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THE COUNCIL OF INDIGENOUS PEOPLES IN TODAY'S VIETNAM

Freedom - Justice - Peace

P.O. Box 1501 Fresno, TX 77545-1501 U.S.A.

**Joint Submission to the Universal Periodic
Review of the
Socialist Republic of Vietnam**

By

The Council of Indigenous Peoples in Today's Vietnam (CIP-TVN),

The Montagnard Human Rights Organization (MHRO),

the Supreme National Council of Kampuchea-Krom (SNC-KK),

and the International Office of Champa.

Submitted: June 28, 2013

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1. The following report is submitted to the Universal Periodic Review to reflect the on-going concerns of the Montagnard, Cham and Khmer Krom indigenous peoples of today's Vietnam, along with the other indigenous nations whose territories have been exploited by the Vietnamese government. The Council of Indigenous Peoples in Today's Vietnam (hereafter referred to as the "Council" and/or "CIP-TVN") acknowledges and supports the reports from other indigenous NGOS submitted by the Khmers Kampuchea-Krom Federation, Inc. (KKF) and the Hmong National Development, Inc. which have also been submitted to the UPR.
2. The CIP-TVN members consist of 30 nations: Khmer-Krom, Cham, Bahnar, Bru, Chrao, Chru, Cua, Gar, Halang, Hre, Hroi, Jarai, Jarai Hadprung, Jarai Puan, Jeh, Katu, Kayong, Koho, Ma, Mnong, Monom, Pakoh, Phuong, Rglai, Rhade, Rolom, Rongao, Sedang, Stieng, Tau-Oi.
3. Pays Montagnards du Sud (PMS) literally means the Country of Mountaineers (Anak Cu Chiang) of South (Indochina)

Methodology and Consultation Process

4. The following report compiles information from the Council, which consists of: the Montagnard Human Rights Organization (MHRO), the Supreme National Council of Kampuchea-Krom (SNC-KK), and the International Office of Champa. All organizations are U.S.-based human rights NGOs. The Council provided testimony to the United Nations CERDS in February 2012. The MHRO and SNC-KK have provided testimony to the U.S. Congress, the United Nations, UN CERDS and other UN Mechanisms for over two decades.
5. Documentation has been provided by: Tan Dara Thach of CIP -TVN; Khaleelah and Musa Porome of the International Office of Champa and CIP-TVN; Joseph Rees and Dr. Nguyen Dinh Thang of Boat People S.O.S.; and Rong Nay, Kay Reibold, and Anna Ksor Buonya, representing MHRO and CIP TVN. Other references include Human Rights Watch and news reports.

Background of the Council of Indigenous Peoples in Today's Vietnam

6. The Council of Indigenous Peoples in Today's Vietnam (CIP-TVN) was officially formed in September 23, 2012. The date the first Joint Statement submitted to the UN Headquarters in Geneva was July 13, 2010.
7. **The CIP-TVN activities at the present time are to make all Council's members aware of their rights and to unite them within the context of the UN Declaration on the Rights of Indigenous Peoples. The CIP-TVN supports the Declaration and advocates for the implementation of the document. Therefore, translations of the UN Document into members' languages and printing and/or broadcasting them are the Council's immediate goals. Recognition of the Council's members as indigenous peoples by Vietnamese government is equally vital for the Council.**

8. **The CIP-TVN was formed to unite the shared vision and interests of all indigenous peoples of Vietnam and to support each nation in its vision. The Council was also formed to confront Vietnam in its denial of the existence of indigenous peoples and the rights of indigenous peoples on their own ancestral lands. The action was made by the Vietnamese government representative at the 3rd Session, UN EMRIP, Geneva, in July 2010 who denied that "indigenous peoples exist in Vietnam." The CIP-TVN is composed of 30 indigenous peoples in present day Vietnam, occupying from 17th parallel down to the south most point of Camau."**

