

# THE HUMAN RIGHTS DIALOGUE WITH VIETNAM: IS VIETNAM MAKING SIGNIFICANT PROGRESS?

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## JOINT HEARING

BEFORE THE

### SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

AND THE

### SUBCOMMITTEE ON ASIA AND THE PACIFIC

OF THE

## COMMITTEE ON INTERNATIONAL RELATIONS

### HOUSE OF REPRESENTATIVES

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## **THE HUMAN RIGHTS DIALOGUE WITH VIETNAM: IS VIETNAM MAKING SIGNIFICANT PROGRESS?**

**WEDNESDAY, MARCH 29, 2006**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS  
AND INTERNATIONAL OPERATIONS,  
COMMITTEE ON INTERNATIONAL RELATIONS,  
*Washington, DC.*

The Subcommittees met, pursuant to notice, at 2:05 p.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee on Africa, Global Human Rights and International Operations) presiding.

Mr. SMITH OF NEW JERSEY. The Subcommittee will come to order and good afternoon to everybody. Today we are meeting to examine the results of the recent human rights dialogue with the Government of Vietnam and the progress, or lack thereof, in Vietnam's respect for human rights and religious freedom, but I cannot begin any hearing on Vietnam without first raising the issue that engages more Americans, including this Chairman, more deeply than any other when we talk of Vietnam, and that is a full and thorough and responsible accounting of the remaining American MIAs from the Vietnam conflict.

As my colleagues know well, of the 2,583 POW/MIAs who were unaccounted for, in Vietnam there were 1,923, in Laos 567, in Cambodia 83, and in People's Republic of China 10. Just under 1,400 remain unaccounted for in Vietnam.

During my last visit to Vietnam in December 2005, when I was accompanied by members of our staff, I met with Lt. Col. Lentin Mitchell, head of the Joint POW/MIA Accounting Command. While JPAC is making steady progress and is able to conduct approximately four joint field activities per year in Vietnam, I remain deeply concerned that the Government of Vietnam could be more forthcoming and transparent in providing the fullest accounting. It is our sacred duty to the families of the missing that we never forget and never cease our pursuit until we achieve the fullest possible accounting of our MIAs.

This hearing takes place in the context of the recently concluded human rights dialogue with Vietnam, which our distinguished witnesses from the State Department will report on. The State Department had suspended the human rights dialogue since 2002 because it was clear Hanoi was not serious about our concerns. Since that time Hanoi was designated a country of particular concern, or

a CPC country, for egregious and systematic violations of religious freedom in both 2004 and 2005.

Vietnam is currently anxious to receive permanent normal trade relations, PNTR, with the United States to gain admittance to the World Trade Organization and to have President Bush attend the Asia Pacific Economic Cooperation, or APEC, summit in November. Indeed, this is the APEC year in Hanoi.

Now that the dialogue has been resumed at Hanoi's request, it is both imperative and opportune for the Administration, and the Congress as well, to pressure Hanoi for more deeds than words. Vietnam needs to show that it is not merely trying to smooth out some minor misunderstandings which get in the way of Vietnam's important economic and political goals, but rather that it has made fundamental commitments to human rights and reform and to fulfilling its international commitments, a fundamental commitment which will not be forgotten after it has achieved those goals.

Section 702 of Public Law 107671 requires the Department to submit a report on the United States/Vietnam human rights dialogue within 60 days of its conclusion, describing to what extent the Government of Vietnam has made progress during the calendar year toward achieving the following objectives: One, improving the Government of Vietnam's commercial and criminal codes to bring them into conformity with international standards including the repeal of the Government of Vietnam's administrative detention decree, Directive 31CP; two, releasing political and religious activists who have been imprisoned or otherwise detained by the Government of Vietnam, and ceasing surveillance and harassment of those who have been released; three, ending official restrictions on religious activity including implementing the recommendations of the United Nations' special rapporteur on religious intolerance; four, promoting freedom of the press including freedom of movement of members of the Vietnamese and foreign press; five, improving prison conditions and providing transparency in the penal system of Vietnam including implementing the recommendations of the United Nations' working group on arbitrary detention; six, respecting the basic rights of indigenous minority groups especially in the Central and Northern Highlands of Vietnam; seven, respecting the basic rights of workers including working with the International Labor Organization to improve mechanisms for promoting such rights; eight, cooperating with requests by the United States to obtain full and free access to persons who may be eligible for admission to the United States as refugees or immigrants and allowing such persons to leave Vietnam without being subjected to extortion or other corrupt practices.

So far as we can see here, however, it appears that Vietnam still has a long way to go before it can convince us that it has made any fundamental or lasting changes in its human rights policy. The State Department's human rights report on Vietnam for 2005 upgrades Vietnam's human rights records from poor to merely unsatisfactory. Freedom House still rates Vietnam as unfree, but it is no longer at the absolute bottom of the repression scale. These are not exactly ringing endorsements.

There are fewer religious and political dissidents in jail but there are still far too many. Even those let out like Father Ly and Father



Loi or Nguyen Dan Que, and I met with all three when I was in Vietnam recently, are subject to continued forms of house arrest or harassment. Restrictions on the legal churches have eased but requests to build churches, to receive back confiscated properties and provide charitable and educational services which are allowed under current law are never answered quickly and are often never answered at all.

Hundreds of churches have been closed in the past 5 years. Last year dozens were open and still large numbers are believed to belong to “illegal” churches. Worshipers suffer continued harassment; not in all cases, but their rights to believe and practice are still not secured by the rule of law.

Too often the only improvements are based on local arbitrary decisions which can be reversed at any time. The Unified Buddhist Church of Vietnam is still illegal and its leaders, the Venerable Thich Quang Do and patriot Thich Quang Quang, remain under strict pagoda arrest and 13 other senior figures remain under similar restrictions. I point out parenthetically that I met with the Venerable Thich Quang Do and it was amazing. As he left to say goodbye, he got to the end of his pagoda and just had to stop there, because had he gone another step forward, as we saw more recently when he was rounded up and arrested, the secret police would have been on him.

The independent Hoa Hao Buddhists are also illegal and their church was singled out for repression last year. Evangelical Protestant House Churches, Mennonites, Bahai, Hindus and others exist in a legal limbo: Technically illegal, often tolerated, but sometimes repressed. Those officials who violate government guaranteed religious rights appear never to be punished. That is not the way a rule-of-law society is constructed.

Reports of forced renunciations of Christianity in the Montagnard regions apparently have diminished but they have not ended. Montagnard House Churches are allowed to operate but have not received their registration and we heard numerous reports about that during our trip there last December. UNHCR and various diplomats are allowed to travel sometimes to some Montagnard regions, but only when carefully monitored. Montagnards eligible for resettlement in the United States get their passports and exit visas, but not in all cases, not everywhere, and hundreds of Montagnards languish in detention.

Vietnam reportedly weakened its two-child policy several years ago after coercive policies involving contraception, birth quotas, sterilization and abortion cut Vietnam’s fertility almost in half in 20 years. Yet last year the Deputy Prime Minister called for more drastic measures to cut the birth rate further. It is not clear whether this has yet been enforced, but it hangs there as a storm cloud over all families, especially over Vietnam’s long abused indigenous minorities.

Like China’s one-child policy, Vietnam’s two-child policy has led to a large and growing imbalance in male and female births, which will only increase its already severe problems as a source, transit, and destination country for human trafficking.

According to last year’s State Department human rights trafficking report, Vietnam remained a Tier 2 country because of its se-

rious trafficking problems but was removed from the watch list. Many of us think that this was an error and that Vietnam's response to its trafficking problems remains inadequate.

In December, I met with over 60 people: Government officials, political and religious activists, archbishops, heads of churches and ordinary believers. I could feel even then that there were somewhat stilted conversations with mixed delegations of religious leaders and government officials. That the Vietnamese Government even consented to send these delegations to the United States recently was an important step, but it was also clear that some of the government officials at least are beginning to understand our concerns and hopefully it is not just putting on the right face. What they will now do is the question.

Michael Cromartie, Chairman of the U.S. Commission on International Religious Freedom, makes the crucial observation when he says, "We are not arguing over whether the glass is half full or half empty. We just do not know if a glass so recently constructed will continue to hold any water. Will the developments hold in a country where the rule of law is not fully functioning? Are changes only cosmetic, intended to increase Vietnam's ability to gain WTO membership and pass a congressional vote on PNTR? Their promises of future improvements are encouraging. We should not reward Vietnam too soon," he goes on to say, "by quickly lifting the CPC designation or downplay human rights concerns to advance economic or military interests."

I could not agree more. We have seen various thaws in other Communist regimes over the years. The Khrushchev fall was followed by the worst persecution of religion in 30 years and then the long stagnation of the Brezhnev regime. In the 1960s we thought Nicholas Ceausescu of Romania would be the next Tito. I remember when we thought that that was an advance. Instead, he decided to be the next Kim Il-Sung.

Finally, who can forget the democratic opening in China which was crushed by Tiananmen Square. We must be sure that change in Vietnam is real and durable. We have a unique opportunity this year to achieve real and lasting progress in Vietnam. We should use the leverage we have and seek to increase it.

The House of Representatives has twice passed legislation authored by me on human rights in Vietnam. HR 1587, Vietnam Human Rights Act of 2004, passed the House by a vote of 323 to 45 in July 2004. A similar measure passed by a 410 to 1 landslide in the House in 2001. The measures called for eliminating future and further increases of nonhumanitarian United States aid being provided to Vietnam if certain human rights provisions were not met, and authorized funding to overcome the jamming of Radio Free Asia and funding to support nongovernmental organizations which promote human rights and democratic change in Vietnam.

Regrettably, both of those stalled in the Senate Committees and have not yet been enacted into law, but we are again ready to work with the Administration to find ways to encourage and promote civil society in Vietnam. I would be delighted to hear what sort of measure we could add to the bill, which I have reintroduced as H.R. 3190, and would love to hear from the Administration as to how we might shape it to strengthen civil society and the rule of

law, to help promote genuine NGOs. I note parenthetically that on one of those trips recently, with some of the pastors there was an accompanying group of NGOs.

I asked the NGOs, who are obviously government people, “Who pays your salary?” And they said, “The government.” You are not an NGO. You are in the employ of the Government of Vietnam and we should not kid ourselves. There is a distinction between an NGO and somebody who works for a ministry of government, foreign affairs or whatever.

Let me also point out that we want to promote genuine faith based NGOs to deal with Vietnam’s problem with trafficking, addiction to drugs, and street children. Vietnam needs to create an independent bar association and help train lawyers who could defend the rights already guaranteed to Vietnam’s people by its own constitution and by its laws.

Human rights are central. They are at the core of our relationship with governments and the people they purport to represent. The United States of America will not turn a blind eye to the oppression of a people, any people, any place in the world. I welcome our witnesses today and the valuable eyewitness testimony they bring so that the world will get a complete and accurate picture of this government with whom we are growing ever closer. I yield to Mr. Payne.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

The Committee will come to order. Today we are meeting to examine the results of the recent Human Rights Dialogue with the government of Vietnam, and the progress, or lack thereof, in Vietnam’s respect for human rights and religious freedom.

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reform, and to fulfilling its international commitments, a fundamental commitment which will not be forgotten after it has achieved those goals.

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- (2) Releasing political and religious activists who have been imprisoned or otherwise detained by the Government of Vietnam, and ceasing surveillance and harassment of those who have been released.
- (3) Ending official restrictions on religious activity, including implementing the recommendations of the United Nations Special Rapporteur on Religious Intolerance.
- (4) Promoting freedom for the press, including freedom of movement of members of the Vietnamese and foreign press.
- (5) Improving prison conditions and providing transparency in the penal system of Vietnam, including implementing the recommendations of the United Nations Working Group on Arbitrary Detention.
- (6) Respecting the basic rights of indigenous minority groups, especially in the central and northern highlands of Vietnam.
- (7) Respecting the basic rights of workers, including working with the International Labor Organization to improve mechanisms for promoting such rights.
- (8) Cooperating with requests by the United States to obtain full and free access to persons who may be eligible for admission to the United States as refugees or immigrants, and allowing such persons to leave Vietnam without being subjected to extortion or other corrupt practices.

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In December I met with over 60 people: government officials, political and religious activists, archbishops, heads of churches and ordinary believers. I could feel it even in the somewhat stilted conversations I have had recently with mixed delegations of religious leaders and government officials. That the Vietnamese government even consented to send these delegations was an important step. But it was clear that some of the government officials at least are beginning to understand our concerns. What they will now do is the question. I believe that Michael Cromartie, Chairman of the U.S. Commission on International Religious Freedom, makes the crucial observation: "We are not arguing over whether the glass is half-full or half-empty. We just do not know if the glass, so recently constructed, will continue to hold any water. Will legal developments hold in a country where the rule of law is not fully functioning? Are changes only cosmetic, intended to increase Vietnam's ability to gain WTO membership and pass a Congressional vote on PNTR? . . . Though promises of future improvement are encouraging, we should not reward Vietnam too quickly by lifting the CPC designation or downplaying human rights concerns to advance economic or military interests."

I could not agree more. We have seen various thaws in other Communist regimes. The Khrushchev thaw was followed by the worst persecution of religion in thirty years, and then the long stagnation of the Brezhnev regime. In the 60's we thought Nicolae Ceausescu of Romania would be the next Tito (I remember when we thought that was an advance); instead, he decided to be the next Kim Il-Sung. Finally who can forget the democratic opening in China which was crushed at Tian An Men Square.

We must be sure that the change in Vietnam is real. We have a unique opportunity this year to achieve real and lasting progress in Vietnam. We should use the leverage we have, and seek to increase it. The House of Representatives has twice passed legislation authored by me on human rights in Vietnam. HR 1587, The Vietnam Human Rights Act of 2004, passed the House by a 323-45 vote in July of 2004. A similar measure passed by a 410-1 landslide in the House in 2001. The measures called for limiting further increases of non-humanitarian U.S. aid from being provided to Vietnam if certain human rights provisions were not met, and authorized funding to overcome the jamming of Radio Free Asia and funding to support non-governmental organizations which promote human rights and democratic change in Vietnam. Regrettably, both bills stalled in Senate committees and have not been enacted into law. But we are again ready to work with the administration to find ways to encourage and promote civil society in Vietnam. I have re-introduced the Vietnam Human Rights Act of 2005, HR 3190. I would be delighted to hear what sort of measures we could add to the bill to cooperate with the Vietnamese government if it is indeed serious about strengthening civil society and the rule of law: to help promote genuine NGO's, especially faith-based NGO's, to deal with Vietnam's problems with trafficking, addiction, HIV/AIDS, street children; to create an independent bar association, and help train lawyers who can defend the rights already guaranteed to Vietnam's people by Vietnam's own constitution and laws.

Human rights are central, are at the core of our relationship with governments and the people they purport to represent. The United States of America will not turn a blind eye to the oppression of a people, any people in any region of the world. I welcome our witnesses and the valuable eyewitness testimony they bring today, so that the world will get a true and complete picture of this government with whom we are growing ever closer.

Mr. PAYNE. Thank you very much, Mr. Chairman, for calling this very important hearing concerning human rights situation in Vietnam. Vietnam is a wonderful country and a country of great people and I had the opportunity not to visit there recently, but back in

the early 1970s I had the opportunity to visit country province in Da Nang in the north as there was attempt to develop the northern part of South Vietnam. That was after the United States troops had withdrawn and I was Chairman of a world refugee committee headquartered in Geneva Switzerland and was going there with that cap as a person concerned about refugees and rehabilitation in Vietnam at that time.

Of course, we recall that shortly after United States troops withdrew the country fell to the North Vietnamese and the National Liberation Front, but this was truly an example of how we got it wrong initially when we mistook the National Liberation movement of independence from colonialism of France and allowed ourselves to get caught into initially a struggle for independence and as we saw throughout the 1950s and 1960s and 1970s, the whole question of decolonialization got caught up with our NATO allies, in particular in Africa where in many instances we found ourselves supporting despots and tyrants like Mabusu and P.W. Bolt in South Africa because they were antiCommunist, but if we had gotten on the right side of decolonization in Namibia and South Africa, although they were not a colony, Mozambique and Vietnam and others, I think a lot of blood would have not been shed.

As a matter of fact, a colleague of mine was there when the troops came in from the north. I just missed it by about a day or two. It would have been interesting. But there was a difference even between the National Liberation Front of the Vietcong from the North Vietnam military because you know they wore different uniforms, they had a whole different philosophy and the National Liberation Front the VC were suspect of the North Vietnamese army because they were controlled by the People's Republic of China and were not necessarily welcome. They were almost looked at as we are going to be dominated by another foreign country.

I am glad that we have gotten to normalization and that we are moving forward. Today though, I have concerns that while Vietnam is making great strides on the economic front, the human rights situation especially for rural Vietnamese is in need of vast improvement, particularly in the country's Central Highlands and the northwest region, home of the minorities the Montagnards and the Hmong people. As a matter of fact, the Hmong hill people were very helpful in rescuing United States fighter plane pilots that were downed in that region and the Hmong people were able to find them, locate them and get them across the border into Thailand in a lot of instances and Thailand was the house of many refugees from Vietnam, from Compachia and also the Hmong people who ended up there after the war because of persecution by the authorities because of their support for United States airmen.

I am a cosponsor of H.R. 3190, the Vietnam Human Rights Act of 2005 introduced by our Chairman, Mr. Smith. As you know, the United States and Vietnam relations established in the mid 1990s and we have been trying to urge them to improve their manner of governance. As you probably know, the bill points out that the relationships between the United States and the Socialist Republic of Vietnam under one party ruled by the Communist Government of Vietnam has grown significantly since that time.

The relationship is especially strong when it comes to trade, \$6 billion in trade are exchanged between our two countries. Coffee now is becoming a very big export, really destabilizing the coffee markets around the world, but the United States must make human rights a central focus of our policy toward Vietnam.

The economic advances in Vietnam are reflected in the urban centers where civil economic and religious liberties are increasing and we see in many instances things happening in the urban areas. That is where people go. That is where foreigners visit. That is where things seem to be moving along.

