

Montagnard Human Rights Organization (MHRO) and Campaign to Abolish Torture in Vietnam (CAT-VN)

List of Issues Submission to the UN Human Rights Committee regarding Vietnam's Compliance with the International Covenant on Civil and Political Rights

April 29, 2018

INTRODUCTION

The Montagnard Human Rights Organization and the Campaign to Abolish Torture in Vietnam welcome the opportunity to submit issues for consideration by the UN Human Rights Committee in its third periodic review of Vietnam's compliance with the International Covenant on Civil and Political Rights (ICCPR).

The Montagnard Human Rights Organization (MHRO) is a non-profit organization founded in 1998 to improve the human rights and life for Montagnards in the Central Highlands of Vietnam and to advocate for Montagnard self-determination in Vietnam. MHRO's mission includes refugee protection, family unity, advocacy, and comprehensive immigration services to all refugees.

The Campaign to Abolish Torture in Vietnam (CAT-VN) was formed in 2014 to advocate for the elimination of all forms of torture in Vietnam. CAT-VN monitors and reports instances of torture and mistreatment of detainees and prisoners in Vietnam, and proposes specific recommendations to the Vietnamese government and international stakeholders on practical approaches to systematically prevent and abolish torture in Vietnam.

SUMMARY

In this report, MHRO and CAT-VN evaluate Vietnam's implementation of the ICCPR and recommendations by the Human Rights Committee after Vietnam's second periodic report on the ICCPR in August 2002. We will focus on concerns raised by the Committee regarding Vietnam's treatment of indigenous Montagnard (Dega) peoples living in Vietnam's Central Highlands¹ in regard to torture (ICCPR Article 7) and violations of the rights of ethnic minorities to enjoy their cultural traditions, practice their

¹ Members of ethnic minority groups residing in Vietnam's Central Highlands, commonly referred to as Montagnards, include Bahnar, Bunong (Mnong), Ede (or Rhade), Hre, Jarai, Koho, Lach, Stieng, and Sdang peoples. Vietnam's Central Highlands region (Tay Nguyen), also referred to as the Western Highlands, consists of the provinces of Dak Lak, Dak Nong, Gia Lai, Kon Tum, and Lam Dong.

religion and use their own language (ICCPR Article 27).² In addition, we will provide an overview of discrimination and persecution of Montagnards in Vietnam and address violations of Montagnards' rights to freedom of association, assembly, and expression; unfair trials and imprisonment; persecution of former prisoners of conscience, and mistreatment of asylum seekers returned to Vietnam.

ISSUES OF CONCERN

A. Discrimination and Persecution

1. Although Vietnam's laws formally prohibit all forms of discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities continues to be manifested from the national to the provincial level, according to the U.S. State Department's most recent report on human rights in Vietnam.³
2. In a memorandum to UNHCR regarding Montagnard asylum seekers from Vietnam, Vietnam experts Grover Joseph Rees and Nguyen Dinh Thang outlined the long-standing history of discrimination against Montagnards in Vietnam:

"Montagnards have long been subjected to harsh treatment by the government of Viet Nam for a number of reasons including traditional prejudice against ethnic minorities; distrust of the Montagnards' fervent Christianity, which many in the government consider a subversive 'foreign' religion; hostility on account of the close association of many Montagnards with United States forces allied with the Republic of Viet Nam prior to 1975; and an ongoing policy by the government to resettle ethnic Vietnamese from the North in the Central Highlands on lands confiscated from Montagnards."⁴

3. In a report published in January 2018, Human Rights Watch stated:

"Ethnic Montagnards face surveillance, intimidation, arbitrary arrest, and mistreatment by security forces. Authorities compelled members of independent Christian Montagnard religious groups to publicly denounce their faith. Government repression caused hundreds of Montagnards to flee to Cambodia and Thailand."⁵

4. In a July 2017 report, Human Rights Watch highlighted the Vietnamese government's "ongoing persecution of ethnic Montagnard Christians in Vietnam's Central Highlands, one aspect of a broader pattern of rights violations against religious minorities in the country. Accused of practicing 'evil way' religions, Montagnard practitioners of the De Ga and Ha Mon forms of Christianity are persecuted pursuant to high level government policy."⁶

² "UN Human Rights Committee: Concluding Observations: Viet Nam," Recommendations 16, 17, 19, 20, and 21; July 24, 2003, CCPR/CO/75/VNM/Add.2, available at: <http://www.refworld.org/docid/3f44a8c12.html> (accessed 28 April 2018)

³ U.S. Department of State, "Vietnam 2017 Human Rights Report," <https://www.state.gov/documents/organization/277375.pdf>

⁴ "Declaration of Nguyen Dinh Thang and Grover Joseph Rees to UNHCR regarding Montagnard Asylum Seekers from Vietnam," January 27, 2010, <http://dvov.org/wp-content/uploads/2014/08/montagnard-christians-thang-rees-declaration-jan-20111.pdf>

⁵ Human Rights Watch, "Vietnam: Events of 2017," *Human Rights Watch World Report*, January 18, 2018.

⁶ Human Rights Watch, "Australia-Vietnam Human Rights Dialogue: Human Rights Watch Submission," July 2017, <https://www.hrw.org/news/2017/08/08/australia-vietnam-human-rights-dialogue>.

5. A March 2017 report by Boat People SOS (BPSOS) summarized its findings regarding persecution of Montagnard Christians in Vietnam, based on incident reports BPSOS has submitted to UN Special Procedures since 2013:

“These instances include 10 incidents of torture, three extrajudicial killings, 20 imprisonment cases, 80 reports of forced renouncement of faith, and three detentions exceeding a month without warrants.”⁷

6. According to the Unrepresented Nations and Peoples Organization (UNPO), Montagnard Christians are doubly discriminated against owing to both ethnicity and religion:

“Under the auspices of protecting national security, unity, and solidarity, the Vietnamese government has persistently employed policies of discrimination and repression against indigenous and minority groups. These communities face discrimination both due to their religion and ethnicity. The Vietnamese government discriminates against these groups by denying their right to religion, education, and language, and violently suppresses peaceful protests and gatherings. Minority and indigenous activists are often censored, arbitrarily arrested and subjected to unfair trials.”⁸

7. The pattern of persecution by Vietnamese authorities against Montagnard Christians on account of ethnicity, religion, and/or political opinion is not limited to a small number of actual or perceived high-profile political or religious leaders. Instead, as Human Rights Watch notes, “in an effort to eradicate dissent and independent religious activities among the Montagnards, the Vietnamese authorities have harassed, threatened, beaten, detained, and imprisoned not only Montagnards perceived to be high profile leaders, but followers, ‘helpers’, and people simply trying to flee the country to seek asylum elsewhere.”⁹

8. In a 2015 report, Human Rights Watch stated:

“Vietnamese media reports and personal accounts by Montagnard asylum seekers provide a picture of oppressive government policies and practices against Central Highlands Montagnards in Gia Lai and Dak Lak provinces. These include violations of internationally protected rights to be free from arbitrary arrest, detention, torture, and other cruel, inhuman, or degrading treatment; as well as the rights to freedom of religion, association, and expression.”¹⁰

⁷ Boat People SOS, “Case BPSOS-03: Central Highlands Protestant Churches,” March 2017, <http://dvov.org/wp-content/uploads/2014/07/BPSOS-03-Global-Magnitsky-Act-Central-High-Churches-03-16-2017.pdf>

⁸ Unrepresented Nations and Peoples Organization (UNPO), “Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group,” March 2014, http://www.ecoi.net/file_upload/1930_1396516552_int-cescr-ngo-vnm-16883-e.docx.

