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**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement* submitted by the International Federation for the Protection of
the Rights of Ethnic, Religious, Linguistic and Other Minorities,
a non-governmental organization on the Roster**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[16 June 2006]

* This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Statement on the Situation of Indigenous Peoples

Montagnards

The indigenous Montagnard Degar Peoples in Vietnam, have suffered decades of persecution in terms of; confiscation of their ancestral lands, religious repression, torture, killings, unjust imprisonment, discrimination and violations of their civil and political rights. Vietnam remains on the US State Department “Watch list” of nations violating religious freedom and Montagnard Christians have been tortured and forced to renounce Christianity. Meanwhile refugees who flee to Cambodia have reportedly been refouled and persecuted by Vietnamese authorities upon their return, in direct violation of the 1951 Refugee Convention.

The April 2004 crackdown which resulted in numerous killings in the Central Highlands has never been satisfactorily investigated. Contrary to the 2002 Concluding Observations of the United Nations (UN) Human Rights Committee regarding “serious violations” facing the Montagnards (UN doc: CCPR/C/SR.2031), Vietnam has continued to prevent human rights monitors from having unhindered access to the central highlands. By restricting access of international monitors Vietnam is able to continue persecuting Montagnards and increase the presence of security forces during Christian holiday periods. Over 300 Montagnard prisoners of conscience remain in Vietnamese prisons under brutal conditions.¹

Discriminatory policies against the Montagnards’ culture and rights to ancestral land was reported by the UN Development Programme; which stated that the ‘Fixed Field/Fixed Residence’ policy of the Vietnamese government was unfavourable to ethnic people and “ignored the realities of the ethnic minority household economy and the great variety of its farming systems.” The report further stated, “The resettlement of ethnic people often disrupted their social organization and their traditional farming systems.”²

Concerning Montagnard returnees from Cambodia to Vietnam, the UN High Commissioner for Refugees (UNHCR) claimed on 5 September 2005, “All returnees were greeted warmly by Vietnamese officials at the border [and reassured] that they would be well treated back in their home villages.. [R]egular visits by the UN Refugee Agency to Montagnards who have returned to Vietnam’s Central Highlands from Cambodia show returnees are receiving active assistance to reintegrate back home and are well treated”. However, reports by the Montagnard Foundation claim that some who were forcibly returned to Vietnam (including some under UNHCR authority) were later subjected to reprisals by Vietnamese authorities.³

Khmer Krom

Another indigenous people in Vietnam struggling in terms of refugee-related issues is the Khmer Krom. As large numbers of Khmer Krom have been displaced, many seek asylum

¹ <http://www.montagnard-foundation.org>

² 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 Development Program, Section titled ‘Ethnic Minority Situation’

³ <http://www.montagnard-foundation.org>

in neighbouring Cambodia. Currently, there are over 100 Khmer-Krom refugees in Cambodia seeking protection from UNHCR.

The Unrepresented Nations and Peoples Organization (UNPO) issued an appeal to the UNCHR on 15 September 2005, following a rejection by UNHCR, claiming that Khmer refugees did not fall under their responsibility.⁴ In response the UNHCR stated that “UNHCR’s competence does not extend to persons who are not in need of international refugee protection [...] It is our understanding that Khmer Krom individuals are treated as Cambodian citizens by the Cambodian Government. [...] UNHCR is thus not in a position to extend its refugee mandate to individuals who are recognized as Cambodian nationals or who enjoy the rights and obligations which are attached to Cambodian nationality.”⁵ However, this does not satisfactorily reflect the reality for Khmer refugees seeking asylum, who reportedly are granted citizenship only on conditional terms and furthermore, are deprived of education, employment and healthcare rights in Cambodia, according to the Khmers Kampuchea-Krom Federation.⁶ IFPRERLOM is gravely concerned about the fate of the Khmer Krom people seeking asylum in Cambodia, and their abandonment following the UNHCR’s statement of relinquishing any responsibility.

West Papua

IFPRERLOM remains concerned about the human rights situation in the province of West Papua (Indonesia). On 20 January, Indonesian troops (TNI) unit 753 based in the Paniai region, West Papua, fired, apparently randomly, into a local market, causing the death of Mozes Douw, a 14 year-old student, and injuring two other young people.

