulted in endemic corruption [23]. A failed and corrupt system results in vulnerable groups of society being the highest at risks. This group of people definitely includes women and children, who play very important roles in shaping and influencing the future of the country and its society.

Laws and institutions can be established to try to prevent and improve the problems of human trafficking and child prostitutions in Vietnam. However this will only solve the problems on the surface or at most temporarily. The only time when problems can be properly prevented and solved is when Vietnam has a system similar to the Australian system with at least the basic elements such as: (a) a system with clear separations of powers especially between the legislators and the judiciaries; (b) a system which promotes transparency, freedom of speech, freedom of the media; (c) a system which allows different political, lobby, and civil society groups expressing independent voices.

E. Oppression of Ethnic Minorities

The United Nations International Covenant on Civil and Political Rights

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Ethnic minorities

Vietnam is a multi-ethnic country, with more than 50 distinct groups. *Kinh* or ethnic Vietnamese is the largest group making up 86% of the population of Vietnam [24].

In general, ethnic minorities (*dan toc it nguoi / dan toc thieu so*) have settled mainly in the mountainous northern region (such as the Hmongs), the Central Highlands (known collectively as the Montagnards) and the Mekong Delta (such as the Khmer Krom). Ethnic Cham live mainly in the southern part of central Vietnam. The ethnic Vietnamese majority dominates local and national life in political, cultural and socio-economic terms.

The SRV extends its policies and practices of discrimination and oppression to ethnic minorities. In this part, case studies are presented to show how the Montagnards, the Cham and the Hmongs are persecuted.

1. Montagnard retribution:

After the Fall of Saigon in April 1975, Hanoi has forced more than one million people of northern ethnic minorities to resettle in the Central Highlands to develop the so-called 'new economic zones'. This human displacement was allegedly pursued to exile people from the north in order to dispossess them of their land. The resultant ethnic conflict has been intensified amongst the Montagnards.

The President of the U.S-based Montagnard Foundation, said” “[A]t least during the Vietnam War when the South Vietnamese controlled our homeland we had our congressmen and senators to represent us at the government level and our ethnic minority ministry to serve our people. We had the right to our farmlands. At the present time however, our people have no one to represent us at the government level accept those communist party appointees who do not serve our people” [25].

Mr Luke Simpkins, MP and an Australian independent observer, described the persecution of Montagnards in his speech delivered on Wednesday, 6 July 2011 in the House of Representatives. After a summary of the events since the withdrawal of the US forces following the 1973 Paris Agreement which North Vietnamese blatantly breached and occupied South Vietnam, Mr. Simpkins said: “[T]housands of Montagnards fled Vietnam to Cambodia and thousands were resettled in the United States. Many Montagnard political and religious leaders were executed by the communists. The Montagnard suffered greatly during the Vietnam War. I have been told that 200,000 died and 85 % of their traditional villages were destroyed. Since then their existence has been defined by persecution on the basis of post-war retribution and religious persecution” [26].

1.1 Case study 1: the expropriation of Ede tribe’s property [27]

The missionary _____ reported that:
 "We are an ethnic minority living on the Central Highlands. T he Central Highlands are a fertile land, rich in natural resources with a high level of development in agriculture, livestock and have contributed over 30% to the national gross product, mainly by the production of coffee, rubber, fruit and rice. The Vietnamese communist authorities became aware of the wealth of our lands. Therefore, they sought to drive us out of our land and exterminate us at all costs, by several strategies. They seized our land to set up farms, industrial parks, and then they distributed them to the families of the Communist Party cadres. We were forced to leave our land and forced to find refuge in the remote and arid areas. As a concrete example, the authorities have confiscated our land in _____ Village to build the _____ and _____ farms with an area of over 1000 hectares, near _____, _____ . The peaceful villagers of _____

have received nothing in return as compensation for the confiscation of their land to build the state farms”.