⁹ “Declaration of Nguyen Dinh Thang and Grover Joseph Rees to UNHCR regarding Montagnard Asylum Seekers from Vietnam,” January 27, 2010, <http://dvov.org/wp-content/uploads/2014/08/montagnard-christians-thang-rees-declaration-jan-20111.pdf>

¹⁰ Human Rights Watch, “Persecuting ‘Evil Way’ Religion: Abuses against Montagnards in Vietnam,” June 26, 2015, <https://www.hrw.org/report/2015/06/26/persecuting-evil-way-religion/abuses-against-montagnards-vietnam>

B. Freedom of Religion

9. Montagnard Christians in the Central Highlands, estimated to number as many as 400,000, make up the largest concentration of evangelical Christians in Vietnam. In addition, there are at least 100,000 Montagnards in the Central Highlands who follow Roman Catholicism.¹¹
10. During the 1990s, increasing numbers of Montagnards began to join unofficial Christian “house churches,” gathering in small groups for worship in people’s homes to avoid government detection and repression.¹²
11. In 2000, an activist movement of Montagnard Christians worshipping in independent house churches emerged in the Central Highlands. The new movement, which has been called Dega Protestantism (or in Vietnamese, “Tin Lanh Dega”) combines Christian beliefs with aspirations for greater political freedom and human rights, protection of ancestral lands, and for some, autonomy or self-rule.¹³
12. In Vietnam all religious groups are required to obtain government permission in order to operate. In 2001, the Vietnamese government officially recognized the umbrella grouping for evangelical Christians in the south, the Southern Evangelical Church of Vietnam (SECV), but withheld recognition of Montagnard congregations, which continued to be considered illegal.¹⁴
13. After widespread protests by Montagnard Christians in 2001 calling for religious freedom and land rights, the government “forced the closure of nearly all unrecognized Protestant congregations and meeting points in the Central Highlands,” according to a U.S. Embassy cable by Ambassador Michael Michalak.¹⁵
14. Legislation promulgated in 2004, Instruction No. 1, specifically banned “Dega Protestantism,” providing a rationale for the government’s targeting of independent Montagnard Christian churches and their members for persecution, arrest, and mandatory renunciation sessions without any sort of due process.¹⁶
15. In a 2014 interview, Heiner Bielefeldt, the UN Special Rapporteur on Freedom of Religion or Belief, stated that independent religious communities and individuals in Vietnam are subject to discriminatory and punitive treatment:

“They risk facing heavy-handed police raids; repeated invitations to ‘work sessions’ with the police; close surveillance of religious activities; disruption of religious ceremonies and festivals; house arrests; imprisonments, beatings and assaults; dismissals from employment; loss of social benefits; pressure exercised on family members; acts of vandalism; destructions of houses of worship, cemeteries and funeral sheds; confiscations of property; systematic pressure to give up certain religious activities and

¹¹ James F. Lewis, “Christianity and Human Rights in Vietnam: The Case of the Ethnic Minorities, 1975-2007,” in *Christianity and Human Rights: Christians and the Struggle for Global Justice*, edited by Frederick M. Shepherd, Lexington Books, 2009. Reg Reimer, *Vietnam’s Christians: A Century of Growth in Adversity*, William Carey Library, 2011.

¹² Human Rights Watch, *Repression of Montagnards: Conflicts over Land and Religion in Vietnam’s Central Highlands*, 2002.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ambassador Michael Michalak, “Vietnam Religious Freedom Update – The Case Against CPC,” US Embassy Cable, January 20, 2010, https://wikileaks.org/plusd/cables/10HANOI7_a.html

¹⁶ Instruction No. 01/2005/CT-TTg, “Some Work Regarding Protestantism,” 2005. Human Rights Watch, “Persecution of Montagnards Continues,” May 2005.

instead to operate within the official channels provided for religious practice; pressure to denounce one's religion or belief.

"People who wish to organize their religious life – including community – independent from the officially recognized framework, are typically stigmatized as endangering 'the social order' and 'the legitimate interests of the majority' or being driven by morally disresponsible 'selfish' motives. This negative, perhaps even hostile attitude, seen in conjunction with restrictive laws, makes the conditions of independent communities very complicated and risky."¹⁷

16. In his January 2015 report to the UN Human Rights Council on his July 2014 mission to Vietnam, UN Special Rapporteur Heiner Bielefeldt stated:

"The Special Rapporteur has also heard about the harsh persecution of the followers of 'Montagnard' churches, such as the Ede ethnic minority. Hundreds of ethnic minority churches in the Central Highlands region have been forced to close and their pastors arrested and imprisoned. Thousands have been forced to flee or go into hiding after mass protests calling for land rights and religious freedom. Those who fled to neighbouring countries face many obstacles and continue to fear for their lives. It was also reported that, in 2000, the Government issued documents instructing local officials overseen by the Guidance Committee to stop the spread of Protestantism."¹⁸

17. The U.S. State Department, in its 2017 report on religious freedom in Vietnam, stated:

"Religious leaders, particularly those of unregistered groups and those from ethnic minorities, reported various forms of governmental harassment, including physical assaults, short-term detention, prosecutions, monitoring, restrictions on travel, property seizure or destruction, and denials of registration and/or other permissions, particularly in the Central and Northwest Highlands.

"Members of ethnic minority groups collectively known as Montagnards (or Degar) in the Central Highlands stated the government continued to monitor, interrogate, arbitrarily arrest, and discriminate against them, in part because of their religious practices.

"During the year, senior Ministry of Public Security (MPS) and provincial officials continued to say certain Montagnard church congregations in Kon Tum and Gia Lai Provinces, including churches linked to Degar (or Dega) Christianity, were affiliated with the United Front for the Liberation of Oppressed Races (FULRO), a group that opposed the government during and after the Vietnam War. Officials also said Degar Christians incited violent separatism by ethnic minorities in the Central Highlands from 2001 through 2008. Montagnards stated Degar Christianity was a peaceful religious denomination without links to any separatist movement."¹⁹

18. According to the United Kingdom Home Office's country of origin report on Vietnam:

"The Vietnamese government continues to imprison individuals for religious activity or religious freedom advocacy and seeks to stop the growth of ethnic minority Protestantism and Catholicism through discrimination, and forced renunciations of their faith. The authorities monitor ethnic groups in the

¹⁷ Deutsche Welle, "UN Expert: Vietnam 'Failing to Respect' Freedom of Belief," August 4, 2014, <http://www.dw.com/en/un-expert-vietnam-failing-to-respect-freedom-of-belief/a-17830729>

¹⁸ UN Human Rights Council, "Report of the Special Rapporteur on Freedom of Religion or Belief, Addendum: Mission to Viet Nam (21 to 31 July 2014)," January 30, 2015, UN Doc. A/HRC/28/66/Add.2.

¹⁹ U.S. Department of State, "Annual Report on Religious Freedom," August 15, 2017, <https://www.state.gov/j/drl/rls/irf/2016/eap/268780.htm>

Central and Northwest Highlands, where it continued to claim that practicing a minority faith encouraged separatism.”²⁰

19. The Vietnamese government targets independent religious communities of Montagnards in the Central Highlands for systematic persecution or eradication, alleging that the religious groups are not real religions. Instead, the government alleges that they are pretexts for anti-government activities orchestrated by Montagnard refugees in the U.S., who the government says are trying to revive a long-defunct armed separatist movement known as FULRO (Front Uni de Lutte des Races Opprimées, or United Front for the Liberation of Oppressed Races).²¹
20. There is no evidence that FULRO continues to operate as an armed force in the Central Highlands. The FULRO movement dissolved in 1992 when its last remaining fighters disarmed in Cambodia and received asylum in the United States.²² Human Rights Watch notes that “even an official history of the Vietnamese security forces and another security force publication have declared that FULRO ceased to exist in 1992, since which time violent change has been replaced by ‘peaceful evolution’.”²³
21. The government has sought to eradicate Dega Protestantism since 2001, when Montagnards in four provinces of the Central Highlands conducted protests calling for religious freedom and land rights. In 2002, for example, the head of the Dak Lak Religious Affairs Department, Vo Than Tai, stated:

“Dega Protestantism is not a religion. It is a political organization. The abuse of religion that encroaches on the interest of the nation must be dealt with.”
22. Official state media sources such as Radio Voice of Vietnam have labeled Dega Protestantism as a “heretical” belief and false religion:

“This is a religion with a dubious origin. The exiled FULRO members deliberately set up that religion of Dega Protestantism just to use as the tool for their dark political schemes of stirring up ethnic problems and undermining our country's stability.”²⁴
23. In addition to Dega Protestantism, other independent religious communities of Montagnards targeted by the government of Vietnam include the Ha Mon Catholic sect, the Evangelical Church of Christ of Vietnam, the Dak Lak Catholic Parish in Kon Tum, and a number of Mennonite, Lutheran, and Presbyterian churches.²⁵

²⁰ U.K. Home Office, “Country Information and Guidance, Vietnam: Ethnic Minority Groups,” December 2014.

²¹ See: *Cong An Nhan Dan* (People’s Police newspaper), “40 năm giữ bình yên Tây Nguyên” (40 Years to Keep the Central Highlands Quiet), April 28, 2015, <http://cand.com.vn/Phong-su-tu-lieu/40-nam-giu-binh-yen-Tay-Nguyen-349470/>; Human Rights Watch, “Persecuting ‘Evil Way’ Religion: Abuses against Montagnards in Vietnam,” June 26, 2015; Human Rights Watch, *Repression of Montagnards: Conflicts over Land and Religion in Vietnam’s Central Highlands*, 2002.

