



Vietnam: Torture, Arrests of Montagnard Christians Cambodia Slams the Door on New Asylum Seekers

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I. Introduction

This briefing paper describes new and disturbing information about recent large-scale arrests of Montagnard Christians living in Vietnam's Central Highlands and the torture of Montagnard activists, house church leaders, and others, including individuals who have been deported or have voluntarily returned from Cambodia.¹ It offers new evidence of rights violations during the 2004 Easter crackdown. It also highlights dangerous new policies in Cambodia aimed at stopping asylum seekers from reaching Cambodian soil or summarily returning Montagnards to Vietnam without making any attempt to determine if they are bona fide refugees, as required by international law.²

Unrest has rocked the Central Highlands since February 2001, when thousands of Montagnards took to the streets to call for religious freedom and return of ancestral lands.³ Despite the fact that peaceful protest is protected by international and Vietnamese law, during December 2004 Vietnamese security forces rounded up and arrested dozens of Montagnard Christians, without arrest warrants or formal charges, and detained them at district police stations and district and provincial prisons and jails. Authorities apparently feared that Christmas gatherings would be used as a pretext for political organizing or that discontent would coalesce in gatherings of large numbers of Montagnards.

On December 27, the Vietnamese government announced it had arrested seven Montagnards in Gia Lai province and foiled alleged plans for Christmas Eve protests in forty-nine villages by "persuading" those involved to "abandon unlawful acts."

¹ "Montagnard" is a term used to refer collectively to the different indigenous ethnic groups in the Central Highlands. These indigenous groups include the Jarai, Bahnar, Ede (or Rhadé), Mhong (or Bunong), Koho and Stieng.

² The information in this report is based on interviews and written and electronic communication with credible sources in Vietnam, Cambodia, and the United States. Interviews were conducted in private and facts were corroborated by several different informants interviewed at different times and in different places. This was supplemented by news stories, official Vietnamese sources, academic articles, and reports by the United Nations, non-governmental organizations, and diplomatic sources on human rights conditions in Vietnam's Central Highlands and refugee policy in Cambodia. The names of people interviewed by Human Rights Watch, as well as any other identifying details, have been withheld to protect the security of sources.

³ Since 1975 the numbers of lowland Vietnamese emigrating to the Central Highlands has skyrocketed, resulting in many Montagnards losing their ancestral lands to the newcomers or having their fields confiscated to make way for state coffee and rubber plantations.³ The combined population of the different Montagnard ethnic groups now comprises only one-quarter of the highlands' estimated population of four million. Loss of land, together with official suppression of the type of Evangelical Christianity followed by many Montagnards, has fueled the unrest. Between 1940 and 1989, the numbers of *Kinh*, or lowland Vietnamese, in the Central Highlands rose from 5 percent to 66 percent of the area's population. In Dak Lak province, for example, the population has more than quadrupled over the last thirty years, as the province has absorbed more than 623,000 new settlers. The population explosion has necessitated not only the formation of new districts and administrative groupings within the province, but creation of an entire new province, Dak Nong, out of the southwestern portion of Dak Lak in 2004. See Human Rights Watch, *Repression of Montagnards: Conflicts over Land and Religion in Vietnam's Central Highlands*, 2002.

Pledges by top Vietnamese officials at the end of December to respect religious freedom in the highlands quickly evaporated as authorities banned or imposed tight controls over Christmas gatherings organized by Montagnard Christians. The region's many Catholics, whose religion is not linked by the government to suspected political activity, were apparently able to freely celebrate the holiday.

Many of those arrested were Montagnard house church leaders who were organizing simple Christmas gatherings in the villages. Others targeted for detention included the wives and even young children of men who had fled to Cambodia to seek asylum. Police also arrested dozens of Montagnards suspected of being in contact with U.S.-based groups supporting demands for the return of ancestral land and religious freedom.

At the same time as the crackdown in the Central Highlands has intensified, Cambodia has made it more difficult for asylum seekers to cross its border in search of refuge. In December, Cambodian officials told UNHCR to close its temporary refugee camp near the border in Ratanakiri province, announced they were tightening border controls to reduce the inflow of Montagnards, and threatened to begin to deport Montagnard refugees and asylum seekers under UNHCR protection who refuse to be resettled in third countries.

Setting an ominous note for the new year, on January 1 Cambodian National Police Chief Hok Lundy ordered authorities in Ratanakiri to increase the number of border police in order to prevent Montagnard asylum seekers from entering. "The authorities have to convince the local people to be our spies in order to report how many Montagnards [enter Cambodia] to arrest them and send them back to Vietnam," he said in an audio recording of the meeting obtained by the *Cambodia Daily*. "We cannot allow them [to] stay in Cambodia because it is illegal."

This combination of repression by Vietnam and border closure by Cambodia puts increasing numbers of Montagnards at risk of serious harm. UNHCR and key governments must make it clear to the Cambodian government that it should honor its obligations under the 1951 Refugee Convention, and Montagnards must not be arrested and summarily returned to Vietnam. At the same time, the international community should insist that instead of punishing those who flee for safety, the Vietnamese government must begin to deal with the causes of discontent, which are religious repression and widespread confiscation of the agricultural land on which the indigenous minority people depend for their livelihood.

* * * * *

Since 2001, authorities have continuously arrested and detained Montagnard church leaders, suspected Dega church activists,⁴ and villagers suspected of providing food to people in hiding. Many people are released after being interrogated and made to pay a fine through in-kind labor, such as cutting the grass around the police station. However, Human Rights Watch has recorded the names of 188 Montagnards who have received harsh prison sentences of up to thirteen years since 2001 for their religious activities, participation in the protests, or for attempting to flee to Cambodia.⁵

In the wake of April 2004 protests by Montagnards (see section IV), authorities dispatched additional police and military to the region, billeting them in the villages and even in suspected activists' homes. Since that time, strict restrictions have been placed on travel by Montagnards within the highlands, on public gatherings in minority villages, and on communication with the outside world.