1.2 Case study 2: Repression against the Ede [28]

The repression of the authorities against the Montagnard (Highlanders) ethnic minorities led to the uprisings in the Central Highlands in 2001 and 2004, and recently, in mid April 2009. Following these mass demonstrations, hundreds of Montagnards were arrested as reported by the missionary Soai Y: “We have received poisonous gifts from the Vietnamese authorities: the death of hundreds of people due to repression and torture. After being released, 15 days, 1 month or 2 months after their release from prison, many people are dead from their injuries due to torture. More than 300 people were still held in detention in the North since 2001 until now; some were sentenced to prison terms ranging from 2 to 18 years. The reasons for these sentences are the struggle for religious freedom, for democracy and for restitution of land requisitioned by the authorities. Up to now the Vietnamese communist authorities continue their policy of repression, arrests and discriminatory treatment. On the occasion of every important event in Vietnam or during religious festivals, we are routinely invited to the offices of the security forces for interrogation or forcibly taken for interrogation and torture and even to be kept in custody. Therefore, we had to flee our homeland, leaving our loved ones to seek protection and justice from the international communities”.

Following his death, security forces have permitted his family to retrieve the body but imposing a ban on filming his body and maintaining strict control over the funeral ceremony from the hospital to the burial site.

1.3 Case study 3: Dismantling of the Ede Church of Tara Puor [29]

Most mountaineers are followers of the Protestant Church. But the Vietnamese communist authorities have banned the practice of the church on the Central Highlands. The authorities have sought to suppress and dismantle the Protestant church from 1975 until now. The church in the center of Ban Me Thuot was destroyed by the authorities and pastors and missionaries have been arrested and imprisoned.

Another case is the protestant church of Village where the
 missionary was arrested by
 security forces and detained since
 During the period of detention of church was
 dismantled, the Holy Bible and the church property, confiscated. According to

this method of repression is not only applied to the church but also to all the churches throughout the region.

1.4 Case study 4: The repression during Central Highlands ethnic minority's manifestation

On April 14, 2008, more than 8,000 people from Jarai ethnic minority, Gia Lai Province, Chu Se District, Gia Lai, others from Ia Uoi, Cu Drang, Ia Zion, R'Sai, Buon K'Nut, K'Rong Pak commune numbered some 7,000 people and over 1000 people from the Ede minority of Ede commune of Duc Co, Cu Se, Ia Grai, Dak Doa, Gia Le, Ayumpa, Phu Thien, Gia Rai Province, of Ede commune of Hleo, K'Rong Pawk, A K'Rong Nang, Lake, K'Rong Noh, Dak Lak Province, and Ede commune of Plei Rac, Sa Thay, Honrobang, Province of Kontum, also of Buon-Tieu, Buon E-Nao, Chu M'Ngal, E'Leo, Dak Lak Province, gathered to demonstrate peacefully asking for (a) the release of 350 persons of ethnic minority origin who had been imprisoned in 2001 and 2004, (b) for the return of houses, rice fields, land that had been confiscated by the Vietnamese authorities and (c) for religious freedoms. These 350 people are still languishing in prison. In prison with them then was _____, a senior official of the ethnic minority Catholic Church but he died in jail after many months of suffering, deprivation, and torture. _____, used to reside in Chu Se district, Gia Lai Province, on the central highlands, was transferred to another prison in northern Ha Nam Province since 2004 where he died.

The Vietnamese authorities sent in 1500 troops of the People's Army, police 113, mobile police, also gunmen disguised as gang's men, led by the Secret Service TC2, and the local security forces led by _____ to severely repress the demonstrators. They used batons and electric whips furnished by France to brutally repress women and children; several people were injured and a number of others died.

Several people from ethnic minorities had to flee to the mountains or in Cambodia.

1.5 Case study 4: Jarai ethnic minority [30]

(a)

1-

2-

3-

4-

_____ . During _____ time in prison, he was submitted to an interrogation _____ by the _____

security forces to know the reasons for a meeting at the said to the security force that members of the Church and himself prayed for success to convince the European Parliament to provide support for their struggle during the next meeting with the European Parliament's member. The security force could not justify the reason for the arrest of

(b)

- 1)
- 2)
- 3)
- 4)

(c)

:

- 1)
- 2)
- 3)

with the stated reason to have 'in possession of mobile phone'

1. Ethnic Cham Persecution:

The Cham people are an ethnic group who live mainly on agriculture, forestry and animal husbandry. They had their own territory constituting of land recognized since the 19th century under the reign of Emperor Thieu Tri, which included almost all cultivated plain areas extending to the East Sea and the forest areas in the East and Lam Dong Province in the West. These cultivated areas were regarded as treasury of forestry products and animal raising farm reserved for the Cham people.

