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ANNUAL REPORT ON THE SYSTEMATIC PERSECUTION OF THE INDIGENOUS MONTAGNARDS (DEGAR PEOPLES) OF THE CENTRAL HIGHLANDS OF VIETNAM: MARCH 2004



Photo smuggled out of Vietnam by refugees. A Montagnard Christian arrested (and later beaten) by Vietnamese authorities for opposing the destruction of a church. Authorities burned down the village church and the BBC ran a story “*Fury at Vietnam Church Destruction*” on 28 March 2001. The US State Department reported 1- 5 Montagnard Christians killed. This persecution continues unabated in 2004 noting the U.S. State Department’s Bureau of Democracy, Human Rights and Labour annual report on Vietnam released 24 February 2004 that stated;

“Ethnic minority, unregistered Protestant congregations in the Central Highlands and in the northwest provinces continued to suffer severe abuses”.

MFI hereby commemorates the 3rd anniversary of the peaceful Degar Montagnard Freedom demonstrations that occurred (in Vietnam) in February 2001. It is dedicated to those Degar Montagnards who have since been killed, tortured, imprisoned, “or disappeared” in our peaceful struggle to save our peoples from genocide by the communist Government of Vietnam. The Montagnard Foundation asks for urgent international intervention to halt the bloodshed and to take necessary measures to enable human rights monitors free access into our ancestral homelands - the repressed central highlands.

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1. INTRODUCTION – THE INDIGENOUS MONTAGNARDS:

The Montagnards or Degar peoples are the indigenous peoples of South-East Asia who for over 2,000 years inhabited the “Central Highlands” a region geographically located in the western mountains (bordering Cambodia and Laos) of the Socialist Republic of Vietnam. Estimates today indicate the Montagnard population is in the vicinity of around 900,000 persons. Often called ‘Hill Tribes’ these proud peoples are composed of over 30 tribal groups and recognized as indigenous peoples by the *United Nations Working Group on Indigenous Populations* where the Montagnard Foundation, Inc. (MFI) has participated on behalf of hundreds of thousands of them since 1993. Historically the Montagnard world revolved around village communities where they practiced traditional agriculture methods, hunting and fishing.

In 1946 the French colonial government had granted the Montagnards regional autonomy. However, during the subsequent Indo-China wars involving France, the United States and communist North Vietnam, these lands would be ceded to Vietnamese government control and the Montagnard population decimated. The renowned anthropologist Dr. Gerald Hickey concluded that the Vietnam War foresaw one quarter of the Montagnard population being killed - an estimated 200,000 people and most of their village societies destroyed.¹

2. SYSTEMATIC PERSECUTION:

After taking over South Vietnam in 1975 the communist government had many religious and political Montagnard leaders executed or imprisoned in harsh re-education camps while simultaneously instituting a policy of cultural destruction and forced assimilation on our population. Examples include the Montagnard Senator Ksor Rot who was publicly executed in 1975 and Minister Nay Luett (who was subjected to torture) and died in a re-education (forced labor/concentration) camp in the 1980s. The origins of the Montagnard persecution stems from several historical factors namely, the alliance many Montagnards had with the United States military during the Vietnam War and the intent by the current communist regime to exploit the ancestral homelands of the Montagnards in the manner that indigenous peoples around the globe have all suffered by modern encroachment. The historical evidence of the last 28 years also indicates the communist government is intent on committing progressive genocide of our indigenous peoples.

In February 2001 the Montagnards inside Vietnam protested against this persecution and staged the *largest peaceful demonstrations in Vietnam’s post-1975 history* involving tens of thousands of Montagnards.² The Vietnamese government responded to the protests with military force and implemented a regime of repressive tactics involving systematic human rights violations directed against the entire Montagnard population that has increasingly come under harsh criticism by the international community. Initially over 13 regiments of soldiers were mobilized to the region and tanks and helicopter gun-ships were used to repress the peaceful demonstrations.

These human rights violations continue in the year 2004 and in clear defiance of the United Nations Human Rights Committee’s 2002 recommendations. They include policies that exploit the Montagnard’s natural resources and subject them to policies of religious persecution, undue pressure to engage in birth control (including surgical sterilizations), killings and executions, imprisonment, disappearances, torture and the expropriation of their ancestral lands. The US State Department reported in 2004 that, “*Ethnic minority, unregistered Protestant congregations in the Central Highlands and in the northwest provinces continued to suffer severe abuses*”.³ The US State Department’s International Religious Freedom Report released 18 Dec 2003 also stated

1 Hickey, Gerald, *Shattered World: Adaptation and Survival among Vietnam’s Highland Peoples During the Vietnam War*, (1993) University of Pennsylvania Press at 261.

2 *Vietnam Sends Army into Central Highlands* (BBC News) 8 February 2001 and *Huge Protest as Ethnic Unrest Sweeps Vietnam Central Highlands*, (AFP) Kirby 7 February 2001.

3 *Vietnam: Country Reports on Human Rights Practices* - 2003 Released by the Bureau of Democracy, Human Rights, and Labor February 25, 2004.

“the situation remained poor or worsened for many ethnic minority Protestants in the Central Highlands and Northwest Highlands”⁴ while in April 2003 Human Rights Watch reported an “escalation of repression”,⁵ facing the Montagnards inside Vietnam. Human Rights Watch also published “secret” Vietnamese government documents it had acquired ordering such repression.

The confiscation of the Montagnard’s ancestral lands has long been part of a policy by the Vietnamese government to make room for immigrants from other regions of Vietnam through both official transmigration policies and spontaneous migration. The official policy “Fixed Field, Fixed Residence” (which makes the Montagnard’s traditional agricultural practices illegal) condemns the Montagnards to a life of poverty while violating their right to practice traditional culture and farming methods. UNICEF reported in 2001 that ethnic minority children suffer the worst rates of malnutrition and poverty in Vietnam⁶ and the US State Department reported societal discrimination against the Montagnards is widespread. In the year 2004 Montagnard refugees who try fleeing to Cambodia are routinely hunted down by Vietnamese soldiers where actual cash bounties are paid to Cambodian police for forcibly returning refugees where they are then subjected to harsh reprisals, torture and imprisonment by authorities.

At the United Nations the Vietnamese government has taken extreme underhanded measures and formally accused (without any real evidence) the President of the Montagnard Foundation Mr. Kok Ksor and the Montagnard Foundation of being a terrorist organization in order to silence our cry for human rights. Several democratic Governments, such as France, Italy, Germany, as well as the U.S. delegation to the UN have officially stated that MFI has no affiliation whatsoever with any terrorist group. Vietnam has further tried to intimidate and expel from the UN the Transnational Radical Party (an NGO in consultative status with ECOSOC) for its support to the Montagnard people and to the Montagnard Foundation.

This report briefly documents the situation of human rights violations confronting the indigenous Montagnards focusing on recent events, namely the military crackdown by communist authorities that began in February 2001 (including the subsequent “Christmas Persecutions” of 2001, 2002 and 2003) and the refugee exodus of Montagnards from Vietnam to Cambodia. Information for this report was obtained from Montagnards (both refugees and those directly residing in Vietnam), media reports, the US State Department, the United Nations and numerous non-governmental organizations. The information we receive from Vietnam comes to us at great risk as the Vietnamese authorities regularly arrest and torture any Montagnard found in possession of a mobile phone or who tries contacting the outside world. Foreign journalists are also prevented from having free access to the region and the Vietnamese government has refused international monitors from having access to the region.

This report documents that in the year 2004 the Vietnamese government’s repression against the Montagnards has not only continued but has actually – *escalated*. In the year 2004 vast areas of central highlands of Vietnam remain under martial law as Vietnamese government security police and military forces occupy many villages. Some villages are occupied with soldiers while others have one or two police or plain clothes agents stationed there. The Cambodian border also is heavily patrolled as soldiers hunt down fleeing Montagnard refugees. There have even been reports of dead bodies of Montagnard refugees who have been spotted in the jungle on the border between Cambodia and Vietnam. Montagnard Christians are especially targeted by Vietnamese authorities and an official policy exists to repress and persecute the Christian population who refuse to renounce their faith.

Unless urgent action is taken the Montagnard population will continue to suffer and more Montagnards are going to die. The Montagnard Foundation takes special note of the following quote from 2002 Human Rights Watch’s 194 page report “Repression of Montagnards”:

“The Montagnards have been repressed by Vietnam for decades. This has got to stop.”⁷

4 *Vietnam: International Religious Freedom Report 2003*, Released by the Bureau of Democracy, Human Rights and Labor, US State Department 18 Dec. 2003.

5 Human Rights Watch, *Vietnam: New Assault on Rights in Central Highlands*, 21 January 2003.

6 UNICEF, *What’s New? Vietnam’s Ethnic Minority Children Being Left Behind in Poverty*, 11 June 2001.

7 Human Rights Watch, (Media Release) *Vietnam’s Repression of Montagnards*, Tues 23 April 2002.

3. EXECUTIONS AND RAPES:

Currently the Vietnamese government has maintained tight security measures over the central highlands trying to prevent word of abuses from reaching the international media and human rights groups. Reports of executions, shootings and rapes have leaked out and while we have received numerous reports of such abuses, we are only able to report on those we have confirmed. The US State Department's recent Religious Freedom Report of 18 December 2003 also stated, *"There were unverifiable reports that between one and seven ethnic minority Protestants died in police custody or died as result of beatings during the period covered by this report."*

The Montagnard Foundation has confirmed Montagnard Christians being executed by lethal injection and literally hundreds of incidents of beatings/torture of Montagnards by Vietnamese authorities. It is highly likely that many more Montagnards have been killed through torture or outright, by summary executions though these reports of executions taking place in the remote jungle areas cannot be confirmed. These reports may explain the numerous reports of disappearances (of Montagnards) and is likely another reason the Vietnamese government refuses international monitors from having access to the region. The US State Department stated in 2004, *"There were credible reports that some members of ethnic minorities in the Central Highlands and Northwest Highlands who were either arrested or detained did not return to their families."*⁸

Human Rights Watch has however, confirmed some recent killings noting the quote below from its 21 April 2003 report when soldiers fired on fleeing refugees.