Following recent events in May/June 2006 several individuals have been held in prison in West Papua on trial for taking part in recent protests which closed the Freeport mine for a number of days. A number of students held a solidarity protest outside the university in Abepura, and in response the police launched house-to-house searches and patrols in and around Abepura. Vehicles were stopped and searched and Papuan passengers were reportedly dragged out, kicked and beaten. More than fifty people, mostly students, were arrested. Hundreds of others fled to the surrounding hills to find sanctuary, and sixteen were held by the police as suspects, facing a number of charges, including murder and subversion.⁷

IFPRERLOM calls upon the Human Rights Council to urge the Indonesian Government:

to bring to justice those responsible for the shooting incident on 20 January 2006 which caused the death of Mozes Douw and seriously injured two others;

to put an end to the human rights violations against the indigenous peoples of West Papua;

⁴ http://www.unpo.org/news_detail.php?arg=30&par=2971

⁵ Convention relating to the Status of Refugees <http://www.ohchr.org/english/law/refugees.htm>

⁶ <http://www.khmerkrom.org/en/index.php>

⁷ http://www.unpo.org/news_detail.php?arg=56&par=4626

and to allow unrestricted access to all areas of West Papua for UN human rights monitors, international and local human rights organizations, in order to provide ongoing human rights monitoring.

Vhangona/Vhavenda

In South Africa there are eleven main language groups, one of them being the Vhangona (or Vhavenda). The Vhangona peoples constitute one of the native, indigenous peoples of South Africa.⁸ Currently, the Vhangona indigenous peoples are seeking a greater degree of self-determination and wish to address matters concerning the protection of sacred sites, ownership of intellectual property, native grave protection and repatriation and the role of the state and provinces in indigenous affairs. Another key issue is the return of the Venda Civil Pension Fund that has been privatized by legislation (proclamation no. 2 of 1992). The Dabalorivhuwa Patriotic Front has embarked on several strategic avenues to solve this matter justly and peacefully, including reference of this matter to the UN High Commission on Human Rights in 1998, but so far without success. The matter was also referred to the South African Human Rights Commission, but subsequently rejected on grounds that it did not constitute a violation of the right to social security. The international community should be alarmed at a situation in which the indigenous Vhangona people's right to social security is critically violated, with most of the Civil Pension beneficiaries retiring without any pension remuneration and many dying without having enjoyed the fruits of their labour.

The indigenous Vhangona people call upon the Human Rights Council

to employ its relevant mandates to address the human rights situation for their people, particularly in terms of economic and social rights.

Chittagong Hill Tracts

Several years have elapsed since the signing of the so-called Chittagong Hill Tracts (CHTs) Peace Accord between the government of Bangladesh and Jana Samhati Samiti (JSS) on 2 December 1997. Yet, peace remains most elusive in the CHTs – the homeland of indigenous Jumma peoples. Instead of implementing provisions of the so-called Peace Accord, the indigenous Jumma peoples Dhaka experiences further destruction as a people.

The CHTs Accord provided for withdrawal of all non-permanent camps of the security forces, however, according to the JSS, so far only 35 out of 500 camps have been withdrawn. The government established more new camps at Milachari under Bandarban district and at Ghagra in Rangamati district. In the latter the army closed down the local primary school to use it as accommodation while the camp was being established in July 2004. A Buddhist monastery in Barkal, Rangamati district, was also forcibly pulled down to make way for a camp for the Bangladesh Rifles.⁹

Reportedly, the government of Bangladesh is also planning to implant another 65,000 plain settlers' families into the CHTs, in a vast area between Baghaihat and Majolong in Sajek Union under Rangamati Hill district. Recently, military officials have been regularly

⁸ Claims in literature; Makhulukuku

⁹ www.achrweb.org

visiting the area and engaged in construction of a road from Baghaihat to Sajek to facilitate the transport of the plain settlers. The settlement of such a large number of Bengali settler families would have devastating effects on the indigenous peoples, further reducing the indigenous Jumma peoples to minority in their own land.¹⁰

IFPRERLOM calls upon the Human Rights Council

to seriously consider the human rights situation for the indigenous Montagnard Degar, Khmer Krom, West Papua, Vhangona and the Chittagong Hill Tracts; and

to urge respective governments to extend an open invitation to the UN Special Rapporteur on the situation of human rights and fundamental freedoms of [indigenous people](#) to visit with unrestricted access the areas of the indigenous peoples concerned.

Draft Declaration on Indigenous Peoples' Rights

Whereas the late Human Rights Commission failed to make a decision on the issue, at this first session of the HRC the Draft Declaration on Indigenous Peoples' Rights should constitute a fundamental item for consideration.

IFPRERLOM urges the Human Rights Council

to finally adopt the Declaration in order move forward the work carried out over the last 23 years and create an effective tool with which to address the pressing problems indigenous peoples continue to face worldwide.

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¹⁰ www.achrweb.org