Many Montagnards continue to live in a "lock-down" situation. In many areas, they cannot travel freely—even to farm their fields—without written authorization from village officials. Meeting in groups of more than two can spur a summons to the local police station for questioning about whether religion or politics were being discussed. Communication with friends or family abroad is extremely difficult, as well as risky. Authorities have arrested many Montagnard activists who were using hand phones to relay information about arrests and other abuses to Montagnard leaders in the United States. In December, international telephone connections via land lines were for the most part not functioning.

This repressive atmosphere is not apparent from casual tours through the Central Highlands on the main highways, which pass through commercial centers in the district towns dominated by *Kinh* (lowland Vietnamese) migrants. According to tourists, diplomats, and journalists who have traveled to the Central Highlands, strangers who turn up un-escorted and un-announced on the side roads leading to Montagnard villages are quickly turned back by local authorities, unless they are designated tourist spots. Signs announcing that a village is "closed" to outsiders are posted on the roads leading to some villages.

The government has largely blamed the unrest in the Central Highlands on "hostile foreign forces," deceiving and inciting the local people to agitate for religious freedom, land rights, and a separate state.

⁴ *Tin Lanh Dega*, or Dega Protestantism, is an unsanctioned form of Christianity that combines evangelical Protestantism with elements of ethnic pride and aspirations for self-rule. The Vietnamese government, which bans *Tin Lanh Dega*, charges that it is not a religion, but a separatist political movement, controlled by "hostile forces" overseas who aim to undermine Vietnam's policy of state unity.

⁵ For a partial listing of Montagnard political prisoners, see "New Assault on Rights in Vietnam's Central Highlands: Crackdown on Indigenous Minorities Intensifies," Human Rights Watch Briefing Paper, January 2003. An updated list of Montagnard political prisoners will be posted in January 2005 on Human Rights Watch's website, <http://www.hrw.org>

However, Vietnamese authorities have begun to admit that one source of the instability in the region is the lack of farmland available to the indigenous ethnic groups who have traditionally inhabited the highlands. In December 2004, an article in the state media attributed the instability to “government policies using large areas of fertile forestland in the region for industrial crops and [allowing] massive immigration into the region of the *Kinh* [lowland Vietnamese] majority people from the North.”

In response to international pressure about the crisis in the Central Highlands, Prime Minister Pham Van Khai issued a decision in July 2004, in which the government pledged to provide each low-income minority household in the Central Highlands from 0.15 to 0.5 hectares of farm land or at least 200 square meters of housing land. An earlier decision issued in 2002 directs provincial officials to conduct surveys to allot land to those who are short of land. In August 2004, the government announced that it would immediately suspend government-sponsored migration of lowlanders to the Central Highlands and put an end to unplanned, “spontaneous” migration to the region by 2010.

Two deputy prime ministers toured the Central Highlands in the week before Christmas, pledging to respect religious freedom and restore indigenous minority people’s access to farm land. In Kon Tum province on December 14, Deputy Prime Minister Pham Gia Khiem urged provincial officials to stabilize the region by investing in irrigation and agro-forestry projects, helping ethnic minority people reclaim land for production, and improving their access to educational opportunities.

In Gia Lai on December 19, Deputy Prime Minister Nguyen Tan Dung pressed local authorities in Dak Doa district to “go to all lengths” to ensure that Christians in the area enjoyed a peaceful and joyful Christmas. The next day, however, police carried out a series of arrests not only in Dak Doa but other parts of the Central Highlands as well.

II. Recent Arrests and Harassment

The latest round of arrests spiked in November and December 2004, as Vietnamese authorities arrested more than 200 Montagnard Christians in the highlands. It is unknown what those arrested were charged with. As in previous government crackdowns, Human Rights Watch is concerned that many were arrested because of their religious activities, their complaints about land rights, or their contacts with Montagnard advocacy groups overseas. Those who end up being sentenced to prison terms will likely be charged with “national security” crimes, such as “undermining the policy of state and party unity” (article 87 of Vietnam’s Penal Code) or “undermining public security” (article 89).

Human Rights Watch has received credible information about the arrests of 144 people in the Central Highlands, primarily in Gia Lai province, between December 12 to 24.⁶ For that two-week period in Gia Lai province alone, Human Rights Watch has recorded the names of 129 people who were arrested. Mostly men, they range in age from seventy-five to nineteen years of age. They include eighty-five people arrested in Cu Se district, fourteen in Dak Doa, thirteen in Cu Pah, eleven in Ayun Pah, and six in Cu Prong. Human Rights Watch also received reports of police sweeps and arrests in Dak Lak and Dak Nong provinces. For most of those arrested, their current whereabouts are unknown.

Arrests of Church Leaders and Suspected Dega Activists

In the lead-up to Christmas, government security personnel hunted down and arrested or threatened large numbers of Montagnard church leaders and suspected Dega church activists. Authorities were apparently concerned that rather than organizing Christmas ceremonies, many Montagnards were planning demonstrations for Christmas or Christmas Eve.

Police operations in Dak Doa district, Gia Lai province during November and December provide an example of the crackdowns that took place:

- In November, eight policemen were stationed in the homes of four villagers in Nglom Thung village in Ia Pet commune. In Ha Bau commune, soldiers were billeted in the homes of several villagers in Kueng Grai village. The police and soldiers pressured Montagnard church leaders and villagers in at least seven villages in the two communes to sign pledges renouncing their religion and agreeing not to demand their land back. The villagers were warned not to organize Christmas ceremonies.
- On November 26, police went to Kueng Grai village to search for a Christian layman who had collected 3.5 million dong (about U.S. \$233) to buy food and supplies for a Christmas celebration. He was detained in Dak Doa district town, where he was interrogated about the source and purpose of the money. At dawn the next day a forty-five-year old woman and her son were summoned to the district town, where they were also questioned about the money. All three were released that afternoon.
- In a pattern documented by Human Rights Watch in the past, paramilitary police conducted coordinated “sweeping operations” in several areas in Dak Doa, in which they surrounded and searched villages and nearby farm

⁶ It is important to note that the numbers of arrests cited here are likely an undercount. Information is extremely difficult to obtain from the Central Highlands, especially from Dak Lak province, where only a handful of asylum seekers have been able to make their way to Cambodia since the April 2004 protests.

fields for activists thought to be in hiding. On December 12, for example, paramilitary police surrounded and raided two villages in Ia Pet commune at 4:00am, arresting three people. At dawn on December 19, police surrounded four villages in A Dok commune, arresting four men. Like many others arrested in December, the current whereabouts of seven who were arrested are currently unknown.