²² Human Rights Watch, *Repression of Montagnards: Conflicts over Land and Religion in Vietnam’s Central Highlands*, 2002.

²³ Human Rights Watch, “Persecuting ‘Evil Way’ Religion: Abuses against Montagnards in Vietnam,” June 26, 2015, <https://www.hrw.org/report/2015/06/26/persecuting-evil-way-religion/abuses-against-montagnards-vietnam>

²⁴ Radio Voice of Vietnam, “Heretical Beliefs Should Be Eliminated,” August 10, 2004.

²⁵ Letter from Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief, to the Government of Vietnam, October 31, 2016, reference: UA VNM 8/2016, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22835>

24. Even officially-registered congregations under the Southern Evangelical Church of Vietnam have come under scrutiny, according to a 2014 report on ethnic minorities in Vietnam by the United Kingdom Home Office:

“The Vietnamese government considers that some Montagnards, an ethnic minority in the Central Highlands, are operating Protestant organisations which advocate separatism for ethnic minorities. The SECV [Southern Evangelical Church of Vietnam] and house churches reportedly experience government scrutiny because of the perceived association with separatist groups overseas. Followers of the unsanctioned Church of Christ have reported that police had pressured the followers to abandon the church, and that police stated the church was connected with FULRO (Front Unifié pour la Libération des Races Opprimées), which the government considers a minority separatist organisation.”²⁶

25. In a report to the United Nations, the Unrepresented Nations and Peoples Organization (UNPO) stated:

“The Dega minority of the Central Highlands practice Dega Protestantism. Under the auspices of the 2004 Ordinance on Religion and Belief the Vietnamese government has continually treated Dega Protestantism as a false religion and has refused to recognize it. A more pressing issue is the fact that the Dega Church has been labeled as an organization that supposedly calls for separatism and is supported by violent groups, which allows the police to have even more discretionary powers in using the repressive national security provisions.

“The provincial police of the Central Highlands, with the approval of the central government, has been conducting campaigns to reduce the number of new converts to Dega Protestantism and to force current believers to recant. These campaigns have included beatings, detentions, deaths in custody, forced renunciations of faith and disappearances of ethnic Dega.”²⁷

26. From 2004-2006 the U.S. State Department designated Vietnam a “country of particular concern” (CPC) under the International Religious Freedom Act because of its “systematic, ongoing, and egregious” violations of religious freedom, including widespread repression of Montagnard Christians.
27. The U.S. Commission on International Religious Freedom (USCIRF), an independent body established by the U.S. government, found that reforms promised by the government of Vietnam in May 2005 that led to lifting of its CPC designation in 2006 were never fully implemented:

“Religious prisoners remain behind bars and new arrests have been made, hundreds of churches remain closed, forced renunciations of faith continue, and restrictions on and harassment of all of Vietnam's diverse religious communities remain.”²⁸

28. In its most recent report on Vietnam USCIRF found, as it has every year since 2002, that Vietnam merits re-designation as a “Country of Particular Concern” (CPC), based on its “systematic, ongoing, egregious violations of religious freedom.”²⁹

²⁶ United Kingdom Home Office, “Vietnam: Ethnic Minority Groups,” *Country Information and Guidance*, December 2014.

²⁷ Unrepresented Nations and Peoples Organization (UNPO), “Alternative Report submitted to the UN Committee on the Economic, Social and Cultural Rights for the consideration of the Combined Second to Fourth Reports of the Socialist Republic of Viet Nam during the 53rd Pre-Sessional Working Group,” March 2014, <http://unpo.org/downloads/856.pdf>

²⁸ U.S. Commission on International Religious Freedom (USCIRF), “Vietnam: USCIRF Chair Cromartie Testifies on Capitol Hill,” March 28, 2006, <https://www.uscifr.gov/countries-and-issues/vietnam-congressional-testimony/vietnam-uscifr-chair-cromartie-testifies>

29. Montagnard Christians are targeted for harassment and discrimination by the Vietnamese government “because of their faith, ethnicity, advocacy for democracy, human rights, or religious freedom, historic ties to the West, or desire to remain independent of Communist government control,” according to USCIRF’s 2018 report on Vietnam.

“Ethnic minority Montagnards from the Central Highlands, many of whom are Protestant, face numerous government restrictions: some are prevented from holding religious ceremonies, many are summoned to meet with local authorities and pressured to cease practicing their faith, and pastors are harassed or punished.”³⁰

30. Government officials continue to force Montagnard Christians to recant their faith, violating the internationally protected right to freedom of religion as well as Vietnam’s laws that prohibit forced renunciation. Those who resist and insist on their right to independent worship face beatings, arrest, and imprisonment.³¹

In 2016, USCIRF received a report that in one incident, authorities arrested at least seven Montagnard Christians from the Central Highlands after police reportedly instructed the individuals to stop believing in God.³²

“... USCIRF continues to receive reports of forced renunciations of faith. For example, authorities reportedly harassed followers of Montagnard Pastor Xiem Ksor, who died on January 14, 2016, after public security physically assaulted him on Christmas Eve 2015.”³³

31. In a March 2017 report, Christian Solidary Worldwide (CSW) noted that the most serious violations of religious freedom in Vietnam “tend to be against individuals who are both ethnic and religious minorities, particularly those in remote areas.” CWS outlined some of the most common violations against Montagnards and other ethnic and religious minority groups:

- Pressure to recant, usually involving forcing victims to sign a document stating that they will not follow the Christian faith;
- Harassment, including threats and intimidation;
- Arbitrary detention, sometimes followed by a trial and imprisonment;
- Beatings and torture, most often in police custody, sometimes leading to deaths in police custody: methods of torture include beating of the face, head, legs and shoulders; being forced to adopt a stress position; and sexual torture and abuse;
- Disruption of religious services;

²⁹ USCIRF, “Vietnam: Tier 1 – USCIRF-Recommended Countries of Particular Concern (CPC),” http://www.uscifr.gov/sites/default/files/Tier1_VIETNAM.pdf; See also: USCIRF, “Vietnam: USCIRF Assesses State Department’s CPC Removal,” February 8, 2017, <http://www.uscifr.gov/news-room/press-releases/vietnam-uscifr-assesses-state-department-s-cpc-removal>

³⁰ USCIRF, “Vietnam Chapter – 2018 Annual Report,” http://www.uscifr.gov/sites/default/files/Tier1_VIETNAM.pdf; USCIRF, “Vietnam Chapter – 2017 Annual Report,” April 26, 2017, <http://www.uscifr.gov/countries/vietnam#annual-reports-chapters-summaries>

³¹ Human Rights Watch, “Vietnam: Montagnards Harshly Persecuted,” March 30, 2011.

³² USCIRF, “Vietnam Chapter – 2017 Annual Report,” April 26, 2017, <http://www.uscifr.gov/countries/vietnam#annual-reports-chapters-summaries>

³³ Ibid.

- Being physically prevented from attending religious services, either by physical force or because meetings are forced to take place a long way from members' homes;
- Confiscation of religious materials including Bibles;
- Denial of access to education for Christian children if their parents are Christians, sometimes due to forced eviction, at others times due to discrimination;
- Damage to properties used for religious services (including the homes of religious leaders).³⁴

32. In its 2016 annual report, Human Rights Watch stated:

"Authorities interfered with the religious activities of unrecognized branches of ... independent Protestant and Catholic house churches in the Central Highlands. ... Members of ethnic minorities in the Central Highlands continue to be accused of religious 'evil ways' and politically 'autonomous thoughts' and subjected to intimidation, forced renunciation of faith, arbitrary arrests, and mistreatment in custody."³⁵

33. According to Human Rights Watch, forced or coerced denunciation of faith, a common form of harassment by Vietnamese against independent religious groups, "is a violation of freedom of belief, a non-derogable right" protected under international human rights law.³⁶
34. Among dozens of incidents of forced renunciation of faith that Human Rights Watch has reported on since 2001 is an incident in April 2016, where Vietnamese state media reported that more than 500 people "voluntarily renounced" Dega Christianity in Chu Puh district, Gia Lai, following the arrest and prosecution of four people in the district for undermining national unity.³⁷
35. The most recent arrests of Montagnard Christians took place in March 2018, when Gia Lai district and provincial police, in coordination with the Central Highlands Security Department, arrested 25 Montagnards in Chu Puh district. Authorities accused them of proselytizing Dega Protestantism under the direction of Montagnards abroad, and using the internet to disseminate false information about land, religion, and human rights to slander the Vietnamese government. According to an article in the state-controlled press, "The district police forced the subjects to commit to abandon the so-called 'Dega Protestantism' and focus instead on work and developing their family economy."³⁸

C. Freedom of Assembly, Association and Expression

36. Vietnamese authorities harshly suppress peaceful assembly, association, and expression by Montagnards. In a 2016 report, Amnesty International noted:

³⁴ Christian Solidarity Worldwide, "Interfaith Council Raises Cases of Concern," March 24, 2017.