*"On March 26, 2003 security police and soldiers shot at a group of Jarai men who had gone into hiding in the Dak Doa district, Gia Lai. Five people escaped, but two men were wounded and taken to the commune center, where one of the men, Suoc later died. When his body was returned to his family, his skull had been severely crushed, apparently from additional beatings by security officers at the commune center. The whereabouts of the other man taken into custody, Hwi (Huy) are unknown. A third Jarai man named Ly was arrested and beaten on March 27, but allowed to return to his village."*⁹ (See also below at 26 March 2003).

We have however, confirmed the reports below of killings, shootings, rapes and executions received direct from the Central Highlands. It is noted that in some cases the names and rank of the police or military officers that perpetrated these crimes are identified.

13 DECEMBER 2003 - THROAT CUT - ARRESTED AND EXECUTED BY "MAJOR TUAN": At 7:00 pm in the evening, a group of paramilitary police officers from Dak Dao District surrounded the village of Plei O Dot in the Commune of Ia Bang, Dak Dao District, Gia Lai Province and arrested 2 villagers named "Nih" (41 years old) and "So" (44 years old). They both were Christians and had registered themselves as supporters of MFI and the Transnational Radical Party (TRP), an NGO in consultative status with ECOSOC, which the Vietnamese Government is trying to expel from the UN for its support to the Montagnard people and to the Montagnard Foundation. "Nih" was number 338 and "So" was number 373 on this list. Both of them were taken to the prison in the district of Dak Doa and tortured by beatings, kicking and electric shock. "Nih" refused to answer questions or renounce Christ and **Major Tuan from Dak Doa police** took a knife and stabbed him in his chest and then cut his throat.

The recorded data of these two peoples as supporters of MFI and the TRP are available for national and international authorities willing to investigate the case. On December 15, 2003, the police took the body of Nih to his family at Plei O Dot but refused to allow the family to perform the funeral and stated they wanted the villagers to see what happens to those who the government does not like. "Nih" was a Christian and had been helping to feed refugees who were

⁸ Vietnam Supra note 3 at section 1. b.

⁹ Human Rights Watch (briefing paper) *New Documents Reveal Escalating Repression*, April 21, 2003.

hiding in the area. We have since been unable to find out if the dead body has been properly buried or not.

16 OCTOBER 2003 – SHOT FEARED DEAD: at around 12:00 noon, the Cong An (security police) and soldiers went into the village of Buon Cuor Knia, district of Buon Don, province of Daklak, and opened fire at our Christian brother, Y-Hoang Buon Krong, with an automatic AK 47 rifle. He was wounded with four bullets and was hospitalized at Buonmathuot Hospital. It is unknown whether he survived the shooting.

10 OCTOBER 2003 – SHOT FEARED DEAD: at around 2 pm, a group of 12 policemen from the district of Krong Ana, province of Daklak, opened fire at Y-Pho Eban in his house and in front of his wife and children with automatic AK 47 rifle. His wife and children cried out to neighbors for help but the police tied his pregnant wife to a house pole, beat her and stuffed a cloth in her mouth. Y-Phon Eban was wounded with three bullets in his abdomen and he was hospitalized at Buonmathuot Hospital. Before the police shot him the Vietnamese government had sent 2 battalions of soldiers (excluding the Cong An police) to surround his village (Buon Cuoi village, district of Krong Ana, province of Daklak). It is unknown if he survived the shooting.

18 AUGUST 2003 – WOMAN RAPED BY POLICE OFFICER NAMED MAJOR NGUYEN VINH CHINH: Major Nguyen Vinh Chinh, a police officer, with 100 Vietnamese soldiers from Daklak province went to the village of Buon Yang Reh, district Krong Bong, province of Daklak to harass Christians in this area. They forced their way into H'Duen Buondap's house and searched her house thoroughly. They confiscated the Bibles and hymn books found there and stole 150,000 VND. This was not enough and Major Nguyen Vinh Chinh forced H'Duen Buondap in her room and raped her while his soldiers were with him in the house and also were the family members of H'Duen. After that the officers searched each and every house in the village and beat up villagers who resisted their cruel and inhuman actions.

26 MARCH 2003 SHOT AND BEATEN TO DEATH – CONFIRMED BY HUMAN RIGHTS WATCH: approximately 50 Vietnamese soldiers and security forces conducted a sweeping operation in the area of Dir Tok, Ia Pet commune, Dak Doa district, Gia Lai province. At 7:00 am just West of Plei Bia Bre about 700 meters they encountered a group of Degar people who were walking to the Ia Tor river for bathing. The soldiers opened fire at these unarmed civilian Degar people and wounded two of them but the other 7 ran away. The soldiers took the wounded to the commune office. One of the two wounded died and they took his body to his family at the hamlet of Plei Nglom Thung for burial. The family of the dead examined the body and they found out that his skull had been crushed. ***They concluded he died not because of the bullet wound but because of being severely beaten after he was wounded.*** The name of the dead Montagnard person is **Suoc** who was born in 1962, from the hamlet of Plei Nglom Thung, Ia Pet commune, Dak Doa district, Gia Lai province. The name of the other Degar Montagnard who was wounded and captured is R'com Hui who was born in 1962, from the hamlet of Plei Khun, Tra Ba commune, Pleiku city, Gia Lai province. His whereabouts is unknown. Human Rights Watch confirmed this killing and stated in its 21 April 2003 report that, "*When his body was returned to his family, his skull had been severely crushed, apparently from additional beatings by security officers at the commune center.*"¹⁰

18 MARCH 2003 – WOMAN RAPED BY POLCE OFFICER NAMED "NGUYEN VAN LINH": Vietnamese government security officer named Nguyen Van Linh in search of Montagnard Christians and land rights activists entered the house of a Montagnard woman and stationed himself there. While he was waiting for her husband to return home so that he could arrest him, Nguyen Van Linh raped the woman named "H'Nui " with a gun pointed to her head. H'Nui was born in 1962, from the village of Buon Krang, district of Krong Ana, province of Daklak. She has suffered extreme physical and mental trauma from this ordeal.

FEBRUARY 2003 – BODIES OF 3 MONTAGNARDS MUTILATED - EYES CUT OUT AFTER EXECUTION: At the 'secret' military camp at Buon Cu Mblim, Krong Ana district, Dak Lac province Vietnamese soldiers executed 3 Montagnards whose names are unknown on 27

¹⁰ Human Rights Watch, supra note 9.

February 2003. The soldiers summoned approximately 100 villagers to look at them telling the villagers “this is how you are going to end up if you follow Kok Ksor and the Montagnard Foundation”. The soldiers also told the villages not to believe in Christ as it was against the teachings of Ho Chi Minh. The villagers stated that the eyes of the 3 victims had been cut out. The soldiers then buried the dead bodies outside the camp with their feet protruding from the ground warning the villagers not to approach them.

31 JANUARY 2003 – TORTURED AND EXECUTED: Vietnamese authorities tortured and executed Y-Su Nie (pictured here) a Degar Montagnard Christian after injecting him with lethal chemicals on 31 January 2003. He was from Buon Mbhao village, Mdrak district, Dak Lak province and had been in prison since 15 November 2002 when soldiers arrested him for being a Christian. He was taken to Buonmathuot prison and tortured by beatings and electric shock. Eventually he was routinely taken out of prison to publicly denounce Kok Ksor and Christianity in front of Montagnard villagers. On January 30, 2003 they handcuffed him and told him he “would soon die, but because the Vietnamese government is merciful we will allow you to see your family one last time”. They then injected him with a chemical and released him. When Y-Su Nie saw his family he cried and told them “the government let me come to see you for only a few moments because the police had injected poison in my body”. The next day on January 31, 2003, Y-Su Nie died at 10:00 PM. He was buried on 2 February 2003.



29 OCTOBER 2002 – THREE EXECUTED BY LETHAL INJECTION: Vietnamese Government Security Forces executed by lethal injection in their prison cells 3 Montagnard Christians named: Y-Suon Mlo, from Buon Kuang village, Y-Het Nie Kdam, from Buon Ea Tieo and Y-Wan Ayun, Buon Gram village all from Daklak province. These 3 Montagnards were executed for taking part in the peaceful demonstrations of February 2001. They were injected by prison authorities with an unknown drug and died in convulsing spasms within minutes on 29 October 2002.

14 FEBRUARY 2002 –WOMAN RAPED BY SECURITY OFFICER NAMED “TUAN”: Montagnard woman by the name of H’Cek was raped in front of her children by a Vietnamese security official by the name of Tuan in the hamlet of Plei Al Hmoi, in the district of Dak Doa, in the province of Gia Lai. Her husband, Bler, participated in the peaceful demonstrations in February of 2001 and was involved with the Christmas celebration in December of 2001. For these reasons, the Vietnamese government sent security officials to arrest him. Unable to arrest Bler who had gone into hiding the security official named Tuan then raped his wife H’Cek in front of her children.

MARCH 2001 – SHOT AND KILLED AT CHURCH SERVICE: a Montagnard Christian named Rmah Blim was shot and killed by police while Vietnamese authorities were burning down a Christian church at Plei Lao village. (See also photo on cover of this report). Authorities burned down the village church and the BBC ran a story “*Fury at Vietnam Church Destruction*” on 28 March 2001. The US State Department confirmed his killing and reported 1- 5 Montagnard Christians killed. There are unconfirmed reports other Montagnards were also killed and several wounded.¹¹

19 OCTOBER 2000 – ARRESTED AND NEVER HEARD FROM AGAIN: Four years ago the Vietnamese government arrested Y Hong Nie a Montagnard or Degar hill tribesman from Buon Cu Po hamlet in the village of Cu Ewi in Dak Lak province, Central Highlands. His crime was that he refused to give his ancestral lands over to the communist authorities. The communist government’s police had previously threatened Y-Hong Nie and said they would kill him. This time they came and carried out their threats. Y-Hong Nie’s wife stood by helplessly as her husband was dragged from their longhouse. He has never been seen again by his family and Y-Hong Nie’s farm is now under the control of the Vietnamese government.

¹¹ Vietnam: supra note 4.