- The next day at dawn, December 20, police raided two villages in Ha Bau commune and arrested two men who were organizing Christmas celebrations. One was the leader of a Christian youth group in Plei Sao village.
- That same day district policemen handcuffed and arrested the Christian layman from Kueng Grai who had been detained in November for raising funds to hold a Christmas celebration. His current whereabouts are unknown.

In Mang Yang district, Gia Lai authorities summoned twenty-seven Montagnard Christians from seven villages to the district police station on November 4. The men, ranging in age from twenty-four to fifty-four years of age, were pressured to sign pledges to renounce Christianity, stop asking for their land back, and cease all activities with Montagnard groups in the United States. After two days in detention they were allowed to return to their villages. Later that month, however, many of the twenty-seven Christians fled their homes and went into hiding after district police arrested one of the villagers because he had a hand phone, which he was using to report abuses to Montagnard groups in the United States.

In a letter smuggled out of Vietnam in November, a Christian pastor in the Central Highlands described increasing confrontations between villagers and *bo doi*, or soldiers. Tensions were running particularly high in Duc Co district of Gia Lai bordering Cambodia, he wrote, where village land has been confiscated to make way for plantations owned by the defense department.

“The situation is getting worse,” the pastor wrote. “I am very concerned about the lives of the Jarai people living in this area. ... The *bo doi* are really watching this area closely.” Hundreds of Montagnards had attempted to flee to Cambodia. Those who were intercepted were “savagely beaten.” In mid-November, eight people were arrested in Cu Se district as they tried to flee. According to the pastor, “Two of the eight were so badly beaten we didn’t know if they would live or not.”

Detention of Families of Refugees

Many Montagnard refugees in the United States, as well as more recent arrivals living in UNHCR shelters in Cambodia, have reported that members of their families—including wives and children—have been arrested and detained by Vietnamese security personnel.⁷

A Jarai church leader from Ayun Pah district, Gia Lai, who fled to Cambodia in August 2004, told Human Rights Watch that his wife and four children were arrested in November. After three days of interrogation at the commune police station, they were sent to the district headquarters, where they were detained for several more weeks.⁸

They threatened my wife. They said, ‘Your husband is a traitor because he crossed the border to Cambodia. You still work on the church committee and practice your religion. That’s why we are detaining you.’

According to the church leader, prior to her arrest, village authorities had regularly made his wife stand in front of village meetings in which others were warned not to follow her family’s “evil ways” because her husband fled to Cambodia and she continued to practice Christianity.

Another man said his wife, six-month-old baby, and three nieces were arrested just before Christmas in Cu Pah district, Gia Lai. “They arrested my wife because I fled to Cambodia,” he said. “I don’t have any idea how long they will hold them. If I go back to Vietnam, my wife will be free.” While he stated that he feared arrest himself if he returned, his comment illustrated the government’s long-held strategy of detaining or imprisoning family members of dissidents or rebels in hiding as a way to punish the rebels or pressure them to return home.

The same pattern was reported in Dak Lak and Dak Nong provinces. Among those arrested in December were two Ede men from Cu Jut district in Dak Nong who have relatives now in the United States (arrested December 14), and two Ede women arrested on December 19, in Ea Bar district, Dak Lak, both of whom are wives of men resettled in the United States. Also in December, police in Krong Buk district, Dak Lak, arrested a woman whose husband now lives in the United States. She came under extra suspicion because she had a hand phone.

Mistreatment of Returnees from Cambodia

⁷ These detentions mirror methods used by the Vietnamese authorities during the days of the FULRO (Front Unifié de Lutte des Race Opprimées, or the United Struggle Front for the Oppressed Races) resistance movement in the 1980s, when authorities would imprison the wives of rebels in hiding, holding them in effect as hostages to force the men to return to the villages and surrender. FULRO was an armed Montagnard resistance movement in the Central Highlands that died out in the early 1990s.

⁸ As of January 2005 the church leader, then in a Cambodian refugee camp, did not know whether his wife and children had been released or their current whereabouts.

Some of the refugee arrivals in Cambodia during 2003 and 2004 included people who had previously sought protection in the refugee camps in Ratanakiri or Mondolkiri, but voluntarily opted to repatriate in 2002, when there was pressure from the Vietnamese government on refugees to do so. Few of the returnees were prepared for the harassment, surveillance, and intimidation by authorities that they encountered when they arrived back in their home villages.

First-hand accounts from Montagnards who have voluntarily returned to Vietnam since 2001 indicate that Vietnamese authorities treat returnees with intense suspicion. Some are placed under police surveillance and even house arrest upon return, or regularly summoned to the police station for questioning about their activities.

An indication of the government's mistrust of returnees was an article published in a government-controlled newspaper, *An Ninh The Gioi* (World Security), on December 29. It stated that thirteen Montagnards who voluntarily returned to Vietnam in October 2004 from a Cambodian refugee camp were spies that UNHCR "trained to create disturbances and then sent back to Vietnam."

In another case, a young Ede man voluntarily returned to Vietnam from a refugee camp in Cambodia, along with forty-five other refugees, on March 15, 2002. He had been told that his father, who had been sentenced to eight years in prison because of his involvement in the 2001 demonstrations, would be released from prison if he returned. That never happened.

When I got home, my mother was very worried. She asked me why I came back. 'They arrested your father,' she said. 'Do you want them to arrest you too?'

He was able to visit his father in prison only once—for fifteen minutes—before his father was moved to a remote prison in the north. His father's body was swollen, the young man said, either from illness or from beating.

I met him in the visitor section of the prison, with a wire grill separating us. He asked me why I came back. I told him I came to get him released. He said I should know the law of Vietnam, the way things operate there. He said I was ignorant. He told me to be very careful, and protect myself, or they would imprison me too. He couldn't say too much because we only had fifteen minutes.