³⁵ Human Rights Watch, "Vietnam: Events of 2016," January 2017, <https://www.hrw.org/world-report/2017/country-chapters/vietnam>

³⁶ "Australia-Vietnam Human Rights Dialogue," Human Rights Watch Submission, July 2017, <https://www.hrw.org/news/2017/08/08/australia-vietnam-human-rights-dialogue>

³⁷ ANTV, "Hơn 500 người tự nguyện từ bỏ 'Tin lành Đê-ga'" (500 People Voluntarily Renounce Dega Protestantism), April 14, 2016, <http://www.antv.gov.vn/tin-tuc/xa-hoi/hon-500-nguoi-tu-nguyen-tu-bo-tin-lanh-dega-186497.html>

³⁸ *Bao Gia Lai*, "Gia Lai: Đập tan âm mưu phục hồi 'Tin lành Đê-ga'" (Gia Lai: Smashing the Plot to Restore "Dega Protestantism"), April 17, 2016, <https://taynguyen247.com/gia-lai-dap-tan-am-muu-phuc-hoi-tin-lanh-de-ga-8396-6.html>

“The authorities are ... extremely sensitive to any exercise of the rights to freedom of expression and assembly by members of ethnic and religious minority groups. Members of minority groups who are active in human rights and advocacy for religious freedom are regularly jailed for exercising their rights, particularly those who are members of independent religious groups not sanctioned by government.”³⁹

37. Detailed documentation by CAT-VN, Amnesty International, and Human Rights Watch demonstrates that the Vietnamese authorities frequently respond to nonviolent resistance and peaceful protests by inflicting imprisonment, torture, cruel and inhuman treatment, and other forms of persecution.⁴⁰
38. After unprecedented protests by Montagnards in 2001 calling for religious freedom and land rights, authorities carried out widespread arrests, according to Amnesty International.

“In 2001, 2004, and 2008, large numbers of ethnic minority Montagnards, Christians from the country’s Central Highlands, were arrested following demonstrations calling for freedom of religion and an end to confiscation of land owned by Montagnard groups.

“The fallout from these events continues in 2016 with Montagnards regularly leaving the country fearing arrest and persecution to seek asylum in Cambodia, Thailand and elsewhere.

39. Montagnard protests against land confiscation continue to be met by excessive use of force by police. Some examples:
 - a. In July 2016, police violently dispersed a demonstration by 400 Montagnard villagers in Buon Ma Thuot, Dak Lak protesting against the sale of 100 hectares of the community’s ancestral land to a private company. Twenty demonstrators were injured and seven were arrested and held in incommunicado detention.⁴¹
 - b. Police and military in Ea Sup, Dak Lak violently cracked down on Montagnard villagers resisting the leveling of their crop land for a 20,000 hectare rubber plantation in July 2016.⁴²
40. In response to public protests and independent religious activities by Montagnards since 2001, the government regularly carries out systematic crackdowns against “reactionary groups” and proponents of “false religions” in the Central Highlands, based on allegations that adherents are being directed by FULRO exiles abroad to conduct separatist politics under the guise of religion.⁴³
41. Centrally-directed elite police units, together with provincial and district police and military forces, carry out “search and hunt” operations, resulting in the arrest and imprisonment of hundreds of Montagnards for their religious and political beliefs and nonviolent activities, or for attempting to seek asylum in Cambodia or Thailand, according to Human Rights Watch:

³⁹ Amnesty International, “Prisons within Prisons: Torture and Ill-Treatment of Prisoners of Conscience in Viet Nam,” June 2016, <https://www.amnesty.org/download/Documents/ASA4141872016ENGLISH.PDF>

⁴⁰ Amnesty International, “Prisons within Prisons: Torture and Ill-Treatment of Prisoners of Conscience in Viet Nam,” June 2016, <https://www.amnesty.org/download/Documents/ASA4141872016ENGLISH.PDF> ; Campaign to Abolish Torture in Vietnam, “Vietnam: Torture of Political and Religious Prisoners,” January 16, 2014, <http://www.stoptorture-vn.org/torture-report.html> ; Human Rights Watch, Public Insecurity: Deaths in Custody and Police Brutality in Vietnam,” September 16, 2014, <https://www.hrw.org/asia/vietnam>

⁴¹ Amnesty International, “Minority Group’s Protest Met with Violence,” July 22, 2016.

⁴² Tin Tay Nguyen, “Dak Lak: Dan nem da khien 2 cong an bi thuong,” July 16, 2016, <http://www.tintaynguyen.com/dak-lak-dan-nem-da-khien-2-cong-an-bi-thuong/189155/>

⁴³ Human Rights Watch, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” March 30, 2011, <https://www.hrw.org/report/2011/03/30/montagnard-christians-vietnam/case-study-religious-repression#b295b3>

“Elite police units, such as PA43, Political Security Section VI units, the Mobile Intervention Police, and the ‘Special Task Force’ are dispatched to the region to back up provincial and district police to prevent further demonstrations, root out Montagnard activists in hiding, stop the flow of asylum seekers to Cambodia, and bring an end to groups allegedly taking advantage of ethnic issues and religion to incite social turmoil.”⁴⁴

42. Government officials commit human rights abuses during police operations and coercive propaganda campaigns targeting Montagnards, according to Human Rights Watch:

“During these crackdowns, authorities have committed clear-cut violations of fundamental rights, including arbitrary arrest, imprisonment, and torture. Officials have employed coercion to pressure Montagnards to renounce their religion and pledge their loyalty to the government and the Communist Party of Vietnam. Police have used excessive force to dispel largely peaceful protests, resulting in the deaths of as many as eight Montagnards during demonstrations in April 2004 as well as injuries and deaths of others during arrest and in police custody. At various times, restrictions have been placed on travel within the highlands, on public gatherings, and on telephone communication with the outside world.”⁴⁵

43. According to USCIRF, centrally-directed police campaigns to capture and transform “reactionary operatives” and “Dega Protestants” have led to “beatings, detentions, deaths in custody, forced renunciations of faith, and disappearances of Montagnards suspected of being part of the *Tin Lanh Dega*....These efforts are not isolated cases, but are sanctioned by central government authorities to thwart the growth of Protestantism among ethnic minorities.”⁴⁶

44. State media in Vietnam has reported on security operations targeting Montagnard activists in the Central Highlands, with the *People’s Police* newspaper stating in a 2011 article:

“The central focus...is to neutralize the dangerous key actors of the reactionary FULRO in a clever way, in order to avoid the scrutiny of hostile forces on human rights issues.”⁴⁷

45. Official accounts in the Vietnamese state media documenting the police operations and crackdowns include:

- a. In July 2017, An Ninh (Security) Television, or ANTV, a state television channel owned and operated by the Ministry of Public Security, reported that authorities in Mang Yang district, Gia Lai, targeted followers of Ha Mon Catholicism. Authorities allege that Ha Mon Catholics, like Dega Protestants, have been instigated by FULRO exiles as a cover for political activities. ANTV reported that from 2012-2017, district and provincial police arrested and brought to trial 41 Ha Mon followers.⁴⁸
- b. In April 2017, ANTV summarized the results of a 10-year campaign to eradicate Dega Protestantism and other unsanctioned Christian churches allegedly led by FULRO. During

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ USCIRF, “Annual Report 2013 - Countries of Particular Concern: Vietnam,” April 30, 2013.