4. PRISONERS AND TORTURE VICTIMS:

Various governments and NGOs such as Amnesty International and Human Rights Watch have documented the recent imprisonment of Montagnards for expressing their political or religious beliefs. In its latest report of 2 December 2003, Human Rights Watch stated it *“has records of 124 Montagnards who are currently serving prison terms of up to 13 years for non-violent political activism, organizing Christian gatherings or attempting to seek asylum in Cambodia”*.¹²

Numerous Montagnard Christians have been sentenced to long prison terms for what the Vietnamese Government calls “crimes” of forming a “separate religion” and “destabilizing security”. The reality however, is that the years of systematic persecution by the communist Government of Vietnam against the Montagnards is causing the people to question the authority of the government. The US State Department’s International Religious Freedom Report states, *“There are credible reports that police arbitrarily detained, beat, and harassed an unknown number of persons based on their religious beliefs and practice, particularly in mountainous ethnic minority areas.”*¹³

The Montagnard Foundation has documented over 260 other Montagnards who have been imprisoned by Vietnamese authorities and hundreds more of torture victims. Closed secret trials have been held resulting in numerous Montagnards involved in peaceful demonstrations being sentenced to long prison terms. Many of the imprisoned Montagnards were interrogated and routinely tortured with electric cattle prods as confirmed by the US State Department which reported, *“In December 2001, police from Buon Cuor Knia village in Dak Lac province reportedly beat and shocked with electric wires 12 Christians who had attempted to flee across the border to Cambodia.”*¹⁴

After the February 2001 demonstrations numerous Montagnards reported to us being injected with “unknown substances” by security forces whilst in various prisons. Relatives of Montagnards who have family members held in prisons such as T-20 prison in Pleiku have described how their relatives are uncontrollably shaking, convulsing, screaming and howling in their prison cells. The families have reported their relatives in custody cannot recognize their own family members and they appear to be drugged and in a “tortured” state of mind. There have been reports the security forces had injected unknown drugs into them causing these conditions.

Human Rights Watch also confirmed that Vietnamese authorities conducted *“torture of people in detention or during interrogation, including beating, kicking and shocking with electric batons.”* Testimony from a Human Rights Watch interview with a Montagnard victim reported, *“I don’t know how many times they shocked me. I lost consciousness. When I came to, I realized my back and stomach had been hurt very badly and that I had probably been kicked many times.”*¹⁵

The Montagnard Foundation receives regular reports of human rights abuses direct from the Central Highlands and has in its possession literally hundreds of such reports. Thus not every incident of human rights violation is included here in this report however, the examples and individual reports below depict the systematic repression and climate of terror facing the inhabitants of the Central Highlands.

11 FEBRUARY 2004 – ELECTRIC SHOCK TORTURE AFTER SWEEPING OPERATION: At Dak Doa District, approximately 6 am, thirteen vehicles of Vietnamese soldiers surrounded seven unarmed Degars [Montagnard] who were hiding north of Bong Lar village about 600 meters from the commune of Ia Bang, Dak Doa district, Gia Lai province. The group tried to flee the soldiers but one named “K’pa Lop” was captured. K’pa Lop was born in 1977. He was a Christian and had also joined an NGO in General Consultative Status with ECOSOC of the United Nations – the “Transnational Radical Party” (TRP) and was number 202 on the TRP list. K’Pa Lop was from Blo village, commune of Hdok, Dak Doa district, Gia Lai province. The soldiers beat him on the spot

12 Human Rights Watch, *Vietnam: Donors Must Insist on Human Rights Progress*, December 2, 2003.

13 *Vietnam*, Supra note 4.

14 *Vietnam*, Supra note 4.

15 Human Rights Watch, *Repression of Montagnards, Conflicts over Land and Religion*, April 2002 at 102.

with batons and witnesses reported blood coming from his mouth and nose. The soldiers then shocked him with an electric rod until he fell to the ground unconscious. K'Pa Lop was released from prison on February 16, 2004 though suffered medical problems from the beatings.

11 FEBRUARY 2004 POLICE OFFICER NAMED “HUNG” INTERROGATES 10 YEAR OLD GIRL – SLAPPING AND BEATING HER WITH HIS FISTS: At approximately 4 am, Vietnamese paramilitary police raided a Montagnard village searching for a Montagnard Christian named “Ksor Biun. Unable to find him they destroyed the house belonging to his wife. The officers knocked down their house because Ksor Biun has been hiding in the jungle trying to flee persecution because he is Christian. The officers tore down the doors and eventually brought the whole house to the ground. Unable to find Ksor Biun the officers interrogated the 10 year-old daughter of Ksor Biun “H’Thung”. The young girl was trembling and terrified and did not know how to reply. “Hung” a Vietnamese officer knocked the girl down with his fist and slapped her face several times. The girl was reported to be suffering mental and physical trauma from the treatment by the police.

11 FEBRUARY 2004 – ARRESTED AND BEATEN: At approximately 6am Vietnamese police arrested a Degar [Montagnard] while he was going to work at his rice field. His name is “Biun” from Bia Tih village, Hdok commune, Dak Doa district, Gia Lai province. He was repeatedly beaten and dragged back to the commune of Hdok, district of Dak Doa. He was last reported being in critical condition from the beating he received. It is noted the officer below named Major Tuan also executed a Montagnard named “Nih’ on 13 December 2003 by cutting his throat (see page 5). The police involved in the beating are:

1. Cong, police from the district of Dak Doa (Vietnamese)
2. Major Tuan, police officer from Gia Lai Province (Vietnamese)
3. Hung, police from district of Dak Doa (Vietnamese)
4. Chinh, police from district of Dak Doa (Vietnamese)
5. Dong, officer from district of Dak Doa (Vietnamese)
6. Nin, police from Hdok Commune (Degar)
7. Yen, police from Hdok Commune (Degar)
8. Mui, police from Hdok Commune (Degar)
9. Bun, police from Hdok Commune (Degar)
10. Blun, police from Hdok Commune (Degar)
11. Yom, police from Hdok Commune (Degar)
12. Phun, police from Hdok commune (Degar)
13. Ani, police from Hdok Commune (Degar)

10 FEBRUARY 2004 - BEATEN AND TORTURED FOR HELPING CHRISTIAN REFUGEES: At approximately 6 am, Vietnamese police surrounded Tot Bioc village in search of “Rahlan Tot” (24 years old) in the district of Cu Se, Gia Lai province. He was wanted because he is a Christian member of the Degar Church and for providing food to the Montagnard refugees who were hiding in the area. The Vietnamese paramilitary police came into his house, bound him up, beat him and dragged him out of his house and threw him in their jeep. As they were driving off another villager named “Rahlan Go” (22 years old) witnessed the arrest and reached for his cell phone. The police saw him and confiscated the phone from him, and he too was bound up, beaten, thrown in the jeep and taken away to an unknown location. It is still unknown what has happened to these two Degar Montagnards.

2 FEBRUARY 2004 – ARRESTED FOR UNKNOWN REASONS AND TAKEN TO T-20 PRISON IN PLEIKU: At approximately 7 am, Vietnamese police officers entered the rubber plantation where Montagnard Christian named “Rahlan Ring” (32 years old) worked and arrested him and two other unidentified Montagnards. “Rahlan Ring” was from Tot Bioc village, Cu Se district. The three Montagnards were bound up and taken to the prison facility at T-20 in Pleiku. It is unknown what they have been charged with and what their condition is.

21 DECEMBER 2003 – SWEEPING OPERATION CAPTURES AND TORTURES CHRISTIAN MONTAGNARDS: On this date at approximately 1:00 pm eight trucks filled with paramilitary police surrounded the village of Plei Todrah, commune of Bongong, Cu Se district, Gia Lai province in order to arrest Christian Montagnards hiding in the area. The officers arrested four

Montagnard Christians named, **Jum, Huit, Teng** and **Thoi**, who were hiding in the house of other Christians named **Hram, Won** and **Oh**. The police tied them up and tortured the four in full view of the villagers by repeatedly beating and kicking them. The police then dragged them around the village to show the villagers how Montagnards will be treated if they disobey the Government. The villagers reported to us that blood came out from the noses and ears of those 4 Montagnards while the police paraded them around the village. After the beating the victims were literally thrown on the back of the trucks and taken away. The villagers reported to us they do not know if our brothers are still alive and that some were unconscious when thrown on the trucks.

The three Christian brothers, **Ham, Won** and **Oh**, who had helped these four Christians, are now on the run after the police completely destroyed their houses. The entire village is extremely fearful of what has happened to these Christians that day as the police were extremely intent on hurting them during the public beating. The three, who had helped their brothers, are now facing arrest, torture or worse as Vietnamese police are now also hunting them down. Some of the names of the Vietnamese police officials who tortured our brothers are named as follows Thanh (Vietnamese), police from Gia Lai province and Nguyen Van Ti (Vietnamese), Lt. Colonel, police from Gia Lai province.

21 DECEMBER 2003 – ARRESTED AND TORTURED: the same day as the above operation, Vietnamese government police arrested two other Christian brothers, **Hlo**, from the village of Plei Pheo, commune of Bongong, Cu Se district, Gia Lai province and **Hua**, from the village of Plei Brong Guai, commune la Pet, Dak Doa district, Gia Lai province. The police beat, kicked and publicly tortured these two brothers of ours in the same manner as they did to our 4 brothers above. It is currently unknown what has happened to these 6 victims.

14 DECEMBER 2003 - CHILD BEATEN UNCONSCIOUS BY 2nd LIEUTENANT “THAI MANH HUNG”: – Approximately 60 paramilitary police surrounded Byun's house at Plei Bia Tih, Commune of Hdok, Dak Doa District, Gia Lai Province but were unable to find who they wanted to arrest – a Montagnard Christian named “Byun”. In frustration the Second Lieutenant “Thai Manh Hung” a Vietnamese police officer, interrogated Byun's son who was **7 years old**. The child was so scared and couldn't say any word and so Officer Hung struck the child with his fist 3 times on his chest knocking the child unconscious, in full view of the village.

24 FEBRUARY 2003 BEATEN AND TORTURED BY POLICE NAMED “NGUYEN THUONG THUAT” AND “PHAM HUU NHAT”: At approximately 7am security officials arrested five Montagnards from the hamlet of Buon Cuor Knia, district of Buon Don, Dak Lac province for suspicion of supporting the Montagnard Foundation and practicing Christianity. Their names are: Y-Phan Buon Krong (age 53), Y-Be Nie (age 57), Y-Pen Buon Ya (age 33), Y-Glen Buon Krong (age 27) and Y-Gun Hwing (age 29). All five were handcuffed and beaten severely with clubs and rocks in front of their relatives until they were rendered unconscious. Security forces attempted to cripple Y-Phan Buon Krong and Y-Glen Buon Krong by smashing their knees repeatedly with a large rock. All five were then taken to the prison at Buon Don District. The names of the Vietnamese security officials who tortured them are: **NGUYEN TRUONG THUAT** and **PHAM HUU NHAT**. It is unknown what has happened to the prisoners since.