2.1 Case study 1: A Group of Ethnic Cham at Village Van Lam [31]

After the takeover of South Vietnam on 30 April 1975, the communist regime confiscated lands of 73 of the Cham households in Van Lam Village, a total of some 320 ha., to merge into Collective Farm Quan The of Phuoc Nam District, Ninh Phuoc, Ninh Thuan Province. In 1996, this collective farm was dissolved. Instead of returning the 320 ha. land to the Cham, its legal owners, the authorities of Ninh Thuan Province decided to grant ownership on some of the land to Quan The collective farm and sell the remaining land to the private company, namely Vinh Ha Long, without bothering to furnish any legitimate reasons, nor any compensation plan, in spite of reclamations and protests of the 73 Cham households, the long-time legitimate owners of the 320 ha of land.

Since 1996, the 73 Cham families have formally filed petitions at court reclaiming their own lands, but the authorities of Ninh Thuan Province turned down the claims. In 2004, Cham villagers of Van Lam went to Ha Noi to ask for intervention from the central government, but it was disregarded. In 2006, they decided to stage street protest, and request the local authorities to resolve their land claims, but no one paid attention to their rights.

On December 6, 2007, a group of women of Van Lam gathered together for a demonstration in front of the People's Council of Ninh Thuan Province and requested the authorities to return their lands. Instead of meeting their request, the authorities of Ninh Thuan Province mobilized security police and militia and used 2 armored vehicles and took the Cham women of Van Lam to Tuy Phong, Binh Thuan Province, and Cam Ranh, Khanh Hoa Province, some 50 km from Phan Rang City.

On July 23, 2008, on the occasion of the Communist Prime Minister's visit to the locality and his delegation which also included high officials of Ninh Thuan Province to inspect the project in building an atomic reactor in the Phuoc Dinh Zone, Ninh Phuoc District, Ninh Thuan Province, the 73 Cham households of Van Lam Village, most were women, staged another demonstration, peacefully and non-violently aimed at drawing attention to the delegation with two tiny hand-written banners which read "May the Prime Minister help the citizens" and "Compensation for the land of 73 households". Security police and the militia used force to disperse the women group, turned a non-violent demonstration into a violent clash between authorities and peaceful demonstrators.

The Cham people are simple and quiet who have lived in this area from time immemorial and are attached to their land spiritually like a sacred belief. Thus, land appropriation in this case represents a serious violation to the spiritual life of this people.

2.2 Case study 2: 300 families of ethnic Cham, Ninh Thuan Province [32]

The following claim of the 300 families of ethnic Cham in the Ninh Thuan Province was sent to the SRV authorities, to the representatives of the CPV, to the administration of the ethnic Cham in Ninh Thuan Province, and to the various United Nations agencies, to the Commission on Human Rights, to the various government levels, to the media in Vietnam, to various organisations acting for the defence of justice and to local and international courts:

We , undersigned, _____, a graduate from university _____, salesman for traditional medicine without fixed home, representative of the ethnic Cham in the province _____, college graduate, acupuncturist _____, homeless, and salesman for the substance against beetles, homeless and worker.

We are 300 Cham families (which iare only part of all victims) who have been dispossessed of our land, have lost our property, our homes, deprived of our

rights, and had to flee and hide in the hamlets of Ro Bo, zone 1, zone 2 of the Khanh Hai commune, Binh Nghia , Ty Tong, Ro Bo, Phuong Phai hamlets.

We lost our ethnic identity, even if the historical remains still existed, through generations, through different regimes, we lived in the shadows. Through history we have always been eligible for the tax exonerations and for many other benefits for our children. We could also benefit of many advantages for our participation in military, social or political life.

Previously, we had had homes, land, real estate, which had been legally owned through generations and through various political epochs.

But since 1975 until now, our population suffers particularly ill-treatment in a systematic way from the Vietnamese communist authorities. Our dignity and our human rights have been violated. We lost all our possessions and our land; we have no longer been allowed to practice our beliefs.

So you can imagine the situation of our race who is a victim of a ferocious political repression, systematic violation of human rights, expropriation of property, and discrimination from the Vietnamese authorities.