⁴⁷ *Cong An Nhan Dan* (People’s Police) newspaper, “Youthful Strength of the Special Task Force Police Team” (Suc Tre Cua Doi Canh Sat Dac Nhim), January 22, 2011, <http://cadn.com.vn/News/Chinh-Tri-Xa-Hoi/Hoat-Dong-LLCA/2011/1/22/54679.ca>

⁴⁸ ANTV, “Ổn định cuộc sống sau khi từ bỏ tà đạo” (Stabilize life after renunciation), July 6, 2017, <http://www.antv.gov.vn/tin-tuc/xa-hoi/on-dinh-cuoc-song-sau-khi-tu-bo-ta-dao-212201.html>

that time, special forces together with local police tracked down and destroyed more than 800 FULRO and Tin Lanh Dega networks in 433 villages and 246 communes in 39 districts and cities, where security forces arrested more than 3,000 key members and brought hundreds of them to trial, according to ANTV.⁴⁹

- c. In March 2017, Vietnamese state media reported on the results of police and propaganda operations in one district alone of Gia Lai province – Phu Thien, where district police and authorities carried out the following:
 - Arrested 16 people for following the Dega Protestant church or FULRO, and prosecuted seven;
 - “Struggled to remove” 900 followers of unsanctioned religions or FULRO and 13 internet users;
 - Mobilized thousands of people to abandon FULRO or the Dega Protestant church and return to religious activities in accordance with the law
 - “Successfully removed” 14 FULRO networks consisting of 145 participants in 16 villages in 7 communes and 1 town;
 - Destroyed 12 underground facilities;
 - Disbanded 58 illegal meetings consisting of 574 participants;
 - Eliminated dozens of escape routes used by people fleeing to Cambodia.⁵⁰
- d. In June 2016, the Public Security Office of Kon Tum province announced through its official website that it would be stepping up its efforts to “eradicate the evil Ha Mon cult”.⁵¹
- e. In March 2014, officials in Dak Lak, Gia Lai, and Kon Tum provinces intensified the campaign to “hunt and arrest” leaders and “core members” of unofficial religious groups. By October 2014, state media reported that 1,758 people in Gia Lai, Dak Lak, and Kon Tum provinces had been identified as participating in “evil way” religions in 10 different districts, with 39 “core members” still in hiding and others continuing to gather to recite prayers in private homes.⁵²

46. Propaganda campaigns, including public denunciations, forced recantation of religion, and forced confessions are also documented by Vietnamese state newspapers, radio, online publications, and national television. Some examples:

⁴⁹ ANTV, “Cảnh giác trước âm mưu phá hoại khối đại đoàn kết toàn dân” (Wary of conspiracy to sabotage the great unity bloc), April 20, 2017, <http://www.antv.gov.vn/tin-tuc/phap-luat/canh-giac-truoc-am-muu-pha-hoai-khoi-dai-doan-ket-toan-dan-207679.html>

⁵⁰ *Tin Tay Nguyen* (Central Highlands News), “Gia Lai: Đấu tranh xóa bỏ hoạt động FULRO và “Tin lành Đê-ga”, (Gia Lai: Struggle for the Removal of FULRO and “Tin Lanh Dega”) March 30, 2017, <https://tintaynguyen.com/gia-lai-dau-tranh-xoa-bo-hoat-dong-fulro-va-tin-lanh-de-ga/305763/>.

⁵¹ *Cong An Kon Tum* (Kon Tum Police newspaper), “Đồng chí Đại tá Vũ Tiến Điền – Phó giám đốc làm việc với Đội công tác tăng cường cơ sở Sa Thầy,” June 6, 2016, <http://congankontum.gov.vn/hdcat/xay-dung-luc-luong-ca/56538-dong-chi-dai-ta-vu-tiendien-pho-giam-doc-lam-viec-voi-doi-cong-tac-tang-cuong-co-so-sa-thay.html>

⁵² *Petro Times*, “‘At War’ with Evil Ways” (‘Cuộc chiến’ với tà đạo), <http://petrotimes.vn/news/vn/phong-su-dieu-tra/truyen-dai-ky/cuoc-chien-voi-ta-dao.html>, cited in: Human Rights Watch, “Persecuting ‘Evil Way’ Religion: Abuses against Montagnards in Vietnam,” June 26, 2015, <https://www.hrw.org/report/2015/06/26/persecuting-evil-way-religion/abuses-against-montagnards-vietnam>

- a) ANTV, the Ministry of Public Security television network, regularly broadcasts 5- to 20-minute programs showing officials convening village- and commune-level mass gatherings in which alleged political activists and supporters of unsanctioned religions such as "Dega Protestantism" or Ha Mon Catholicism are forced to publicly renounce their religion and confess their wrongdoings. Suspected dissidents or FULRO supporters, as well as individuals accused of using the internet to spread disinformation, are brought for public review and criticism in front of village chiefs, elders, officials and police officers (see 44-46, below).⁵³
 - b) In July 2017, Y Joi Bkrong, the son of a prominent Montagnard pastor in the U.S., was brought for public review and coerced confession of wrongdoing in Dak Lak for being in contact with his father and proselytizing for the un-recognized Evangelical Church of Christ.⁵⁴
 - c) In July 2016, Dak Lak police and government officials in Krong Ana district brought five "violators" for public review and criticism for gathering information for Montagnards in the U.S. about human rights abuses in the Central Highlands.⁵⁵
47. In 2014, the General Security Department of the Ministry of Public Security (MPS) launched an operation to "struggle and prevent FULRO's exploitation of the Internet to make propaganda" against the government.⁵⁶
48. Under the MPS internet plan, authorities target Montagnards for using the internet to communicate with individual Montagnards and Montagnard advocacy groups abroad, who authorities allege are conducting "reactionary activities using religion and misinformation" to "incite" people to practice Protestantism, convince them to revive FULRO, and collect evidence "slandering Vietnam by claiming that it violates democracy and human rights."⁵⁷
49. Examples of the implementation of the MPS plan to prevent Montagnards from accessing or sharing "anti-government" material on the internet include:
- a. In 2015 the Krong Ana district court in Dak Lak sentenced **Y Saih Knul** to one year in prison for being in contact with FULRO exiles in the U.S. and for posting information, photos, and video clips on Facebook "advocating reactionary activities".⁵⁸
 - b. In June 2014 in Krong Pac, Dak Lak, local officials brought two young Montagnards, **Y Aron Eban and H'Mung Eban**, for public review before their village after they allegedly followed Dega Protestantism, FULRO, and "exiled reactionaries" on Facebook. Despite repeated

⁵³ For an example, see the 25-minute video by ANTV documenting the government's campaign to eradicate the "pagan" Ha Mon religion posted on March 1, 2016: <https://www.youtube.com/watch?v=z5fhbdDONTA>

⁵⁴ ANTV, "Cảnh giác với tà đạo 'Tin lành đấng Christ'" ("Watch Out for the 'Evangelical Church of Christ'"), July 8, 2017, <http://www.antv.gov.vn/tin-tuc/xa-hoi/canh-giac-voi-ta-dao-tin-lanh-dang-christ-212896.html>

⁵⁵ ANTV, "Ân hận vì trót tin lời bọn phản động FULRO lưu vong," July 2, 2017, <http://www.antv.gov.vn/tin-tuc/phap-luat/an-han-vi-trot-tin-loi-bon-phan-dong-fulro-luu-vong-190910.html>

⁵⁶ ANTV, "Ngăn chặn hoạt động của FULRO lợi dụng internet để chống phá," March 3, 2017, <http://www.antv.gov.vn/tin-tuc/phap-luat/ngan-chan-hoat-dong-cua-fulro-loi-dung-internet-de-chong-pha-204716.html>

⁵⁷ ANTV, "Cảnh giác trước âm mưu phá hoại khối đại đoàn kết toàn dân" (Wary of conspiracy to sabotage the great unity bloc), April 20, 2017, <http://www.antv.gov.vn/tin-tuc/phap-luat/canh-giac-truoc-am-muu-pha-hoai-khoi-dai-doan-ket-toan-dan-207679.html>

⁵⁸ ANTV, "Nghe theo Fulro, chống người thi hành công vụ," January 20, 2015, <http://www.antv.gov.vn/tin-tuc/an-ninh-trat-tu/nghe-theo-fulro-chong-nguoi-thi-hanh-cong-vu-130846.html>

warnings, the two had allegedly commented on “reactionary articles” and spread songs and documents through Facebook.⁵⁹

- c. In May 2013, authorities in Krong Pa, Gia Lai arrested and detained four young people (**Nay Chuon, Ksor Ang, Ksor Phem, and Ksor Mok**) for allegedly using Facebook to contact exiled FULRO members in the U.S., “incite” people to follow Dega Protestantism, and spread anti-government propaganda to “confuse” indigenous people. After admitting their wrongdoings in public meetings and pledging to revoke all connections to the Dega Protestant Church and FULRO, they were released.⁶⁰
- d. In December 2013, police detained **Y Quynh Bdap**, a student in Buon Ma Thuot, Dak Lak, after he allegedly used social networking sites on the internet to “learn bad things” and spread anti-government information and “reactionary rhetoric” from FULRO exiles in the U.S.. He was forced to confess his wrongdoings on People’s Police Television, operated by the Ministry of Public Security, before being released.⁶¹

D. Unfair Trials and Imprisonment

50. Since 2001, hundreds of Montagnards have been sentenced to prison for their peaceful religious or political beliefs under laws that fail to meet international standards. In many cases, provincial courts conduct “mobile” trials in the villages to clearly signal that those who follow groups that mix religion and politics will be arrested and imprisoned.⁶² According to Human Rights Watch:

“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. They include Dega church activists as well as Montagnard Christians who do not describe themselves as followers of Dega Protestantism, including pastors, house church leaders, and land rights activists. Charges brought against them include undermining national solidarity (Penal Code article 87) or disrupting security (article 89).