7 MAY 2001 - RELATIVES TORTURED: Security Forces have persecuted relatives of Montagnards who have family members who live in the United States that are considered political opponents of the Vietnamese communist regime. On 7 May 2001, Vietnamese officials arrested 80 year old Ksor H'ble in the communal village of Bon Broai, Ayun Pa district, Gia Lai province. She was threatened with execution and repeatedly interrogated about activities of her son who resides in the United States and is the President of the Montagnard Foundation. The officials beat her, breaking several of her ribs and she was hospitalized for 3 days because she refused to denounce her son on Vietnamese television. Vietnamese television filmed her on television anyway, however, but she did not speak.



JUNE 2001 - SOLD FOR BOUNTIES AND TORTURED: This Montagnard hill tribe woman named H'Boc Eban was arrested in June 2001 while trying to flee to Cambodia. Cambodian police “sold” her for a cash “bounty” to Vietnamese police. She was arrested with her 3 children, whipped with telephone cable and subjected to electric shock torture by having electric prods shoved into her mouth and breasts until she was unable to speak. She suffered trauma and was taken to the prison. Her 3 children were later released later and it is unknown what happened to her.



JANUARY 2002 - 6 YEARS AND 3 ½ YEARS IMPRISONMENT: Siu Beng and Siu Be two Montagnard Christians from the Jarai tribe were sentenced to 6 and 3 ½ years respectively for fleeing repression in Vietnam’s central highlands. Forcibly deported from Cambodia, they were convicted of “organizing illegal migrations” in January 2002 along with 2 other Montagnards named H'Naoch and K'pa H'ling. All are listed in *Amnesty International Report ASA 41/011/2002 18.12.2002*. Photo taken from Vietnamese newspaper ‘Nhan Dan’ No. 792, Jan. 28, 2002.



26 SEPTEMBER 2001 – 12 YEARS IMPRISONMENT: A Montagnard Christian preacher from the Bahnar tribe was sentenced to 12 years imprisonment for inciting civil unrest and undermining national security. He was sentenced in a 1 day trial on 26 September 2001 by the People’s Court of Gia Lai Province. Beaten in captivity he was forced to publicly confess his crimes on Vietnamese television. Current welfare is unknown. Jana Bom is listed in *Amnesty International Report ASA 41/011/2002 18.12.2002*.



SEPTEMBER 2001 - 11 YEARS IMPRISONMENT: Montagnard Christian sentenced to 11 years imprisonment and 5 years probation in September 2001 for creating “Civil unrest” and “undermining unity policy of the state”. Sentenced in a 1 day trial with no legal representation he was also beaten and forced to confess his crimes on Vietnamese television. His current welfare is unknown. Ksor Kroih (aged 39) is listed in *Amnesty International Report ASA 41/011/2002 18.12.2002*.



1989 ARRESTED AND NEVER HEARD FROM AGAIN: This Montagnard Christian from the Jorai tribe has been imprisoned in Vietnam since 1989 and it is possible he is dead. He was included here because his imprisonment documents a consistent historical pattern of abuse by the Vietnamese government. He never had access to a lawyer and was convicted of being a member of a reactionary organization. During his initial arrest in 1989 his hands were bound with metal wire and he was beaten and kicked whilst in custody. Blot was born in 1940 and is from the village of Plei Bong Phun, Pleiku, Vietnam. His family have no idea where he is being held to this day and like many people who had relatives disappear into Vietnamese prisons – they fear he is dead.

5. RELIGIOUS PERSECUTION:

On 18 December 2003 the US International Commission for Religious Freedom (USICRF) called on Vietnam to be designated a country of “particular concern” – a status reserved for the most egregious of violators of religious freedom. The USCIRF further stated, “*The U.S. Congress should pass the Vietnam Human Rights Act of 2003, which would condition future increases in non-humanitarian bilateral assistance to Vietnam on a Presidential certification of demonstrated improvements in the Vietnamese government’s protection of religious freedom and other human rights.*” Earlier in May 2003 the US International Commission for Religious Freedom stated, “*the increased repression of religious freedom has been reportedly sanctioned at the highest levels of the Vietnamese government.*”¹⁶

More recently the US State Department stated in 2004 that,

“Ethnic minority, unregistered Protestant congregations in the Central Highlands and in the northwest provinces continued to suffer severe abuses. Certain northwest provinces reportedly did not have any officially recognized churches or pagodas. Authorities in those areas also reportedly detained and imprisoned ethnic minority worshipers for practicing their faith, citing their lack of officially recognized status.”

This religious persecution has been escalating for some years as noted on 20 November 2003 when the European Parliament passed the “Vietnam: Freedom of Religion Resolution” which stated that (the EU):

Strongly condemns the new and more serious wave of repression of the religious freedom of the UBCV and of the Christian Montagnards in Vietnam and the deliberate policy of the Vietnamese regime of eliminating non-recognised Churches, especially the UBCV; Calls on the Vietnamese authorities to halt immediately the policies of repression of the UBCV, the Catholic Church, Montagnard Christian groups and Hoa Hao Buddhists and to adopt without delay all the reforms necessary to guarantee all these churches legal status;

The discovery of ‘secret’ plans namely “(Plan 184 A and Plan 184 B) by Freedom House in 2000 – 2001 have exposed Vietnam’s intention to “eradicate Christianity” from the indigenous populations.¹⁷ Hundreds of Churches are reportedly closed down and numerous Montagnard Church leaders arrested or have “disappeared”. The latest 2003 reports from Human Rights Watch confirm the systematic repression of Montagnard Christians. The 21 January 2003 Human Rights Watch report stated, “*It’s been almost two years since the demonstrations happened, but the Vietnamese government’s crackdown against the Montagnards is as harsh as ever. People are being interrogated, arrested, beaten and jailed – simply because they are Christians or suspected of supporting the popular movement for land rights and religious freedom.*”¹⁸

On 21 April 2003 Human Rights Watch reported on the escalating repression against the Montagnards quoting official Vietnamese government directives involving “coercive ceremonies that require Montagnards to renounce Christianity and swear allegiance to the government and the party.” Human Rights Watch also described Vietnamese authorities using chain saws to destroy churches, the confiscations of bibles and the harassment and arrest of suspected Christians. Human Rights Watch stated that; “*Vietnamese authorities and local police have beaten church leaders and suspected MFI activists. On January 23, 2003 police officers beat and detained the pastor of Jang Plei church in Dak Lac, causing him to lose his hearing in the ear where he was hit. Police also shot and wounded the son of a pastor from Puk Saw.*”¹⁹

¹⁶ Vietnam, Supra note 4.

¹⁷ Freedom House, (Press Release) Freedom House Releases New Evidence of Brutal Vietnam Religious Policy, November 7, 2002.

¹⁸ Human Rights Watch (Media Release) *New Assault on Rights in Central Highlands, Crackdown on Indigenous Montagnards Intensifies*, 21 January 2003.

¹⁹ Human Rights Watch (Briefing paper) *Vietnam: New Documents Reveal Escalating Repression*, 21 April 2003 at 4.

Human Rights Watch stated in earlier reports that, *“Beginning in June [2001], provincial authorities conducted dozens of ceremonies in the Central Highlands in which Montagnards who had participated in the February demonstrations were forced to read confessions about their alleged wrongdoings and renounce Christianity in front of entire villages, sealing their pledges by mandatory drinking of rice wine mixed with goat’s blood.”*²⁰ The latest State Department Report on Religious Freedom also confirmed the blood drinking ceremonies being forced upon Montagnard Christians stating,

*“Following the ethnic unrest in the Central Highlands in February/March 2001, there also were numerous reports of local authorities attempting to force ethnic minority Protestants to renounce their faith. In the villages of Druh, B’Le, B’Gha, V’Sek, Koyua, Tung Thang, Tung Kinh, and Dung in Ea H’Leo district of Dak Lak province, ethnic minority commune and district officials, some of whom are ethnic minorities themselves, were assigned to coerce Protestant followers symbolically to abandon Protestantism by drinking alcohol mixed with animal blood in a ritual called “the ceremony of repentance.” In the villages of Buon Sup, Buon Ea Rok, and Buon Koya in Ea Sup district, Dak Lak province, ethnic minority Protestants were pressured to undergo a similar ritual recantation of faith. There were sporadic unconfirmed reports of this occurring in other instances during the period covered by this report.”*²¹

It is now documented that the repression of Montagnard Christians stems from official Communist Party directives concentrating on the Montagnards and other tribal indigenous groups. Human Rights Watch confirms this in its 2002 report; *“Confidential government directives issued between 1999 and 2001 show a centrally directed national campaign and special bureaucratic infrastructure to target and suppress Christians in ethnic minority areas in the northern and western highlands.”*²²

The US State Department’s International Religious Freedom Report released 18 Dec 2003 stated *“the situation remained poor or worsened for many ethnic minority Protestants in the Central Highlands and Northwest Highlands”*²³ The Montagnard Foundation confirms this persecution in some selected examples below.

21 NOVEMBER 2003 - VILLAGE RANSACKED, CHRISTIANS BEATEN, ARRESTED AND BIBLES CONFISCATED: At H’le and O Village in Ia Bang Province a squad of paramilitary police forces conducted operations searching for Christians and members of the Montagnard Foundation. Their names are listed below:

- Thung, Vietnamese policeman from Hanoi.
- Nhat, Vietnamese policeman from Dak Doa district.
- Tuan, Vietnamese Policemen from Gia Lai city.
- Yang, Vietnamese broadcaster from Ai Bang province.
- Tho, Montagnard tribesman “secret-worker” paid by the police.

These and other unidentified police officers entered the village in vehicles and began threatening and beating villagers, forcing them out of their homes. The police demanded to know the names of villagers who were assisting refugees hiding on the Cambodian border and those who were holding un-official prayer meetings. They also confiscated bibles they found in the houses. Some of the victims of the police brutalities were:

- “Wol” - his house was ransacked after having the doors kicked in and most of his property damaged. Police searched his house from top to bottom and only found rice and money. The police threw all over the ground and then stole the money (200,000 dong) and confiscated bibles they found.
- “Hoi” - his house was ransacked and his windows all deliberately broken.