However, at the same time these freedoms are not experienced in the country's rural areas and the picture that is developing is increasingly one that can be described as a tale of two Vietnams and we have throughout the world A Tale of Two Cities and the tale of two countries, but we are seeing a tale of two Vietnams also, urban versus rural.

Political freedom in Vietnam, while it has opened somewhat in recent years, still needs a lot of work and this is another area the United States should focus on. The National Assembly's step toward more independence are a welcome feature of the political landscape and I think that the U.S. Administration and Congress needs to do more to provide capacity building and support to fledgling democracies' parliaments around the world. I think we should participate and as a matter of fact, I think we should rejoin the International Parliamentary Union, the IPU, established in 1989.

The IPU is an organization of over 140 national parliaments, which is the focal point for worldwide parliamentary dialogue and work for peace and cooperation among people and for the firm establishment of representative democracy. I implore the leadership of our House and Mr. Hyde of this Committee to explore avenues for future cooperation between the IPU and the United States Congress. I think for us not to be involved in the 140 country organizations where parliaments come together and much can be done with parliaments. They pass the laws. They need to be strengthened. They need to have some recognition and I think that the policy of our International Relations Committee of not participating is once again ostrich with the head in the sand isolation and isolating ourselves from other parliaments where we could have some involvement with them.

About half of Vietnam's population is Buddhist. Catholics make up about 8 to 10 percent of the population. Smaller religious groups include the Caldi organization, only between 1 to 3 percent, the Hoa Hao Protestant groups and Muslim organizations.

In September 2004, for the first time we designated Vietnam as a country of concern, as the Chairman mentioned, in the State Department's international religious freedom report. Vietnam was also redesignated as a CPC in the 2005 report. An agreement was reached on religious freedom a year ago but it certainly should be followed up with some attention. Although some progress is being made, tremendous strides must still be made and I look forward to listening to our witnesses.

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Payne. Chairman Royce.

Mr. ROYCE. Thank you, Mr. Chairman for calling this hearing today. I have had the opportunity in the past to make trips to Vietnam and talk with Le Quang Liem and the Venerable Thich Quang Do and others who have been held under house arrest for the simple right to express their religious freedom and in particular the Venerable Thich Quang Do told me that the old Buddhist text had been taken by the central committee and rewritten until they are about 30 percent of what was in them with edits and additions.

Basically what is at stake is the right of freedom to religion and the right of freedom of self expression. When you have a situation today where if you want to go on the Internet in Vietnam in a cyber cafe and do what students do here all the time in the United States, communicate to your friends, that is going to be monitored by the Government in Vietnam.

We have been 25 years over that now that we have watched economic freedoms slide back, political freedom certainly nonexistent virtually and religious freedoms be quashed and some are pointing to Vietnam's hope of joining the World Trade Organization as a sign that they would make reforms. Very sadly few of them made. When I was in Vietnam, I talked with French companies and other companies that were pulling out and the reason they are pulling out I think this has been expressed well by the Heritage Foundation's index of economic freedom in 2006.

They sum up. They look at 157 nations in the world in terms of their economic propensity to support any measure of freedom and the rule of law and Vietnam ranks 142 out of 157, but I think I will not repeat all of what the Chairman and Ranking Member have expressed, in terms of what has happened to the Unified Buddhist Church of Vietnam and certainly the largest denomination, but Buddhists have probably fared the hardest under this. Certainly ethnic Christians continue to be beaten and they are oftentimes detained by local Vietnamese officials. Protestants have been subjected to eradication campaigns launched by local governments.

I think the Communist government's systematic control of religion from the requirements to register with the government to their forced renunciation ceremonies has created an environment that has led the United States to designate Vietnam as a country of particular concern in 2004 and 2005. I think that terminology comes with a particular concern is such an understatement. I am still amazed we use that choice of words.

Just as the government has gone to great lengths to suppress religious freedoms, so too have they taken such measures to across-the-board suppress freedom of speech. I talked a little bit about what was going on in the cyber cafes where the owners and Internet service providers who are now required by law to monitor their customers' activities and prevent distribution of unsanctioned material. You know a little bit about the sentences that have been handed down to young people who have done no more than try to look up the word democracy and you know how stiff those sanctions can be.

In summation, the Vietnamese Communist party continues to deny its citizens basic human rights and if it wishes to be awarded status under the WTO, we should expect reforms in exchange.



Again, I thank the Chairman for calling this hearing and I look forward to the testimony.

Mr. SMITH OF NEW JERSEY. Thank you very much, Mr. Royce. The Chair recognizes Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. I certainly would like to offer my commendation to you and Chairman Leach for having this joint Subcommittee hearing specifically on some of the issues affecting the Republic of Vietnam.

I could not say it better, Mr. Chairman, than to again I am not trying to quote you here or to scratch your back, Mr. Chairman, but I truly do believe that certainly as one of our champions in the Congress in promoting and enhancing human rights throughout the world is second to none and I admire and I always respect you for that.

I think this is in terms of what my good friend Mr. Royce had just enunciated about his concerns. Human rights is human rights, whether it be in Vietnam or any other country. I note with interest, Mr. Chairman, that our State Department has issued these human rights reports which were done since 1977 and I think there seems to be a lot of misunderstanding among some of our countries who are reported in this report.

In fact, one of the Prime Ministers of the island nations was very offended at the fact that this report was issued by the State Department without any consultation with any of the leaders of his government as a way to at least express whatever seems to be the nuances, because the reports were very critical and I think in fairness to him his response was, I suggest that the Government of the United States clean up its backyard first before making allegations against my country and others as well in terms of our problems that we are faced with as far as human rights are concerned.

In specific terms, Mr. Chairman, I have a different perspective about Vietnam. It goes beyond just what we are talking about in the State Department report. It has something to do with the colonial legacies of what we had left of these Asian countries. When you talk about the history how we got involved in Vietnam was very interesting. The way we had labeled some of their top leaders like Ho Chi Minh as a Communist, as a Maoist, as a Marxist. Those terms, when these people were fighting the French, colonial legacy has not been positive among the Vietnamese people whether you lived in North or South Vietnam.

What I am trying to say in perspective, Mr. Chairman, is that we have to take the overall picture of this country. Why do you suppose that a lot of these Asian leaders ended up becoming Marxists or Socialists? Because the worst examples of democracy were these colonial powers that came from Europe. I think we have to take it in perspective. Yes, these countries are going through a lot of problems.

Uniquely we have a Communist country, the People's Republic of China and yet they are very capitalistic in many aspects of their economic development. I suspect that probably the leaders of Vietnam are trying earnestly to do the same and when it comes to human rights violations, I am sure that they are not happy with the current status of some of the things that are affecting its citi-

zens. No different than some of the problems that we have in our own country, how we treat our citizens as well.

I want to put that in a bigger picture, not just in specific terms of saying so-and-so human rights have been violated, but we are talking about 70 million people. Only in 1995 we have established diplomatic relations. The domino theory that if Vietnam falls the rest of Asia will become Communist. Guess what? We are trading with a Communist country, Vietnam.

One of the contradictions that we find ourselves in history and we were a participant in the process. I am not suggesting that we ought to lessen our efforts in making sure that other countries comply with basic human rights issues that we talk about as part of the charter of the United Nations. All countries have signed up to it. Yes, we have constitutions. Yes, we believe in human rights. I am concerned and I sincerely hope that some of the, I say this as a Vietnam veteran and I guess those of us who did serve in Vietnam have an entirely different perspective, for all I knew I could have been among 60,000 body bags that should have come back or did come back and in the worst way I am still bitter about this experience that I had, Mr. Chairman.

I look at it with the sense of understanding what is in the minds of the Vietnamese people and the leaders and what they are trying to do right now in providing for the needs of their country, whether it is a Communist, whether it is a Socialist, whether it is a democratically based government. I want very much to hear from our distinguished witnesses that we have this afternoon.

That is basically my perspective. I could not agree with you more that we need to make sure that citizens and leaders of other countries do have very serious concerns and are addressing the concerns about human rights violations. I can tell you a whole story about what is happening in West Papao New Guinea right now. The genocide committed by the previous dictators in Sukarni and Suhardu, 500,000 to a million tortured and murdered in the name of getting rid of Communists and only to find out that it was because of the dictatorial policies that those regimes had in that country.

Asia Pacific is a very unique situation, Mr. Chairman and not as simple as sometimes I think we Americans make it so and I think there are a lot of gray areas that makes it very difficult sometimes to make a good judgment or a reasonable decision as to what is happening out there. I look forward to hearing from our distinguished panelists and again, Mr. Chairman, I thank you for calling this hearing and not only bringing attention to some of the issues and problems affecting Vietnam, but look at the whole region and what has happened and the legacy. The colonial legacy of these countries in the Asia Pacific region, let us not forget how they started and what got them where they are now and some of the problems that they are confronted with as of today. Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you very much.

Mr. FALEOMAVEGA. Mr. Chairman, I am sorry. I want to second what my good friend, Congressman Payne, said. We need to reestablish our membership with the International Parliamentary Union. I tell you I have been to a couple of those IPUs and guess

what, Mr. Chairman? I was the only one representing the whole United States Congress among some 146 countries that were represented.

Not only was I embarrassed, Mr. Chairman, here I was singly representing the whole United States Congress and I had about 100 votes to myself that I could have divvied out to all the others. It was exciting, but I sincerely hope that we need to do something about reestablishing our membership and be proactive in participating in the largest parliamentary union composed of parliaments of some 146 countries in the world. I second what Mr. Payne suggested earlier. Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you very much. It was a pleasure to be with you in New York as we promoted the human rights agenda on Monday just this week. I appreciate your comments. The Chair recognizes my friend and colleague, Mr. Fortenberry. I would just say, Mr. Fortenberry is a new Member of the Congress and a new Member of this Committee, but has been an extraordinary champion on behalf of human rights in general and Vietnam in particular. We are most appreciative for that and I yield to the gentleman.

Mr. FORTENBERRY. Thank you, Mr. Chairman, for those kind words. I am very grateful that you are holding this hearing today and welcome to all of our guests, as well as, Mr. Chairman, your steadfast commitment to emphasizing our country's core principles and the importance of upholding the inherent dignity of every human person around the world as we work to develop effective bilateral relationships throughout the world.

Earlier this year, the House passed a resolution honoring the contributions of Vietnamese Americans to American society over the past 30 years. The resolution urges all United States citizens to work toward the full realization of freedom for all of the people of Vietnam and this issue is of great significance to many of my constituents who are keenly interested in the work of this Subcommittee.

Many people of Vietnamese origins have chosen to make Lincoln, Nebraska, my home, their home and to build their families there. My Vietnamese friends and neighbors contribute immensely to the vitality of our district and I am truly honored to represent them here in Congress. They have literally transformed important parts of Lincoln into an oasis of a diversity of culture with flourishing small businesses, thriving faith communities and markets offering fine cuisine and other products.

While my constituents greatly cherish the opportunity to live in the United States, their roots are in Vietnam and these roots are particularly important to the Vietnamese community. Our office routinely handles constituent requests with matters involving Vietnam and the question of whether the human rights situation is improving in that country is asked very often in the district office in Lincoln.

We often submit congressional inquiries to the United States Consulate in Ho Chi Minh City dealing with certain matters of importance for our constituents. I recently had the honor of attending the wedding reception of a young couple united partly because of the efforts of our office, which worked to unravel the bureaucratic

entanglements between our country and Vietnam, resulting in the uniting of this couple and that truly is a very, very gratifying part of this work in this job.

Mr. Chairman, please know that your efforts to convene our nation's top experts on human rights in Vietnam are vitally important to our community back home as well as communities throughout the nation. Before we hear from our distinguished panel, I do wish to commend the men and women of the Department of State for their painstaking efforts to develop the annual country reports on human rights practices. I note that this year's report on Vietnam appears to reflect an improvement in respect for human rights. Several thousand amnesties were granted for prisoners of conscience and there were no reported killing or disappearances tied to the government's security forces.

I welcome the steps that have been taken to redress injustices and hope that the gains which have been made will be continued and consolidated. However, I must also note that Vietnam remains a country of particular concern and its 2005 human rights record remains "unsatisfactory." While economic development and market reforms have spurred a relative improvement in the living standards of many Vietnamese people and these reforms appear to have been accompanied by diminished government intrusion into their daily lives throughout much of the country, the welfare of people in more isolated rural areas, particularly in the Central and Northwest Highlands, remains a particular cause for very grave concern.

In May 2005, the United States concluded an agreement with Vietnam in which Vietnam made commitments to improve religious freedom. It is my understanding that despite improvements in the treatment of Protestant house churches and loosened restrictions on the training of clergy, harassment and oppression of the Montagnard population, Hmong Christians, Buddhists and members of various Christian denominations, these harassments continue.

I also note that the country's report section on torture is rather muted and limited in scope and wonder if this reflects a difficulty in gaining access to document cases of torture. Several hearings and briefings over this past year certainly pointed to more harrowing circumstances as have been alluded to than those which were highlighted in this report.

I look forward to hearing from our witnesses on the likelihood of a sustained improvement in the treatment of Vietnam's religious minorities throughout the remainder of this year and on the likelihood of a more comprehensive improvement with respect to freedom of assembly, freedom of association and freedom of public religious expression. Religious liberty and freedom of religious expression are inalienable rights of mankind and fundamental pillars of any just society.

Mr. Chairman, once again I am grateful for your leadership and ensuring that these core human rights issues remain front and center in our bilateral dialogue with Vietnam and that our diplomatic engagement fully reflects the core values upon which our nation was founded. Thank you.

Mr. SMITH OF NEW JERSEY. Thank you very much. Let me now introduce our very distinguished panelists, beginning first with

Secretary Barry F. Lowenkron, who has served since October 2005 as the Assistant Secretary for the Bureau of Democracy, Human Rights and Labor. Prior to his appointment, Mr. Lowenkron served as Principal Deputy Director of Policy Planning for the Department of State. Secretary Lowenkron currently is on leave from the Nitze School of Advanced International Studies of the Johns Hopkins University, where he has been an adjunct lecturer in American Foreign Policy since 1979.

We will then hear from Ambassador John V. Hanford III, who is the second United States Ambassador-at-Large for International and Religious Freedom. He has been serving in this position since May 2002. Previously, Mr. Hanford served as an expert on international religious freedom by working on the staff of Chairman Richard Lugar. In 1998, Ambassador Hanford led a team of congressional offices in crafting the IRFA. I would note parenthetically that since that bill went through our Committee and I worked very hard with him, he was indeed critical to its passage. The real glitch was on the Senate side. We got it passed here on the House side and he worked magic in birthing that bill and bringing it to fruition and now it is all very fitting that he serves as the Ambassador-at-Large to implement the very bill he helped craft.

We will then hear from Eric G. John, who became the Deputy Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs in June 2005. Previously, Mr. John was the Minister Counselor for Political Affairs at the U.S. Embassy in Seoul, South Korea. He also served as the Deputy Principal Officer for the U.S. Consulate General in Ho Chi Minh City, Vietnam. Secretary Lowenkron, if you could begin.

**STATEMENT OF THE HONORABLE BARRY F. LOWENKRON, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE**

Mr. LOWENKRON. Thank you, Chairman Smith. I appreciate your thoughtful comments and those of your colleagues and I must say that so much of your opening statement touched on our human rights dialogue that we had in February on the agenda and in our thoughts, mine as well as my colleague Ambassador Hanford when we were in Hanoi last month and I want to thank you also for the opportunity to report on this human rights dialogue today. I would ask that my full testimony be entered into the record.

Mr. SMITH OF NEW JERSEY. Without objection.

Mr. LOWENKRON. Thank you. As required by law, I will shortly submit a formal report of the dialogue to you. More broadly I want to thank you and the Members of the Committee for your work on behalf of human rights in Vietnam. Your markup of House Concurrent Resolution 320 calling upon the Government of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners demonstrates your deep commitment and let me say your act of concern from the hearings you hold to the report mandated by Congress greatly strengthens my hand when I sit down and talk to the Vietnamese officials.

As you noted in your remarks, Mr. Chairman, we suspended the bilateral human rights dialogue with Vietnam in 2002 for lack of progress by Vietnam. In June 2005, the White House meeting if

Prime Minister Phan Van Khai and President Bush they agreed to raise our bilateral relationship to a higher plane, but the meeting also reinforced for the Vietnamese the importance this Administration attaches to human rights and democracies.

The two leaders agreed to continue an open and candid dialogue on issues of common concern, including human rights. Vietnam's willingness to discuss human rights also came after Vietnam's designation as a country particular concern and against the backdrop of Vietnam's interest in joining the WTO. In the lead up to the Prime Minister's trip, Vietnam had improved its legal framework for religion and in the months before and after the visit released 17 people who had been on the U.S. Government's list of prisoners of concern. Most were released in general amnesties.

So at the request of Secretary Rice, I led the United States delegation to Vietnam to resume the dialogue with determination and with hope. Determination that the dialogue be frank, that it be transparent and that it be results based and hope that significant progress can be made. We also went to Vietnam, Mr. Chairman, with no illusions about the human rights situation. The Government of Vietnam continues to place major restrictions on freedom of expression, association, assembly and religion. The government censors domestic media, blocks foreign radio broadcasts and Web sites and denies its people the right to form independent organizations. Vietnamese continue to be harassed and imprisoned for their peaceful expression of dissenting political or religious views.

To underscore our commitment to human rights, after the conclusion of the dialogue I traveled to Ho Chi Minh City, where I met with political and religious dissidents. Among them, Mr. Chairman, was Dr. Nguyen Dan Que, a leading democracy activist with whom I know you met during your trip last December. Dr. Que was released from prison in April of last year. He and other dissidents continue to courageously call for peaceful change and freedom for all Vietnamese.

If I may, Mr. Chairman, I will make some general comments now about the tenure and the thrust of the dialogue itself. In the past, the Vietnamese officials have been unwilling to engage in meaningful discussions. In fact, the dialogues rarely lasted more than 2 hours. This time they were prepared to engage us substantively. At the dialogue they emphasized what President Bush calls the non-negotiable demands of human dignity will be key considerations as we build our bilateral relationship.

I stated a dialogue without concrete progress would not just be an empty exercise, it would be counterproductive. Concrete progress on human rights would pave the way for a successful visit by President Bush to Hanoi for the November 2006 APEC meeting and I stressed that while it serves our mutual interests to work together on shared concerns, such as stemming the spread of avian flu and HIV/AIDS, fighting terrorism and drug trafficking, human rights are inseparable from the other dimensions of our policy toward Vietnam.