“At least 65 of the Montagnards imprisoned since 2001 were arrested trying to seek safety and political asylum in Cambodia. They were sentenced to prison in Vietnam on charges of “fleeing abroad to oppose the People’s Administration” (article 91).

“By making peaceful dissent and unsanctioned religious activities criminal acts, the Vietnamese government disregards fundamental rights and Vietnam's own commitments under international human rights treaties it has signed, including the International Covenant on Civil and Political Rights, acceded to by Vietnam in 1982. The forced return of asylum seekers violates the rights to leave one's country and to

⁵⁹ ANTV, “Kiểm điểm 2 người móc nối với Fulro qua mạng” (Review of 2 People for Connecting to FULRO through the Internet), June 15, 2014, <http://www.antv.gov.vn/tin-tuc/an-ninh-trat-tu/kiem-diem-2-nguoi-moc-noi-voi-fulro-qua-mang-49086.html>

⁶⁰ Vietnam Breaking News, “Four minority people warned in Vietnam for spreading anti-government propaganda,” May 24, 2013, <https://www.vietnambreakingnews.com/2013/05/4-minority-people-warned-in-vietnam-for-spreading-anti-government-propaganda/>; “Kiểm điểm 4 người dùng Facebook để tuyên truyền ‘Tin lành Đêga’,” (Review of Four People for Using Facebook to Spread Propaganda about Dega Protestantism), May 23, 2013, <http://nguyentandung.org/kiem-diem-4-nguoi-dung-facebook-de-tuyen-truyen-tin-lanh-dega.html>

⁶¹ *Cong An Nhan Dan TV* (People’s Police TV), “Nhắc nhở ‘đối tượng móc nối với Fulro qua facebook’,” (Warning to Subject Hooked to FULRO via Facebook) December 14, 2013, <https://www.youtube.com/watch?v=IWT5UaPiMIU>

⁶² Human Rights Watch 2011, *Op cit*.

seek asylum outside of one's country, which are recognized in articles 13 and 14 of the Universal Declaration of Human Rights.”⁶³

51. In April 2018 Amnesty International reported on torture, mistreatment, and lack of due process for detainees and prisoners in Vietnam:

“Many people have been arbitrarily detained, prosecuted in unfair trials on national security and other vaguely worded charges, and handed lengthy prison sentences. Individuals were routinely held incommunicado and in solitary confinement. Many were transferred to prisons distant from their family home as a punitive measure and were tortured and otherwise ill-treated in prison. For prolonged periods, activists have been denied access to a lawyer and their family members did not know of their whereabouts, heightening the risk of torture and other ill-treatment. According to reliable, multi-source reports, prisons in Viet Nam are unsanitary and prisoners are denied adequate access to: medical care, clean water and fresh air.”⁶⁴

52. While Montagnards make up only 2 percent of the population of Vietnam, they comprise as much as half of the total numbers of prisoners of conscience, estimated to be around 100 by rights groups and the U.S. State Department. Human Rights Watch’s most recent list of prisoners of conscience in Vietnam includes 59 Montagnards, or 56 percent, of a total of 105 prisoners.⁶⁵

53. Recent trials of Montagnards in the Central Highlands for their peaceful religious or political beliefs including the following:

- a) April 28, 2017: Religious freedom activist **A Dao**, a pastor of the Montagnard Evangelical Church of Christ in Kon Tum, is sentenced to five years in prison after attending conferences on Freedom of Religion in Southeast Asia and ASEAN Civil Society in Dili, East Timor.⁶⁶
- b) April 4, 2017: Gia Lai Provincial People’s Court conducts a mobile trial in Duc Co district, in which 5 Jarai men (**Ro Ma Daih, Puih Bop, Ksor Kam, Ro Lan Kly, and Dinh Nong**) are sentenced to 10, 9 and 8 years on charges of undermining national unity, for spreading Dega Protestantism in 11 communes and one town in three districts of Gia Lai.⁶⁷
- c) August 30, 2016: Two Montagnard former prisoners of conscience, **Ksor Phit and Siu Dik**, are sentenced to prison for 11 and 8 years respectively on charges of engaging in propaganda and inciting people to join the effort to establish a “Dega State”.⁶⁸

⁶³ Human Rights Watch, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” March 30, 2011, <https://www.hrw.org/report/2011/03/30/montagnard-christians-vietnam/case-study-religious-repression#b295b3>

⁶⁴ Amnesty International, “Prisoners of Conscience in Viet Nam,” April 4, 2018, ASA 41/8162/2018, <https://www.amnesty.org/en/documents/ASA41/8162/2018/en/>

⁶⁵ Human Rights Watch, “Vietnam: Release All Political Prisoners – Over 100 Behind Bars,” November 3, 2017, <https://www.hrw.org/news/2017/11/03/vietnam-release-all-political-prisoners>

⁶⁶ Boat People SOS, “Case BPSOS-03: Central Highlands Protestant Churches,” March 2017, <http://dvov.org/wp-content/uploads/2014/07/BPSOS-03-Global-Magnitsky-Act-Central-High-Churches-03-16-2017.pdf>

⁶⁷ ANT.V, “Trial of Subjects Destructive to the Policy of National Unity,” April 5, 2017, <http://www.antv.gov.vn/tin-tuc/phap-luat/xet-xu-cac-doi-tuong-pha-hoai-chinh-sach-doan-ket-dan-toc-206850.html>

⁶⁸ *Bao Gia Lai* online newspaper, “Hai đối tượng FULRO lãnh án (Two FULRO Subjects Sentenced),” August 31, 2016, <http://baogialai.com.vn/channel/1602/201608/hai-doi-tuong-fulro-lanh-an-2449313/>

- d) July 23, 2016: Trial and conviction of **Siu Doang and Ksor Pup** from Chu Puh, Gia Lai on national unity charges for allegedly encouraging minority people to join the Dega Protestant church and FULRO.⁶⁹
- e) April 26, 2016: Trial and sentencing of 5 Bahnar men (**A Jen, A Tik, Dinh Ku, Thin, and Gyun**) from Mang Yang district, Gia Lai to prison terms of 6-9 years for following the independent Ha Mon Catholic sect.⁷⁰
- f) December 2015: A “mobile” court in Gia Lai sentences **Rmah Prai** to six years imprisonment after authorities unsuccessfully try to pressure him to recant his faith through harassment, detention, and beatings.⁷¹
- g) January 2015: **Y Saih Knul** from Krong Ana, Dak Lak is sentenced to one year in prison for his Internet contact via Facebook with FULRO members living abroad and posting information, photos and video clips on Facebook advocating “reactionary activities”.⁷²
- h) July 2015: **Y Hriam Kpa**, the leader of a Protestant house church in Ea Hleo district, Gia Lai who resisted pressure by local officials to dissolve the church, was arrested on July 30, 2015 and sentenced to seven years in prison for undermining national unity.⁷³
- i) July 15, 2015: **Y Lao Mlo**, from Krong Buk district, Dak Lak is sentenced to two years’ imprisonment for helping others flee abroad to seek refugee protection.⁷⁴
- j) March 2014: **Rmah Hruth**, a Jarai woman from Chu Puh district, Gia Lai is arrested in March 2014 and sentenced to five years in prison for conducting religious services for her fellow Montagnard Christians and sentenced to five years in prison.⁷⁵

E. Torture

54. Police violence against detainees, including beatings and other forms of torture resulting in deaths, has been documented throughout Vietnam by Vietnamese and international human rights organizations. According to the Campaign to Abolish Torture in Vietnam:

“Police brutality, including torture and fatal beatings of detainees, has been reported in all regions of Vietnam by the government-controlled media in Vietnam, foreign media outlets, western embassies, and international

⁶⁹ ANTV, “Xét xử 2 đối tượng phá hoại chính sách đoàn kết dân tộc” (Trial of Two Subjects Destructive of National Unity Policy), July 23, 2016.