²⁰ *Human Rights Watch*, Supra note 15 at 163-165.

²¹ *Vietnam*, supra note 4 at section “Forced religious conversion”.

²² *Human Rights Watch*, Supra note 15 at 56-70.

²³ *Vietnam*: Supra note 4 at page 2.

- “Ding” - his kitchen’s doors were ripped off the hinges. He was beaten, chained and taken to the district jailhouse. His whereabouts and status of his health are currently unknown.
- “Wam” - his entire family’s rice supply was deliberately scattered over the village by the police.
- “San” - the police purposely crashed their vehicle into his house causing his house to collapse. Most of the house was damaged beyond repair.

15 SEPTEMBER 2003 – ELECTRIC SHOCK TORTURE OF CHRISTIANS AT PRAYER MEETING: Vietnamese police, in two jeeps from Mang Yang district arrested and tortured 8 Degar Christians during a prayer meeting at Oai’s house in the village of Bong Mor, commune of Ayun, district of Mang Yang, province of Gia Lai. All eight church members who were at the prayer meeting were arrested and taken to the government office at the district of Mang Yang. Their names are listed below:

1. Oai, who was born in 1962 from the village of Plei Bong Mor, commune of Ayun, district of Mang Yang, province of Gia Lai.
2. Pral, who was born in 1957 from the village of Plei De Kop, commune of Ayun, district of Mang Yang, province of Gia Lai.
3. Pet, who was born in 1960 from the village of Plei Bong Hiot, commune of Ayun, district of Mang Yang, province of Gia Lai.
4. Djip, who was born in 1963 from the village of Plei Bong Hiot, commune of Ayun, district of Mang Yang, province of Gia Lai.
5. Ruk, who was born in 1958 from the village of Plei Kon Brung, commune of Ayun, district of Mang Yang, province of Gia Lai.
6. Dun, who was born in 1962 from the village of Plei Kon Brung, commune of Ayun, district of Mang Yang, province of Gia Lai.
7. Jak, who was born in 1959 from the village of Plei Kon Brung, commune of Ayun, district of Mang Yang, province of Gia Lai.
8. H’Nip, who was born in 1964 from the village of Plei Kon Brung, commune of Ayun, district of Mang Yang, province of Gia Lai.

The 8 Christians were beaten on the journey to the jail. The owner of the house where the prayer meeting took place was beaten unconscious, and every time he would try to get back up another strike brought him to the floor until he fell into a “deep sleep”. The other Christians were kicked and shocked into unconsciousness by electric batons and released on 17 September 2003. It is unknown what has happened to them since.

CHRISTMAS PERSECUTION 2001: On Christmas Eve 2001 some 200 Vietnamese police and soldiers plus hundreds of Vietnamese civilians in the area, went into the hamlets of Buon Sup "A", Buon Sup "B", Buon Sup "C", Buon Ea Rok and Buon Koya and destroyed all of the Christmas decorations that the Montagnards had prepared. Montagnards were threatened with arrest and beatings if they came out of their longhouses to worship. They then killed a pig and forced the Montagnard villagers to make a sacrifice and drink the blood. The Vietnamese soldiers also forced the villagers to renounce Christ.

18 DECEMBER 2001- TORTURED BY POLICE OFFICER “THANG”: a Vietnamese police officer from district of Cu Se, province of Gia Lai, named Thang, arrested a Montagnard named Siu Kron at his village of Plei Ken Hmek and tortured him. Siu Kron was imprisoned for two days and a half because he was planning to lead Christians in his village to the prayer vigil on December 24-25. In the process of torturing, Thang, hand cuffed Siu Kron as a figure of number 8 (his left hand was twisted to his back and his right hand was twisted over his shoulder to his back and then hand cuffed his wrists together). Then, Thang placed sticks between his fingers and beat him up until he passed out. After he had severely beaten Siu Kron, Thang let him go home. However, Siu Kron could barely walk back to his village because of the pain that he had received during the torture. On the morning of December 19, 2001, Thang went back to the same village and arrested Rmah Nui who was Siu Kron’s assistant and took him to the prison for torturing in the same way. Thang tortured Rmah Nui until he collapsed and released him on the same day. Once they identified where the demonstrations take place the security forces located the villagers and organizers and intimidated them in unimaginable brutality.

6. BOUNTIES AND REFUGEES – CAMBODIA AND VIETNAM

Throughout 2001 - 2004 many Montagnards have been forcibly repatriated by Cambodian authorities to Vietnam and Vietnamese security forces have prevented others from escaping into Cambodia. The Vietnamese Government and Cambodian Government has also blatantly ignored international law and beaten, tortured, offered bounties for the capture of and actually sold Montagnard refugees who were fleeing Vietnam. There are also numerous unconfirmed reports of executions emerging from the region. In February and March 2002 Cambodian police and Vietnamese agents entered the UNHCR refugee camps on numerous occasions where they beat and shocked Montagnards with electric batons.²⁴ Vietnamese security agents also intimidated, threatened and harassed Montagnards and UNHCR workers at the camps. Subsequently the United Nations cancelled the repatriation agreement with Vietnam and the United States offered them asylum.²⁵ In December 2003 forced deportations were continuing.

On 16 December 2003 the Cambodian Human Rights Action Committee (CHRAC) a coalition of 17 local NGOs in Cambodia released a media statement condemning the continued treatment of Montagnard refugees. CHRAC stated it *“condemns the recent deportation of eleven Montagnard asylum seekers by the Cambodian government to Vietnam where they face torture, imprisonment and persecution.”*²⁶ In early December 2003 UN Special Envoy Peter Leupretch investigated the Montagnard refugee situation in Cambodia and publicly raised his concern over the UNHCR's role in operating there as well as his concern with Cambodia and Vietnam's non-compliance with the Refugee Convention. Reports have regularly described forcible deportations and payment of bounties concerning Montagnard refugees fleeing persecution in Vietnam. Peter Leupretch stated to the AP on 5 December 2003 that he has *“reasons to believe that there are people in the highlands on the other side of the border who have a justified fear of persecution”* by the Vietnamese government.”

On 24 July 2003 Hon. Son Chhay Member of the Cambodian Parliament publicly confirmed the payment of bounties, (US\$66 per refugee), were being paid for the capture of Montagnard refugees in Cambodia. Hon. Son Chhay called for an end to this violation of human rights and that both Cambodia and Vietnam must abide by the UN Refugee Convention.²⁷

Vietnam and Cambodia have subsequently cordoned off their borders in attempts to prevent further refugees fleeing Vietnam. Inside the central highlands however, the repression continues and a humanitarian crisis is occurring there. The region remains in part occupied by army units and security forces. Human Rights Watch reports that in 2003 Montagnard refugees continue to flee Vietnam. However, the Cambodian authorities have closed the refugee camps set up for the Montagnards by the UNHCR. Human Rights Watch reported that; *“Upon return, many Montagnard asylum seekers are beaten, detained, or sentenced to lengthy prison terms.”*²⁸

In the forests and jungle of Vietnam and Cambodia hundreds of Montagnards are reportedly still hiding from Vietnamese soldiers while seeking help from the international community. One of the letters received by Human Rights Watch from the Montagnard refugees stated; *“If you have the heart to help us, please help us otherwise we will die.”*²⁹

The attached story of a 5 year Montagnard boy and his family captures the terrible conditions these refugees face by the Cambodian police and Vietnamese government.

²⁴ Reuters, *Witnesses Say Cambodian Police use Batons in UN Camp*, 24 February 2002.

²⁵ BBC, *UN Halts Vietnam Refugee Programme*, 22 March 2002.

²⁶ CHRAC Media Statement: *Montagnard Asylum Seekers Must Not be Forcibly Returned to Vietnam*, 16 December 2003.

²⁷ *Cambodian MP Claims Vietnam Offering Bounties for Return of Refugees*, AFP 24 July 2003.

²⁸ Human Rights Watch, *Vietnam: New Documents Reveal Escalating Repression*, (Briefing Paper) April 2003 at 3.

²⁹ Ibid at 4.

THE STORY OF A MONTAGNARD/DEGAR FAMILY WHO ESCAPED THE PERSECUTION OF THE VIETNAMESE GOVERNMENT BY FLEEING TO CAMBODIA AND ARE NOW LIVING IN THE UNITED STATES.

The Unyielding Torture of the Vietnamese Government toward My Family

My name is Ksor H'Col, was born in 1960 and my husband Hir was born in 1959. We have five children:

- 1- Ksor Ken was born in 1980
- 2- Ksor H'Can was born in 1987
- 3- Ksor H'Hau was born in 1990
- 4- Ksor Huu was born in 1996
- 5- Ksor Maikon was born in 2002



From right to left, Hir, H'Col, Maikon, H'Can, H'Hau, Huu and Ken.

My family has always had the passion to be God's hands and feet, which also led us to having zeal for the welfare of our people. Because of the pain of persecution and torture that my people have been and are facing from the government of Vietnam, my family decided to take a stand with all of our heart and might hoping to see a change. There has always been some sort of persecution towards my family line, but after February of 2001 the affliction became unbearably severe. Still, this was the time that my family and I worked for God the hardest of our lives.

My Husband and I, like a routine, always split up to form into groups going in different directions with other people to expedite our mission in telling people about our Lord Jesus Christ. While sharing the Word and the Good News, we also encouraged our people to believe that there is still hope for us to be free from daily torture and persecution.

My life has always been filled with sadness and sorrow because of the state that my people and I are in, but I thank the Lord for allowing the burden for my people's freedom to exist in me. It is a motivation to strive for a change for my family and my people. Our people have cried out to the world for help since the French left Indochina in 1955, but no one had heard our cry until 2001. After our people's peaceful demonstration in early February of 2001, my family could no longer bear the harsh persecution of the Vietnamese government any more.

After our people's peaceful demonstration, the officers from town arrested my husband and took him to the police station. While he was there, my husband was strangled and choked to the point of unconsciousness. Then, they kept him there for some weeks before they dismissed him home. When he was sent home, he was bed ridden from being severely tortured, beaten, and shocked with electric shock treatments. He could not even eat solid food nor could he walk; nevertheless, outside of our house, officers constantly swarmed around us, asking if he were well enough to go back with them to do more "business" work.