My counterpart, Pham Binh Minh, Director General of the International Organizations at the Ministry of Foreign Affairs, was ready for a vigorous exchange, so was Vice Minister Le Van Bang, with whom I had a separate meeting and with whom, Mr. Chair-

man, I understand you met in December and discussed the wide range of issues.

Representatives of many other government institutions also participated. This was a good step. As a result, we were able to press a specific issue of concern with the institution that has direct responsibility for it. For example, we were able to discuss criminal code reform directly with representatives of the Ministry of Justice.

Mr. Chairman, if I may, I will briefly characterize the discussions on the topics on which I took the lead: Criminal code reform, prisoners of concern, prison conditions and freedom of the press. Ambassador Hanford, who will testify later in these proceedings, took the lead on religious freedom.

The National Assembly has amended its criminal procedure code to allow more rights for defendants and set a goal of changing courtroom procedures to an adversarial model from the current investigative model. I stressed the need for Vietnam to bring its criminal code into full conformity with international standards, not least by repealing Administrative Detention Decree 31, under which political and religious dissidents have been detained for broad and ill-defined reasons without due process. The Vietnamese stated in turn that the decree is under review, that there is a chance it may be amended, but not abolished. They also stressed that no legal document need be permanent.

My interlocutor said they would welcome United States assistance in implementing criminal code reform. Vietnam does not have enough trained judges and lawyers and the legal infrastructure for long-term improvements. Working with the international NGOs, we can help Vietnam bring its criminal code and practices into conformity with international standards so that laws are not used to punish people for exercising their basic human rights.

With regard to prisoners of concern, I presented a list of names of 21 prisoners consisting of 6 Vietnamese imprisoned for political or religious reasons and 15 who are not imprisoned but are under some form of detention such as house or pagoda arrest. Vietnam claims it does not hold anyone for political or religious reasons and that the people on our list have violated national security laws.

Among the names on our list is Dr. Pham Hong Son, an individual whose case I raised repeatedly in Hanoi. He was convicted for "espionage" for translating an essay on democracy from a Department of State Web site. I bluntly told the Vietnamese officials that the American people will not understand why a country that wants to have better relations with us would imprison somebody for translating an article on democracy.

Three weeks prior to our arrival, Vietnam released high profile political prisoner Nguyen Khac Toan. Welcoming his release, we urged Vietnam to release all prisoners of concern before President Bush's trip to Hanoi in November. Based on information provided by Vietnamese officials during the dialogue and checked by our Embassy, I understand that of the six political activists on the list I presented, four remain in prison. Sadly, Tran Van Luong committed suicide late last year. I understand that he fell ill and while in the prison infirmary he leaped from a window to his death.

Tran Van Hoang was released from prison last June, but he is under now house arrest. There is no change in the status of the

15 detainees on the list and we have now added Tran Van Hoang to it for a total of 16 people we now know are under house arrest. Mr. Chairman, in all cases our objective is not just an accurate report of the status of prisoners, but their release and we will continue to press hard for the freedom of all remaining prisoners. With regard to prison conditions, we urged the Government of Vietnam to issue an invitation to the UN working group on arbitrary detention and to allow them full access.

Finally, Mr. Chairman, media freedom in Vietnam remains significantly limited. The government continues to prohibit any reporting that questions the role of the party, criticizes individual leaders, that promotes human rights and political pluralism. Our Vietnamese interlocutors highlighted the increase in the number of media outlets available, radio, television, the press and the Internet. We made the point, however, the issue is not the amount of available programming. The issue is the content of the programming.

I believe that the sizable domestic Internet demand, now 9 percent of Vietnam's population, represents a thirst to enter a globalized world. As the government prepares for the APEC meeting, I told Vietnamese officials that they must decide which Vietnam they will showcase to the world, an open Vietnam or a Vietnam that closes off its people from a world of ideas, information and opportunity.

Mr. Chairman, the United States and Vietnam enjoyed cooperative, productive relations in many spheres. Vietnam is a dynamic, resilient, independent country confident enough to compete in a globalized world, but it is up to the Government of Vietnam to be confident enough to bring the country's laws and practices up to international standards and to allow its people to exercise their rights of expression, association, assembly and religion.

Let me close, Mr. Chairman, reemphasizing what I repeatedly told the Vietnamese and the message I left with them in Hanoi and in Ho Chi Minh City. The dialogue was a good start, but if it is to continue we must see real results. Thank you.

[The prepared statement of Mr. Lowenkron follows:]

PREPARED STATEMENT OF THE HONORABLE BARRY F. LOWENKRON, ASSISTANT SECRETARY, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEPARTMENT OF STATE

Chairman Smith, Chairman Leach, Members of both Subcommittees,

Thank you for holding this hearing on the human rights situation in Vietnam and for giving me this opportunity to report on the U.S.-Vietnam Human Rights Dialogue, which was held on February 20, 2006 in Hanoi. As you know, Mr. Chairman, Section 702 of Public Law 107-671 requires the Department to submit a report on the U.S.-Vietnam Human Rights Dialogue within 60 days of its conclusion. I will shortly submit a formal report to the Committee, which will reflect my testimony before you today and include the 2005 Country Report on Vietnam's human rights practices.

I also want to thank the Members of the Committee for your work on behalf of human rights and prisoners of conscience in Vietnam. Your mark-up of House Concurrent Resolution 320 calling upon the Government of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners demonstrates your deep commitment. My Vietnamese interlocutors were well aware of the strong Congressional interest in these prisoners and in Vietnam's human rights performance as a whole. Your active concern greatly strengthens my hand during the talks.



Mr. Chairman, as you know, the United States suspended the U.S.-Vietnam Bilateral Human Rights Dialogue in 2002 due to lack of progress by the Government of Vietnam (GVN). The historic June 2005 visit by Vietnamese Prime Minister Phan Van Khai to the United States, and his meeting with President Bush, raised our bilateral relationship with Vietnam to a higher plane. The meeting with the President also reinforced for the Vietnamese the importance this Administration attaches to human rights and democracy. The two leaders agreed on the importance of continuing an open and candid dialogue on issues of common concern, including human rights practices and conditions for religious believers and ethnic minorities.

We were very much aware that Vietnam's willingness to discuss these issues also came after Vietnam's designation in September 2004 as a Country of Particular Concern (CPC) under the International Religious Freedom Act and against the backdrop of Vietnam's keen interest in ensuring that there is no U.S. obstacle in the way of Vietnam's joining the World Trade Organization. In the lead-up to the Prime Minister's trip, the GVN had improved its legal framework with respect to religion, and in the months before and after the visit released 17 individuals who had been on the U.S. Government's list of prisoners of concern. Most were released in general amnesties.

And so, at Secretary Rice's request, I led the U.S. Delegation to Vietnam to resume the Dialogue with determination and with hope—determination that the Dialogue be frank, transparent and results-based, and hope that significant further progress can be made. We also went to Vietnam, Mr. Chairman, with no illusions about the human rights situation and how far Vietnam has yet to go to bring its laws and practices into conformity with international standards.

The Government of Vietnam continues to place major restrictions on fundamental freedoms of expression, association, assembly and religion. The government censors domestic media sources, blocks foreign radio broadcasts and websites, and denies its people the right to form independent organizations. Courageous Vietnamese continue to be pressured, harassed, detained and imprisoned for their peaceful expression of dissenting political or religious views.

To underscore the U.S. commitment to human rights, after the conclusion of the Dialogue with Vietnamese officials, I traveled to Ho Chi Minh City where I met with political and religious dissidents. Among them was Dr. Nguyen Dan Que, a leading democracy activist who was released from prison in April 2005. Dr. Que and the other dissidents with whom I met continue courageously to call for peaceful change and a future of freedom for all Vietnamese.

If I may, Mr. Chairman, I will now make some general comments about the tenor and thrust of the Dialogue, before going into the particulars of the discussions.

In the past, Vietnamese officials had been unwilling to engage in meaningful discussions. This time, in contrast, the Vietnamese clearly were prepared to engage us substantively. At the Dialogue, I emphasized to my Vietnamese interlocutors that the protection and promotion of what President Bush calls the "non-negotiable demands of human dignity" are central to our foreign policy and that these non-negotiable demands will be key considerations as we build our bilateral relationships across the globe, including our relationship with Vietnam.

I also stated that while dialogue can play an important role in increasing understanding and narrowing differences, dialogue without concrete progress would not just be an empty exercise, it would be counterproductive. By making concrete progress on human rights, the Government of Vietnam would pave the way for a successful visit by President Bush to Hanoi for the APEC meeting in November. This is a point that Vietnamese officials acknowledged repeatedly during the Dialogue. And I stressed that while it serves our mutual interests to work together on shared concerns such as stemming the spread of avian and pandemic influenza and HIV/AIDS, and fighting terrorism, drug trafficking and other international crimes, the human rights agenda is inseparable from the other dimensions of U.S. policy toward Vietnam.

The GVN agreed to discuss all of the human rights topics that we put forward, which included Criminal Code Reform, Prisoners of Concern, Prison Conditions and Freedom of the Press and the Internet—topics on which I took the lead for the U.S. delegation. We also discussed religious freedom, on which Ambassador-at-Large for International Religious Freedom John Hanford took the lead and on which he will be testifying before you later today.

My counterpart, Pham Binh Minh, Director General of the International Organizations Department of the Ministry of Foreign Affairs, was ready for a vigorous exchange, as was Vice Minister Le Van Bang, with whom I had a separate meeting. Representatives of many government institutions other than the Ministry of Foreign Affairs participated, such as the Ministry of Public Security, the Ministry of Home Affairs, the Committee for Ethnic Affairs, the Committee for Religious Affairs, the

Office of the Government, the Supreme People's Procuracy, the Ministry of Justice, the Ministry of Culture and Information, and the Supreme People's Court. As a result, we were able to press a specific issue of concern with the government institution that has direct responsibility for that issue. For example, the United States delegation was able to share its concerns on criminal code reform directly with representatives of the Ministry of Justice.

Now, Mr. Chairman, I will briefly characterize the discussions of the particular topics on which I took the lead.

With regard to Criminal Code Reform, the Vietnamese National Assembly has amended its criminal procedure code to allow more rights for defendants and set a goal of changing courtroom procedures to an "adversarial" model from the current "investigative" model. I stressed the need for the GVN to bring its criminal code into full conformity with international standards, not least by repealing Administrative Detention Decree 31/CP.

Decree 31 allows the government to detain individuals for broad and ill-defined reasons and without due process. We know of several political and religious dissidents who currently are detained under Decree 31. GVN officials stated that Decree 31 is now under review and that there is a possibility that it may be amended to better conform to international standards, but not abolished. The GVN stressed that no legal document need be permanent.

The GVN said it would welcome U.S. assistance in implementing criminal code reform. Vietnam lacks sufficient numbers of trained judges and lawyers and the legal infrastructure necessary to make long-term improvements. I believe that the U.S. Government, working with international NGOs, can help the GVN bring its criminal code and practices into conformity with international standards so that laws are not used to punish people for exercising their human rights.

With regard to Prisoners of Concern, during the Dialogue, our delegation presented to my counterpart Pham Binh Minh from the Ministry of Foreign Affairs and Vice Foreign Minister Le Van Bang a list of names of 21 prisoners. The list included the names of six Vietnamese imprisoned for political or religious reasons and fifteen who are not in prison but who are under some form of detention, such as house arrest. The GVN continues to claim that it does not hold anyone for political or religious reasons, and that the people on our list have been found guilty of violating national security laws.

Among the names on our prisoner list is that of prominent physician Dr. Pham Hong Son. Dr. Son was convicted by the GVN for "espionage" for translating an essay on democracy from a Department of State website. I bluntly told GVN officials that the American people will not understand why a country that wants to have better relations with us would imprison someone for translating an article on democracy.

Other prisoners of concern include journalist Nguyen Vu Binh, who was convicted of "espionage" for drafting articles on human rights, Do Van My, who is in prison for reporting on forced relocation and his support for grassroots activism in the countryside, and Phan Van Ban, a 69 year-old former police officer, who was arrested for joining an organization calling for peaceful political change.

Three weeks prior to our delegation's arrival in Hanoi, the government of Vietnam released high-profile political prisoner Nguyen Khac Toan. Welcoming his release as a step in the right direction, we urged Vietnamese officials to release all prisoners of concern before President Bush's trip to Hanoi in November for the APEC meeting.

Based on information provided by Vietnamese officials during the Dialogue and conscientiously checked by our Embassy, I understand that of the six political activists whose names are on the list I presented during the Dialogue, four currently remain in prison. Sadly, Tran Van Luong committed suicide late last year. I understand that he fell ill and while in the prison infirmary leaped from a window to his death. Tran Van Hoang was released from prison in June 2005, but was put under house arrest following his release. There has been no change in the status of the fifteen detainees on the list I presented, and we have now added Tran Van Hoang to it, for a total of sixteen people now under house arrest.

Mr. Chairman, in all cases, our objective is not just an accurate report on the status of the prisoners but their release, and we will continue to press hard for the freedom of all remaining prisoners of concern in Vietnam.

With regard to Prison Conditions, we urged the GVN to issue an invitation to the United Nations Working Group on Arbitrary Detention and allow them full access in accordance with their mandate. The last visit to Vietnam by the UN Working Group was in 1994.

Finally, Mr. Chairman, Media Freedom in Vietnam remains significantly limited. The government continues to prohibit any reporting that questions the role of the

Party, criticizes individual leaders or promotes human rights and political pluralism. Nevertheless, journalists continue to test the limits by reporting on corrupt members of the Communist Party.

Our Vietnamese interlocutors highlighted the increase in the number of media outlets available via radio, television, the press and the Internet. We made the point, however, that while the growing number of media outlets is a positive development, the issue is not the amount of available programming but the content of the programming.

Currently, there are 8 million Internet users in the country, representing nearly 9 percent of the population. However, Vietnam blocks access to websites it considers politically and morally "dangerous," including sites of foreign news organizations and human rights organizations. Cyber café owners must register their customers' personal information with the government. To justify these restrictions, Vietnamese officials decried the evils of the Internet and argued that children could be exposed to pornography, violence and gambling if sites were not controlled.

I believe that the sizeable Vietnamese domestic Internet demand represents a thirst to enter a globalized world. As the Government prepares for the November APEC meeting, I told Vietnamese officials that they must decide which Vietnam they will showcase to the international community: an open Vietnam, or a Vietnam that closes off its people from a world of ideas, information and opportunity.

Mr. Chairman, the United States and Vietnam enjoy cooperative, productive relations in many spheres. We found Vietnam to be a dynamic, resilient, independent country confident enough to compete in a globalized world. Now, it is up to the Government of Vietnam to be confident enough to bring the country's laws and practices into conformity with international human rights standards and allow the Vietnamese people to exercise their fundamental freedoms of expression, association, assembly and religion.

Mr. Chairman, we will continue to press the Vietnamese government for tangible progress on all the areas covered by the Dialogue. Shortly after my return to the United States, Vice Minister Le Van Bang came in for a follow-up meeting, and I reviewed with him all the issues we discussed during the Dialogue. I reiterated to the Vice Minister what I had said to him and his colleagues in Hanoi, that the United States is prepared to help Vietnam advance its reform efforts, and to that end, that I am willing to meet here at any time with Vietnamese officials and also to consider a return trip to Vietnam.

Let me close, Mr. Chairman, by emphasizing to you what I repeatedly stressed to our Vietnamese interlocutors: The Dialogue was a good start, but if it is to continue, we must see real results.

Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Mr. Secretary, thank you very, very much for that eloquent statement. Chairman Leach, did you want to make any opening comments?

Mr. LEACH. I have no opening statements.

Mr. SMITH OF NEW JERSEY. Thank you. Ambassador Hanford.

**STATEMENT OF THE HONORABLE JOHN V. HANFORD III, AMBASSADOR-AT-LARGE, OFFICE OF INTERNATIONAL RELIGIOUS FREEDOM, U.S. DEPARTMENT OF STATE**

Ambassador HANFORD. Chairman Smith and Members of the Subcommittee, it is an honor to be here today and I want to begin by thanking you for holding this hearing and for giving me the opportunity to discuss the United States/Vietnam human rights dialogue and our recent work to promote religious freedom in Vietnam. It has been my great pleasure to work with this Committee over the past several years and I am grateful for the Committee's commitment to religious freedom and for the support that you give our efforts and for the advocacy that each of you do in your own right. May I ask that my entire statement be submitted into the record?

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

Ambassador HANFORD. Religious freedom in Vietnam has been a high priority for me since I started at the State Department. I have spent more time in Vietnam working for religious freedom than in any other country. The first trip I made as Ambassador-at-Large was to Vietnam and I visited Hanoi four times to engage Vietnamese officials on religious freedom abuses.

Beginning in 2002, I have held a series of intense discussions with Vietnamese officials both here and in Vietnam. We engaged in sustained and vigorous diplomacy and carefully described to Vietnamese officials the religious freedom violations that place them at the threshold of designation as a country of particular concern or CPC.

We work hard as we did with Vietnam to negotiate improvements with countries that are on the verge of such a designation and we make every effort to use this process in a way that offers the greatest potential to bring about positive change. Ultimately, however, the Government of Vietnam failed to respond to our diplomatic overtures and in 2004 the Secretary designated Vietnam a CPC.

The sorts of problems which led us to this designation included pressures on tens of thousands of people to renounce their faith, continued restrictions on religious denominations and clergy, incredible accounts of harassment of religious believers. In addition, beginning in 2001 there were aggressive efforts on the part of officials to crack down on religious practice in the Central Highlands and elsewhere that resulted in the closure of hundreds of churches. We are also aware of dozens of persons imprisoned or under a detention for religious reasons.

Following Vietnam's designation, we intensified diplomatic engagement in an effort to work with the Government of Vietnam to secure an agreement on key religious freedom issues. This began a vigorous period of negotiations that resulted on May 5, 2005, with a formal exchange of letters with the Government of Vietnam that addresses these and other important religious freedom concerns. This agreement was the first of its kind ever attempted, negotiated or signed under the International Religious Freedom Act.