⁷⁰ ANTV, “Gia Lai: Xét xử các đối tượng phá hoại chính sách đoàn kết dân tộc” (Trial of Subjects Destructive of National Unity Policy), April 27, 2016, <http://www.antv.gov.vn/tin-tuc/an-ninh-trat-tu/gia-lai-xet-xu-cac-doi-tuong-pha-hoai-chinh-sach-doan-ket-dan-toc-187306.html>

⁷¹ Boat People SOS, “Case BPSOS-03: Central Highlands Protestant Churches,” March 2017, <http://dvov.org/wp-content/uploads/2014/07/BPSOS-03-Global-Magnitsky-Act-Central-High-Churches-03-16-2017.pdf>

⁷² ANTV, “Nghe theo Fulro, chống người thi hành công vụ,” January 20, 2015, <http://www.antv.gov.vn/tin-tuc/phap-luat/nghe-theo-fulro-chong-nguoi-thi-hanh-cong-vu-130846.html>

⁷³ Boat People SOS, “Case BPSOS-03: Central Highlands Protestant Churches,” March 2017, <http://dvov.org/wp-content/uploads/2014/07/BPSOS-03-Global-Magnitsky-Act-Central-High-Churches-03-16-2017.pdf>

⁷⁴ ANTV, “Xét xử đối tượng nghe theo FULRO gây mất ANTT,” December 23, 2015, <http://www.antv.gov.vn/tin-tuc/xa-hoi/xet-xu-doi-tuong-nghe-theo-fulro-gay-mat-antt-180198.html>

⁷⁵ Boat People SOS, “Case BPSOS-03: Central Highlands Protestant Churches,” March 2017, <http://dvov.org/wp-content/uploads/2014/07/BPSOS-03-Global-Magnitsky-Act-Central-High-Churches-03-16-2017.pdf>

human rights organizations. Vietnamese and international human rights organizations have documented the widespread practice by police of mistreating, torturing, and even beating to death criminal suspects in temporary custody in Vietnam, even those detained for minor crimes such as routine traffic violations.”⁷⁶

55. Members of ethnic minority groups and unsanctioned religions are under even more risk of torture, particularly those living in remote areas like the Central Highlands where there is limited access to lawyers, western observers, non-government press, and the internet.⁷⁷

56. In Amnesty International’s 2016 report on torture and mistreatment of prisoners of conscience in Vietnam, it stated:

“Members of ethnic and religious minority groups are commonly arrested for exercising their religious and political beliefs, and the use of torture and other ill-treatment against these individuals during the interrogation period and beyond has been documented by a number of human rights groups.”⁷⁸

57. In a March 2017 report, Christian Solidarity Worldwide (CWS) stated that ethnic and religious minorities in Vietnam, including Montagnards, are subjected to:

“Beatings and torture, most often in police custody, sometimes leading to deaths in police custody: methods of torture include beating of the face, head, legs and shoulders; being forced to adopt a stress position; and sexual torture and abuse.”⁷⁹

58. In March 2015, Vietnam’s Ministry of Public Security reported that there were 226 deaths of detainees in police stations between October 2011 and September 2014.⁸⁰

59. Harsh treatment, beatings and torture of Montagnards in police custody and pre-trial detention has resulted in at least 25 prisoner deaths between 2001-2011, according to Human Rights Watch:

“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.”⁸¹

60. Lethal beatings in police custody continue. Some examples:

a) In January 2016 **Pastor Ksor Xiem**, the head pastor of an unregistered Montagnard evangelical church died from injuries sustained during a police beating in December 2015 in Ayun Pa District, Gia Lai Province, according to a 2017 State Department report.⁸²

⁷⁶ Campaign to Abolish Torture in Vietnam, “Vietnam: Torture of Political and Religious Prisoners,” January 16, 2014, <http://www.stoptorture-vn.org/torture-report.html>

⁷⁷ Ibid.

⁷⁸ Amnesty International, “Prisons within Prisons: Torture and Ill-Treatment of Prisoners of Conscience in Viet Nam,” June 2016, <https://www.amnesty.org/download/Documents/ASA4141872016ENGLISH.PDF>

⁷⁹ Christian Solidarity Worldwide, “Interfaith Council Raises Cases of Concern,” March 24, 2017.

⁸⁰ *Thanh Nien News*, “Doubts linger as Vietnam reports causes of 226 deaths in custody,” March 22, 2015, <http://www.thanhniennews.com/politics/doubts-linger-as-vietnam-reports-causes-of-226-deaths-in-custody-40112.html>.

⁸¹ Human Rights Watch, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” March 30, 2011, <https://www.hrw.org/report/2011/03/30/montagnard-christians-vietnam/case-study-religious-repression#b295b3>

⁸² U.S. Department of State, “Annual Report on Religious Freedom,” August 15, 2017, <https://www.state.gov/j/drl/rls/irf/2016/eap/268780.htm>

- b) In December 2016, **Y Ku Knul**, a Protestant from Buon Ma Thuot, Dak Lak, died in police custody, according to a report by Boat People SOS. Family members stated that his internal organs were damaged and there were traces of electric shock batons used on his body.⁸³
- c) In March 2016, **Y Sik Nie** died from alleged torture during more than three months' detention by district police in Dak Lak on charges of theft, according to the U.S. State Department.⁸⁴

F. Persecution of Former Prisoners of Conscience

- 61. Upon release from prison, former prisoners of conscience are subjected to house arrest, intrusive surveillance, harassment, restrictions on movement, and periodic summons or detention by police for interrogation, all of which can extend beyond their post-release probationary period.
- 62. In an April 2018 report, Amnesty International stated:

“Prominent activists who have been released, as well as those not imprisoned, and their family members continued to face restrictions on movement and were subjected to surveillance, harassment and violent assaults; a large number of activists were left without a choice but to flee persecution in Viet Nam.”⁸⁵
- 63. Incidents of harassment, threats, arrests, and re-imprisonment of Montagnard former prisoners of conscience include the following:
 - a. In March 2018, Gia Lai police arrested former prisoner of conscience **Siu Blo** and forced him to publicly renounce his religion and confess his wrongdoings in proselytizing Dega Protestantism and using the internet to spread false information about rights violations in the Central Highlands.⁸⁶
 - b. In August 2017, authorities convened a meeting of more than 200 households in Buon Ma Thuot, Dak Lak to review the wrongdoings of former prisoner of conscience **Y Tlup Adrong** for allegedly listening to FULRO instigators abroad.⁸⁷
 - c. In March 2017, after hundreds of people attended Dega Protestant services in Gia Lai, provincial police targeted former prisoner of conscience **Y Nglu**, who they said was the “charismatic promoter” of the religion, and forced him to confess his wrong doings. Y Nglu was accused of “taking advantage of crowded gatherings such as weddings, funerals ... and

⁸³ Boat People SOS, “Case BPSOS-03: Central Highlands Protestant Churches,” March 2017, <http://dvov.org/wp-content/uploads/2014/07/BPSOS-03-Global-Magnitsky-Act-Central-High-Churches-03-16-2017.pdf>

⁸⁴ U.S. State Department, “Report on Human Rights Practices in 2016,” <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>; Human Rights Watch, “World Report: Vietnam Chapter, Events of 2016,” <https://www.hrw.org/world-report/2017/country-chapters/vietnam>

⁸⁵ Amnesty International, “Prisoners of Conscience in Viet Nam,” April 4, 2018, ASA 41/8162/2018, <https://www.amnesty.org/en/documents/ASA41/8162/2018/en/>

⁸⁶ *Bao Gia Lai*, “Gia Lai: Đập tan âm mưu phục hồi ‘Tin lành Đê-ga’ (Gia Lai: Smashing the Plot to Restore ‘Dega Protestantism’),” April 17, 2016, <https://taynguyen247.com/gia-lai-dap-tan-am-muu-phuc-hoi-tin-lanh-de-ga-8396-6.html>

⁸⁷ ANTV, “Y Tlup Adrong kể chuyện bị óm FULRO lưu vong lừa gạt,” August 1, 2017, <http://www.antv.gov.vn/tin-tuc/phap-luat/y-tlup-adrong-ke-chuyen-bi-nhom-fulro-luu-vong-lua-gat-213686.html>

social networking sites and instigating villagers to meet in groups to pray for distorted aspirations of a “Dega” state.”⁸⁸

- d. On August 30, 2016 two Montagnard former prisoners of conscience, **Ksor Phit** and **Siu Dik**, were sentenced to prison for 11 and 8 years respectively on charges of engaging in propaganda and inciting people to join the effort to establish a “Dega State”.⁸⁹
- e. In May 2015, Montagnard former prisoner of conscience **Nay Bro** was detained, interrogated, and beaten by police after he met with fellow prisoners of conscience in Hanoi and Haiphong.⁹⁰