What they did to my husband was not enough; they then took my oldest son, Ken, and beat him to the point where he was half dead. When he returned home, his arm was broken and his head was severely swollen from being beaten so badly. Two of my daughters, H'Hao and H'Can, attended the same school in the Central Highlands. They were both harassed and taunted by the Vietnamese students and even their Vietnamese teachers. H'Hao, the younger one, was beaten by the Vietnamese students and chased home; they will not allow her to ever come back to school. Because of these unyielding spiritual and physical persecutions, my husband and I decided to plan for our escape to Cambodia.

During our ongoing missions, my husband and I had to leave our children at home, entrusting them into the hands of the Lord. And when we were home, the officers from town regularly summoned and questioned us. There were many times when we'd come home bringing with us some sort of scars, whether emotionally or physically from some sort of beatings or threats.

When we finally began our escape, our oldest son Ken had to leave first. The rest of us left in two groups. My husband and my youngest son Huu were in one vehicle and me and my two daughters were in a different transport vehicle. We started riding away from our house, but as we got just a couple of meters away from the police station, I heard that my husband and my son had fallen off their vehicle. Our driver could not stop for them because it was too dangerous to stop so close to the police station so from that point on, I was separated from my little son and my husband.

In the forest, my daughters and I walked day and night to keep up with the group. We did not have anything to eat, all we did was walk. I was pregnant with Maikon Ksor, my youngest child at that time. We did not know what else to do but walk onward and pray and fast, which was easy since there was not any food to begin with. Day in and day out, I did not hear anything about my husband and little son. One day I was told that they've been captured. I tried to keep my mind on the hope for our freedom and talking to the Lord was the only distraction from my suffering. As weeks passed by, we finally got to Cambodia. Seven months passed before we were finally reunited with my oldest son, Ken. Then Maikon came into the world, a world of a broken family and pain. He was brought into this world in hardship and poverty, for I could not produce any milk for him due to my own malnutrition. In our times of destitution, grief, and pain while living in the refugee camp in Rattanakiri province of Cambodia, we turned to each other and to God for the courage to live on.

Many more months passed and then we were relocated here in the United States. Living here in America, my family and I devoted our time to God and prayed for my husband and my son, and everyone back home - for God's grace and mercy to hear their cries. After six months, I received news that my husband had been sentenced to a dark room. He is crippled from the waist down and he can no longer see. Then I was told a story about a child, a boy living in Cambodia without a mother and a father. He had been crying for his mother and father. They told me that he cried all day and night for his father. Then, after a month or so, they discovered that the boy was my own son Huu. Through God's grace and mercy and the UNHCR staff and the US Embassy in Cambodia, he was sent to me in the United States of America. Now, son and mother are finally reunited. He was so traumatized that he had forgotten that I was his

mother. He called me his aunt instead of his mother for a couple of days. It was very painful to hear my own son call me aunt.

What happened that day we fled our village was that when my husband and my son fell off the car, they could not pass the check point so they went back to the village. After staying for a while in the village, they tried to make their trip to Cambodia again in hope that they might join us there. But, unluckily, my husband was arrested by the Vietnamese security forces in Cambodia and taken back to Vietnam. The security officials just left my son in the jungle to die. But God was with him. My son wandered in the jungles of Cambodia and finally ended up in a foster home in a village close by.

What is even more excruciating is to hear my son now say "mom, I saw father hurt, they beat him and tied him up, mom". He described to me how he saw his father being brutally beaten and how they would not let him (my son) go to his father, but only allowed him to watch how they brutally tortured his father. While they were pulling my husband farther and farther away, my son sobbed and cried out for his father, but his father could not get to him. So they both were crying for each other so bitterly.

Later, I was told that my son lived in a foster home in a village in Cambodia where he cried all day and night. Wailing in the night, my son cried for his father and mother. He cried for food, but food never came to him. He cried for his mother, but his mother never came to him. But mostly, he cried for his father. He cried day and night but all he saw was the picture of how the Vietnamese security had tortured and dragged his father away from him.

While in the foster home, my son developed a rash on his head causing his hair to fall off, due to lack of food and nutrients. As I look at my son now, I think to myself, Huu, my dear son; he has tasted unspeakable pain and misery even at the age of six. He has been put onto the same path, the same footsteps as I have unwillingly, uncontrollably, and so will every Montagnard till that day comes, the day of being free. Oh, what a wonderful day it will be when we have our freedom back and the right to use our ancestral lands as we please.

This is my pain and agony then, but even to this day, I can still feel it for it still happens. Back home, we were physically tortured, beaten, and crippled leading to psychological trauma. But here, my family suffers emotional pain, misery, and depression. We neither fully live nor die. We are just here, just waiting for that day.

Signed

H'Col Ksor

Montagnard Foundation, Inc
May 2003

7. STERILIZATIONS AND BIRTH CONTROL:

The Vietnam News Agency reported on 27 December 2003 on population control and quoted Nguyen Thien Truong, the Deputy Director for Population, Family and Children stating that, *“birth control would continue to play an important role in creating the number and spread of the population to suit the States’ plans.”*

The Montagnard Foundation has documented over 1000 cases of Montagnard women who were surgically sterilized by the Vietnamese authorities through force, coercion, bribery, misleading threats of fines or imprisonment and have published these names on our website: <http://www.montagnard-foundation.org> The total figure however, is unknown as there are still hundreds of villages unaccounted for.

In July 2000 two lawyers who were affiliated with the International Commission of Jurists questioned Eric Palstra, the Senior External Relations officer of the United Nations Population Fund (UNFPA) in Geneva on Vietnam’s “sterilization policies.” He confirmed the UNFPA and World Bank do indeed fund family planning programs in Vietnam, but nervously shifted all blame from the United Nations. His exact words concerning the sterilizations were *“in Vietnam there is not always a trickle down effect of proper implementation”*. He could not answer whether Vietnam was targeting the Montagnards “specifically” and how UN monies for these procedures are monitored.³⁰

On 8 August 2001, the Vietnamese Ambassador to the UN, Nguyen Quy Binh made a statement at the UN Committee for Elimination of Racial Discrimination. His response to questions of forced and coerced sterilizations was that the Vietnamese government offers “incentives and fines only” for sterilizations of Montagnard women. He denied these sterilizations are “forced”. These “Fines” and “incentives” are however, themselves nothing less than grave violations of the international standards regarding reproductive rights. The US government even passed a law (Tiarhart Amendment), which prohibits the granting of US monies to programs by countries conducting such violations of women’s rights.

The Population Research Institute reported in 1999 *“the Vietnamese family planning program dictates maximum number of children; minimum age of child-bearing; minimum years between children mandatory contraceptive usage (preferably IUDs or sterilization) and prescribes punitive measures for compliance failures on any of these points”*³¹

Montagnard women however, reported that during 1996 – 2002, Vietnamese authorities entered their villages daily to round up women of childbearing age and forced, bribed, coerced and threatened them to undergo surgical sterilization. In some cases sterilization is conducted without informed consent;

- ❑ In 2002 the four villages of Buan Tri, Kang, Cu, and Hwig in Ea Hleo district, Dak Lak province were surrounded by Vietnamese army units. The soldiers held them as captives and forced them often at gunpoint to submit to injections and pills by mobile medical teams. The injections took place on 5 February 2002. It is unknown what was in the injections however, the Montagnard girls in these villages reported being threatened until they succumbed to getting what the authorities claim are injections that prevent births. Some of the Montagnard girls reported mental trauma after receiving these injections.
- ❑ Montagnard woman named Hyon stated that the Vietnamese authorities made their village attend education meetings which continually tried to coerce them to get surgically sterilized. The last meeting she attended was May 2000. She currently resides in the United States.

³⁰ International Commission of Jurists: Australian Section, *Report on the Systematic Persecution of the Montagnards*, July 2001.

³¹ UNFPA Awards Vietnam for Aping China’s One Child Policy, Population Research Institute, June 28, 1999, Vol. 1 number 7.

- ❑ A Montagnard woman named Hngach said that the Vietnamese authorities offered money to Montagnard women to be surgically sterilized in her village during the late 1990s. She also stated that Montagnard women were fined if they did not have this surgery. She currently resides in the United States.
- ❑ A Montagnard named Mal stated that the Vietnamese Government began promoting sterilizations in the Central Highlands in 1992 and continued doing so until he left Vietnam in 1997. He stated that the Montagnard women in his village were offered 100,000 dong to be surgically sterilized and if these women did not agree to this operation they were forced to attend “education meetings” until they consented to the operation. In addition, Mal said that women were fined if they were not sterilized. He currently resides in the United States.
- ❑ A Montagnard woman named Hbon stated that her sister died after being sterilized in 1997. She stated that the Vietnamese government promised her husband a good job with the police. After her death the Vietnamese police then fired her husband from the job. She currently resides in the United States.

In the early 1990s the communist authorities conducted sterilizations using an acid chemical called “quinicrine,” in pellet form. When inserted into the uterus, the pellet would dissolve and burn the uterus shut. The British Medical journal 'Lancet' reported over 31,000 women being sterilized in Vietnam by this method.³² These policies of forced birth control, lack of information and lack of freedom of choice for Montagnard women, associated with the general policy of repression and discrimination which has been carried out for decades by the Vietnamese Government is leading to the reduction of the Montagnard population to its minimal in their whole history, while the ethnic Vietnamese population has been constantly growing. A ‘creeping’ genocide of the Montagnard race is taking place in Vietnam today. Recently, Vietnam Minister Tran Thi Trung Chien stated that Vietnam intends to achieve a zero growth rate, especially in rural remote areas, by the year 2005.³³ “The access to the region by independent Human rights monitors thus is indispensable to fully verify the implementation of the birth control policies by the Vietnamese Government.

8. EXPROPRIATION OF ANCESTRAL LANDS:

The Vietnamese Government has encouraged for decades the resettlement into the Central Highlands of lowland Vietnamese people and confiscated Montagnard lands to develop the region for coffee, fruit production and mining and extensive logging operations run by the Vietnamese military. Extensive deforestation has destroyed the once great forests of the Central Highlands.