The situation in his home village was very different than when the young man first left, he said. "The repression was more harsh." Police were stationed in the village and even in his house. "Not all houses had police living there, like mine,"

he said. “Those suspected of doing political work, and returnees from Cambodia, had police.”

People could not leave the village unless someone guaranteed to the local authorities that they would return. Villagers could not talk together in groups of more than two people at a time, or risk being summoned to the commune center for questioning about whether they were discussing politics. Religion was tightly controlled. “We could practice religion only in our home, and they monitored and listened to us,” he said.

The young man was summoned to the commune for interrogation three times. The first time was after he went to visit a friend who was also a returnee from the refugee camp. He was detained and held for four hours by the police, who asked him why he was meeting with others.

They threatened me when I didn’t respond. They grabbed my shirt and yelled at me: ‘Your father is in jail—do you want to go, too?’ I was afraid. My mother and brother didn’t know where I was. They didn’t know I had been arrested. The police had me sign a pledge acknowledging that if there was a problem in the future, the authorities would arrest me and put me in prison. After I signed, they took the document away. Then I was allowed to go home.

A month later, the young man’s mother was arrested and detained for fifteen days. “They arrived at 6 am in a Soviet jeep and arrested her. They interrogated her, asking her what political movement she was in. She hadn’t done anything to provoke arrest. If there’s even a little mistake, they immediately arrest. She was kept in a single cell in Buon Ma Thuot the whole time.”

Then three months later, security forces arrested all of the church elders in his village. “One by one they were summoned, right before I fled,” he said. “They would summon them all the time, for ten days, twenty days, or thirty, and then let them return.”

Warned by a friend who worked for the commune authorities and had seen his name on a list of twelve people slated for imminent arrest, the young man fled a second time for Cambodia.

Police Posted in Homes

Another Montagnard man left a refugee camp in Cambodia in March 2002 and returned to Vietnam. “The Vietnamese government promised there would be no punishment or recrimination if I returned. I decided to go because I wanted to see my parents again,” he said.

But three days after he got home, his village was full of armed policemen, including five guarding his house alone. “They were afraid we would do another demonstration so they watched us constantly,” he said. “Everyone was very worried—my aunt told me to go back to Cambodia. Everyone said I should have stayed in the refugee camp.”

Special police—he thinks they were from Hanoi—would enter his house five, six or even ten times a day without notice. At first he was able to leave the village to go work at his farm fields, but within a couple of weeks he was not allowed to leave his village at all. He saw the police regularly ordering the religious leaders in his village to the commune or the district for questioning. “The elders said that the authorities ordered them not to follow our religion because it was the reason that the people had opposed the government.”

Meanwhile the people in his village were becoming increasingly anxious because of the increased number of security forces who had been assigned to his village since his return.

My relatives and my neighbors were unhappy when I came back because there were so many police and soldiers in our village. They worried about my safety each time I was called to the police. They warned me not to eat or drink anything while I was at the police station.

Prior to his repatriation, UNHCR officials had visited his village to assess whether it was safe for refugees to return. But he learned from the people in his village that local officials had rigged the visit:

One day before UNHCR came, [the local authorities] had a meeting to instruct the villagers. When UNHCR came, there were many soldiers and undercover police around. When they met with UNHCR, the only ones who spoke were the chief of the commune and the chief of the village. They were surrounded by undercover police and soldiers watching them.

A month later he was summoned to the police station in the provincial town, even though after his return to Vietnam he had not dared to engage in political activity. “The police followed me everywhere, all the time,” he said. “I was afraid and did not do political activity.”

Nonetheless he continued to be summoned for interrogation once a month.

They would ask me different questions. Why do you oppose the Vietnamese government. You were born here, why did you flee from Vietnam? Who are the political leaders, who were the people who guided the refugees to Cambodia?

The last time he was interrogated, in September 2002, the police jabbed him in the ribs with an electric baton to threaten him. The next month, before he was summoned, he fled to Cambodia again.

I saw I couldn't live in Vietnam—I had too many political problems. When I returned to my village from Cambodia, the government didn't believe I came for my family. They thought I came to re-awaken the political movement. I was afraid.

Threat of Arrest

Another young man who voluntarily returned to Vietnam from the refugee camp in Cambodia in 2002 said that upon arrival in his village he was immediately placed under surveillance, restricted from traveling freely, and constantly summoned for questioning and verbal abuse by the police.

The Vietnamese police came to the camp [in Cambodia] and told me if I went back [to Vietnam] they would release the ethnic minorities in jail. Instead, as soon as I got back to my village—the very first day—I was interrogated by four or five policemen. They said I believed in “Tin Lanh” (Christianity). It's an American religion, not a real religion, they said. It's the religion that incites you to oppose the government.

He was only able to meet his mother, who lived in a village twenty kilometers away, once or twice after returning from Cambodia. Afterwards, he was not allowed to leave his village. He was summoned four times to the police station:

The first time they interrogated me. Why do you oppose the Vietnamese government—do you think the U.S. will make a second war with Vietnam? I didn't dare answer. They threatened me with their police baton when they were interrogating me. They tried to get me to sign a pledge saying that I wouldn't do anything to oppose the Vietnamese government, that I wouldn't try to recruit others, I wouldn't try to flee, and I wouldn't make any complaint letter to the U.S. or international organizations about the government's repression.

Eleven other refugees who returned from Cambodia at the same time as him were treated in the same way. “After we got back, one by one the authorities summoned the returnees,” he said.

After his fourth summons, which he feared would result in his arrest, he fled to another village, where he hid in a coffee plantation for a year. “There was no U.N. in my province—there was no one to depend on, so I had to flee. And in the end they didn’t do what they said they would—they didn’t let the ethnic minorities out of prison.”

He crossed to Cambodia in early 2003 and was able to make his way to the offices of UNHCR in Phnom Penh.

III. Torture and Abuse in Detention and Police Custody

Human Rights Watch has collected numerous first-hand accounts of police torture of Montagnards in district and provincial police stations, jails, and prisons in Gia Lai, Dak Lak, Kon Tum, and Dak Nong provinces.