Joint Statement of CIP-TVN

9. We, Khmers-Krom, represented by the Supreme National Council of Kampuchea-Krom (SNC-KK); Chams, by the Council for Social and Cultural Development of Champa (CSCD-Champa); and the Montagnards, by the People's Congress of "Pays Montagnards du Sud"(PMS) met and unanimously adopted a political measure based on the UN Declaration on the Rights of Indigenous Peoples. This measure is intended to urgently find solutions to save our nations from the danger of total assimilation of our races which is being carried out by the present Vietnamese government.
10. As a result, a multiracial leadership organization was founded and named the "Council of Indigenous Peoples in Today's Vietnam" (CIP-TVN) with the specific mission, but not limited to, as follows:
11. "The Council endorses and advocates for helping implement the UN Declaration on the Rights of Indigenous Peoples, as mandated, in the colonized homelands of the Council's members. The Council not only recognizes and supports the political visions and aspirations of its members, but also champions its members to obtain the rights to self-determination and self-government for them as well. The Council equally honors the Khmer-Krom, and Montagnard people's visions for sovereign nation states as their ultimate goals: Kampuchea-Krom (former French Cochinchina) for the Khmer-Krom people; and former French "Pays Montagnards du Sud" for the Montagnard people. Historically, these territories have been colonized by Vietnamese colonial authorities: on Champa since 1832, Cochinchina 1949, and PMS 1954. With its mission, the Council has been empowered to:
 - A. Unite and mobilize all 30 indigenous peoples of the Council members within the colonized territories included in present day Vietnam, to do the following:
 - a. Follow up with the United Nations on progress made in relation to the request submitted to the United Nations on July 13, 2010 in Geneva by the delegations of Khmer-Krom, Cham and the Montagnards during the 3rd Session of the UN Experts Mechanism on the Rights of Indigenous Peoples;
 - b. Combine all resources and efforts in order to bring awareness to the world about "injustices" and ethnic cleansing being imposed on our people by the present Government of Vietnam;
 - c. Educate our people about their rights as set forth in the UN Declaration;
 - e. Redeem our rights to self-determination and self-government as set forth;
 - f. Reclaim the rightful ownership of our ancestral lands in order to save our

nations from the present neo-colonialist Vietnamese, who nefariously plan to exterminate our races as well as our cultures, traditions, and languages (Article 8)

- B. Require the Government of the Socialist Republic of Vietnam to comply with the United Nations Declaration on the Rights of Indigenous Peoples by:
- a. Recognizing us as “indigenous peoples” and start to implement the UN Declaration on the Rights of Indigenous Peoples in full as mandated;
 - b. Withdrawing all its colonial military installations out of our ancestral homelands Kampuchea-Krom; Champa; and the “Pays Montagnards du Sud” (Central Highlands), as specified in Article 30;
 - c. Stop mining our mineral resources such as oil, natural gas, bauxite as specified in Article 32;
 - d. Stop deforesting our homelands, destroying our environment and wildlife (Article 29);
 - e. Stop making illegal Vietnamese population transfer into our occupied homelands with malicious intentions to assimilate and/or exterminate our races (Article 8);
 - f. Stop concocting accusations, false prosecutions, wrongful imprisonment, and terrorizing of our people.

12. This joint statement was signed in Greensboro, North Carolina, U.S.A. on the 23rd September of 2012.
13. It was signed and witnessed by Tan Dara Thach, President of SNC-KK; Andrew Tu, President of SCD-Champa, and Rong Nay, President of PC-PMS.
14. There are several issues of concern as identified in the CIP-TVN Joint Statement. This paper documents specific abuses of the Government of Vietnam towards indigenous peoples, focusing on a historical pattern of ethnic and racial discrimination and ongoing abuse since the last Universal Periodic Review.

Ethnic Cleansing and Indigenous Peoples

15. Vietnam was among the nations endorsing the “UN Declaration on the Rights of Indigenous Peoples”, yet Vietnam has declared that there are “no indigenous peoples in Vietnam” and until today, no translation of the UN Declaration into Vietnamese or any indigenous languages has ever made by the Vietnamese authority. Few Vietnamese citizens, Vietnamese and indigenous peoples alike, know anything about the UN Declaration.
16. Among the 54 races living in Vietnam today there here are the 2 races of Vietnamese and Chinese peoples, and the rest are indigenous peoples living on their own ancestral lands, yet hardly able to move freely; these include Khmer-Krom, Cham and the Montagnards of the Central Highlands.

17. Historically, the Vietnamese invaded Champa then made it An-Nam and flooded Kampuchea-Krom with the illegal population transfer during the French Cochinchina administration.
18. More than 1 million Khmer Krom live in southern Vietnam's lower Mekong delta region, which Cambodians sometimes call "Kampuchea Krom," or "Lower Cambodia." As Khmers, they are ethnically similar to most Cambodians, and are considered outsiders in Vietnam, where they face social persecution and strict religious controls.