The 100 Cham families, we are ready to accept all risks to defend human rights, the rights to live as human beings in democratic countries, in the land of our ancestors, defend our rights to religious freedom, defend our rights to the pursuit of happiness, all those rights that nobody can deny an ethnic minority group like ours, by pursuing a policy of discrimination.

We ask:

- 1) For the Vietnamese communist authorities to return the land, property and all that you have taken or expropriated.*
- 2) The immediate cessation of violations of human dignity, political repression, terror,*
- 3) The cessation of slanderous accusations against our own ethnic group, according to what we are accused of as cooperation with hostile powers who foment peaceful change from the outside in order to sow division and threaten the stability and state security.*
- 4) The immediate cessation of political expropriation disguised to fool the Vietnamese and international opinion.*
- 5) For the United Nations and governments to help us to leave Vietnam and to grant us asylum in a democratic country respectful of human rights. Where the repression will continue to our ethnicity, we will choose the collective suicide.*

Representing 300 families, victims of human rights violations and of land illegal expropriation for the benefit of senior Vietnam Communist Party members.

Signed:

1.3 Case study 3: A man of Cham origin was tortured in prison to death in Vietnam [33]

3. The H'Mong minority ethnic

There were around 787,564 H'mong people[34] who have concentrated in the provinces of Ha Giang, Lao Kai, Yen Bai, Lai Chau, Son La, Cao Bang and Nghe An. These provinces are all in North Vietnam.

3.1 Case study 1 [35]

(a) In recent years, several tens of thousands of H'mong ethnic minority, followers of the Protestant Church, people of the provinces of Lai Chau, Lao Cai, Ha Giang, Tuyen Quang have fled to the southern provinces or to mountainous areas because of arrests for religious practices. A number have been arrested or detained in forced labour camps. Many family gatherings were cancelled by the force and churches closed.

According to witnesses, the officers beat Lai Chau, until
 death, for his strong commitment to his belief. The son of ,
 aged 10, was also tortured to death for refusing to indicate the hiding place of his father.

In November 2003, security force arrested the leader of the H'Mong ethnic minority, ,
 and took him to Ha Giang.

,
 who translated the Bible into H'mong, fled to southern Vietnam to avoid being arrested by the communist Vietnamese security force.

(b) On April 14, 2006 soldiers of the border area 405, the police, the local People's Committees and the militia in Trung Chai Village, Muong-Nhe District, Dien Bien Province, destroyed the homes of 16 H'mong Christian families with a total of 150 persons. They seized cash, clothing, seeds and tools. Two people were arrested, beaten and seriously injured. Four days later, the attackers destroyed again the temporary tents and brutally beat protesters. [redacted] was beaten to unconsciousness after his arms with handcuffs on his back had been shackled. Police let him lie because they thought he was dead.

(c) On March 21, 2006, a house and eight residential lodges of H'mong Protestant Christians in the Ta Tong Village, Muong Te District, Lai Chau Province were burnt by representatives of the Border Army, the police, the local Fatherland Front and the militia. Good tools and household appliances were taken. Four fields were rendered unusable. Before the arson attack there was no notice or warning from the authorities. As a result, 40 people were homeless and penniless. Similar to an attack earlier, they also aimed at the destruction of the living existence of the Christians.

(d) On 17 April, 2006, the Christians in the Ban Lien Village, Bac Ha District, Lao Cai Province were cited by a People's Committee. In the four-hour meeting the Protestant faith was declared illegal. The Christians had to declare no longer to assemble themselves and to meet in the family. Four Christians -

- who refused and stayed with their faith, were the next day to the People's Committee cited, beaten, tortured and injured. Thao had a total of five hours in a painful position probation. A disciple of the eighth class was forced to spend hours to stand on one leg. The victims were beaten to bleeding, when they could no longer endure.

3.2 Case study 2 [36]

The situation of

[redacted], resident in the village of [redacted], was arrested by security force on [redacted]. He was transferred to the provincial prison of Phu Yen. [redacted] has frequently suffered torture. The security force used batons to beat him and kicked him with boots.

On [redacted], the security force used batons to [redacted] to the head causing his fainting and ear, nose and mouth bleeding.

[redacted], the security force continued to torture [redacted] who died on [redacted] after enduring repeated torture by the security force of the Phu Yen provincial prison, leaving behind his wife [redacted]

* * * * *

Footnotes:

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