Torture of Suspected Activists

Many of the arrests carried out during the last four years in the Central Highlands have been of Montagnards suspected of supporting the movement for return of ancestral lands and religious freedom. Hand phones and SIM cards, while now difficult to obtain, are regularly confiscated by the police, who may arrest the owner on suspicion of communicating with “traitorous elements” abroad. Torture of suspected activists is regularly used by police in order to elicit names of others in the movement and pledges to cease all activities.

For example, on April 10, 2004, police in Dak Nong province arrested a twenty-five-year-old Mnong man they suspected of being one of the organizers of the Easter protests. During the demonstration, he was beaten and kicked by police officers. “I was bleeding on my head and lip and kicked in my right side until I passed out,” he told Human Rights Watch in October 2004. The police then tied him up, loaded him in a van and sent him to the district prison in Dak Mil.

During three days at the district, police officers tried to get him to confess that he was one of the leaders of the Easter demonstration. As they interrogated him, they pulled out one of his toe nails, beat him repeatedly on his thighs with a rubber baton and boxed him in the face, knocking out one of his front teeth. They brandished an AK-47 rifle and threatened him.

They asked me if I knew that weapon and said they would let me taste it. They had a pile of electrical wire in front of me to threaten

to shock me, but they didn't do it. They frequently use that method in Dak Mil—they soak people in water and then shock the person to unconsciousness. Other people have told me this.

He was then transferred to the provincial prison at Dak Nong, where he was put into solitary confinement in a grimy dark cell with only a small slot near the ceiling for ventilation. During interrogation sessions at the provincial prison he was severely beaten several times by police officers trying to extract names of other activists from him.

They asked me who the leader was. I said no one was the leader, but because we suffer from prevention of our religion, travel restrictions, and land grabbing, that's why we demonstrated.

They beat my head and used two hands to box my ears more than thirty times, until my face was bright red and my ears were bleeding. They kicked me in the chest with their boots. They wanted to squeeze out the information about the demonstrations. At that time I thought I would soon die. My knees had swollen up and my whole body ached and felt stiff. It was difficult for me to move.

After five months' detention he was released from prison, after receiving a final lecture from a district police officer. "We beat the Americans, the French, FULRO,⁹ and Pol Pot," the police officer said. "You Montagnards are just a handful of people—how dare you oppose the government. If you all die, what will happen to your land then?" He threatened the young man not to join any demonstration in the future and forced him to sign a pledge promising to cease all political and religious activities. As soon as he could, the young man fled to Cambodia.

In another case, a twenty-one year old Jarai man was arrested and tortured in March 2004 at the district prison in Dak Doa, Gia Lai. In an interview with Human Rights Watch in July 2004, the young man said he had been a messenger for the Dega movement in Vietnam, and that he had also helped several people buy hand phones and SIM cards. He was tortured and interrogated for two hours before being detained in a dark, airless cell in the district prison for one month.

They tied me up by my hands and made me stand on my tiptoes. Then they put a chair on my toes and sat on it. They also stuck a pen in between my fingers and twisted it, one by one. I lost consciousness.

⁹ FULRO (Front Unifié de Lutte des Race Opprimées, or the United Struggle Front for the Oppressed Races) was an armed Montagnard resistance movement in the Central Highlands that died out in the early 1990s.

Another Jarai man, thirty-six, who said he was an activist with the Dega church movement, described his arrest and torture by police in Dak Doa district in March 2003. "I was on my way to another village with my little boy to attend a wedding when they arrested me," he said. More than a dozen policemen on motorcycles and in a jeep surrounded him, knocking him off his motorcycle:

They took me to the district police station, where they blindfolded me. They sat me in a chair and forced me to hold my hands up in the air for almost seven hours. Policemen on either side of me twisted pens between my fingers and beat my feet with a wooden stick. At the same time they jabbed me in the ribs with their hands. The worst part was that they forced my three-year-old son to sit on my lap the entire time, even though he was crying uncontrollably.

He was finally released at 7 pm and allowed to go home. When police surrounded his house the next morning and tried to arrest him again, he fled. He spent the next two years in hiding in the forest in Vietnam before fleeing to Cambodia at the end of April 2004. He never saw his wife and son again.

Mistreatment of Deportees from Cambodia

Since 2001, Human Rights Watch has collected numerous first-hand accounts of mistreatment of Montagnard asylum seekers by Vietnamese authorities after they have been forcibly deported from Cambodia. Hundreds of potential asylum seekers are arrested and deported from Cambodia each year before they are able to reach UNHCR protection. New evidence obtained by Human Rights Watch, summarized below, confirms that such mistreatment is common and ongoing.

A Jarai man from Ayun Pah province said that he was arrested in April 2002 after being deported with fifty-six other Montagnards from Cambodia. "The Khmer police sent us back in two trucks and two jeeps," he said. "We were sent to the border police for one night and then sent to Pleiku." He was detained in the provincial prison in Pleiku for one month. During interrogation sessions by the police, they jabbed him in the forehead with the nose of a pistol more than fifteen times.

The blood would gush out, and they'd hit me again. They did this from early morning until noon. After they hit me, they interrogated me many times and forced me to sign documents pledging not to follow [U.S.-based Montagnard activist] Kok Ksor any more.

Another refugee who fled to Cambodia in 2003 had unsuccessfully tried to seek asylum there previously. In December 2002, he was arrested and forcibly returned to Vietnam by Cambodian and Vietnamese border police, along with more 165 other asylum seekers. Some of the Montagnards were released immediately, while others—including him—were beaten and detained for a week. In an interview with Human Rights Watch in March 2004, he described what happened to him:

We were tortured. They took the nails off some people's hands. For me, they used pincers and twisted my fingers. I was released after a week—they thought I was going to die—they saw blood coming out of my mouth. I was bleeding a lot so they let me out. About ten of us were released after a week, including little children.

As of March 2004, two of his cousins, who were arrested at the same time as him, remained in prison. A third cousin, who was released in early 2004, returned to the village with two broken ribs.

