



Khmers Kampuchea-Krom Federation

Submission to the United Nations Committee against Torture
Office of the United Nations High Commissioner for Human Rights
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***Executive Summary:** Since Viet Nam signed the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT), in 2013 and ratified in 2015, the incidents of physical or mental tortures in Viet Nam has not reduced, but increased. As a one-party communist state, Viet Nam has no media or association independently from the interfering by the government. Most of the torture incidents have been revealed mainly by the victims or witnesses and posted on social media. The recent cracked down on protests, arrested the human rights advocates, beaten up the activists, and threatened to imprison the people who want to exercise the basic rights, have raised serious concerns regarding the implementation of the UN CAT that Viet Nam ratified. In this submission, the Khmers Kampuchea-Krom Federation focuses on the list issues prior to the submission of the report of Viet Nam that Khmer-Krom people are facing and provide suggestions to improve and prevent happening in the future.*

FACING MENTAL TORTURE (ARTICLES 1 & 2):

Living in a one-party communist state, the Khmer-Krom people who are the indigenous peoples of the Mekong Delta have been facing human rights oppression and constantly living in FEAR which is the mental torture that the Khmer-Krom people should be protected as mentioned in article 1 & 2 of the UN CAT. These are some of the main issues that the Khmer-Krom people have been facing in their homeland:

The Khmer-Krom people have lived on their ancestral lands for thousand years. The current government of Viet Nam has denied the Khmer-Krom people's identity as the indigenous peoples. Viet Nam does not allow the Khmer-Krom people to be referred to as "Khmer-Krom" and label them as "Dân Tộc Thiểu Số Khmer" (ethnic minority Khmer). The Khmer-Krom could be detained, arrested and imprisoned if they would publicly say or write something to identify themselves as Khmer-Krom. The government of Viet Nam has been tactically implementing the assimilation policies by scaring the Khmer-Krom to learn and preserve their true identity.

In May 2017, the Khmer-Krom youths living in the Preah Trapeang province (renamed to Tra Vinh) was summoned by the Vietnamese police to interrogate them because they wore the T-shirt that has a logo designed by the Khmer-Krom youths abroad. The Vietnamese authority did not want the Khmer-Krom youths to wear that T-shirt, because it just has this slogan having the word "Khmer-Krom" in it: "Revitalization of

our Khmer-Krom Identity through the implementation of UNDRIP” (UNDRIP – United Nations Declaration on the Rights of Indigenous Peoples. Viet Nam signed to adopt this declaration in 2007).

In recent years, Viet Nam starts allowing the Khmer-Krom student to learn the Khmer language in couple hours per week in public school where the Khmer-Krom student are most populated, especially in the Khmer-Krom boarding schools. However, learning a language from two to three hours a week does not help the Khmer-Krom to know their Khmer mother tongue language fluently. Many Khmer-Krom youths now cannot read and write Khmer. The Khmer-Krom Buddhist monks have tried to open the Khmer classes in their temples and have faced oppression from the local governments because the government wants to control what is being taught at the temple. Venerable Thach Thuol has been defrocked, arrested, and sentenced to 6 years in prison since 2013 because he just wanted to teach the Khmer language in his temple freely.

Viet Nam has more than 700 media organizations, but those organizations are affiliating with the government. There are millions of the Khmer-Krom people living in Mekong Delta, but they do not have a single independent media. Some television programs are broadcasting in the Khmer language, but the content of those programs are being used as the propaganda to promote the policies of the government. The Khmer language is not used properly in the broadcasting programs. It is indirectly to educate the Khmer-Krom youths to learn to speak Khmer language mixing with Vietnamese words. The names of the Khmer-Krom’s villages, districts and provinces are not allowed to be called in Khmer name, but Vietnamese name in the media or mentioned in public.

On 28th November 2014, a Khmer-Krom symbolic gate leading the entrance to the Preah Trapeang province was demolished without consent or consultation with the Khmer-Krom people. After the Khmer-Krom using the social media to condemn what the Vietnamese government had done to their cultural heritage, the local authority verbally promised that they would build a new one bigger and better with the new design of the Khmer architecture. As of today, there is no action by the government to rebuild the gate yet. In June 2017, when a Khmer-Krom youth posted on her Facebook page a question publicly asking why this symbolic gate is not rebuilt yet? The Vietnamese police saw her post and summoned her for interrogation and ordered her to stop questioning about this issue publicly on the Internet. This incident clearly shows that Viet Nam is monitoring the Internet heavily to silence the social media users. Seriously concern about monitoring the Internet, the National Assembly of Viet Nam passed a cybersecurity law on June 12, 2018, to control how the people in Viet Nam to use the Internet.

On November 18, 2016, the 14th National Assembly passed a so-called “Law on Belief and Religion.” This law sparks the concerns for the people in Viet Nam because it requires all religious groups to register with the authorities and report on their activities. Moreover, the authorities claimed that they have the rights to approve or refuse requests. This new law clearly shows that it does not help to promote the religious freedom in Viet Nam, but tightening up and controlling how the people in Viet Nam practice their religion.

On May 21, 2017, Lieu Ny, a former Khmer-Krom Buddhist monk, an Abbot of the Ta Set temple in Soc Trang province, was released after serving four years in prison. He was arrested at the same time with Venerable Thach Thuol because he refused to follow the Vietnamese government to defrock Ven. Thach Thuol. While being imprisoned, Lieu Ny received sad news that his father passed away. He was not allowed to attending his father’s funeral. He prayed to his father’s soul that when he is released, he will re-ordain to pay respect to his father.