Under the terms of the exchange of letters, the Government of Vietnam has agreed to address a number of the serious issues that we had raised with them and that led to them being designated. These included the need to reopen house churches and meeting places that had been previously closed, to work with us on the release of remaining prisoners and to hold officials accountable for violating the legal framework on religion. The Government of Vietnam also agreed to ensure that local officials fully implement the new legal framework on religion with the understanding that while this new framework holds promise for religious freedom, it means nothing if there is no local implementation.

I am pleased today to report that we are encouraged by a number of significant improvements in religious freedom in Vietnam which have occurred over the past year. Religious leaders in general report that they are allowed more freedom to participate in religious activities, that there is greater acceptance of various types of religious activities including worship and house churches and that they experienced fewer difficulties from Vietnamese authori-

ties. They also confirmed Vietnamese statements that national officials have convoked meetings of provincial officials to explain the new more open regulations and the need to implement them fully.

Perhaps the most significant improvement is the promulgation of the new legal framework. Two of the most important documents, Decree 22 which represents the implementation regulations of the new ordinance on belief and religion and the Prime Minister's Instructions on Protestantism, were brought forward shortly before we agreed on the exchange of letters. This new legal framework reflects many of the issues that we have been working on with the Vietnamese over the previous 3½ years and represents meaningful improvements over previous policy. These include banning forced renunciations, granting churches protections from harassment by allowing them to register and defining conditions that would clarify land use rights for registered and recognized churches.

The new legal framework also provides the possibility that previously unrecognized churches and denominations may be recognized in the future. While these new laws are far from perfect, the Government of Vietnam deserves real credit for significant improvements on the status of religious freedom, which this new legal framework makes possible if in fact it is fully and properly implemented.

We have also worked very closely with the Vietnamese on the release of religious prisoners and have met with notable success. One such case that you mentioned earlier, Mr. Chairman, is that of Father Ly. On my first trip to Vietnam, I appealed on Father Ly's behalf and he received a reduced sentence from 15 to 10 years, which was later reduced to 5 years until finally in 2005 he was released as part of a Presidential amnesty.

Another important case was that of Baptist Pastor Than Van Truong. Pastor Truong had been detained without charge and committed to a mental asylum in July 2004. In September of this last year, he too was released. While a handful of religious prisoners and persons subject to restrictions remain, we must acknowledge that we have come a long way in working with the Vietnamese Government toward addressing the religious prisoner issue.

Now turning to my most recent trip, last month I was pleased to participate with Assistant Secretary Lowenkron and the bilateral United States/Vietnam human rights dialogue in Hanoi. In addition to the formal human rights dialogue, I held a series of additional talks with the Government of Vietnam specifically on religious freedom issues and on Vietnam's CPC status. During the human rights dialogue and subsequent meetings, we clearly reiterated the message that removal from the CPC list will be possible only when Vietnam has fulfilled its commitments under the May 5 exchange of letters, including consistent and nationwide implementation of its new legal framework.

While we are encouraged by the progress we have seen in Vietnam, we remain concerned about certain continuing problems. While the government is allowing greater freedom for some religious groups to have a greater role in choosing their own leadership, some restrictions on the hierarchies and clergy of religious groups remain in place. We are also troubled by continual reports that local officials have repressed some unregistered Protestant be-

lievers by forcing church gatherings to cease and closing house churches. In other cases, some groups have applied for registration but are facing delays without adequate explanation.

In Gialai province in the Central Highlands, in December of this last year, over 200 meeting places and churches were officially registered under the new legal framework effectively legalizing operations for all of the Souther Evangelical Church of Vietnam 75,000 believers in that province. We were very encouraged by this development because it reflects a good faith effort in this part of the country to allow a very meaningful degree of religious freedom.

However, Vietnam's legal framework is not yet consistently enforced throughout the country and as a result, the scope of religious freedom has expanded in some communities much faster than in others. For example, in the Northwest Highlands where there has been a growth of the Protestant community to over 130,000 believers, we have seen little improvement.

We are also concerned that reports that some local officials in this region have pressured ethnic minority Protestants to renounce their religious beliefs. Furthermore, registration and recognition of churches in the Central Highlands province of Daklak and elsewhere have proceeded very slowly and could leave these congregations vulnerable to future abuses and equally important calls for concern is the government's unwillingness to recognize the United Buddhist Church of Vietnam, a Mennonite group and some divisions of the Hoa Hao Buddhist sect.

At the human rights dialogue in our subsequent meetings and on a regular basis in both Hanoi and Washington, our message to the Government of Vietnam is that we are closely monitoring developments, seeking additional information on problem areas and will be continuing to press for progress. In both the human rights dialogue and in my private meetings with Vietnamese officials, we were assured that the government will be turning its attention to our remaining areas of concern.

Vietnamese officials have also promised to provide precise information about church registrations, recognitions and other forms of assistance, such as the building of churches, facilitation of seminaries and land grants and indeed since my recent trip to Hanoi, the Vietnamese Government has provided the first of what we hope will be continuing cooperative reports on the state of religious freedom in Vietnam.

Mr. Chairman and Members of the Committee, I offer my sincere thanks to each of you for your commitment to working toward full freedom of religion in Vietnam and please know of my resolve to continue working with you toward this vital goal.

[The prepared statement of Mr. Hanford follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN V. HANFORD III, AMBASSADOR-AT-LARGE, OFFICE OF INTERNATIONAL RELIGIOUS FREEDOM, U.S. DEPARTMENT OF STATE

Chairman Smith, Chairman Leach, and Members of the Subcommittees: It is an honor to be here today and I want to begin by thanking you for holding this hearing and for giving me the opportunity to discuss the U.S.-Vietnam Human Rights Dialogue and our recent work to promote religious freedom in Vietnam.

It has been my great pleasure to work with this Committee over the past several years, and I am very grateful for the Committee's commitment to religious freedom, for the support you give to our efforts, and to the advocacy that each of you do in your own right.

## CPC DESIGNATION AND NEGOTIATIONS

Religious freedom in Vietnam has been a high priority for me since I started at the State Department. I have spent more time in Vietnam working for religious freedom than in any other country. The first trip I made as Ambassador at Large was to Vietnam, and I have visited Hanoi four times to engage Vietnamese officials on religious freedom abuses.

Beginning in 2002, I held a series of intense discussions with Vietnamese officials both here and in Vietnam. We engaged in sustained and vigorous diplomacy, and carefully described to Vietnamese officials the religious freedom violations that placed them at the threshold of designation as "Country of Particular Concern," or CPC. The International Religious Freedom Act provides that countries should be designated CPCs when their government has engaged in or tolerated particularly severe violations of religious freedom. We try to work hard, as we did with Vietnam, to negotiate improvements with countries that are on the verge of such a designation, but if the time comes that we must designate them a CPC, we make every effort to use it in a way that offers the greatest potential to bring about positive change. We provided the Government of Vietnam with specific steps they could take to improve religious freedom and avoid designation. Ultimately, however, the Government of Vietnam failed to respond to our diplomatic overtures, and in 2004, the Secretary designated Vietnam a CPC.

The sorts of problems which led us to this designation included: pressures on tens of thousands of people to renounce their faith; continued restrictions on religious denominations and clergy and credible accounts of harassment of religious believers. In addition, beginning in 2001 there were aggressive efforts on the part of Vietnamese officials to crack down on religious practice in the Central Highlands that resulted in the closure of hundreds of churches. We were also aware of dozens of persons in prison or under detention for religious reasons.

Following Vietnam's designation, we intensified diplomatic engagement in an effort to work with the Government of Vietnam to secure an agreement on key religious freedom issues. This began a vigorous period of negotiations that resulted on May 5, 2005, with a formal exchange of letters with the Government of Vietnam that addresses these and other important religious freedom concerns. This agreement was the first of its kind ever attempted, negotiated or signed under the International Religious Freedom Act, which states that reaching such an agreement is to be the primary objective when a country has been designated as a CPC.

Under the terms of the exchange of letters, the Government of Vietnam has agreed to address a number of the serious issues we had raised with them and that led to their being placed on the CPC list. These included the need to re-open house churches and meeting places that had been previously closed, work with us on the release of the remaining religious prisoners and hold officials accountable for violating the legal framework on religion. The government of Vietnam also agreed to ensure that local officials fully implement the new legal framework on religion with the understanding that while this new framework holds promise for religious freedom, it means nothing if there is no local implementation. Since the conclusion of the agreement, we have continued our diplomatic efforts to press the Government of Vietnam to fully honor its commitments.

## POSITIVE DEVELOPMENTS

We are encouraged by a number of significant improvements in religious freedom in Vietnam over the past year. Religious leaders in general report that they are allowed more freedom to participate in religious activities, that there is greater acceptance of various types of religious activities, including worship in house churches, and that they experience fewer difficulties from Vietnamese authorities. They also confirm Vietnamese statements that national officials have convoked meetings of provincial officials to explain the new, more open regulations and the need to implement them fully.

Perhaps the most significant improvement is the promulgation of a new legal framework. Two of the most significant documents, "Decree 22", which represents the Implementation Regulations of the New "Ordinance on Belief and Religion," and "The Prime Minister's Instruction on Protestantism," were brought forward shortly before we negotiated the exchange of letters. This new legal framework reflects many of the issues we had been working on with the Vietnamese over the previous three and a half years and represents significant improvement over previous policy. These include: banning forced renunciations, granting churches protections from harassment by allowing them to register, and defining conditions that would clarify land use rights for registered and recognized churches. The legal framework also provides the possibility that previously unrecognized churches and denominations

may be recognized in the future. While the new legal framework is far from perfect, the Government of Vietnam deserves real credit for significant improvements on the status of religious freedom which this new legal framework makes possible if, in fact, it is properly implemented.

At the national and provincial level, there is increasing awareness of the international importance of religious freedom and its link to social and economic progress. The well-established Catholic Church is expanding its outreach and charitable work and gaining the trust of the Vietnamese officials. In November 2005, 57 new Catholic priests were publicly ordained in a Hanoi service attended by thousands. In rural provinces in the Central Highlands, we hear positive reports of impending recognition of new Protestant churches, registration of religious meeting points (or "house churches"), and training programs for new pastors.

We have also worked very closely with the Vietnamese on the release of religious prisoners and have met with notable success. One such case is that of Father Ly, a Catholic priest who was serving 13 years for "harming national unity" and two years for violating the terms of a previous administrative probation order because of his outspokenness on religious freedom. We appealed to the Vietnamese on Father Ly's behalf, first receiving a reduced sentence of 10 years, which was later reduced to five years, until finally in 2005 he was released as part of a Presidential amnesty in February 2005. Another important case was that of Baptist Pastor Than Van Truong. Pastor Truong had been detained without charge and committed to a mental asylum in July 2004. In September 2005 he too was amnestied. While a handful of religious prisoners and persons subject to restrictions remain, we must acknowledge that we have come a long way in working with the Vietnamese government towards addressing the religious prisoner issue.

#### HUMAN RIGHTS DIALOGUE

Now, turning to my most recent trip, last month, I was pleased to participate with Assistant Secretary Lowenkron in the bilateral US-Vietnam Human Rights Dialogue in Hanoi. In addition to the formal Human Rights Dialogue, I held a series of additional talks with the Government on Vietnam specifically on religious freedom issues and on Vietnam's CPC status. During the Human Rights Dialogue, and at the subsequent CPC status talks, we clearly reiterated the message that removal from the CPC list will be possible when Vietnam has fulfilled its commitments under the May 5 exchange of letters, including consistent and nationwide implementation of its new legal framework.

While we are encouraged by the progress we have seen in Vietnam, we remain concerned about certain continuing problems. While the government is allowing greater freedom for some religious groups to have a greater role in choosing their own leadership, some restrictions on the hierarchies and clergy of religious groups remain in place. We are also troubled by continued reports that local officials have repressed some unregistered Protestant believers by forcing church gatherings to cease and closing house churches. In other cases, some groups that have applied for registration are facing delays without adequate explanation.

In Gia Lai province, in December 2005, over two hundred "meeting points" were officially registered under the new legal framework, effectively legalizing operations for all of the Southern Evangelical Church of Vietnam's 75,000 believers in the province. We are very encouraged by this development because it reflects a good faith effort in this part of the country to allow a very meaningful degree of religious freedom. However, Vietnam's legal framework is not yet consistently enforced throughout the country and, as a result, the scope of religious freedom has expanded in some communities faster than in others.

Specifically, in the remote Northwest Highlands, where there has been growth of the Protestant community to over 130,000 believers, we have seen little improvement. Some church leaders remain mistrustful of authorities and reluctant to step forward to assert their new rights. We are also concerned about reports that some local officials in this region have pressured ethnic minority Protestants to renounce their religious beliefs. Furthermore, registration and recognition of churches in the Central Highlands province of Dak Lak have proceeded very slowly and could leave these congregations vulnerable to future abuses. For example, though we are pleased to note that 2005 Christmas celebrations in the Central Highlands were allowed to proceed with relatively little interference, in Dak Lak the government failed to register meeting houses, and only "facilitated" the celebrations. An equally important cause for concern is the government's unwillingness to recognize the Unified Buddhist Church of Vietnam, a Mennonite group, and some divisions of the Hoa Hao Buddhist sect.



## VIETNAM PLEDGES PROGRESS

At the Human Rights Dialogue, in our subsequent meetings and on a regular basis in both Hanoi and Washington, our message to the Government of Vietnam is that we are closely monitoring developments, and seeking additional information on problem areas. Vietnamese officials, in turn, say that they are committed to continuing to improve religious freedom. In our recent meetings in Hanoi, they acknowledged that, although progress has been made in the Central Highlands, officials in the Northwest Highlands have been slow to implement the new religious framework and register churches. In both the Human Rights Dialogue and my private meetings with Vietnamese officials, we were assured that the government will be turning its attention to our remaining areas of concern. Vietnamese officials have also promised to provide precise information about church registrations, recognitions, and other forms of assistance—such as the building of churches, facilitation of seminaries and land grants. And, indeed, since my recent trip to Hanoi, the Vietnamese government has provided the first of what we hope will be continuing cooperative reports on the state of religious freedom in Vietnam.

Mr. Chairman and Members of the Committee, I offer my sincere thanks to each of you for your commitment to working for full freedom of religion in Vietnam and please know of my commitment to continue to work with you toward that important goal. I would be pleased to take any questions you may have.

Mr. SMITH OF NEW JERSEY. Mr. Hanford, thank you very much for that extensive testimony and for your good work in Vietnam and elsewhere in the world. Deputy Assistant Secretary Eric John, please proceed.

**STATEMENT OF THE HONORABLE ERIC G. JOHN, DEPUTY ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE**

Mr. JOHN. Chairman Smith, Chairman Leach, thank you very much for holding these hearings and inviting me today to participate on this panel. I especially appreciate the opportunity to appear with Assistant Secretary Lowenkron and Ambassador Hanford because our offices do have a very integrated approach in our policy on Vietnam and I think our appearance here together as a single panel does illustrate the nature of this team approach on our policy on Vietnam. I would also like to ask that my entire testimony be submitted to the official record for this meeting.

This hearing is timely not only because of the resumption of our bilateral human rights dialogue, but also because of a convergence of events and issues that have a potential to make 2006 a watershed year for United States/Vietnam relations. Chairman Smith, I first would like to thank you for your longstanding interest in Vietnam. Your many visits to Vietnam and your forceful voice on human rights and advocacy for religious freedom have helped bring positive change in Vietnam.

I was honored to assist in one of your visits from the Vietnam end when I was at the Consulate in Ho Chi Minh City from 1999 to 2001 and I remember how hard all of us worked to get you the appointments that you wanted to meet with dissidents at that time and I am sorry to say we were not successful then, but you have been very persistent over the years, as have many of your colleagues in pushing this issue and it is very much appreciated.

Vietnam is in the midst now of an extraordinary transformation from an inward looking command economy with little space for personal initiative to a more open society with a vibrant free market economy that seeks to engage with the wider world. On March 24 through 26 we conducted a round of WTO accession negotiations

with Vietnam. Although we are in the process of assessing the Vietnamese offers and consulting with industry, we are clearly approaching an agreement that will open markets and improve Vietnam's trading rules.

In addition to the human rights dialogue, we are now frankly discussing a broad range of regional issues because we recognize that both Vietnam and the United States have increasingly common interests. For example, Vietnam favors a strong United States role in Southeast Asia and in regional organizations throughout Asia such as the Association of Southeast Asian Nations and they are a committed advocate for us in negotiating the U.S./ASEAN enhanced partnership for example.

We have regular United States Naval ship visits to Vietnamese ports and we enjoy good cooperation with the Vietnamese Government on accounting for American servicemen who have lost their lives in the Vietnam conflict. The United States will provide Vietnam with \$34 million in fiscal year 2006 assistance under the President's emergency plan for AIDS relief to support prevention, care and treatment programs to combat HIV/AIDS.

Since 2004, the United States has committed \$24 million to improve Vietnam's basic veterinary and health systems to contain avian influenza where 50 million poultry have been culled and 42 human deaths recorded. We support Vietnam's counterterrorism capacity with police training and through military exchanges. We would like to expand bilateral cooperation to combat illegal narcotics. We support antitrafficking programs at the borders of China and Cambodia. We provide assistance and humanitarian demining, clearance of unexploded ordnance and secure trade.

Through the support for trade acceleration or STAR program implemented by USAID, we promote trade and customs reform in Vietnam's legal system and help the country to update its civil and commercial laws and implement its obligations under the United States/Vietnam bilateral trade agreements. This in turn, the STAR program, is opening the markets for more United States goods to enter Vietnam.

We have a small international military education training or IMET program in which we provide English language training, a necessary skill for Vietnamese officers to participate in future training assignments. Our Fulbright program with Vietnam, including the economic teaching program in Ho Chi Minh City funded at \$6.5 million, is one of the largest in the world.

In 2006, Congress appropriated \$2 million in economic support funds for individuals and communities in Vietnam's Central Highlands. We have reported to Congress already on our initial planning for the use of these funds and we expect to make final decisions in the near future.

