

Query response a-6969 of 19 October 2009

Vietnam: situation of former Vietnamese officers who collaborated with U.S. forces during the Vietnam War, and their family members

This response was commissioned by the UNHCR Status Determination and Protection Information Section. Views expressed in the response are not necessarily those of UNHCR.

This response was prepared after researching publicly accessible information currently available to ACCORD within time constraints and in accordance with ACCORD's methodological standards and the *Common EU Guidelines for processing Country of Origin Information (COI)*.

This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status, asylum or other form of international protection.

Please read in full all documents referred to.

Non-English language information is comprehensively summarised in English. Original language quotations are provided for reference.

Among the sources consulted by ACCORD within time constraints no specific information could be found on the situation of Vietnamese officers who collaborated with U.S. forces during the Vietnam War, or their family members. The following reports contain information relating to the situation of former Vietnamese military personnel who worked with the U.S. forces or fought against North Vietnam during the Vietnam War, and their family members:

The US Department of State (USDOS) states in its Country Report on Human Rights Practices 2008, published in February 2009 the following concerning the situation of persons who were formerly interned in re-education camps¹ on the basis of association with the pre-1975 government, and their family members:

"Some persons formerly interned in reeducation camps on the basis of association with the pre 1975 government continued to report varying levels of official and social discrimination as they and their families sought access to housing, education, and employment, although the overall incidence of such discrimination declined substantially as previously enforced

¹ For example, a Los Angeles Times (LA Times) article of January 1990 states on the subject of re-education camps that "[t]ens of thousands of former South Vietnamese military personnel and civil servants were sent to such camps for manual labor and political indoctrination by the Communist government because of their close association with the old regime in Saigon." (LA Times, 5 January 1990)

prohibitions eased and the percentage of war veterans in the work force decreased.” (USDOS, 25 February 2009, Sec. 5)

In an article from March 2009, the Seattle Times daily newspaper reports about a Vietnamese asylum seeker to the United States. A former tour guide, he says he was detained and threatened by Vietnamese officials after taking a group of former U.S. Navy Seals to a restricted area. The article further mentions that during the Vietnam War, his family had close ties to the American military, and that he had relatives in the South Vietnamese Army before the communist victory in 1975:

“They're almost like wallpaper — the dozen certificates of appreciation and accomplishment taped side-by-side above the kitchen cupboards in Dung Ahn ‘JoJo’ Tran's small apartment. [...] But despite the certificates' handsome lettering, none translates directly into what Tran says he would like most: legal permission to stay in the United States. ‘This is my dream: To stay here and to continue helping the community.’ said Tran, 52, who came to the United States in 1996.

Tran's predicament has its roots deep in his personal history in Vietnam. During the Vietnam War, his family had close ties to the American military, and he had relatives in the South Vietnamese Army before the communist victory in 1975.

In the 1990s, he worked as a tour guide, serving customers primarily from the U.S. and Europe. Although the country was at peace, its leaders remained wary of outsiders, and Tran sometimes landed in trouble for taking patrons into areas off-limits to visitors. The crisis came in 1996, when, Tran says, he was detained and threatened by Vietnamese officials after he took a group of former U.S. Navy Seals to see a restricted island in the Mekong Delta. Tran said he agreed to the unapproved stop because he felt outnumbered by his patrons. After his release from custody, Tran fled to the U.S., where he applied for political asylum in 1997, saying he feared imprisonment if he returns.” (Seattle Times, 8 March 2009)

Minority Rights Group International (MRG) states in its report *State of the World's Minorities and Indigenous Peoples 2009*, published July 2009, that the Degar / Montagnards, a group of over 30 minorities, are continuously discriminated against since they sided with the United States during the Vietnam War:

“The Degar, often referred to as Montagnards, are a group of more than 30 minorities who continue to be discriminated against since siding with the USA during the Vietnam War. Frustration at the loss of traditional lands, religious restrictions, threats to their languages and cultures, as well as poor access to education and health services have combined in the past to spark large-scale demonstrations. In April 2008 Montagnard villagers calling for religious freedom were forcefully dispersed by police in Gia Lai and Dak Lak provinces. In May, Human Rights Watch reported the death in custody of Y Ben Hdok in Dak Lak. Police reportedly refused to allow his family or a lawyer to visit him and labelled his death a suicide.” (MRG, 16 July 2009, p. 173)

An April 2007 report by the International Federation for Human Rights (Fédération internationale des droits de l'homme, FIDH) and the World Organisation Against Torture (Organisation mondiale contre la torture, OMCT) mentions that the Montagnards in the central Highlands have been a target of discrimination since the 1960s, when Montagnards were recruited by the United States for military service during the Vietnam War. They are accused by the government of not having participated in the liberation movement:

"Over the past few years, ethnic minorities in the central Highlands, victims of discrimination and social inequalities, have increasingly spoken out against repression. [...] The Montagnard population has been a target of discrimination since the 1960s, when Montagnards were recruited by the United States for military service during the Vietnam War. The Montagnards had formed a resistance movement named FULRO (Forces Unies pour la Liberation des Races Opprimées), which militarily resisted the Communist authorities. They are accused by the regime of not having participated in the liberation movement, and of being manipulated by external forces and in particular by exiles." (OMCT, 20 April 2007, p. 7-8)

References: (all links accessed 19 October 2009)

- FIDH / OMCT – International Federation for Human Rights / World Organisation Against Torture: Vietnam: Twelve human rights defenders have the floor, April 2007
<http://www.fidh.org/IMG/pdf/Vietnam.HRDs.Report.200407.pdf>
- LA Times – Los Angeles Times: Ex-Viet Prisoners on Way to Rejoin Families in U.S., 5 January 1990
http://articles.latimes.com/1990-01-05/news/mn-203_1_political-prisoners
- MRG - Minority Rights Group International: State of the World's Minorities and Indigenous Peoples 2009- Vietnam, 16 July 2009
<http://www.minorityrights.org/download.php?id=650>
- Seattle Times: Supporters of Vietnamese immigrant in Seattle try to help him get asylum, 8 March 2009
http://seattletimes.nwsourc.com/html/localnews/2008827017_jojo08m.html
- USDOS - US Department of State: Country Reports on Human Rights Practices 2008 - Vietnam, 25 February 2009
<http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119063.htm>