A recent example of this occurred when the Government wanted to expand a rubber plantation in the area of Cu Prong district. On July 27, 2003, they confiscated the rice field belonging to a Montagnard named Puih Jao -- 5,000 square meters. They also took the rice field belonging to a Montagnard named Rahlan Khuc -- 1,000 meter square. The rice was almost to the time of harvest, but the Government bulldozed it all without any kind of compensation and the villagers in the region lost their food stores which they believe in also intended to force them into poverty.

In January 2001 the former director of Vietnam’s Department of Forestry Development, Mr. Nguyen Ngoc Lung stated, *“Due to unchecked timber exploitation, most of our forests have been depleted, with depletion rates reaching well over 60 percent.”*³⁴ Vietnam’s Ministry of Labor reported that between 1975 and 1985 that one-fourth of all the forests in the Central Highlands has been destroyed. Large scale logging operations run by the state have illegally cut thousands

³² *Lancet*, 1993, 342, 24 July at 213-217.

³³ Asia Pulse, *Vietnam Plans Targets 0% Population Growth in Rural Areas by 2005*, December 27, 2001.

³⁴ South China Morning Post, *Race to Shield Dwindling Forests From Loggers*, 2 January 2001

of cubic meters from forest reserves³⁵ Montagnard villages have been forcibly relocated to provide access to logging companies and government run coffee and rubber plantations.³⁶

To allow for Vietnamese settlements and logging operations, the Vietnamese Government has enacted a policy of “Fixed Field/Fixed Residence” prohibiting the Montagnards from practicing their traditional swidden (or slash and burn) farming. Montagnards have been forced to live in single-family houses and been forcibly removed from their traditional lands and water sources where they are apportioned poor farming land, while the lowland Vietnamese settlers receive the more fertile farming land granted by Vietnamese authorities.

The negative effects these policies have had on Montagnards is not unknown as the United Nations Development Program reported in 1997 that the Fixed Field/Fixed Residence policy of the Vietnamese government has *“not always been favorable for the ethnic people mainly because of the limits on land allocations and land use but also because the planners have ignored the realities of the ethnic minority household economy and the great variety of its farming systems. The resettlement of ethnic people often disrupted their social organization and their traditional farming systems.”*³⁷ To enforce the “Fixed Field/Fixed Residence” policy, Montagnards who have been caught farming in a traditional manner on traditional lands have been arrested, imprisoned and/or tortured by Vietnamese authorities.” See examples below:

- ❑ In February 2003 for example, the Vietnamese officials bulldozed three kilometers of land in the village of Puk Saw, Dak Lak, a village of about 1000 people where the Mnong had planted coffee, cashews, fruit trees and rice.” Reported by Human Rights Watch in 2003.³⁸
- ❑ On 6 April 2000, a family of five Montagnards from the village of Dak Ra La in the province of Dak Lak, including a 12 year-old boy and H-tuer, a pregnant woman, were arrested and beaten for farming in a traditional manner. Four of the Montagnards, including the boy, were imprisoned and tortured. They were subsequently released without having to pay a fine. However, in March 2000, two brothers Y-Thuot Buon Krong and Y-Lim Buon Krong were arrested, beaten and imprisoned at Krong Kno for farming their traditional lands. Their village paid a 2,000,000-dong fine to secure their release. One was permanently crippled as a result of the beatings.
- ❑ On 19 October 2000, Y-Hong Nie from Buon Cu Po hamlet, in the village of Cu Ewi in Dak Lak province was arrested at his farm after refusing to give over his traditional farmlands to Vietnamese authorities. He was reportedly executed and his family has never seen him again.
- ❑ In July 2000, Vietnamese authorities in Kontum province bulldozed approximately 150 homes in a Montagnard village and did not re-settle its inhabitants nor compensate them for the loss of their traditional lands. Having been apportioned and forcibly relocated to poor farming land or in some cases, being ejected from their traditional lands without being resettled by the authorities, the Montagnards have been unable to adequately feed themselves and their children.

It is reported that “Many citizens in isolated rural areas, especially members of ethnic minorities in the...central highlands...live in extreme poverty” and it is noted that 60% of children in

³⁵ Evans “*Central Highlanders of Vietnam*”, in Barnes, Gray and Kingsbury, *Indigenous Peoples of Asia* (1995) Association of Asian Studies, Chapter 12 at 257.

³⁶ Reuters, *Vietnam: Give Us Back Our Land*, February 2001 by David Brunnstrom.

³⁷ HPP - Highlands Peoples Program Management Team Report, March (1997) *Country Comparisons On Highland Peoples Development Issues – Vietnam, A Background Document – Inter-Ministerial Committee for Highlands peoples Development in the North-east of Cambodia*. (UNDP) United Nations Developmental Program at section titles, Ethnic Minority Situation.

³⁸ *Human Rights Watch*, *Supra* note 17 at 3.

mountainous regions in Vietnam suffer from malnutrition.³⁹ UNICEF reported on Vietnam's Montagnards stating, "Children belonging to ethnic minority groups are extremely vulnerable and suffer from poverty"⁴⁰

9. PROHIBITIONS ON PRACTICING TRADITIONAL CULTURE AND DISCRIMINATION:

Montagnards have long been discouraged and prohibited from practicing their 'centuries old' Swidden (slash and burn) agriculture farming which is a defining element of Montagnard society and their connection to the land, i.e. an essential part of their traditional culture. All adult members of the Montagnard community take part in planting and harvesting where the swidden plots are planted around the outskirts of the villages. Vietnam has sought to prevent these practices by forcibly relocating Montagnard villages and compelling them to farm fixed/permanent fields (Vietnamese style) in new locations. By preventing traditional practices of the Montagnards the Vietnamese government conducts cultural destruction and the Montagnards receive inferior croplands where they are forced into poverty and malnutrition.

These policies are in violation of international law, namely Article 27 of the *International Covenant on Civil and Cultural Rights* and the general principals of the *Universal Declaration of Human Rights*. Further this violation breaches Article 15, 1 (a) of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), "To take part in cultural life".

Further the Human Rights Committee's "General Comment 23" on Article 27, states "those rights may require positive legal measures of protection and measures to ensure the effective participation of members of minority communities in decisions which affect them". The UN Human Rights Committee (HRC) has previously ruled on such violations in relation to indigenous peoples and notably ruled that economic activities and expropriations of tribal lands fit within the scope of Article 27. These cases are:

- *Lansman et al. v. Finland*, Communication. No. 511/1992, UN Doc. CCPR/C/52/D/511/1992 (1994).
- *Ivan Kitok v Sweden*, Communication. No. 197/1985, UN Doc CCPR/C/33/D/197/1985 (1988).
- *Lubicon Lake Band v Canada*, Communication No. 167/1984, UN Doc A/45/40 (1990).
- *Sandra Lovelace v Canada*, Communication No. R. 6/24, Meeting on 30 July

As recently in 2002, Vietnam's Permanent Deputy Prime Minister Nguyen Tan Dung indicated the ongoing government's policy to prevent the Montagnards from practicing their traditional agriculture methods and farming techniques.⁴¹

The Montagnard Foundation takes special note of the 2002 Concluding Observations of the United Nations Human Rights Committee (UNHRC) regarding the "serious violations" confronting the Montagnards (UN doc: CCPR/C/SR.2031) and that Vietnam has since ignored the recommendations by refusing human rights monitors access to the central highlands. The UNHRC stated in it concluding remarks,

³⁹ Lundberg, M., Vietnam, in Stokke, Suhrke, Tostensen, *Human Rights in Developing Countries Yearbook 1997*, Kluwer Law International (1997) Nordic Human Rights Publications, The Hague/London/Boston at 369.

⁴⁰ UNICEF, *Supra* note 6.

⁴¹ Vietnam News, *Tay Nguyen Powering National Development Says Deputy PM*, Hanoi 2002.

“19. While noting that the State party denies any violation of the Covenant rights in this respect, the Committee remains concerned at the abundance of information regarding the treatment of the Degar (Montagnard) indicating serious violations of article 7 and 27 of the Covenant. The Committee is concerned at the lack of specific information concerning indigenous peoples, especially the Degar (Montagnard), and about measures taken to ensure that their rights under article 27 to enjoy their cultural traditions, including their religion and language, as well as their agricultural activities, are respected. The State party should take immediate measures to ensure that the rights of members of indigenous communities are respected. Non-governmental organizations and other human rights monitors should be granted access to the central highlands.”

The request to the Vietnamese Government to open the country and in particular the Central Highlands, to the observation missions of the UN Rapporteurs on Human Rights, and in particular of the UN Special Rapporteur for religious freedom, of the UN High Commissioner for Refugees (UNHCR) and of the accredited NGOs which monitors the respect of human rights, has been recently clearly restated by the European Commissioner Hon. Christopher Patten answering on February 25, 2004 to a Parliamentary Question on the violations of religious freedom in Vietnam tabled by the Member of the European Parliament and founder of the TRP, Hon. Marco Pannella. (PQ E-0216/04)

10. CONCLUSION:

The last 28 years of persecution by the communist government of Vietnam is resulting in the cultural and physical destruction of one of the oldest indigenous races of people in Asia. Of urgent concern is that the Vietnamese government has ignored the 2002 Concluding Observations of the Human Rights Committee regarding the “serious violations” confronting the Montagnards (UN doc: CCPR/C/SR.2031) and the several requests made by the European Commission, and has refused to allow human rights monitors from having access into the Central Highlands.

It is MFI’s belief that the ongoing years of repression amount to genocide of the Montagnard Degar peoples and on their behalf MFI requests urgent support by the international community to end this systematic persecution. While the definition of “genocide” may be academically debated it has been clearly demonstrated that the Montagnards have suffered under a “consistent pattern” of human rights abuses by the Vietnamese communist government.

The Montagnard Foundation further pledges it will continue to pursue a legal, non-violent course of action to ensure human rights are protected for all the citizens of Vietnam. It is noted that MFI has received much assistance in co-operation with the Transnational Radical Party – an NGO with Consultative Status to the United Nations – whose philosophy is based upon Mahatma Gandhi’s principles of non-violence. MFI also embraces these principles.