As Assistant Secretary Lowenkron and Ambassador Hanford laid out in detail, there remains serious deficiencies in Vietnam with respect to human rights and religious and political freedoms. We are addressing these deficiencies head-on in the human rights dialogue, in our efforts and dialogue on religious freedom, as well as in our daily diplomatic conversations with Vietnam both in Vietnam and here in Washington.

In short, I see 2006 as a watershed year for our bilateral relationship. We are working toward the successful conclusion of our bilateral WTO negotiations with Vietnam and all of us look forward to working with Congress when it takes up the issue of permanent normal trade relations for Vietnam. We also will continue to press for improvements in the area of religious freedom and human rights.

The culmination of our efforts to advance the bilateral relationship in 2006 will be President Bush's visit to Hanoi for the Asia Pacific Economic Cooperation Leaders meeting in November and I am confident moreover that beyond 2006 both Vietnam and the United States are going to be pushing forward again to enhance our bilateral relationship and improve the relations between our two countries.

I would like to thank you for your time.

[The prepared statement of Mr. John follows:]

PREPARED STATEMENT OF THE HONORABLE ERIC G. JOHN, DEPUTY ASSISTANT SECRETARY, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

Thank you for inviting me to appear before the Subcommittees today.

This hearing is timely not only because of the resumption of our bilateral Human Rights Dialogue, but also because a convergence of events and issues has the potential to make 2006 a watershed year for U.S.-Vietnam relations.

Mr. Chairman, before I delve further into this topic, I would like to thank you for your long-standing interest in Vietnam. Your many visits to Vietnam and your forceful voice on human rights and advocacy for religious freedom have helped bring positive change in Vietnam.

#### EXTRAORDINARY TRANSFORMATION

In previous appearances before this Subcommittee I have described Southeast Asia as a dynamic and exciting region. There is no more apt way to describe the current situation in Vietnam. It is in the midst of an extraordinary transformation from an impoverished, inward-looking command economy with little space for personal initiative to a more open society with a vibrant, free market economy that seeks to engage with the wider world.

I recall that when I first went to Vietnam in 1989 to interview applicants for the Orderly Departure Program, Vietnam consciously tried to block out the outside world. A uniformed official gathered all the discarded newspapers from incoming airplanes and Vietnamese customs confiscated any papers visitors tried to bring in. Now, the situation is quite different. Like many other foreign goods and services, international newspapers are widely available and sold in hotel lobbies and Vietnam is a destination for hundreds of thousands of tourists, many of them Americans.

Travel between Vietnam and the United States has grown at a rapid rate. This reflects not only tourist and business travel and Vietnamese-Americans who return to Vietnam to invest, trade, visit relatives, or marry, but also increasing numbers of Vietnamese who visit the U.S. Issuance of U.S. student and training visas reached a new high of 3,448 in 2005, which is an increase of 124% since 2001. Business and tourist visas rose sharply last year to 21,765, an increase of 55% since 2001.

In the mid-1980s, Vietnam recognized the failure of doctrinaire Marxist economics and abandoned it in favor of a policy of "doi moi," or renovation. Its goal was to accelerate economic development. The government saw the need to integrate into the world economy; to attract foreign trade, investment, and technology; and to reach out to the United States and others.

Since then, we have developed a relationship with Vietnam that serves both countries' interests. Over time, Vietnam has made some progress on human rights and allowed more personal freedoms because it recognized it could not grow its economy without releasing the dynamism of its population and increasing interaction with the international community. With a growth rate of 8 percent, it is now one of the world's fastest growing economies. Their eagerness to study English, business, and high-tech fields creates an enormous opportunity for us to work with the Vietnamese people constructively.

The entry into force of the U.S-Vietnam Bilateral Trade Agreement (BTA) in December 2001 has led to greatly expanded trade—from about \$1.5 billion in two-way trade in 2001 to \$7.8 billion in 2005—and heightened cooperation on economic reform.

U.S. businesses have taken advantage of Vietnam's new openness by investing a total of \$730 million from 1998 to 2005. Most recently, Intel announced plans to invest \$300 million in Vietnam to package and test microchips that power personal computers and mobile phones. The combined cumulative U.S. direct investment and investment from U.S. third-country subsidiaries has made us the largest foreign investor in Vietnam.

On March 24–26, we conducted a round of WTO accession negotiations in Geneva with representatives of the Vietnamese government. Although the U.S. Government is in the process of assessing the Vietnamese offers and consulting with industry, we are clearly approaching an agreement that will open markets, improve Vietnam's trading rules, and provide both the United States and Vietnam access to dispute resolution mechanisms that will benefit U.S. companies. The conclusion of these negotiations will trigger a Congressional vote on Permanent Normal Trade Relations (PNTR) for Vietnam.

#### EXPANDING TIES

As Vietnam has increased its openness and integration with the global community, our bilateral ties and interactions have rapidly expanded.

During Prime Minister Phan Van Khai's historic meeting with President Bush at the White House on June 21, 2005, commemorating the tenth anniversary of diplomatic relations, the two leaders agreed to cooperate to promote peace, prosperity and stability in Southeast Asia; upgrade our bilateral relations; and increase contacts of all kinds between the Vietnamese and American governments and people.

In addition to the Human Rights Dialogue, we are now frankly discussing a broader range of regional issues because we recognize that we have increasingly common interests. The Vietnamese Government favors a strong U.S. role in the region and realizes the importance of U.S. ties to regional organizations, such as the Association of Southeast Asian Nations (ASEAN).

We now have regular U.S. Naval ship visits to Vietnamese ports and we enjoy good cooperation with the Vietnamese government on identifying and repatriating the remains of American servicemen who lost their lives in the Vietnam conflict. So far, 599 Americans have been identified and repatriated since 1973, and our efforts continue. We are asking the Vietnamese to do even more to help us account for the remaining servicemen.

#### GROWING ASSISTANCE

In their June 21, 2005 Joint Statement, President Bush and Prime Minister Khai also agreed to "strengthen bilateral and multilateral cooperation on transnational issues, including the global fight against terrorism, transnational crime, narcotics, trafficking in persons, health and humanitarian issues, including the prevention of pandemics, especially HIV/AIDS and Avian Influenza."

We are following up this commitment by providing Vietnam with \$34 million in Fiscal Year 2006 assistance under the President's Emergency Plan for AIDS Relief, to support prevention, care and treatment programs to combat HIV/AIDS. With this funding, U.S.-supported programs will reach five million young people with prevention messages, provide HIV counseling and testing for 97,000 individuals, and provide care for 1,500 orphans and vulnerable children. In Fiscal Year 2007, our funding is expected to exceed \$50 million and the number of people receiving care and treatment supported by U.S. assistance will double.

From 2004 to 2006, the United States has committed \$24 million through HHS and USAID to improve Vietnam's basic veterinary and health systems to contain Avian Influenza in Vietnam, where 50 million poultry have been culled, and 42 human deaths recorded. U.S. industry is also playing a role in this critical effort.

The United States supports Vietnam's counter-terrorism capacity with police training provided by the International Law Enforcement Academy (ILEA) in Bangkok and through military exchanges. We are seeking to expand bilateral cooperation to combat trade in illegal narcotics. We also support anti-trafficking programs run by NGOs operating at the borders of China and Cambodia. Furthermore, we provide assistance in humanitarian demining, clearance of unexploded ordnance, and secure trade.

Through the Support for Trade Acceleration (STAR) program, implemented by USAID, we promote trade and customs reform in Vietnam's legal system and help the country to update its civil and commercial laws and implement its obligations

under the U.S.-Vietnam Bilateral Trade Agreement (BTA). STAR is effective because it strengthens the legislative role of the National Assembly, improves the business climate for U.S. companies, and helps create conditions conducive to increased prosperity and rising incomes for all participants in the Vietnamese economy.

We have a small International Military Education Training (IMET) program in which we provide English language training to Vietnamese military officers. Building that capacity will be important for Vietnamese officers to participate in future training assignments and peacekeeping operations.

Our Fulbright program with Vietnam, funded at \$5 million for the traditional programs for students and scholars, plus an additional 1.5 million for the Fulbright Economic Teaching Program in Ho Chi Minh City, is one of the largest the world. With these programs, Fulbright funds student and scholarly exchanges and an outstanding one-year program for mid-career managers and policy makers.

One other important source for education of top Vietnamese students is the federally funded Vietnam Education Foundation. Its mission is to strengthen the U.S.-Vietnam bilateral relationship through educational exchanges in science and technology.

In 2006, Congress appropriated \$2 million in Economic Support Funds for individuals and communities in Vietnam's Central Highlands. We have reported to Congress already on our initial planning for the use of these funds and we expect to make final decisions in the near future.

#### HUMAN RIGHTS AND RELIGIOUS FREEDOM

As Assistant Secretary Lowenkron and Ambassador Hanford laid out in detail, there remain serious deficiencies in Vietnam with respect to human rights and religious and political freedoms. Vietnamese citizens have no meaningful vote. The government, which is firmly under the control of the Communist Party, places severe restrictions on freedom of political speech, limits access to the internet, and continues to block Radio Free Asia broadcasts. In addition, Vietnam remains a Country of Particular Concern (CPC) for severe violations of religious freedom. We are addressing these important issues head-on in the Human Rights Dialogue and in our day-to-day diplomatic conversations with the Vietnamese Government.

There are also positive developments on the human rights and religious freedoms front in Vietnam that should be underscored. These include: the July 2004 Ordinance on Religion and Belief and its implementing regulations; the Prime Minister's February 2005 instruction on Protestantism, which bans forced renunciations of faith; and the May 5, 2005, exchange of letters between the United States and Vietnam. These represent a commitment by Vietnam to expand the scope of religious freedom. We have welcomed the release of pro-democracy activist Nguyen Dan Que and religious dissident Father Nguyen Van Ly although others, including Dr. Pham Hong Son, remain incarcerated, and we are working hard to get them released. The Vietnamese can and should do more.

#### WATERSHED YEAR

I see 2006 as a watershed year for the bilateral relationship. Building on the positive momentum generated by last year's visit by Prime Minister Phan Van Khai, we are working this year toward the successful conclusion of our bilateral WTO negotiations with Vietnam—an agreement that benefits both the United States and Vietnam, and leads to its accession to the WTO.

In this regard, I look forward to working with Congress when it takes up the issue of Permanent Normal Trade Relations for Vietnam. We also will continue to press for improvements in the area of religious freedom and human rights. The culmination of our efforts to advance the bilateral relationship in 2006 will be President Bush's visit to Hanoi for the Asia Pacific Economic Cooperation (APEC) Leaders Meeting—which the Government of Vietnam will host in November.

In sum, we are making progress on many fronts with Vietnam. In confronting transnational issues, expanding prosperity, and promoting regional stability, Vietnam's interests are increasingly aligned with our own—and, on human rights and related issues, we are narrowing our differences. Looking ahead, we face a year full of opportunity for both nations to pursue common interests and strengthen this important relationship.

Thank you. I would be happy to take your questions.

Mr. SMITH OF NEW JERSEY. Mr. John, thank you very much. Let me begin the questioning with an overall question about your perceptions since you have obviously had ongoing and extensive face-

to-face meetings with the Vietnamese. Do you get a sense that they really do understand about the importance of human rights? That this is not a matter of interference in their internal affairs? This is a very faithful and genuine effort on the part of people on both sides of the aisle here as well as with the Administration and the NGOs that espouse human rights and others, church-affiliated people, and faith-based groups, to really stand with the oppressed and with those who are disenfranchised.

Earlier my good friend and colleague, Mr. Faleomavaega, was talking about the legacy of colonialism, which is a legacy that, in Africa, Asia and elsewhere, has been very detrimental to progress. I would submit, however, that it cannot be seen as an excuse by these governments to repress their own people. We are looking to liberate and to enfranchise rather than continue the cycle of disenfranchisement. Are they faking it or do you think there is a serious understanding that this is not about embarrassing the Government of Vietnam? This is about trying to get them to live up to their internationally-recognized agreements and to embrace their own people.

Mr. LOWENKRON. If I may start, Mr. Chairman. I did not participate in the previous human rights dialogues which frankly went nowhere, but I was told that they always broke down on the issue of do not raise these issues, this is a matter of interfering in our internal affairs. I will say at no time in any of our discussions in Hanoi, with any of the Director Generals of the various Ministries around the table was that ever raised.

Occasionally we would get the, you have to understand that we have gone through a lot. This has been a difficult time. They did not talk about colonialism. They talked about we have been at war. It has been difficult for us. We are trying to catch up and I understood, but I also pushed facts.

For example, on the Detention Decree 31 I asked them, I said somebody could say that you needed that coming out of the war. Why did you pass that in 1997 at a time when the war was way in the past and you were at the takeoff point? You were heading into the end of a decade of *domoi*, of economic reform. So we pressed back. At no time did they raise these things in the context of an excuse or in the context of saying, this is not a legitimate issue for us to discuss.

Ambassador HANFORD. Chairman Smith, I would echo much of what Assistant Secretary Lowenkron just said. Over the years that I have worked with the Vietnamese, I think they have come to understand if nothing else how important these issues are to Americans. A lot of governments have trouble understanding that. I have been asked point blank, why do you care or why do the American people care so much about religious freedom?

I will explain to them our history. I will explain to them that many Americans view some of these people as their brothers in the faith and over time nations like Vietnam come to understand how central this is to United States foreign policy and how high these issues are on our agenda. I have been impressed too with the lack of push back on certain complaints that we raised on our recent visit. For example, the Northwest Highlands as I mentioned are still an area where there are serious problems.

The person representing the Committee on Religious Affairs laughed and said, when I recently visited there I was told by local officials, listen there are no religious believers here and our Ambassador had been told the same excuse. They recognized how ridiculous that sort of an explanation is and what I heard from them on the areas that we continue to raise was a readiness to address those, whether as quickly or as thoroughly as we would like, well time will tell.

Mr. SMITH OF NEW JERSEY. Let me just ask a question if I could on the implementation of the exchange of letters pursuant to the CPC. You talk about some of the positive developments but you also raised some of the lagging indicators as well. One of those was the release of those remaining in prison for their beliefs, and the accountability for officials who violate the legal framework on religion. I wonder if you might amplify on what it is that they do to those who torture, mistreat, and try to extract forced renunciations of faith? Have any of the officials in Vietnam been held accountable for those kinds of egregious acts?

If you could also speak to whether or not removing Vietnam from CPC is likely to happen anytime soon and whether or not lifting CPC designation is related at all to WTO ascension? I spoke to Rob Portman, for example, very briefly and I hope to follow up with him further and I am wondering if our human rights concerns are being fully integrated into the economic basket of issues that are being discussed, especially WTO ascension. Is that something that he and his negotiating team are discussing robustly?

Ambassador HANFORD. Well, concerning CPC status first, while Vietnam has made steady progress, we have made it clear that there will need to be even more progress in expanding the scope of religious freedom before that issue can be seriously entertained and we have pointed out the areas where we feel that things are still falling short. We are encouraged, as I mentioned, in some areas there has been vigorous application of the new policies, which in theory grant greater religious freedom and this shows us that there is a willingness to allow free practice of religion.

Our question is then: Why not elsewhere? Part of the problem is manpower and the need to just retrain local officials in certain areas. They have not given much attention to the Northwest Highlands and so this is going to take time.

In terms of the various issues that were front and center in the agreement, the May 5 agreement on religious freedom, we are particularly encouraged by the progress on prisoners. When I first went to Vietnam, I gave them a list of several dozen persons that we considered religious prisoners. Now, it is down to a very small number, a handful at most and we have expressed our gratitude. I have worked with them on a number of these persons, on a person-by-person basis and we are delighted that a number of these people are back with their families, back with their churches. There still is the problem of some that remain under restricted movement and so we are raising these issues as well.

The very serious problem of forced renunciations has finally been addressed in law. They kept claiming this is against our law. This is against our policy and of course I was saying then why are we hearing reports of tens of thousands of them and if it is against

your law, why do you not make it clear in your law? They have done that now in two different pieces of legislation.

We are still getting reports of isolated instances. It is happening in a less aggressive way. For example, in the Northwest Highlands one problem might be when someone goes in to get an ID card and they want to have Christian on their ID card. They may be told, sorry you will have to renounce your faith. There still is this problem, but on a much less serious basis than it used to be.

In terms of implementation of their new legal framework, that has been spotty and they realize that and so this will continue to be an emphasis of ours.

Mr. SMITH OF NEW JERSEY. Let me just ask you, you did say you raised the issue, and I am so appreciative that you did, of Dr. Pham Hong Son. As I think you know, Eleanor Nagy and I met with his wife, Vu Twi Ha, in a hotel, a very public place, on purpose so there was nothing that could be construed to be clandestine about the meeting. But it was amazing to me that as far away as Andy Faleomavaega there were three thugs, and that is the only way I can describe them because they were purposely trying to look and act intimidating to her, who were taking her picture, and ours, and she was very fearful.

She was scared. It was clear in her voice and she was not telling us state secrets. She was just pleading for her husband who, as you pointed out, has been sentenced to 5 years for simply translating "What is Democracy" from the U.S. Embassy Hanoi Web site. Our resolution, as you know, which hopefully will be on the Floor very shortly, probably next week, calls for his release and for the release of others.

I just hope that we can make clear that Americans and the Congress on both sides of the aisle, and the Administration, find it inconceivable that the Vietnamese believe that that should be a violation of their law, construed to be a treasonous act. In the larger context, as you know, we recently held a very extensive hearing on Internet privacy concerns. The focus was primarily on China and their use of the secret police to capture and decapitate, if you will, the best and brightest and the bravest in China. But to some extent it is being used in Belarus, it is being used in Ethiopia, and it is being used in other repressive regimes including Vietnam. Did this issue, that the use of the Internet is to be an opening, not a tool of the secret police, come up in your dialogue with the Vietnamese?

Mr. LOWENKRON. Yes, it did, Congressman. It came up. We raised the issue of Internet freedom. What we heard was that we need to regulate it because of the health of our children. Too many of our youth are spending times in Internet cafes. They are not going to school. They are surfing Web sites where they should not be and while I told them that you can find many Americans who have concerns about what their children do on the Internet, you will not find too many Americans who say you should block access to words like democracy or freedom or elections or if they want to punch up the *New York Times* or any other journal around the world. That somehow that needs to be restricted.