G. Mistreatment of Asylum Seekers Upon Return to Vietnam

64. Human Rights Watch has documented the mistreatment of Montagnard asylum seekers and refugees upon return to Vietnam since 2002. In a September 2017 report, Human Rights Watch stated that Montagnard asylum seekers forced back to Vietnam “face severe persecution on political and religious grounds,” with authorities detaining and interrogating returnees from Cambodia and forcing some to make public confessions on Vietnamese state television. According to Human Rights Watch:

“In April 2017, a Montagnard asylum-seeker who was returned to Vietnam from Cambodia was detained and interrogated for 12 days by Vietnamese authorities. In May, a video recording emerged on Vietnamese television of apparently forced confessions by Montagnards who claimed to be returned refugees.”⁹¹

65. An article in the *Cambodia Daily* on May 23, 2017 titled “‘Forced’ Montagnard TV Confessions Aired,” quoted Human Rights Watch as saying: “What this video shows is that the Vietnam government puts these returnees under a web of surveillance and control as soon as they get back home in Vietnam....All of the Montagnards that go back should recognize that they are going to run a gauntlet of abuse and coercion.”⁹²
66. Regarding abuses of Montagnard asylum seekers returned to Vietnam, the U.S. State Department’s most recent human rights report for Vietnam stated:

“Some members of ethnic minority groups who fled the Central Highlands for Cambodia or Thailand, some reportedly due to abuse, asserted that authorities threatened them to return. Authorities then

⁸⁸ ANTV, “Vạch trần âm mưu phục hồi Fulro, Tin lành Đêga” (Exposing the Plot to Revive FULRO, Tin Lanh Dega), March 26, 2017, <http://www.antv.gov.vn/tin-tuc/phap-luat/vach-tran-am-muu-phuc-hoi-fulro-tin-lanh-de-ga-206179.html>

⁸⁹ Gia Lai Online, “Hai đối tượng FULRO lãnh án,” August 31, 2016, <http://baogialai.com.vn/channel/1602/201608/hai-doi-tuong-fulro-lanh-an-2449313/>; <http://www.antv.gov.vn/tin-tuc/an-ninh-trat-tu/boc-go-2-nhom-doi-tuong-hoat-dong-fulro-186173.html>

⁹⁰ Radio Free Asia, “Police detain Jarai former Political Prisoner,” June 19, 2015, http://www.rfa.org/vietnamese/in_depth/former-montagnard-political-prisoner-re-arrested-gm-06192015074541.html

⁹¹ Human Rights Watch, “Cambodia: Protect Montagnard Refugees; Forced Return to Vietnam Will Bring Mistreatment, Arrest.” September 9, 2017, <https://www.hrw.org/news/2017/09/12/cambodia-protect-montagnards-refugees>.

For Vietnamese state television footage of returnees confessing their wrongdoings, see: ANTV, “Thực hư tin ‘năm 2020, nhà nước Đê Ga được giải phóng,’” March 26, 2017, <https://www.youtube.com/watch?v=TCscAnYqJFw>

⁹² *Cambodia Daily*, “‘Forced’ Montagnard TV Confessions Aired,” May 23, 2017, <https://www.cambodiadaily.com/news/forced-montagnard-tv-confessions-aired-130224/>

abused, detained, or questioned them upon their return. Family members also reported police closely monitored both those who had fled to Cambodia and Thailand and their relatives.”⁹³

67. A 2014 report on ethnic minority groups in Vietnam by the United Kingdom Home Office stated:

“Members of minority ethnic groups who are perceived to advocate separatism and who are likely to come to the adverse attention of the authorities on return to Vietnam are likely to face a real risk of persecution on account of their activities.”⁹⁴

68. A 2014 report by the Campaign to Abolish Torture in Vietnam (CAT-VN) documented abuses of Montagnard refugees and asylum seekers returned to Vietnam:

“Asylum seekers who have returned to Vietnam after their refugee claims have been rejected by UNHCR have been detained, interrogated, and tortured upon return to Vietnam, despite assurances from UNHCR personnel that they could safely return. A number of these asylum seekers have then ‘doubled back’ and fled a second time to Cambodia or Thailand to seek the protection of UNHCR after experiencing severe persecution and torture upon return to Vietnam.”⁹⁵

69. One case documented by CAT-VN is that of Rmah Plun, a recognized refugee who returned to Vietnam from a UNHCR camp in Cambodia in May 2005:

After crossing the border he was sent to the provincial prison in Gia Lai, where he was detained in a dark cell for three days. He was interrogated every day about why he had left Vietnam, pressured to renounce his religion, and beaten and tortured. During his first interrogation session the police asked him why he went to Cambodia. “I told them I fled because I was afraid the police would beat me,” he said. “As a response, they punched me in the face with their fists four times.”

During subsequent interrogation sessions Plun was beaten in the chest, back and groin; kicked in the shins with army boots; and slapped in the face. Police also inserted writing pens between his fingers and then tied his hands tightly with a rope, squeezing his fingers and causing excruciating pain.

“When I was finally allowed to return to my village and see my wife, she was shocked by how swollen and bruised my face was,” Plun said. A month later, he was arrested again and tortured. He was detained for five nights in a dark cell and repeatedly pressured to renounce his religion and to provide names and locations of Montagnards in hiding. During interrogation sessions, police forced him to lie down with his hands and feet raised in the air by ropes for three hours. If he dropped his hands or feet, he was beaten. He was also hung upside down by his feet for 30 minutes at a time. In December 2005 Plun fled to Cambodia a second time, where he died less than a year later in the UNHCR refugee camp in Phnom Penh.⁹⁶

70. A 2006 report by Human Rights Watch detailed abuses faced by some Montagnard refugees and asylum seekers upon return to Vietnam:

⁹³ U.S. Department of State, “Vietnam 2017 Human Rights Report,” <https://www.state.gov/documents/organization/277375.pdf>

⁹⁴ U.K. Home Office, “Country Information and Guidance, Vietnam: Ethnic Minority Groups,” December 2014.

⁹⁵ Campaign to Abolish Torture in Vietnam, “Vietnam: Torture of Political and Religious Prisoners,” January 16, 2014, <http://www.stoptorture-vn.org/torture-report.html>

⁹⁶ Campaign to Abolish Torture in Vietnam, Ibid.

- a) Immediately upon return to Vietnam some returnees have been detained in dark cells in the provincial prison for three to seven days.
- b) The returnees have been interrogated every day about why they had left Vietnam and pressured to renounce their religion.
- c) They have been beaten and tortured during interrogation.
- d) Upon return to their villages, some have not been allowed to freely leave their villages or even their homes at times, and have been regularly questioned by local authorities about their whereabouts and their activities.
- e) Some appear to have been forced to appear before the state media making statements of remorse about fleeing to Cambodia.⁹⁷

H. Recommendations to the Government of the Socialist Republic of Vietnam:

- Ensure that all domestic legislation addressing religious affairs and freedom of assembly, expression and association are brought into conformity with the ICCPR.
- Repeal articles in the penal code and other domestic legislation relative to imprecisely-defined “national security” crimes that criminalize the exercise of civil and political rights on the grounds that they violate or threaten national security, public order, and/or national unity.
- End the practice of arbitrary arrests, detention and imprisonment of peaceful dissidents and independent religious believers under laws that fail to conform to the ICCPR and other international standards.
- Allow all independent religious organizations to freely conduct religious activities and govern themselves. Churches, denominations and religious groups that do not choose to join one of the officially authorized religious organizations with government-approved governing boards should be allowed to operate independently.
- Enforce provisions in domestic legislation that prohibit forced renunciations of faith by government officials and establish specific penalties for those who carry out such practices.
- Bring an end to harassment, threats, physical abuse and arrests of groups and individuals seeking to promote human rights, express their opinions, publicly dissent, or practice their religion.
- Immediately and unconditionally release all persons arbitrarily detained, imprisoned or placed under house arrest for peaceful expression of their political and religious views.
- Ensure that all detained suspects and prisoners are treated in accordance with international human rights standards, including the ICCPR. Ensure that detainees have prompt access to lawyers of their choice, are promptly brought before a court, tried in trials that meet international fair trial standards, and not subjected to torture and other forms of cruel, inhuman, and degrading treatment.

⁹⁷ Human Rights Watch, “No Sanctuary: Ongoing threats to Indigenous Montagnards in Vietnam’s Central Highlands,” June 13, 2006, <https://www.hrw.org/report/2006/06/13/no-sanctuary/ongoing-threats-indigenous-montagnards-vietnams-central-highlands>

- Investigate and punish those responsible for all instances of violence against and torture of Montagnard religious believers and peaceful dissidents by law enforcement and security officials, and civilians acting in concert with government officials.