An ethnic Jarai was deported from Ratanakiri with a large group of asylum seekers on the night of May 15, 2001. On the Vietnamese side of the border, district police arrested about twenty members of his group, beating them with sticks, shoes, and electric shock batons during interrogation.

“They slapped my eyes, the side of my face and kicked me in the groin with their boot,” the man told Human Rights Watch in an interview in 2004. He was placed in a two-meter square dark cell with the other twenty prisoners for eighteen days, during which time he was beaten five more times. “There were no windows and no electric light,” he said. “We had no clothes and had to defecate and sleep in there. We were only given rice to eat; no salt.”

After his release, he was forced to appear on television, admitting his “guilt,” denouncing the Dega church movement, and urging others not to follow his “bad example.” “I had to say that I had repented and quit the movement,” he said. “They threatened and forced me to do this. They said if I did not go on television they would beat me and put me in jail.”

Arrest, Beating, and Imprisonment of Guides for Asylum Seekers

For several years now an informal “underground railroad” of Montagnard villagers in Vietnam has been assisting Montagnards hiding in the forest in Vietnam, as well as those fleeing to Cambodia. If discovered, many of the guides and helpers face arrest, interrogation, torture, and imprisonment for as many as

eight years on charges of “organizing illegal migration” under article 91 of Vietnam’s Penal Code.

A Mnong man from Dak Nong helped his father, a prominent Dega church activist, hide in the forest and then escape to Cambodia in early 2004. In late April 2004, he was arrested by six police officers as he was returning home from his farm. He was handcuffed and sent by jeep to the district jail. He was not served an official warrant but police accused him of taking people across the border to Cambodia:

More than twenty people were arrested the same day as me. There were four Montagnards in my cell who were beaten badly and injured. One, a fifty-five year old man the same age as my father, had his ribs broken when police kicked him in the side. Another man was hit in the face and kicked in the chest and beaten badly. Afterwards, he was urinating blood. Another man was kicked in the stomach and might have suffered a ruptured spleen. Afterwards he couldn’t eat because his throat was swollen. The fourth man was beaten around the ears and lost his hearing in both ears—he had also been helping people cross the border.

At midnight on his first day of detention he was called out of his cell for questioning by nine police officers until 2 a.m.

They asked, ‘Where did you hide your father?’ I said my father just told me to take him far away and after that I went back home. I didn’t know where he was going. They slapped me in the ears and asked, ‘What did your father do?’ I said I didn’t know. Then they hit me in the face, slapped me, and pushed me onto the floor. They stepped on my throat and kicked me with their boots three times. Before they returned me to my cell they said: ‘Think hard and report everything you did.’

He was interrogated several more times after that. “Sometimes they beat me, and sometimes they just asked me questions and said they hoped that I would change my mind. In the beginning they beat me badly. When they finished interrogating me, they would write up an interrogation report. If I signed it, I would be free, they said. I was beaten because I didn’t tell the truth about my father. Each time I just said, “I don’t know.”

Although never brought before a judge or formally charged, he was told that he would be sent to prison for eight years. He was able to escape after one month’s detention on a day when the police guards got drunk. He crossed the border to Cambodia in August 2004.

IV. The 2004 Easter Crackdown

Human Rights Watch has received new information about the harsh crackdown on Montagnard protests in April 2004. Thousands of men, women and children marched or rode in farm tractors to local commune centers in Gia Lai and Dak Nong provinces, and to Buon Ma Thuot city in Dak Lak province. They chanted slogans and held banners calling for return of their land, religious freedom, freedom of movement, and release of Montagnard political prisoners.¹⁰

Dozens of marches took place simultaneously in numerous localities. In Dak Lak, protesters from districts surrounding the provincial town attempted to march to government offices in Buon Ma Thuot City. In Gia Lai and Dak Nong, the protests were more localized, as whole villages marched towards their local commune or district center. In all three provinces, government security forces were armed and prepared, blocking key intersections and bridges with trucks and barbed wire barricades.

Clashes erupted when police, as well as Vietnamese civilians and employees of private companies working on behalf of the police, attacked the protesters with crude weapons at roadblocks leading into local administrative centers. Some of the protestors fought back, using their hands or throwing rocks picked up along the roadway.

Most demonstrators interviewed by Human Rights Watch insist that the marches were intended to be nonviolent and peaceful, and that's why they brought along their children and even grandmothers. "We didn't expect to fight, and came with nothing in our hands," said a Montagnard who marched in Dak Doa district of Gia Lai. "We only went to demonstrate to make our demands. When the police started beating people, we fought back."

At Phan Cu Trinh Road, a key route leading into Buon Ma Thuot, a Montagnard who was in the march told Human Rights Watch that hundreds of demonstrators were beaten bloody and unconscious by police and Vietnamese civilians wielding iron bars, shovels, and clubs with nails. In an interview with Human Rights Watch in December 2004, an ethnic Vietnamese man who watched the events from his second-story apartment on Phan Cu Trinh Road described what happened:

¹⁰ See "Vietnam: Montagnards Beaten, Killed during Easter Week Protests," Human Rights Watch press release, April 14, 2004; "Vietnam: Open Central Highlands to International Observers," Human Rights Watch press release, April 22, 2004; "Vietnam: Montagnards under Lockdown," Human Rights Watch press release, May 28, 2004; and "Vietnam: Independent Investigation of Easter Week Atrocities Needed Now," Human Rights Watch Briefing Paper, May 2004.

It was like a war. The police were mad and really beat the protesters. Some local Vietnamese joined in—they were mad too. The Montagnards only had stones and sticks to defend themselves.

Some Montagnards from Dak Nong stated that while they carried no weapons with them to the march in their province, they did stick small batteries in the front pockets of their shirts, to buffer their bodies from shocks from electric batons. Others admitted to carrying slingshots in their back pockets to be used in self defense. According to a Jarai man who joined the protests in Cu Se district, Gia Lai:

The police hit us first. We reacted. They beat everyone: young and old, women. If the demonstrators had used knives, maybe the police would have shot and killed us immediately. Instead they fired over our heads... There was no problem until we got near the commune office, where police and bo doi [soldiers] used trucks to block the road. The marchers stopped there. The police threw tear gas, and when the people were blinded the police moved in to beat and arrest people. The marchers in front fell down but the people in back were able to surge forward. They fought with the police with their bare hands. The police called for reinforcements from the army and from company workers. The bo doi fired their guns into the air.