I said that it was unacceptable restrictions on the Internet. I said, could you imagine that against the backdrop of your APEC



summit? You are going to have not hundreds but thousands of people arriving in Vietnam and the media and they want to log on to their sites and what are they going to see? I said Internet freedom is one of the elements of the freedom of the press. It is the freedom to get information and we are not going to excuse it away. We are not going to rationalize it away. It is a violation.

Mr. SMITH OF NEW JERSEY. I appreciate it. Let me just ask, before yielding to my colleagues, one final question regarding charitable work. While we were there, we met with a number of religious bodies including the Catholic church and I remember a rather telling moment with Archbishop Kiet in Hanoi who told how he tried to establish a hospice for AIDS victims, had the personnel in place, seemingly had the okays and the checkoffs from the government, only to be frustrated over the course of a 3-year period or so. The nuns who were there for the hospice had to go back to their countries. We now are providing a significant amount of PEPFAR money to Vietnam.

I am wondering if that money is being used to try to affect Prime Minister Khai's seemingly open position on charitable work being done by churches and by the other people of faith? Is that being pressed as vigorously, in your view, as it could be? This to me seems to be a great opening for human rights and for religious expression. Mr. John?

Mr. JOHN. Mr. Chairman, if I could, I have to go to another hearing I am being called to. So if I may ask if I can excuse myself at this point.

Mr. SMITH OF NEW JERSEY. Of course.

Mr. JOHN. Thank you very much.

Mr. SMITH OF NEW JERSEY. Thank you for being here.

Mr. JOHN. Again, thank you for the opportunity to be appear here today.

Ambassador HANFORD. Mr. Chairman, let me say that the Government of Vietnam has suggested to us that they would be interested in allowing Catholic charities to do AIDS work and we have pressed this and asked for this and I have met with representatives of the church as well, but we have yet to see progress on this particular point. Barry, do you want to add anything?

Mr. SMITH OF NEW JERSEY. That would certainly be sending a clear signal, because in the past we know going back to Lenin's time, one of the ways that the Communist party restricted religion was just to allow people to worship, but to circumscribe the worship, forbidding education and charitable work. This would be seen as a real opening. Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman and I thank both Secretary Lowenkron and Hanford for their testimony. I just wanted to ask Secretary Hanford you had mentioned that there was some kind of an agreement that we worked out with Vietnam in the last year concerning religious freedom. Are Christian churches or Evangelical groups from our country allowed to proselyte in Vietnam right now?

Ambassador HANFORD. No. I think generally speaking one would have to say that that is not allowed. There is not a provision for permission to do that, visas to do that. There are some charitable activities, tying in again to Chairman Smith's question, that are

being allowed to be done by various Christian organizations, but missionary work of the type that you describe is not.

Mr. FALEOMAVAEGA. You had mentioned that I think 90 percent of the people in Vietnam are Buddhists and about 10 percent are Catholic?

Ambassador HANFORD. I am not positive about those percentages.

Mr. FALEOMAVAEGA. How many other churches are represented there, besides the Buddhists and the Catholics?

Ambassador HANFORD. I will say that an interesting thing about Vietnam in its intriguing contrast with China when I travel there is that it is a country that is traditionally religious and Buddhist and government officials do not hesitate to tell me that they are practicing Buddhists. Now, when you go to China, one of the things that this has been a strange thing I have felt to ask for, one of the more unusual deliverables that I have asked for, but that is why do you not allow members of the Communist party to be religious believers?

They have told me flat out, we will not allow that. I use Vietnam as an example to sort of shame China on various points, including the treatment of the Catholic church and others. You have got Buddhists. You have got Catholics, which are a larger group than Protestants. You have got a growing Protestant church and then you have got Caldi, Hoa Hao Buddhists. You have a small group of Muslims in the south. So there is quite a bit of diversity and it is broken down also to some extent by ethnic groups and you have got 50 some ethnic groups in Vietnam.

Mr. FALEOMAVAEGA. My reason for asking this and I suppose we can reverse the question: How do we as Americans really understand the ideological or the religious tenets of the Buddhist religion? I think that perhaps this is probably one of the biggest misunderstandings that we have had in our policy toward the Middle East, our lack of really understanding the Muslim religion and the factions and the rivalries and the problems that are so enormous that when we make judgments relating to the issue of religion alone does give rise in my own outlook of put yourself in the Buddhist shoes and find out how does he feel about how we perceive things.

Basically our country is a Christian nation and do you think that maybe at times that we kind of put on the course by trying to proselyte or to put pressure and say that other countries should become Christians as well? We had a little problem, a little dialogue in some of the problems that we have had in dealing with Iraq. Some of our stalwart Christian leaders advocated assassinating leaders of other countries and that is a basic Christian tenet? I get to wonder that sometimes.

I want to ask both of you gentlemen in terms of collectively as a whole, I mean I noted that your testimony, Mr. Hanford, that you are giving credit to what Vietnam is trying to do as it relates specifically to religious freedom, but Secretary Lowenkron, what kind of a report card would he give when it comes to political freedom in dealing with Vietnam? I would like to ask the same with Secretary Hanford. From 0 to 10, where do we stand on religious freedom in Vietnam? Zero meaning zero. Ten meaning the best. I real-

ize it is a subjective question, but since you gentlemen are the experts of the issues, I could not think of better people to ask these questions.

Mr. LOWENKRON. I appreciate that, Congressman. I am not very good in math or arithmetic, but let me try to address your issue without doing 0 to 10. When I have had conversations with the Secretary of State about human rights issues in any country, we do not get into bad or good. We get into tell me the trajectory. Tell me where it is going. Is it getting better or is it getting worse?

In my view in Vietnam it is getting better, but we have a long, long way to go. Let me do the contrast for you. Six days ago a democracy activist in Ho Chi Minh City was picked up by the Vietnamese police. He was held for 36 hours. They grilled him and they finally let him go and they told him that we are going to let you go, but do not say anything. Just stop talking about these issues.

Whereupon, he promptly went out and did an interview in Radio Free Asia and BBC Vietnam. Now, 20 years ago we would never have heard of this individual being picked up. He would have been off at a reeducation camp and that would have been the end of it.

My goal is to make sure that this individual is never picked up and can go ahead and can speak freely and could have the right of assembly and the right of religious worship and so forth. I would say the trajectory is better. It is certainly better from where they have been and I think they realize that when they launched their economic reform in 1987, it can take you only so far. What are you going to do about political reform? What are you going to do about the youth of the country that wants to open up, that wants to use the Internet, that wants to compete globally?

I think that is where they are struggling and so I do not want to give it a number. What I want to say is that as I said about the human rights dialogue, it is a good beginning, but it is only the beginning. We need to press.

Mr. FALEOMAVAEGA. You are being very diplomatic about it. That is all right. C plus would be okay.

Ambassador HANFORD. The Secretary has posed the question to me in the same way that Assistant Secretary Lowenkron just said it. In fact, I was meeting with her 2 days ago and she asked me on several fronts, including Vietnam, what is the trajectory. To get on the CPC list, you have got to be one of the worst in the world. You have got to be a country that is practicing what are called severe violations of religious freedom. That is what got Vietnam on the list.

When you are rounding up tens of thousands of people and forcing them to renounce their faith or you have got large numbers of religious prisoners or people are being beaten or in a case or two even killed or where hundreds of churches are just pell-mell being shut down, that is what gets you on the list.

There are only eight countries on that list, but things have significantly improved and I want to give credit. I have tried to do that today. Some of these formally severe problems are coming close to being solved. We still have the remaining problem of many of these hundreds of churches that were closed still being kept from practicing, but you have got 2 or 300 perhaps by this time that have been allowed to at least start practicing again.

As I mentioned, nearly all of the religious groups are telling us, just in the last year or so, they feel a different spirit. They feel the pressures backing off and we do represent all of them, all of the various groups and they express their thanks and they say thank Americans for caring so much about this human right and others.

Mr. FALEOMAVAEGA. Just one more question, Mr. Chairman. I am trying to word this question in such a way that you can understand what I am trying to convey. Has our war policy toward Iraq have any regional sense that you both gentlemen have, the reaction or the public reaction or how countries, the Asia Pacific region, Vietnam included, what is their thinking?

You read in the media they call us the same situation that we are accusing them of doing, the terrorists if you will and I just kind of wanted a sense from you, because terrorists means human rights violations, right in the very issue that we are discussing here. I am trying to frame the question in such a way that you can understand what I am trying to say.

Has our Iraq policy and the way that we wage and all that is happening in the Middle East has it had any sense of reaction from the Vietnamese people and the government? Of course they probably will not say it, but I am saying, what seems to be the sense of the region as well as from Vietnam what we have enunciated as a unilateral policy that we take in waging war against a country like Iraq and we could be doing the same thing with North Korea? I do not know. Supposedly we are trying multilateralism in dealing with North Korea.

I wanted to ask you gentlemen if I conveyed the question properly. If you ask a stupid question you get a stupid answer. I hope I convey the question in a positive way that you can help me with.

Mr. LOWENKRON. Congressman, let me say this, in the overall tenure of the thrust of the discussions we had in Hanoi when they talked about the relationship and you always have kind of sitting away from the table I think several things, one was WTO, one was APEC, one was how are we going to ensure better life for all of our citizens and one away from the table was actually the Congress.

You should have seen the expression on their faces when I told them that I am required by law to report to this body, to the Congress, on the human rights dialogue and that is why I said at the outset of my remarks that we are partners in this. In the context of Iraq, of roughly the 10 senior officials from the government at the table, it came up from I believe it was the Bureau of Prisons who raised this issue in terms of Abu Ghraib.

What I said was Abu Ghraib was inexcusable and indefensible. That is what the President said. But I used that as an opportunity to talk about the self-corrective mechanisms in a democracy and I hammered home the point of a vigorous and free press, of an independent judiciary, of the oversight of the Congress, of the self-corrective mechanisms again of a democracy and that was the last time that it came up in the entire day.

Mr. FALEOMAVAEGA. Secretary Hanford?

Ambassador HANFORD. We are reaching out to many countries to ask them to assist in the war on terrorism and of course the area of Southeast Asia has faced problems there as well. I think while there might be issues such as the one that Assistant Secretary

Lowenkron mentioned that will come up in the context of our human rights discussions, we appreciate when a nation like Vietnam understands the problem of terrorism, is willing to cooperate with us to a certain extent as we continue to fight that and they understand that what we are doing in Iraq is significantly motivated by our desire to go after this problem.

Mr. FALEOMAVAEGA. Thank you, gentlemen. Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Chairman Leach.

Mr. LEACH. Thank you, Mr. Chairman. Thank you for holding this meeting and I would like to ask unanimous consent to put an opening statement in the record. Let me continue for a second on this issue of trajectory because it is very interesting in two senses. One, we look at Vietnam and we look at trajectory and we find it positive. The world looks at the United States and questions our human rights. Is our trajectory positive? I think the world is coming to an awkward conclusion.

I would like the emphasis vis-a-vis looking at Vietnam, and it seems to me that the Congress and the Executive in a mutual kind of way are going to have to reach certain conclusions if we want this to be a benchmark or seminal year and I for one do, and that is we have the obvious option of looking at fault lines and emphasizing them or looking at changes that appear to be taking place and emphasize the positive. I for one think this is a time that we emphasize the positive.

Then the question becomes how one responds, both in a substantive sense and in a timing sense. If we look at other parts of the world and take by comparison, for example, we have seen some positive changes in Libya. I have never been impressed that we have moved rapidly enough to reward Libya for making what seemed to be positive changes and that likewise, and I do not want to put Vietnam in the category of Libya, because that would be unfair, I think this is a time that we make quick decisions and that we should not hesitate to move forward, particularly on normalization of trade and as many other areas as humanly possible. Because when countries start to take positive steps, the question is do we magnify what appears to be the wisdom of those steps or do we say so what? I think it is very important for the United States to be very positive at this moment in time.

I think it is particularly the case coming back to the other set of trajectories. Granted when one is at war it is hard to be as perfectly attuned to certain human rights situations as otherwise. It is also hard to sometimes avoid transgressions that are out of step with the desire of public policy, but even in public policy we have got some difficulties.

Abu Ghraib is a transgression for which no American can in any way sympathize, but the Government of the United States is defending another prison, the one in Guantanamo, where lots of people in the world have doubts about our policy and where lots of Americans have doubts about our policy. This is not a transgression of policymakers. It is the policy of policymakers. So we have some difficulties in the world and these difficulties make our moral stature a little less than we would like.

My sense is this is a timeframe to be very forthright with Vietnam, recognizing realistically all of the difficulties we have with their form of government and their policies, some of which are going to take some time to institutionally modify, but not to move with alacrity would be I think an awesome error. Let me just conclude with that and ask if you have any comments you would like to make.

Mr. LOWENKRON. Chairman Leach, at no time, let me reassure you that at no time when we were in Vietnam together did we look at the dialogue as a glass half empty or that there really is not a lot there. I sat down and read the transcripts of the human rights dialogue in 2002 and I was appalled and I was determined, given the opening that we had in 2005, to see what could we accomplish.

What I told my Vietnamese counterparts, including the Vice Foreign Minister, I told them I would be willing to get on a plane and get back to Vietnam as often as it would take and see as many Vietnamese as possible in the course of this year to make the kind of progress that we would net I think would be in the interest of both countries.

I know some of these issues will be long-term. The fact that when the Vietnamese say that they are willing to take a hard look at that Detention Decree 31, that they will not repeal it but they may modify it, I take that as a hopeful sign and I said, let us continue to have discussions on that.

When they talk about the need for some help with lawyers, some help in the legal profession, I do not sit back and say, why are we helping a legal profession that still is not in defense of a democracy? What I say is that as this regime is trying to move a little more into adversarial mode in terms of helping clients, let us see what we can do with other organizations to try to help.

There are some issues that certainly I am disappointed. I would have liked to have Pham Hong Son released certainly by now, but as I said, I think it is a good start and I will do everything in my power to work with the Vietnamese with speed, with alacrity and determination to see if we could advance this agenda.

Ambassador HANFORD. In about half of the transcripts that Assistant Secretary Lowenkron was reading, that hard hitting transcript that he was reading from the last dialogue were my words and that is why I am so pleased that this time around I was able to acknowledge a number of improvements in the trajectory. Like the Assistant Secretary, I am committed to going back. In fact, I anticipate going back maybe even a couple of more times this year. The positive momentum on religious freedom and yet the needs for the remaining problems to be addressed I think beckons that sort of commitment and so I was telling the Secretary just this week I will be going back soon.

Mr. LEACH. Thank you. Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Let me just conclude if I could with a few final questions. When Eleanor Nagy met with a number of the pastors and leaders in each of the three—Tom, I am sorry. Mr. Tancredo.

Mr. TANCREDO. Mr. Chairman, I am more than willing to wait until you are finished with your question. I have just a couple. It is easier for me to understand the resistance that is exhibited by

governments around the world, specifically in the Muslim world, toward any sort of religious freedom or religious liberty because of course the religious ideology and political ideology are inextricably linked. I can just understand the reason why we see the problem.

I am not sure that I understand it clearly enough when it comes to places like Vietnam. What is it exactly that they are afraid of? Is there some aspect of Buddhism that presents to them some sort of significant political challenge? Certainly it is not observable. I mean it is not something we know anything about if it is true if it is really there and so you just wonder to yourself.

In order for us to actually come to grips with the kind of problems we are dealing with here, we have to understand the nature of the opposition to them. The nature of the opposition to any sort of religious freedom. I just wonder if you could help me understand that.

Ambassador HANFORD. That is a very interesting question and it comports with two very large trajectories, to go back to the word we have been using here. In the Communist world, I think we would have to say overall the religious freedom situation is improving. Now, it has not for the last 2 or 3 years in China. It certainly is not in North Korea, but overall it is improving because this oppression of religion while traditionally a part of Communism is not so interwoven in sort of the theology as what you find in some Muslim countries.

In the Muslim world, I cannot say that religious freedom is improving. It is in some countries, but with the growth of extremism we might have to say that is has been regressing for the last few years. I do think, Congressman, that it is the fear of political activism in some cases and this has been the case in Vietnam.

There is a general fear of any cohesive force when you have a totalitarian government that could possibly pose a threat to the government. Any place where people coalesce for any reason whatsoever. Part of what I try to communicate to Communist governments is you monitor these groups and in most cases I am sure you find excellent citizens who are probably more honest and hard-working than you find amongst many of your citizens who have no religious belief.

It is interesting. Even in places like China, officials agree with me and convey their concern for their youth and a lot of the pressures on youth these days all over the world. This is actually causing some Communist countries to acknowledge we are seeing the positive role of religion and grounding people morally and this is a message, for example, that the President has raised over and over in places like China. I was just being reminded of this yesterday in a meeting at the White House.

It is that age old fear in Communism, but the Communist world including Vietnam is becoming more pragmatic in many cases and is realizing the positive role that active religious believers can play in a society.

Mr. TANCREDO. That is certainly encouraging. On the other hand, there is little evidence, is there not, to suggest that there is anything negative about it? I mean can they really look to any specific aspect of the Buddhist community in Vietnam and say yes, here are the subversives? Even the people that they have put in

jail, the people that they consider to be agitators or whatever, it is not really connected to Buddhism.

Ambassador HANFORD. There are some religious believers in various religions in places like Vietnam who are very much against the government and who have in some cases chosen to convey that even in drastic ways such as self-emulation and which is something we grieve over because we hate to see that.

Mr. TANCREDO. Excuse me.

Ambassador HANFORD. Yes.

Mr. TANCREDO. Would that not be more because they are expressing their incredible frustration with their inability to practice the religion, not necessarily an opposition to the government? If the government were to allow them to practice their religion openly, what is the deal?

Ambassador HANFORD. Right. Often that is exactly what the motivation is. Sometimes issues become intertwined. There are some regions of the country where people protest and they have a list of reasons. In the Central Highlands, the protests have involved land seizures for example by the government. There are a number of ethnic groups that feel like they have been slighted economically by the central government and then they also have wished for a higher degree of religious freedom.

Mr. TANCREDO. One last question. The Chairman raised the issue of American MIAs that still have not been accounted for. How would you characterize the cooperation of the Communist government with finding the remains of people, of MIAs essentially, people who are not accounted for?