Persecution of Montagnard Christians

19. A report from Montagnard pastor Y Hin Nie, representing the Vietnam People's Christian Evangelical Fellowship (VPCEF) updated Spring 2009 reported the following:

"From 2001 to 2009, the Vietnam People's Christian Evangelical Fellowship (VPCEF) has had a membership of over 1,000,000, with more than half of these persons belonging to a large number of unregistered Evangelical underground churches that often operate in members' homes, frequently in rural villages and indigenous peoples areas. They comprise the fastest growing religion in the country. There are approximately 250,000 followers in house churches made up of over 54 Montagnard tribal nations and languages in the Central Highlands of Vietnam including the Cham, Khmer Krom, Hmong and Kinh people in northern and western Vietnam."
20. The Hanoi government is holding over 300-400 Christian prisoners who have been under arrest since 2001.
21. The government pays \$40,000 Dong to anyone who will identify those Christians who come to houses of prayer. Once identified, the government will beat them.
22. On December 12, 2008, the Government of Vietnam destroyed a Hmong Christian Church which was built in 2007 and belonged to the ECVN.
23. On March 11, 2009, the Hanoi authority demolished the historical Ede Christian Church in Buon Ama Thuot, Daklak. This church was of extreme spiritual significance to the Montagnard Christians of the Central Highlands. The destruction of this historic Montagnard church is a painful and dramatic example of the Vietnamese Government's contempt towards its Montagnard indigenous peoples and the right to religious freedom.
24. On April 4, 2009, the Travinh authority and soldiers surrounded and harassed the House of Prayer at Tha la Village, Ngoc Bien sub-district, Tra cu district, Travinh Province during a Khmer Krom Church worship service by a Pastor named Diep Thi Phai. (This church is affiliated with UMCC/VPCEF).
25. One of the young men named Thach No, who was born in 1981, left the church for home. The Vietnamese soldiers and Cong An beat him, breaking his left leg and causing a bladder injury which resulted in his subsequent death. The government prohibited other Christians from coming to visit his parents' house and his funeral services.

Other Incidents/Environment and Destruction of Indigenous Peoples' Ancestral Lands

26. On April 12, 2009, Miss Rahlan H'Grup, Christian believer at Plei Wel, Cu Se, Pleiku (Jarai tribe) died from pesticide poisoning that was put into the river where Ms. Rahlan often went to bathe.
27. On April 14, 2009, Montagnard Christian believers expressed concern about the bauxite-uranium mining of the Chinese Company to open two aluminum extraction companies Tan Rai at Lam Dong Province and Nhan Co, Dak Nong Company. The bauxite company will force re-location of all Montagnard Njreng and Bunong tribes who are living at Nhon-co areas forcing them to move out. The locals will then destroy all tea plantations or farms belonging to the Jreng people at LamDong Tan Ray areas and at the Bunong tribes' farms.

Religious and Political Persecution of the Montagnards

28. The following is an excerpt from the report submitted by human rights lawyer and former U.S. Ambassador Joseph Rees and Dr. Nguyen Dinh Thang of Boat People S.O.S. to the UNHCR, January 2010, which highlights the on-going persecution of Montagnard indigenous peoples.
29. The Boat People S.O.S. report authored by Rees and Dr. Thang describes that: "Human Rights Watch has published a detailed report in 2011 and 2012 on the continuing religious persecution of Montagnards in the Central Highlands. Three Catholic Montagnard activists were arrested in March and about 15 Catholics were arrested in July, August, and September.
30. On August 21, 2012, Montagnard Catholics were in the midst of prayer when they were raided by the Vietnamese police.
31. In November of 2012, Vietnam police carried out a sweeping operation with about 1,000 soldiers, searching for Montagnard Catholics and found 6 people. The men were severely beaten. One man was tied to a cross, while everyone else had their hands and feet bound, and were placed around the cross. Police rounded up villagers and threatened them with the same punishment if they continued to carry out their religious beliefs."
32. In a news report June 7, 2013 – In February, 2013, Montagnards sustained night-time attacks by "villagers with the hand of the government behind them" in Vietnam's Central Highlands. The attackers destroyed the homes and thousands of coffee plants of ethnic Sedang Christians. Eventually four families in Ngoc La village, Tumorong District, Kontum Province – 19 people in all – were forced to flee for their lives. They were taken in by the president of their Christian Mission Church, who lives in Kontum Province, where they remain to this day (see [Morning Star News](#), Feb. 26).