In several areas in Gia Lai, protesters reported that the government security forces parked trucks filled with stones and wooden clubs near the blockades, which were used by Vietnamese civilians—some who spontaneously joined the fray—as well as company workers hired by the authorities to attack the protesters. In Cu Se district, Montagnard protesters interviewed by Human Rights Watch in June 2004 said that uniformed workers from Hoang Anh Gia Lai Company, which makes furniture, were hired by authorities to attack demonstrators in several different communes.

In Cu A commune in Pleiku city, an army truck blocked the way to the commune center, according to a Jarai man in the march:

We went on anyway, so the police hit us with batons. Four people had broken heads, many people were hurt. We hit back and overturned the police car. Then we continued to the commune center. The police stopped us again and there was fighting. We had nothing in our hands. But when the police hit us with their batons we took the batons and hit them back.

In Ayun Pah, police in riot gear with dogs blocked the road. “There was one truckload of wooden clubs,” one of the demonstrators told Human Rights Watch. “When the police saw us coming to demonstrate, they dumped the clubs on the ground for the Vietnamese to use.”

Most protesters returned to their villages by late afternoon, but soon fled when truckloads of police entered the villages, ransacking houses of suspected activists and destroying homes used for prayer meetings. A man from Cu Se described what happened:

After the demonstration, the police went to the villages and beat every person they met. They also destroyed many houses. Then they went house by house and hunted for people. Everyone fled.

After the protests, Montagnards interviewed by Human Rights Watch reported seeing tanks parked near commune centers in Cu Se, Duc Co, and Ayun Pah districts of Gia Lai as well as on one of the highways leading into Buon Ma Thuot in Dak Lak.

“The people in the villages were afraid,” said a Jarai man from Cu Se. “Many soldiers came to camp in the villages.” The tanks were later removed from view. Meanwhile, hundreds of Montagnards from Dak Lak, Gia Lai and Dak Nong provinces fled their villages and attempted to seek safety across the border in Cambodia.

Official government accounts state that two Montagnards were killed during the protests, one by a stone thrown by other demonstrators and another who was run over by a tractor driven by Montagnards. Human Rights Watch has confirmed that at least ten Montagnards were killed, and possibly more, though it is impossible to obtain independent verification at this time.

A credible source in Gia Lai province whose work takes him to several districts around Pleiku said that ten Montagnards were killed in Gia Lai during the protest. On the night of April 10, 2004, he said he saw two of the dead in Pleiku hospital: one had been killed by a gunshot to the forehead and the other had been beaten to death.

In an interview with Human Rights Watch in June 2004, an Ede man who participated in the march to Buon Ma Thuot city said that after the clash with police at Phan Cu Trinh Road, he saw thirty to forty Montagnard protesters who had been severely beaten, lying unconscious on the roadway. That afternoon he went to the city hospital, where he estimated that at least 250 wounded Montagnards and forty *Kinh* had been admitted. An ethnic Vietnamese resident of Buon Ma Thuot estimated that at least twenty to twenty-five Montagnards were

killed during the protest, as well as several police officers. None of this was reported on state television, he said. A Christian pastor who was in Buon Ma Thuot during the protests also estimated that at least twenty protesters were killed as they tried to enter the city.

V. Religious Persecution

Human Rights Watch continues to receive new reports of officials forcing Montagnard villagers to renounce Christianity and cease all political or religious activities in public self-criticism sessions or by signing written pledges. Throughout 2004, Human Rights Watch received reports about provincial authorities in Dak Lak, Kon Tum, Dak Nong and Gia Lai provinces convening mandatory public denunciation sessions in which villagers were forced to renounce Christianity.

Other than ten officially registered Christian churches in Dak Lak and Gia Lai (for as many as 220,000 Christians in the two provinces), the government bans all Montagnard gatherings for Christian worship. Exceptions are made in some cases for services led by the few pastors who are officially recognized by the government or gatherings such as funerals that are monitored by security officials or undercover police.

A complicating factor in the Central Highlands is that many Montagnard Christians distrust the government-controlled Evangelical Church of Vietnam and seek to manage their own religious activities. Increasing numbers appear to be joining *Tin Lanh Dega*, or Dega Protestantism, an unsanctioned form of Christianity that combines evangelical Protestantism with elements of ethnic pride and aspirations for self-rule. The government's desire to rein in the "restive Montagnards" has impacted all Montagnard Christians, whether they are Dega supporters or not, because of the government's increasing suspicion of any Montagnard Christian.

Pressure on Church Leaders

In an interview with Human Rights Watch in October 2003, a church elder from Cu Jut district, Dak Nong said authorities have filmed members of his village church committee, including himself, turning over bibles to local officials. "When it was shown on television the announcer said we were voluntarily giving up the bibles," he said. "In fact, we were forced."

Later the church elder—now in a Cambodian refugee camp—was arrested and detained in an airless, dark cell for four days at the district jail. He was interrogated several times. "I told them directly that we joined the demonstrations not on behalf of [U.S.-based Montagnard activist] Kok Ksor or because he told us

to do them, but because you, the authorities, mistreat us and prevent us from practicing our religion. I told them that when the dikes flood, they burst.”

After being warned not to participate in any political activities or continue to gather people to worship he was released. “They threatened that my future and my children’s future would not be bright— even if they studied hard—if I continued my religious activities.”

After release from jail in March 2003, he was summoned to join a one-month traveling “information campaign,” along with seven other Montagnard church leaders from four districts surrounding Buon Ma Thuot. They were transported from village to village and forced to stand in front of meetings assembled by the authorities.

We were not allowed to say anything. I was used as an example of someone who formerly had practiced Christianity but was now renouncing it. The officials said that the government had pardoned us because we recognized our guilt and had become good people. I was not allowed to say what I wanted to say but what they forced me to say.