Mr. LOWENKRON. My understanding is that the cooperation is good and the Vietnamese Government had dropped previous demands or linkages in the context of we can help you if you fund some of the, shall we say the residue of the war itself, but I will be happy to take that question for the record and get you more details.

Mr. TANCREDO. I appreciate it. Thank you, Mr. Chairman. That is it for me.

Mr. SMITH OF NEW JERSEY. Mr. Payne.

Mr. PAYNE. Thank you very much. I apologize for having to run out for several other meetings, but certainly I have had an opportunity to look at your testimony. I just wonder in general as I indicated in my opening remarks that we see progress made in some of the urban areas and I do not know whether the question has been asked or not, but since religious freedom agreement was announced there have been reports of continued repression of Christians in the Central Highland provinces. I do not know if you have touched on that already, but how are things going in the Central Highlands? Is it more difficult? Can you get up there? Are you able to get information? Are your counselor officers able to get up into the region?

I know that there was \$2 million that was appropriated specifically for programs in the Central Highlands and I wonder whether that money has reached there and whether you have been able to utilize any of it.

Ambassador HANFORD. May I also take this opportunity, because my memory got jogged and I realized that I had not answered one



of the questions that Chairman Smith asked on religious freedom issues and that was whether local officials had been held accountable. Do we have any record of that and that is one of the things that we continue to raise. I am not aware of this having been done, but I am sensing a greater sincere willingness on the part of central government officials and a greater frustration with local government officials. We are going to keep pressing this.

In the Central Highlands, it is such a mixed bag, but again the trend is good. If you have in Yavi province virtually all of the closed churches, most of them and meeting places being reopened, then it means the central government is not in principle opposed to this any longer. So next door in Bak Lak why is this not happening or in some of the other places? We are asking this. It is true, but at Christmas a number of the previously closed meeting places and churches were told you can practice your Christmas celebrations and some of this practice has continued, but until these groups are registered, they are vulnerable and sometimes my guess is it has to do with the local officials being more hardnosed, not getting the message, perhaps there is leadership in some locales that government officials feel more comfortable with.

We are frustrated by this because it means things are not happening as fast as we would like, but in the Central Highlands the trajectory is encouraging. In the Northwest Highlands, we do not have much to be encouraged about yet. We have almost nothing to be encouraged about at this point.

Mr. PAYNE. I would assume that \$2 million that has been appropriated has not been able to work its will.

Ambassador HANFORD. Do you know the answer to that? We will have to get back to you on that.

Mr. PAYNE. You mentioned something about churches opened in some areas and could you just tell me in general what is happening in religion in the major cities? I mean is church participation strong in urban areas? Are people going to church? What is going on?

Ambassador HANFORD. The country is traditionally a Buddhist country. We were there at a time of a very large annual pilgrimage so-to-speak by Vietnamese citizens and that sort of thing receives enormous participation by the largely Buddhist populists and so I think it is fair to say that religious practice is on the upswing. We certainly see this in the Catholic communities where the church is very pleased with the greater freedom that it is being given to choose its own leadership, an issue that we have pressed very hard on.

In the past there was much more vetting before leaders, bishops, others could be chosen. Things are moving now more toward a situation where religious bodies choose their own leaders and then give it to the government for a final checkoff. It is not ideal. We do not have to do that here in the U.S. but it is a lot better than it used to be. Also, Catholics have long needed more in the way of seminaries and training and this has progressively been coming their way.

There is rapid growth of Protestants and yet the government has been hesitant to allow this growth an opportunity to have normal practice. You need to be able to meet. You need to be able to have

leadership. You need to be able to have land and churches and so this is a real problem.

Some of these officials have been candid and have said this is a new religion. Christianity in general, Protestants in particular is a newer faith to us. There is more suspicion, more dis-ease. We are getting over this, but that partly explains why we have been slower in granting the freedoms to those communities.

Mr. PAYNE. Any particular denomination of the Protestants? Is it the Evangelical movement that is tending to come in or the sort of traditional Protestant? Have you been able to assess that?

Ambassador HANFORD. There are two major denominations of the Protestants in Vietnam and they both bear the name Evangelical. One is the SECVN, Evangelical Vietnamese Church. I have forgotten exactly what it all stands for. I am drawing a blank all of a sudden. The other one is the Evangelical Vietnamese. It is ECVN. Evangelical Church of Vietnam. There is the Evangelical Church of Vietnam South and the Evangelical Church of Vietnam North. The South also goes under SECV.

The SECV is much more flourishing, many more churches, a lot more freedom and they are gaining more permission say in the Central Highlands. The ECVN North is having enormous problems. They were only allowed last year for the first time in 20 years to be able to meet as a denomination. Now, this was a positive thing that we have acknowledged to the government and my perception of why this was held off so long was the government used to want to control so tightly who was chosen in the leadership. They wanted people they were very comfortable with.

Since they have backed off that need, they were willing finally to allow the ECVN North to meet, to choose their own leadership and it is still a very small group and in the Northwest Highlands there may be 1,200 meeting places and house churches that want to get up and running. 200 of these have applied to be affiliated with the ECVN North. This denomination I think only has about 18 registered churches. Thus far, these permissions have not been granted. That is why I point to that region as one where it is so clear there is a lot of need for improvement.

Mr. PAYNE. Just finally has Reverend Moon's operation gotten in that area?

Ambassador HANFORD. I have not run into that in Vietnam. I am not aware of that.

Mr. PAYNE. Thank you very much.

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Payne. Let me just conclude with just a few final questions. Ambassador Hanford, you point out that the Government of Vietnam agreed to ensure that local officials fully implement the new legal framework on religion with the understanding that, while this new framework holds promise for religious freedom, it means nothing if there is no local implementation. My question would be, how is that going to be accomplished? I would note that some of the pastors told us that when they would raise with the local officials the issue that Prime Minister Khai had put out this ordinance and his statement on Protestantism, that they said, we do not care or know what ordinance you are talking about. They seemed to be ignorant of it or they just did not care.

We also heard again about the charitable opening. This is something where I think we need the Executive and Legislative Branches to push much harder on. One of the pastors we met with who was from the Assembly of God talked about how there was generally an easing in Ho Chi Minh City, but outside in the Maikong Delta and in the Central Highlands, his churches could not get registered. But he also said that they had before been very effective in helping people get off drugs.

Teen Challenge, which is a tremendous ministry here in the United States and around the world, has had a phenomenal rate of getting people off even heroin, and I would point out that Don Wilkerson, who is a personal friend of mine and the founder of that ministry, wants to go to Vietnam. It seems to me this might be another opportunity for our Government to encourage the Vietnamese, for the sake of their own people who are on drugs, to allow this denomination and others to do a faith-based effort to help people get their lives back once they have been so hurt by drugs.

Secondly, if I could, on the EBCV issue: Are we pushing hard enough on that issue? I found it amazing that when, I think it was Condoleeza Rice who was here to testify before the Congress, on that very day that she was here just several weeks ago the Venerable Thich Quang Do was rearrested. Of course, he was let go, probably because it is pretty hard to keep him behind bars, given the fact that so many people care so deeply about him. But it just underscored again that at a time when so much positive could be had with a little more openness, Vietnam could lift his pagoda arrest or sanction, but they are beyond that. They are certainly beyond lifting the arrest of so many others as well.

Finally, on the whole issue of reporting, we heard from some pastors who have said that even the Prime Minister's decree requires they report a plan of activities and lists of members. So the information the government feels it has to know as a controlling mechanism seems to stay in place, and at any given time, especially since these are not constitutionally-prescribed rights—at least in reality—the decree could be moved.

I do want to ask as well the genre of Radio Free Asia. Did that come up in our discussions, which is obviously a profoundly unfriendly act on the part of the Vietnamese?

Ambassador HANFORD. Chairman Smith, you bring back to mind the very pregnant memory of my youth, if I may just speak personally for a moment, when you mentioned teen challenge center. When I was in a church youth group from a small town in high school we went to New York City and we went up to the top of the Empire State Building one night and the city is so beautiful at night and I said to a friend, this is the most impressed I have ever been.

The next day we went to the teen challenge center and we heard former drug addict after former drug addict get up and tell gripping stories of how Christ had changed their lives and they were just new people and then I turned to my friend and said no, this is the most impressed I have ever been. We are continuing to press on this need for charitable work including on drug rehab and we get positive signals from the government. They acknowledge their

need for help from us. They seem to want it. I am not sure where the devil is in the details on this.

You mentioned the Catholic charities earlier. While I was there, I actually spoke with some people affiliated and they expressed to me directly, this was on our most recent trip, they expressed to me directly how sincerely burdened they were to be serving the people of Vietnam and we will keep pressing on this.

You talk about the legal framework. What I live for in my work is seeing laws changed. That means more to me than anything because it is not just a few prisoners out of jail but it is a legal framework that then will hold a government accountable that is on paper. This is why I am being as positive as I am today because I think there does appear to be a willingness, a good faith effort on the part of the government, to turn things around here.

The Prime Minister's instructions have at the end of it number one. This is the only Prime Minister special instructions he has done and for him to target religious freedom says a lot I think. Has all of this been implemented fully? No. But the fact that they are on paper and the fact that the problem that you know I get tired of hearing all over the world, especially in Communist countries, it is the local officials. We have complete freedom here. It is all the local officials fault. I used to hear that in Vietnam and I always say, then put it in the law so the local officials have no excuse. That is now what Vietnam has done.

It is going to be a slower process than we would like getting that implementation, but I am encouraged that we are seeing it in some places and that the government is even willing to admit there is, Ambassador Hanford, you are not seeing as much in the Northwest Highlands is at least partially because we have not had the training sessions there that we have held elsewhere with local government officials. Could there be other reasons? Could there be a bias against the Hmong in that region? I think time will tell. Thank you.

Mr. LOWENKRON. Mr. Chairman, if I could just answer your last question about the jamming issue. I did raise it. I raised it in the context of restrictions on the press, restrictions over on the media, on the Internet. I did focus specifically on Radio Free Asia and the message I left to the Vietnamese is that you are confident about your future. You are confident about your ability to compete in a globalized world. Show your confidence in your own people and let them judge what they want to see, let them judge what they want to read and let them judge what they want to hear.

Mr. SMITH OF NEW JERSEY. I want to thank both of you, as well as Mr. John, for the good work that you are doing. The fact is, it is a concerted effort. The Administration deserves high praise. This is what a constructive engagement ought to be all about: The hard, difficult and arduous process of meeting your counterparts, if I can call them that, in the Vietnamese Government to press these issues. It is not just the passing of a resolution or making grandiose statements. It is the nitty gritty and you are doing that. These Subcommittees are deeply appreciative of that and we look forward to working with you.

Ambassador HANFORD. Thank you, Mr. Chairman.

Mr. FALCOMVAEGA. I too would like for the record to commend both gentlemen for the outstanding job that they are doing. I very much as I just discussed it with Mr. Payne reflects some very serious problems in Indonesia affecting the situation and West Papao. We were just informed that the media and the press have been totally prohibited from entering that province. Some of the very serious issues that we have discussed with Vietnam is also very, very apparent in Indonesia. We will take that matter at another time, but thank you both gentlemen.

Ambassador HANFORD. Thank you, Congressman.

Mr. PAYNE. If I might amplify that, I think that we have to really hone in on countries that we consider our friends, you know Indonesia. Well, we like to keep them in Muslim country, but we would like to keep them, you know, on the war on terror being pro-U.S. and that is fine. We reign in on countries that are not necessarily so positive to our policies, but we look the other way and the question of Papao. They are actually captive of Indonesia. They have never had the opportunity to express independence. It is something that we need to seriously look at.

The same thing in Western Sahara, because Morocco is quick to join the coalition of the willing and they are willing to follow United States policy when it was propping up Mabututu and Zaire, because he was antiCommunism. That is good. I was antiCommunist too, but he was killing his own people and we looked the other way. As Morocco is simply taking over a country that was freed from Spain as a colony and now they say well before Spain colonized it, they are part of Morocco.

We have to be consistent. I see us go after certain countries harshly and look the other way, with China in particular. We worry about what China does and Africa and Asia and all that and yet we still have the best relations with China on one hand and then we go around there tipping around in the country in Central Africa somewhere. I do not understand that and I am going to continually talk about it until we have some kind of parity in countries that we are either friendly with or not friendly with. If they are violating human rights, they are violating human rights and religious rights and we have to be as firm with them as we are.

Colombia gets \$400 million a year and they get IMET funds and they get all kinds of money for their military and they torture, they kill, they maim, but they go after the drug traffickers because they send drugs to the United States. Well, we are going to have to take a look at our money to their military when the military is actually perpetrating crimes, but we look the other way because Colombia is fighting the war on drugs they say. But inconsistency is hypocritical and we need to try. It is a grade level above your levels. So I am just not trying to kill the messengers, but I just need to get that issue out sometimes and my friend in Papao, New Guinea keeps me prodded that we need to take a look at Indonesia and what is happening there. Thank you, Mr. Chairman.

Mr. FALCOMVAEGA. I say, Mr. Chairman, with real pride and the fact that our current Ambassador to East Timor used to work as a staff director and a very, very gentleman and a dear friend and we are looking at in terms of what Mr. Payne has said earlier. Sometimes consistency we see that, but when we are looking the

other way because these countries are friendly to us and the seeming sense of hypocrisy that goes on and that is why I praised both of you gentlemen that you are very consistent, whether it is Vietnam or whatever, you press it and I really, really appreciate that and we look forward in continued working with you, not just in Vietnam but other countries in the Asia Pacific region where we are, Chairman Leach and I, have a very particular sensitivity to that area. Again Mr. Chairman and gentlemen, thank you very much for your testimony.

Mr. SMITH OF NEW JERSEY. Thank you. I hope that does not sound like concluding remarks, because we have two panels of the hearing to go. Thank you so much, gentlemen. Let me introduce our next witness, Panel No. 2. Michael Cromartie who is the Chair of the U.S. Commission on International Religious Freedom. In addition, he is the Vice President of the Ethics and Public Policy Center. Mr. Cromartie has contributed to numerous book reviews and articles and is the host of Radio America's weekly show known as "Faith and Life."

Let me say in advance how much the Chair appreciates the good work of the commission and especially its Chairman. It offers a tremendous and valuable set of insights on not just Vietnam but a host of other countries where religious freedom is violated or impaired in some way. Mr. Cromartie, thank you so much for being here. Please proceed as you wish.

**STATEMENT OF MR. MICHAEL CROMARTIE, CHAIR, U.S.  
COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

Mr. CROMARTIE. Thank you, Mr. Chairman. Mr. Chairman and Members of the Committee, let me begin by of course thanking you on behalf of the U.S. Commission on International Religious Freedom for holding this hearing. Mr. Chairman, I ask that my testimony be submitted for the record.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

Mr. CROMARTIE. Thank you. The relations between the United States and Vietnam in recent years have strengthened and improved in several important areas as we have just heard. Commercial and military ties are expanding rapidly. Vietnam's Prime Minister made a historic visit to the United States in June 2005 and President Bush is scheduled to visit Vietnam in November.

Improving bilateral relations are important as our two countries move past the tragic history toward a better future. Regrettably, however, significant issues still remain. Vietnam's human rights record remains poor. Freedoms of speech and assembly and association and religion continue to be restricted. Abuses in these areas still occur. Although Vietnam is in some respects a less repressive society than 10 or 15 years ago, we should not conclude that Vietnam's economic openness has led directly to political openness or to greater respect for human rights.

Unfortunately, the hope of some that Vietnam's progress toward WTO membership would bring about legal reform, transparency and improvements in human rights has not been fulfilled. There has not been a direct correlation between economic and individual freedoms. As Vietnam continues to expand the boundaries of economic freedom, the United States should continue to encourage

Vietnam to hold its international commitments on human rights and religious freedoms. This includes full implementation of the May 5, 2005, agreement Vietnam signed with the United States Government to improve religious freedom.

Mr. Chairman, the commission remains particularly concerned about current religious freedom conditions in Vietnam. Vietnam has been one of the commission's highest priorities over the past several years. The commission and its staff has traveled to Vietnam. We regularly meet with Vietnamese officials and religious leaders. We continue to work with Congress and the Administration on diplomatic and policy solutions to improve religious freedom in Vietnam.

Over the past 15 years, the Government of Vietnam has slowly carved out a noticeable zone of toleration for government approved religious practice. If you visit Vietnam, one would be able to observe religious activity in many places and by people of many faiths, but the presence of religious practice does not necessarily mean the presence of religious freedom. Some Vietnamese practice their faith with few restrictions, but too many other Vietnamese people do not.

Based on information we have gathered from sources within Vietnam, we do not think the May 5 agreement signed by the United States and Vietnam to improve religious freedoms conditions have been fully implemented over the past year. There have been positive developments that signal a new commitment to protect religious freedom, but those developments have only slowly emerged over the past 8 months and significant restrictions and abuses remain.

There have been slight improvements in the law and practice for some Vietnamese religious groups following the issuing of the new Ordinance on Religious Affairs and corresponding implementation regulations. In addition, we have learned that Vietnamese officials have recently begun contacting religious leaders to discuss registration requirements, but the overall protection of religious freedom remains poor and legal protections are often ignored or poorly understood. In addition, national security or national solidarity provisions of the penal code trump all potential religious freedom protections.

In the last year, the Vietnamese Government released some significant religious prisoners, officially outlawed forced recantations of faith, issued new guidelines to help speed the process of registration. It registered 29 religious venues in the Central Highlands and allowed hundreds more to operate prior to registration. In addition, restrictions on Catholics and the majority of Buddhist practice continue to ease. So this is good news.

These positive developments are a direct result of persistent diplomatic engagement, ongoing international attention to Vietnam's human rights problems and Vietnam's own interest in joining the international community including WTO membership. Yet despite these positive developments, restrictions and some abuses continue and vary by region religious affiliation and ethnicity. Hanoi remains highly suspicious of Montagnard and Hmong Protestants, Vietnamese Mennonites, followers of Hoa Hao Buddhism and the banned United Buddhist Church of Vietnam.