On July 3, 2017, Lieu Ny wrote a letter to the Vietnamese local authority of the Vinh Hai village asking for permission to re-ordain as a Buddhist monk. The authority did not respond to his request. Lieu Ny could not wait because he had to ordain as a Buddhist monk before the Buddhist three month retreat season starts. Thus, on July 8, 2017, Lieu Ny’s family and Buddhist monks and Buddhist followers of the Ta Set temple organized the re-ordain ceremony for Lieu Ny. During the ceremony, the Vietnamese authority came to disrupt the ceremony. After disrupting the re-ordain ceremony successfully, the local authority also threatened to arrest anyone who would help to re-ordain Lieu Ny again.

On June 8, 2018, Lieu Ny was teaching the Khmer language to the Buddhist monks in the Ta Set temple. The Vietnamese authority came to the temple to interrupting his teaching and forbidding Lieu Ny to teach in this temple. Even Lieu Ny has been released, but he is not allowed to find a job wherever he wants. He has to look for a job that the authority can monitor him. Thus, he has no job and living in vulnerable now.

The KKF suggests to the Committee to ask the Government of the Viet Nam to clarify:

- *When would Viet Nam consider recognizing the indigenous peoples in Viet Nam and allowing them to refer themselves as whatever they want to be?*
- *Viet Nam is always proud that the human rights have been guaranteed in its constitution and ratified seven out of nine treaties to protect and promote human rights for people in Viet Nam. Why does not Viet Nam allow the people in Viet Nam have the right to freely open the association to promote and protect human rights that Viet Nam signed? The*

NGOs or associations have been operating in Viet Nam are the government's affiliations. Those organizations are not truly representing for the people in Viet Nam, especially the indigenous Khmer-Krom peoples.

- *When will Viet Nam ensure that the indigenous peoples in Viet Nam, especially the Khmer-Krom, can freely teach and use their language without facing intimidation or facing the imprisonment by the government officers?*

PUNISHING ACTIVISTS USING CRIMINAL LAW (Article 4 & 5)

Viet Nam is a well-known country for using its criminal law silences the activists and imprisons them if they don't admit to a crime that they do not commit. Viet Nam ratified UN CAT in February 2015 and revised its criminal law, passed by Vietnamese Assembly in June 2017, made it effective on January 1, 2018. Instead of revising its criminal law to comply with the article 4 & 5 of the UN CAT, Viet Nam has not changed the articles that had been criticized as using to punish the activists, such as:

- Article 109 (previous article 79) – vaguely accuse activists to carrying activities or joining organizations to against the people's government, and can face up to a "penalty of 12 - 20 years' imprisonment, life imprisonment, or death".
- Article 116 (previously article 87) – vaguely accuse activists to 'sabotaging implementation of solidarity policies,' and can face up to a "penalty of 08 – 15 years' imprisonment".
- Article 117 (previously article 88) – vaguely accuse activists to store or spreading information to opposing the State of Socialist Republic of Vietnam, and can face up to a "penalty of 10 - 20 years' imprisonment".
- Article 119 (previously article 89) – vaguely accuse activists disrupting security, and can face up to a "penalty of 02 - 07 years' imprisonment".

This revised criminal law is now effective, and Viet Nam has used it to arrest and imprison the activists lately that have raised the serious concerns by the countries and organizations that are advocating the fundamental rights for people in Viet Nam.

The KKF suggests to the Committee to ask the Government of the Viet Nam to clarify:

- *The article 25 of Vietnam's 2013 constitution states that "The citizen shall enjoy the right to freedom of opinion and speech, freedom of the press, of access to information, to assemble, form associations and hold demonstrations." But the next sentence in that article states: "The practice of these rights shall be provided by the law" which gives the authority to use the article 109, 116, 117, 119 of the criminal law to punish the activists. How does Viet Nam guarantee that the fundamental rights state in article 25 of its institution will be guaranteed and comply with article 4 & 5 of the UN CAT?*

LACKING IMPLEMENTATION RULE OF LAW (Article 10, 12 & 13)

Viet Nam ratified the UN CAT since 2015, but most of the people in Viet Nam do not know about this important convention, especially the Khmer-Krom in Mekong Delta. It clearly shows that whatever rules or laws that Viet Nam has claimed to prevent torture are not complying with the article 10, 12, and 13 of the UN CAT.

In the last two years, the Vietnamese police have used force to crack down protests and arrested bloggers. Some of the prisoners died in prison, and the authority claimed that they committed suicide, but the family members accused the police killed their relatives. The Vietnamese authority has also used the under-cover police or even members of the gang groups to attack the activists. With the increasing oppression in Viet Nam lately, the Khmer-Krom people are so scared to stand up for their basic rights. If the Vietnamese government does not care about violating their laws to torture the Vietnamese people, then they will have no hesitation to arrest and torture the Khmer-Krom people who are being treated as the second class citizen in the Viet Nam, the case of Venerable Thach Thuol and Lieu Ny are the true evidence.

The KKF suggests to the Committee to ask the Government of the Viet Nam to clarify:

- *When will Viet Nam allow the people in Viet Nam, especially the Khmer-Krom, to learn about using the UN CAT to protect their right to be free from torture?*
- *Does Vietnam plan to translate the UN CAT into the language of the indigenous peoples Viet Nam, such as the Khmer language?*
- *When there is an incident of a prisoner who died in prison, the authorities always claimed that the prisoner committed suicide and stop the investigation. The family members of the victims have nowhere to file a complaint because the police, the court will not take the complaint to find justice for the victims. How does Viet Nam ensure that these incidents would not happen again?*