In another case, a sixty-year-old Ede man from Cu Jut district near Buon Ma Thuot was arrested without charges or an arrest warrant on August 31, 2002. He said that many Montagnards were arrested at that time because local authorities suspected they were planning a demonstration. Younger Montagnards in the same prison as him were beaten in detention, he said, but the guards left him alone. After two months he was released.

One month later the authorities made a ceremony in our village. They forced us to say that we would stop holding church services on Sunday. Two of them held me down and tried to force me to drink rice wine [to seal the pledge]. I shouted at them, ‘If you want to kill me just give me a cup of poison, don’t treat me this way.’ I was very angry.

Two days later he fled to the forest, where he hid in the bush on his own— covertly provided food and supplies by his family—for seventeen months before making his way to a refugee camp in Cambodia.

VI. New Refugee Flow

Vietnam’s ongoing crackdown on Montagnards in the Central Highlands has generated a steady flow of refugees into Cambodia since 2001. While Cambodian

authorities have taken some action to assist refugees when pressured, Cambodian political considerations regularly prevail over refugee rights.

In March 2002 Cambodia closed both of its provincial refugee camps and began to refuse to accept new Montagnard asylum seekers from Vietnam. At that time, the United States agreed to accept for resettlement the 900 Montagnards then housed in refugee camps in Cambodia.

A fresh wave of asylum seekers crossed the border to Ratanakiri province in the months following the April 2004 demonstrations. For months the Cambodian government refused to grant UNHCR officers access to the asylum seekers. Hundreds of Montagnards, including children, hid in makeshift shelters in the forest, suffering from lack of food, malaria, and dysentery.

International media coverage finally forced the Cambodian government to address the humanitarian issues posed by the flow of refugees, as well as its obligations under the Refugee Convention. In July 2004, the government authorized UNHCR to travel to northeastern Cambodia to retrieve the asylum seekers and transport them to shelters in Phnom Penh while UNHCR assessed their asylum claims.

Since that time, UNHCR has taken into protection more than 700 new Montagnard asylum seekers. So far UNHCR has recognized 296 Montagnards as refugees while rejecting the asylum claims of 126 others. The rest of the cases are still pending a decision. To date all 770 Montagnards remain housed in UNHCR shelters in Phnom Penh. In an unusual move, a number of the asylum seekers, including some who have been recognized as refugees by UNHCR, have refused the option of third-country resettlement. They state that they want to stay in Cambodia until the international community actively intervenes in the highlands, so that they can safely return home.

Both UNHCR and the Cambodian government now face the question of what will happen to Montagnard asylum seekers who refuse to return to Vietnam or resettle in a third country. Both must respect the international legal requirement of “*non-refoulement*”—not forcibly returning a person to a place where his or her life or liberty would be in danger. Given the Vietnamese government’s track record of persecuting returnees from Cambodia, even Montagnards whose asylum cases have been rejected by UNHCR should not be forcibly returned at this time.

However, on December 27, UNHCR agreed to a request by the Cambodian government to shut down its temporary refugee camp in the Cambodian border province of Ratanakiri. UNHCR hurriedly transported all UNHCR staff in the province and 130 newly-arrived Montagnard asylum seekers from Ratanakiri to refugee shelters in the capital, Phnom Penh, where they joined the 640 other Montagnard asylum seekers. Cambodian government officials subsequently

announced that they are tightening up border security to prevent new asylum seekers entering the country. In addition, the government has indicated that it will forcibly return to Vietnam any asylum seeker whose claim has been rejected by UNHCR or who refuses to be resettled in a third country.

VII. Recommendations

Human Rights Watch urges the Socialist Republic of Vietnam to promptly take the following steps:

1. Publish a central registry of the names and locations of all Montagnards held in pretrial detention, as well as a list of all those convicted and sentenced, and the relevant charges or reasons for their detention.
2. Release information about the status and location of persons included in Human Rights Watch's list of 188 Montagnards known to be in prison as of January 2005 because of their political or religious beliefs.
3. Guarantee that any persons charged in connection with the protests in the Central Highlands or the Dega church movement, receive trials in accordance with international fair trial standards set forth in Article 14 of the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a party. The trials should be public, open to both Vietnamese citizens and foreign observers. Those accused should have access to legal counsel of their choosing and the free assistance of an interpreter where necessary, as mandated by both the ICCPR and Vietnam's Constitution.
4. Make a public commitment to end the practice of torture. Appoint a special commission to investigate allegations of torture in the Central Highlands and to recommend appropriate prosecutions and discipline.
5. Immediately allow unhindered access—without government escort—to diplomats, aid workers, independent human rights organizations, and journalists to the Central Highlands.
6. Issue invitations to the U.N. Working Group on Arbitrary Detention, the U.N. Special Rapporteur on Religious Intolerance, the Special Rapporteur on Torture, and the Special Rapporteur on Extrajudicial Executions to visit Vietnam, with unrestricted access to the Central Highlands.

Human Rights Watch makes the following recommendations to the Royal Government of Cambodia:

1. Honor its obligations under the 1951 Geneva Convention Relating to the Status of Refugees and its 1967 Protocol not to return refugees to a place where their lives or freedom are under threat.
2. Prevent the involuntary return of any refugee or asylum seeker to Vietnam—including those whose asylum claims may have been initially

rejected by UNHCR—until it has been determined that adequate monitoring and protection measures are in place to ensure that returnees can go back voluntarily and in safety and in dignity.

3. Meet its legal obligations under the Convention Against Torture not to return a person to another state where there are substantial grounds to believe that he or she would be in danger of being subjected to torture.
4. Immediately authorize UNHCR to re-establish its field presence in Mondolkiri and Ratanakiri provinces, re-open the provincial refugee camps, maintain the refugee shelters and transit centers in Phnom Penh, and provide ongoing protection and assistance to refugees from Vietnam.
5. With assistance from UNHCR and the Cambodia Office of the U.N. High Commissioner for Human Rights, provide training to Cambodian border officials and police on refugee protection standards, and the fundamental norm of *non-refoulement*, or non-return of persons who have a well-founded fear of persecution in their country of origin.