33. In Gia Lai, Dak Nong Province, officials have been even more recalcitrant. On March 17, 38-year-old Mr. ___ was beaten to death in police custody. Loved ones provided detailed descriptions of the maltreatment the Christian leader received, including photos, in the widely publicized case (see [Morning Star News](#), April 9).
34. The day after the death, even as the battered corpse was returned to the family, police improbably pronounced it "a suicide by self-electrocution." This misinformation was later repeated by higher officials. Categorically denying the suicide explanation, family members submitted several urgent petitions, calling for an investigation and justice for the murderers.
35. Montagnards continue to face retaliation and persecution from the government for their political beliefs.
36. In a May 29, 2013 report from Vietnam, the Gia Lai provincial People's Court on May 28 opened a mobile trial for eight defendants, who were earlier prosecuted for "sabotaging the policy on solidarity" in accordance with Article 87 of the Criminal Code. ___ received the shortest of the eight jail terms with 3 years' imprisonment, and ___ the longest with 11 years.
37. According to the indictment presented by the Gia Lai provincial People's Procuracy, ___ started a rumor in 2002 that the Virgin Mary, or Virgin Pluk, appeared in Ha Mon, where a hydroelectricity plant was set to be built.
38. Y Gyn wanted local people to gather and pray at Ha Mon, to hinder Kon Tum province's plans to relocate local people to take the land to build the plant on.
39. The government of Vietnam routinely uses the excuse of FULRO to arrest Montagnards in the Central Highlands. In reality, any overseas Montagnard organization that promotes indigenous rights stresses peaceful expression of the principles outlined in the UN Declaration on the Rights of Indigenous Peoples which, the Government of Vietnam has endorsed.

Khmer Krom

40. A report from the Khmer Krom Federation (KKF) is being submitted to the UPR. In addition, there is the following information:
41. The U.S.-based Human Rights Watch (HRW) has said the Khmer Krom face serious restrictions of freedom of expression, assembly, association, information, and movement in Vietnam. The Vietnamese government has banned Khmer Krom human rights publications and tightly controls the practice of Theravada Buddhism by the Khmer Krom, which sees the religion as a foundation of their distinct culture and ethnic identity.
42. In 2007, the Vietnamese government suppressed protests by over 200 ethnic Khmer Buddhist monks in Suc Trang who were calling for religious freedom and more Khmer-language education. On the other side of the border, the Khmer Krom who leave Vietnam for Cambodia remain one of the country's "most disenfranchised groups," HRW said.

The Cham Peoples and Religious Persecution

43. The IOC is an organization that promotes the preservation of the Kingdom of Champa's history and culture. The Champa people are an indigenous group of people that have existed in Vietnam since the 7th century. It remained in its glory days until its fall in the 10th century to its northern neighbor, Dai Viet (present day Vietnam). In 1653, Champa became a vassal state of the Nguyen until, in 1832, Emperor Minh Menh annexed its remaining territories. This caused the erasure of the Kingdom of Champa from the map. Today all that remains of the Kingdom of Champa are its archaeological sites and the survivors of Emperor Minh Menh's ethnic cleansing policies.
44. After 1975, when Saigon fell to the communist government of North Vietnam, the Cham lost their farms, land and properties, because they were confiscated by the government. They have been prohibited to worship and practice their religions. Practicing Hindu Cham had several ancient temples that were used for worship, confiscated and converted into tourist destinations by the Vietnamese government for their own financial benefit, violating the Cham Hindu beliefs.
45. The Cham people are currently recognized by the Vietnamese government as minority group, even though they are indeed and in fact, indigenous. They meet all requirements by the UN standards and criteria, to be considered indigenous; however the Vietnamese government refuses to acknowledge this.
46. Recent human rights violations by the Vietnamese government against the Cham people:
47. In 2012, the local police used their power to bust into a local Mosque and took away a generator that provided electricity to over 40 families in the village of Chau Giang, and not long after that they came and kidnapped young village girls at their discretion to rape and sexually abuse them, eventually releasing them.
48. In 2012, farm land owned by 13 Cham families was confiscated. When they tried to stand up for their ownership, they were apprehended by the police and discarded in an undisclosed, remote location in the jungle.
49. In 2012, two young Cham college students on vacation took a walk from their village to the city and were stopped and beaten to death.
50. In March 2013, a poor Cham college student took out a loan for school, upon graduation he was unable to get a job and sought the help of staffing agency to place him in a position, so he could pay back his student loans. The agency had promised to staff him within weeks. After a few months, he was still unemployed, and when he approached the agency about a refund, they set him on fire, and he burned to death.
51. Cham people who have escaped Vietnam and have become U.S. citizens, have tried to return to their native land, of Vietnam to visit family and friends. Each time they return to Vietnam

they are discriminated against, harassed, and even imprisoned. Mr. ____ a Cham American, went to Vietnam in 1989 and was kept at a hotel for 5 days while being interrogated by police agents and was eventually deported out of the country. Mr. ____ Tu went to Vietnam in 2004, and was harassed and subjected to intimidation by Vietnamese secret agent over several days, and unable to visit his family. When Mrs. Man Jone tried to visit she was arrested and imprisoned under the accusations that she was trying to introduce a new religion to the community.