The Montagnard Foundation calls on the international community namely; international donors, the United States, the European Union, non-governmental organizations and United Nations;

- ❑ To urge Vietnam to desist in persecuting the Montagnards, while also urging the international community to reconsider the granting of aid to Vietnam until such persecution ceases, as aid without human rights conditions *being concretely implemented* appears to only encourage Vietnam to continue violating human rights.
- ❑ To urge Vietnam and Cambodia to abide by the UN Refugee Convention and ensure UNHCR refugee camps in Cambodia are re-opened to prevent the forcible deportations of Montagnard asylum seekers
- ❑ To urge Vietnam to immediately halt all executions and release the hundreds of Montagnards who are currently imprisoned for their political and religious beliefs.

- ❑ To urge Vietnam to abide by the 2002 Concluding Observations of the UN Human Rights Committee regarding the “serious violations” confronting our people ((UN doc: CCPR/C/SR.2031) and allow human rights monitors into the central highlands.
- ❑ To call on the United Nations to prevent intimidation tactics in the UN from curtailing freedom of expression, namely halt the current “terrorist allegation” instituted by Vietnam against the Montagnard Foundation and the Transnational Radical Party be dismissed. It is noted that several internationally respected NGOs namely, Freedom House, The Campaign for UN Reform and the Democracy Coalition Project have stated publicly, “Vietnam’s Charges do not stand up to Scrutiny” and that the Transnational Radical Party should not be sanctioned. (See Press release titled “UN Urged to Resist Attack on NGO” 17 December 2003, New York).

APPENDIX A: TERRORIST ALLEGATION TO UNITED NATIONS BY THE MONTAGNARD FOUNDATION BY THE VIETNAMESE GOVERNMENT AT THE UN



PHÁI ĐOÀN THƯỜNG TRỰC
CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
TẠI LIÊN HỢP QUỐC

PERMANENT MISSION
OF THE SOCIALIST REPUBLIC OF VIET NAM
TO THE UNITED NATIONS

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New York 14 May, 2002

Dear Ms. Mihaela Blajan,

First of all, I would like to congratulate you on your election as Chairperson of the Committee on Non-Governmental Organizations. I trust that, with your vast skills and experience, you will successfully guide the work of the Committee.

I am writing to you to raise with you and the Committee on Non-Governmental Organizations our objection over the Transnational Radical Party's accreditation of a representative of the Montagnard Foundation Inc. (MFI), allowing the MFI to be present and speak at the 58th Session of the Commission on Human Rights (Geneva, March-April 2002). Viet Nam's objections are based, *inter alia*, upon the following:

1. MFI is, in fact, a terrorist group and an arm of a larger terrorist organization abbreviated as FULRO (Le Front Unific pour la Liberation des Races Opprimees). MFI openly states that MFI President Kok Ksor was sent to the United States by the founder and leader of FULRO, General Y-Bham Enuol.

FULRO is an armed organization, created by foreign forces during the war against the Vietnamese people in the 1960s and 1970s. In the enclosed announcement about an MFI "briefing" sponsored by the Transnational Radical Party (TRP) during the 58th Session of the Commission on Human Rights in Geneva, MFI publicly said that they were recruited by the CIA and US army during the war. Since the end of the war in 1975, FULRO, MFI and its members, including Kok Ksor have carried out or supported dangerous, armed terrorist activities causing heavy civilian casualties in Viet Nam.

2. The above-mentioned terrorist and other activities of FULRO and MFI are to serve their declared aim of creating the so-called "an Independent State of Degar" in the Central Highland of Viet Nam, thus undermining the territorial integrity and sovereignty of the State of Viet Nam, a Member of the United Nations. Their incitement and sabotage constitute obstruction of the promotion of harmonious inter-ethnic relations and the cause of social, economic and cultural development for the ethnic Vietnamese people.

The aims and activities of MFI therefore go against the spirit, purposes and principles of the Charter of the United Nations, which are the foundation of any

arrangement of consultative relations with the Economic and Social Council (ECOSOC Resolution 1996/31).

I urge that you and the Committee on Non-Governmental Organizations take appropriate measures to prevent MFI, in the name of the Transnational Radical Party, from being accredited to meetings of the Economic and Social Council and any other meeting of the United Nations under. It is immensely deplorable that the Transnational Radical Party has again abused its consultative status with the Economic and Social Council to allow a terrorist group to be present at a meeting of a body of the United Nations. Through you and the Committee on Non-Governmental Organizations, I demand that the Transnational Radical Party put an immediate end to and explain about this wrongful act. Accreditation to MFI would not only further exacerbate TRP's problems but also hamper the work of the United Nations.

Please, find also enclosed the communications between the Permanent Representative of Viet Nam to the United Nations Office and Other International Organizations at Geneva and the relevant officials of the United Nations on the above-mentioned issue.

I would like to take this opportunity to extend to you the assurances of my highest consideration.



Nguyen Thanh Chau
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Viet Nam to the United Nations

*Encl.:- Letter dated 30 April of Ms. Maria Francisca Ize-Charmin
Secretary of the Commission on Human Rights
to Mr. Marco Perduca, Representative to the UN office in Geneva
Transnational Radical Party
- Letter of Vietnam's Ambassador, Permanent Representative in Geneva
addressed to the Chairman of the 58th session of the CHR*

Ms. Mihaela Blajan
Chairperson of the Non-Governmental Committee
New York



TRANSNATIONAL RADICAL PARTY

NGO with Category I (General) Consultative Status with ECOSOC of the UN
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trp_ny@yahoo.com - www.radicalparty.org

In compliance with a request received on 22 May 2002 from the UN Committee on Non-Governmental Organizations (Committee), to prepare a "special Report" triggered by a speech delivered by Mr. Kok Ksor, one of the members of the delegation of the Transnational Radical Party (TRP) to the 58th session of the UN Commission on Human Rights, the TRP wishes to submit the following:

The TRP firmly rejects all the allegations made by the delegation of Viet Nam to the UN, moreover, the TRP wishes to bring to the attention of the Members of the Committee all the letters of the correspondence exchanged, both in Geneva and in New York, between the interested parties (please see annexed correspondence) comprising of:

- > UN - Economic and Social Council E/CN.4/2002/176 Letter dated 12 April 2002 from the Permanent Representative of Viet Nam to the United Nations Office at Geneva addressed to the Chairperson of the fifty-eight session of the Commission on Human Rights;
- > Letter dated 23 April 2002 from the Chairman of the 58' session of the Commission on Human Rights Ambassador Krzysztof Jakubowski to H. E. Mr. Nguyen Quy Binh Ambassador Permanent Representative of the Socialist Republic of Viet Nam
- > Letter dated 30 April 2002 from Maria Francisca Ize-Charrin, Secretary of the Commission on human Rights to Mr. Marco Perduca, Representative to the United Nations Office in Geneva of the Transnational Radical Party;
- > Letter dated 15 May 2002 from Ms. Mihaela Blajan, Chairperson of the Non Governmental Committee in New York to All Members of the NGO Committee;
- > Letter dated 22 May 2002 from Ms. Hanifa Mezoui, Chief NGO Section/DESA to Mr. Marco Perduca, Representative to the United Nations Office in Geneva of the Transnational Radical Party;
- > Letter dated 23 May 2002 from Mr. Marco Perduca, Representative to the United Nations of the Transnational Radical Party to Ms. Hanifa Mezoui, Chief NGO Section/DESA).

The TRP wishes to reiterate that in May its UN Representative, Mr. Marco Perduca brought to the attention of the Secretariat of the Committee the fact that one very important piece of information was missing in the documentation annexed to the Vietnamese complaint.

The TRP believes that, had the letter issued by the Chair of the UN Commission on Human Rights been circulated promptly, the Committee would have immediately been in a position to address and resolve the matter subject to the Vietnamese complaint at its May meeting.

As regards TRP procedures and criteria for accreditation of individuals to UN meetings, the TRP wishes to submit that, Mr. Kok Ksor, joined the TRP at the beginning of the year 2002 becoming a member of the organization after having participated on behalf of his organization, the Montagnard Foundation Inc. (MFI), in various UN meetings on indigenous issues and after having been a member of the TRP delegation to the UN Commission and the Sub-Commission on Human Rights in 2001 and 2002 and before the UN Committee on Racial Discrimination in Geneva in 2001.

The TRP accredited Mr. Ksor to the above mentioned UN meetings trusting his knowledge and expertise concerning the history of the hill tribes of South East Asia and their living conditions in Viet Nam. Mr. Ksor has also collaborated with other NGOs affiliated with the UN and has been considered a reliable source of information by several international organizations and the media.

The TRP wishes to submit that, prior to his affiliation with the TRP, Mr. Ksor contributed to the activities of the working group on indigenous peoples coordinated by Professor Erica-Irene Daes on behalf of the MFI since 1993. Contrary to what was stated by the Representative of Viet Nam, it appears that Mr. Ksor, who at that time was accredited as Representative of the MFI and not of the TRP, has not hampered the work of the United Nations, but advanced the preparations of the permanent forum on indigenous peoples that met last May for the first time in New York at the UN headquarters.

As regards the allegations made by the Representative of Viet Nam on the nature of some of the TRP partners, to the best of the TRP's knowledge, Mr. Kok Ksor is not a terrorist nor the MFI is an "arm of a larger terrorist organization abbreviated as FULRO (Le Front Unifie' pour la Liberation des Races Opprimees)".

In fact, Mr. Ksor is a retired U.S. citizen who migrated to America in the 1970s and has lived a committed and peaceful life ever since. The MFI is a private, not for profit organization incorporated in South Carolina, USA which mission is to preserve the lives and the culture of the indigenous, Montagnard (DEGAR) people of Vietnam's Central Highlands. Mr. Ksor also attended Indigenous Rights training in Greenland that was organized by the UN Working Group on Indigenous Populations.

In regards to the allegations on the activities of the MFI and FULRO, two groups that are not formally linked with the TRP, to the best of the TRP's knowledge, there is no evidence of those violent acts, nor have international arrest warrants have been issued in that regard. In reference to this the TRP wishes to quote the respected NGO, "Human Rights Watch" which stated in its April 2002 report titled "Repression of Montagnards" on page 9:

'While many MFI members, and highlanders in general, are former FULRO supporters, there is no indication that there was any armed component to MFI's efforts and, to Human Rights Watch's knowledge, MFI has never advocated the use of violence as a means of achieving independence.'

The TRP submits that any additional information on the group can be retrieved at www.montagnard-foundation.org.