52. The Vietnamese government is currently building a nuclear power plant in a Cham village, with old and used technology from Japanese power plants. Many people have fought against it, including Vietnamese politicians and scientists, citing the long term adverse affects it would have on the local villages and eventually extended further into the major cities of Vietnam. People that have spoken out publicly or post anything on social media sites, are immediately approached by and harassed by the Vietnam government.
53. There are ancient Cham towers that still remain in these indigenous areas. These towers are currently being funded by UNESCO for upkeep and maintenance to benefit the tourism industry. These towers are highly visited by tourist all over the world. The profit received does not benefit any of the Cham people, nor the villages in which the towers exist. It is a direct violation of the terms of agreement for the UNESCO funding.
54. These are just a few of the incidences against the Cham people that have recently been relayed and documented. Many go undocumented because most people are in fear of their lives and their family's lives if they speak out and protest the wrongful actions of the government.

Prisoner Abuse of the Montagnards

55. The Vietnam government continues to arrest, torture and jail Montagnard Christians. There are currently over 400 Montagnard Christians in prison for their religious or political beliefs. Between 2001 and 2004, over 400 Montagnard house churches were destroyed, and hundreds of Montagnard were arrested and imprisoned for their participation in demonstrations that objected to the policy of land confiscation and religious rights. Most of these house churches remain closed and practically all Montagnard prisoners remain in prison to this day. Montagnard Christians are often forced to renounce their faith, they are beaten, and many put in prison. Many suffer solitary confinement and torture.

Education and Development Assistance

56. The government of Vietnam has obliged the Montagnard people to learn and use only the Vietnamese language, which is a national language. The Montagnard languages are used as unwritten languages or as a language that the government can monitor and more easily assimilate the Montagnard people. After 1975, the Hanoi Government confiscated all books in Montagnard language, burned them all and forced the Montagnard Indigenous Peoples to study Vietnamese and prohibited them from learning or speaking their own dialects. Today in the Central Highlands many Montagnard children and students only speak Vietnamese and gradually forget their own dialects.

57. The government of Vietnam has passed down laws prohibiting the Montagnard students to go abroad to study or to access scholarships. For the Montagnard students who can attend university in Vietnam, the school fees are very high and there are no boarding schools for the Montagnard students.
58. ***In January 2012, there are over 15,000 Vietnamese students allowed to study in the United States and not a single Montagnard student.*** This Report emphasizes the extreme ethnic discrimination towards the indigenous Montagnard peoples since 1975.
59. To prepare for socialization with tourists, foreign visitors or any delegations from the outside to visit Vietnam, the government trains Vietnamese students and teachers to speak Montagnard languages. The Montagnard people are rarely allowed to socialize with foreign visitors. If they allow Montagnards to speak, the Vietnamese police who speak Montagnard language have to be there to listen, monitor and record. The police security throughout the Central Highlands is extremely tight in every Montagnard village.
60. After the crackdown 2001-2004, the Montagnard Indigenous Peoples who graduated from College were forced to join Communist Party of Vietnam if they wanted a job or if they wanted their children to receive higher education. The government of Vietnam did not force South Vietnamese to join the Communist Party but they forced the Montagnards. The government has trained Montagnard Communist Party Members to be against all others Montagnards including the Montagnards overseas.

Recommendations

61. In light of the *United Nations Declaration on the Rights of Indigenous People*, which was adopted by the General Assembly on September 13, 2007, and which the U.S. administration and U.S. President Obama recently endorsed on December 2010, we recommend that the U.S., the international community, and all participants of the **UN Human Rights Council continue its dialogue with Vietnam to recognize the Montagnards, Khmer Krom, Cham and other indigenous peoples as being “indigenous” with the rights accorded to them under the Declaration.**
62. **We urge that the *UN Declaration on the Rights of Indigenous Peoples* is translated on all Vietnam Government websites in the languages of the Indigenous Peoples, English and Vietnamese.**
63. Vietnam has shown support of the United Nations Declaration and we respectfully request the United Nations Universal Periodic Review of Vietnam to put pressure on Vietnam to implement the principles of this declaration.