In June 2005, the commission submitted testimony to this Subcommittee offering specific instances of abuses and restrictions of religious freedom. Let me offer additional examples of instances that have occurred since last June or which have been recently documented by our staff.

Coerced recantations of faith are still reported, particularly among Hmong Protestants and Montagnard Protestants. We have documented numerous cases of ethnic political activists in Vietnam being forced to recant and sometimes being tortured and mistreated in detention. Local officials confiscated the land of Hmong Christians in Lao Cai Province last April, destroyed the homes of Hre Christians in Quang Ngai Province in August 2005 and beat Hmong leaders in Ha Giang Province in September 2005.

In addition, just last month the chief of police in Tung Ba Commune in the Ha Giang Province admitted that he raided a Hmong Christian worship service on January 1, 2006. He admitted this and the police chief said, "He caught 20 people red-handed illegally singing. We seized 14 books and one radio from them. We told them to stop practicing that religion because it is illegal."

Also, pressures remain on the UBCV leadership, the United Buddhist Church of Vietnam. Thich Quang Do and Thich Huyen Quang are still restricted in their contacts and movement. At least 13 other senior UBCV monks remain under some form of administration probation or actual pagoda arrest. In February 2006, Thich Quang Do was detained after trying to board a train to visit Thich Huyen Quang. He was released after a few hours but was not allowed to travel. Charges against UBCV leaders for possessing state secrets first issued in October 2004 have not been rescinded.

Arrests and harassment of members of the Hoa Hao religious minority have increased in the past year. In September 2005, Hoa Hao monk Vo Van Thanh Liem, who had submitted written testimony on human rights to this Subcommittee, was sentenced to 9 years of imprisonment. At least six other Hoa Hao members were sentenced to prison during 2005.

On a positive note, Vietnamese authorities continue to slowly open some of the 450 religious venues closed since 2001 and by our count, 29 churches legally were reopened last year. Officials in Gailai Province seem to be allowing Hmong meeting points to operate before they are legally recognized. Similar reports are emerging from Kontum and Binh Phuoc. However, it seems that there is little movement on church openings in Daklak Province.

Hmong Protestants have encountered the most problems in seeking legal recognitions and authorities in Northwest Provinces have steadfastly refused to acknowledge the legal existence of a reported 1,110 Protestant churches in the Northwest Provinces. Approximately 200 Hmong churches have applied for registration under the new law, but they have encountered numerous obstacles from authorities.

There are at least 6 religious prisoners and 15 others being held in some form of administrative detention. The number is probably much higher, since religiously related detainees from 2001 and 2004 demonstrations for religious freedom in the Central Highlands are being held under national security and national solidarity provisions of the legal code.



In the last year, Vietnam has eased some restrictions on Catholicism. In January 2006, a special envoy from Rome made the first visit by a senior official from the Vatican since 1954, presiding over the ordination of 57 priests at a ceremony in Hanoi. In addition, a new archbishop was named for Ho Chi Minh City in 2005. Although relations between Vietnam and the Vatican have improved in recent years, the government continues to require prospective seminarians to obtain government permission before entering seminary and receiving ordination and maintains a de facto veto power over Roman Catholic ordinations and appointments.

Now, regarding religious freedom is the glass half full or is it half empty? As was highlighted by Ambassador Hanford in his testimony earlier, Vietnam is seriously engaged on the issue of religious freedom with the United States. We see serious engagement from them. Vietnamese officials have told the commission that since the CPC designation they now realize that religious freedom concerns are issues that have to be addressed to improve bilateral relations.

Ambassador Hanford should be commended for the time and effort he has invested in Vietnam and we should see any progress in Vietnam as evidence that both vigorous diplomatic actions and the use of the CPC designation produced results that might lead to future improvements in religious freedom in Vietnam.

In the past 8 months, we have seen some critical diplomatic engagement on religious freedom concerns and we have seen some new regulations issued that promise some protection for religious minorities if applied consistently and we have seen several prisoners released. But Mr. Chairman, we recognize some advances in religious freedom conditions and we have noted continued concerns. We are not arguing over whether the glass is half full or half empty. We just do not know if the glass, so recently constructed, will continue to hold any water and so we ask will legal developments hold in a country where the rule of law is not fully functioning?

Are changes only cosmetic, intended to increase Vietnam's ability to gain WTO membership and pass a congressional vote on PNTR? Religious prisoners remain behind bars. Churches do still remain closed. Forced renunciations of faith do continue as do restrictions on and harassment of all Vietnam's diverse religious communities. All of these abuses have occurred less frequently than in the past. I want to renew on that. However, there remain serious concerns in all these areas.

Though promises of future improvements are encouraging, we should not reward Vietnam too quickly by lifting the CPC designation or by downplaying human rights concerns to advance economic or military interests. So we have some recommendations, Mr. Chairman.

In conclusion, we believe the United States Government and its officials must continue to speak with one strong voice on human rights including religious freedom. We must continue to convey to senior Vietnamese leaders that religious freedom is a top priority to us, that it is a critical issue in our bilateral relationship and that the central government must take concerted action to end abuses and harassment of religious believers. So we must continue to

make clear that it is incumbent on the leadership of Vietnam to take their country on a path toward more openness, prosperity and freedom. Better United States and Vietnamese relations depend on it. Thank you, Mr. Chairman.

[The prepared statement of Mr. Cromartie follows:]

PREPARED STATEMENT OF MR. MICHAEL CROMARTIE, CHAIR, U.S. COMMISSION ON  
INTERNATIONAL RELIGIOUS FREEDOM

A STRATEGIC OPPORTUNITY: LINKING HUMAN RIGHTS & BILATERAL INTERESTS

Mr. Chairman and Members of the Committee, let me begin by thanking you on behalf of the U.S. Commission on International Religious Freedom for holding this hearing.

Relations between the United States and Vietnam in recent years have strengthened and improved in several important areas. Commercial and military ties are expanding rapidly. Vietnam's Prime Minister made an historic visit to the United States in June 2005 and President Bush is scheduled to visit Vietnam in November.

Improving bilateral relations are important as our two countries move past a tragic history toward a better future—regrettably, significant issues still remain.

Vietnam's human rights record remains poor. Freedoms of speech, assembly, association, and religion continue to be restricted—and abuses in these areas still occur. Although Vietnam is in some respects a less repressive society now than ten or fifteen years ago, we should not conclude that Vietnam's economic openness has led directly to political openness or greater respect for human rights.

Unfortunately, the hope of some that Vietnam's progress toward WTO membership would bring about legal reform, transparency, and improvements in human rights has not been fulfilled. There has not been a direct correlation between economic and individual freedoms.

As Vietnam continues to expand the boundaries of economic freedom, the United States should continue to encourage Vietnam to uphold its international commitments on human rights and religious freedom. This includes full implementation of the May 5, 2005 agreement Vietnam signed with the U.S. government to improve religious freedom.

VIETNAM & RELIGIOUS FREEDOM

Mr. Chairman, the Commission remains particularly concerned about current religious freedom conditions in Vietnam.

Vietnam has been one of the Commission's highest priorities over the past several years. The Commission and its staff have traveled to Vietnam. We regularly meet with Vietnamese officials and religious leaders. We continue to work with Congress and the Administration on diplomatic and policy solutions to improve religious freedom in Vietnam.

Over the past fifteen years, the government of Vietnam has slowly carved out a noticeable "zone of toleration" for government approved religious practice. If you visit Vietnam, you will be able to observe religious activity in many places and by persons of many faiths. But the presence of religious practice does not necessarily mean the presence of religious freedom. Some Vietnamese practice their faith with few restrictions. Too many other Vietnamese people do not.

Based on information we have gathered from sources within Vietnam, we do not think the May 5, 2005 agreement, signed by the U.S. and Vietnam to improve religious freedom conditions has been fully implemented over the past year. There have been positive developments that signal a new commitment to protect religious freedom, but those developments have only slowly emerged over the past eight months and significant restrictions and abuses remain.

There have been slight improvements in law and practice for some Vietnamese religious groups following the issuing of a new Ordinance on Religious Affairs and corresponding implementation regulations. In addition, we have learned that Vietnamese officials have recently begun contacting religious leaders to discuss registration requirements. But the overall protection of religious freedom remains poor and legal protections are often ignored or poorly understood. In addition, national security or national solidarity provisions of the penal code trump all potential religious freedom protections.

In the last year, the Vietnamese government released some significant religious prisoners, officially outlawed forced recantations of faith, issued new guidelines to help speed the process of registration, registered 29 religious venues in the Central

Highlands and allowed hundreds more to operate prior to registration. In addition, restrictions on Catholics and the majority of Buddhist practice continue to ease.

These positive developments are a direct result of persistent diplomatic engagement, ongoing international attention to Vietnam's human rights problems, and Vietnam's own interest in joining the international community—including WTO membership.

Yet, despite positive developments, restrictions and some abuses continue and vary by region, religious affiliation, and ethnicity. Hanoi remains highly suspicious of Montagnard and Hmong Protestants, Vietnamese Mennonites, followers of Hoa Hao Buddhism, and the banned United Buddhist Church of Vietnam (UBCV).

In June 2005, the Commission submitted testimony to this Subcommittee offering specific instances of abuse and restrictions of religious freedom. Let me offer additional examples of instances that have occurred since last June or which have recently been documented by our staff.

- Coerced recantations of faith are still reported, particularly among Hmong and Montagnard Protestants. We have documented numerous cases of ethnic Protestant activists in Vietnam being forced to recant and sometimes being tortured and mistreated in detention.
- Local officials confiscated the land of Hmong Christians in Lao Cai Province last April, destroyed the homes of Hre Christians in Quang Ngai Province in August, 2005, and the beat Hmong leaders in Ha Giang Province in September, 2005.
- In addition, just last month, the chief of police in Tung Ba Commune, Ha Giang Province admitted that he raided a Hmong Christian worship service on January 1, 2006. The police chief said he *"caught 20 people red-handed illegally singing. We seized 14 books and one radio from them."* *"We told them to stop practicing that religion because it is illegal."*
- Pressures remain on the UBCV leadership. Thich Quang Do and Thich Huyen Quang are still restricted in their contacts and movement. At least 13 other senior UBCV monks remain under some form of administration probation or actual "pagoda arrest." In February 2006, Thich Quang Do was detained after trying to board a train to visit Thich Huyen Quang. He was released after a few hours, but was not allowed to travel. Charges against UBCV leaders for "possessing state secrets," first issued in October 2004, have not been rescinded.
- Arrests and harassment of members of the Hoa Hao religious minority have increased in the past year. In September 2005, Hoa Hao monk Vo Van Thanh Liem, who had submitted written testimony on human rights to this Subcommittee, was sentenced to nine years of imprisonment. At least six other Hoa Hao members were sentenced to prison during 2005.
- On a positive note, Vietnamese authorities continue to slowly open some of the 450 religious venues closed since 2001. By our count, 29 churches legally re-opened last year. Officials in Gai Lai Province seem to be allowing additional "home meeting points" to operate before they are legally recognized. Similar reports are emerging from Kontum and Binh Phuoc. However, it seems that there is little movement on church openings in Dak Lak Province.
- Hmong Protestants have encountered the most problems in seeking legal recognition. Authorities in the northwest provinces have steadfastly refused to acknowledge the legal existence of a reported 1,110 Protestant churches in the northwest provinces. Approximately 200 Hmong churches have applied for registration under the new law, but they have encountered numerous obstacles from authorities.
- There are at least six religious prisoners and fifteen others being held in some form of administrative detention. The number is probably much higher since religiously-related detainees from the 2001 and 2004 demonstrations for religious freedom in the Central Highlands are being held under "national security" and national solidarity provisions of the legal code.
- In the last year, Vietnam has eased some restrictions on Catholicism. In January 2006, a special envoy from Rome made the first visit by a senior official from the Vatican since 1954 and presided over the ordination of 57 priests at a ceremony in Hanoi. In addition, a new Archbishop was named for Ho Chi Minh City in 2005. Although relations between Vietnam and the Vatican have improved in recent years, the government continues to require prospective seminarians to obtain government permission before entering the seminary

and receiving ordination and maintains defacto veto power over Roman Catholic ordinations and appointments.

REGARDING RELIGIOUS FREEDOM: IS THE GLASS HALF-FULL OF HALF-EMPTY?

As was highlighted by Ambassador Hanford in his testimony, Vietnam has seriously engaged on the issue of religious freedom with the United States. Vietnamese officials have told the Commission that since the CPC designation, they now realize that "religious freedom concerns are issues that have to be addressed to improve bilateral relations."

Ambassador Hanford should be commended for the time and effort he has invested in Vietnam. We should see any progress in Vietnam as evidence that both vigorous diplomatic action and the use of the CPC designation produced results that might lead to future improvements in religious freedom in Vietnam.

In the past eight months, we have seen some critical diplomatic engagement on religious freedom concerns, we have seen new regulations issued that promise some protections for religious minorities if applied consistently, and we have seen several prisoners released.

Mr. Chairman, we recognize some advances in religious freedom conditions and we have noted continued concerns. We are not arguing over whether the glass is half-full or half-empty. We just do not know if the glass, so recently constructed, will continue to hold any water.

Will legal developments will hold in a country where the rule of law is not fully functioning? Are changes only cosmetic, intended to increase Vietnam's ability to gain WTO membership and pass a Congressional vote on PNTR.

Religious prisoners remain behind bars, churches remain closed, forced renunciations of faith continue, as do restrictions on and harassment of all of Vietnam's diverse religious communities. All these abuses occur less frequently than in the past; however, there remain serious concerns in all these areas.

Though promises of future improvement are encouraging, we should not reward Vietnam too quickly by lifting the CPC designation or downplaying human rights concerns to advance economic or military interests.

POLICY RECOMMENDATIONS:

The Commission's 2005 Annual Report includes policy recommendations that we believe can improve U.S. human rights diplomacy for Vietnam. In general, the Commission recommends that U.S. diplomatic and assistance programs be expanded and re-prioritized to directly promote freedom of religion and related human rights in Vietnam. Non-humanitarian assistance programs have been declining in Vietnam, except for new HIV/AIDS funding and assistance programs to help Vietnam enter the WTO. We believe that new public diplomacy, economic development, and technical assistance programs should be targeted to address the roots of ongoing human rights problems.

We have also made specific recommendations for Congressional and Administration action in the areas of public diplomacy, economic development, education, good governance, and rule of law programs for Vietnam.

I have included a copy of the Commission's recommendations as part of my testimony and ask that it be made part of the record.

Let me highlight one of our past policy recommendations in order to commend Congressional action and urge full implementation of appropriated funds.

Last year, in the conference report to HR 3057, the Foreign Operations Appropriation's Bill, Congress agreed to provide \$2,000,000 for programs to address the needs of affected communities and individuals in the Central Highlands of Vietnam, including creation of a Montagnard Development Fund.

Mr. Chairman, we believe that the creation of a Montagnard Development Fund may address some of the core economic problems that are related to religious freedom abuses targeting Vietnam's ethnic minorities. We urge that the appropriated funds be quickly allocated, that NGOs will be able to operate freely in Central Highlands, and that development projects be expanded for Vietnam's northwest provinces as well. We also urge that the funds appropriated by Congress be prioritized for ethnic and religious minority communities in areas experiencing significant human rights problems.

CONCLUSION:

The U.S. Government and its officials must continue to speak with one strong voice on human rights, including religious freedom. We must continue to convey to senior Vietnamese leaders that religious freedom is a top priority to us, that it is

a critical issue in our bilateral relationship, and that the central Government must take concerted action to end abuses and harassment of religious believers.

We must continue to make clear that it is incumbent on the leadership of Vietnam to take their country on the path towards openness, prosperity, and freedom. Better U.S. and Vietnamese relations depend on it.

COMMISSION RECOMMENDATIONS—VIETNAM:

Following the designation of Vietnam as a CPC, the Commission has recommended that the U.S. government should:

- identify those Vietnamese agencies and officials who are responsible for particularly severe violations of religious freedom and vigorously enforce section 604 of IRFA with respect to Vietnam, rendering inadmissible for entry into the United States any Vietnamese government official who was responsible for or directly carried out such violations; and
- re-prioritize human rights programming and technical assistance in Vietnam by dedicating no less than \$1 million for FY 2005 and FY 2006, if discretionary funds are allocated to Vietnam above its annual earmark, to new or existing programs that will directly promote freedom of religion and belief and related human rights in Vietnam.

With regard to religious freedom conditions in Vietnam, in addition to recommending that Vietnam be designated a CPC, the Commission has recommended that the U.S. government should:

- make clear to the government of Vietnam that ending violations of religious freedom is essential to the continued expansion of U.S.-Vietnam relations, urging the Vietnamese government to:
  - establish a non-discriminatory legal framework for religious groups to engage in peaceful religious activities protected by international law without requiring groups to affiliate with officially registered religious organizations; for example:
    - allow the Unified Buddhist Church of Vietnam to register and operate independently of the official Buddhist organization, the Vietnam Buddhist Sangha;
    - allow leaders chosen by all Hoa Hao adherents to participate in the Executive Board of the Hoa Hao Administrative Council or allow a separate Hoa Hao organization to organize and register as the Hoa Hao Central Buddhist Church with the same privileges as the Administrative Council;
    - allow Presbyterian, Assembly of God, Baptist and any other Protestant denominations that do not wish to join either the Southern Evangelical Church or the Northern Evangelical Church of Vietnam, to register independently; and
    - allow Cao Dai leaders opposed to the Cao Dai Management Council to form and register a separate Cao Dai organization with management over its own affairs;
  - establish a legal framework that allows for religious groups to engage in humanitarian, medical, educational, and charitable work;
  - amend the 2004 Ordinance On Religious Beliefs and Religious Organizations and Decree 22, and other domestic legislation that may restrict the exercise of religious freedom, so that they conform to international standards for protecting the freedom of thought, conscience, and religion or belief.
  - enforce the provisions in the Prime Minister's "Instructions on Protestantism" that outlaw forced renunciations of faith and establish in the Vietnamese Criminal Code specific penalties for anyone who carries out such practices;
  - repeal Decree 31/CP of the Vietnamese Criminal Code which empowers local Security Police to detain citizens for up to two years without trial, as this decree is routinely invoked to detain religious followers and members of non-recognized religious denominations;
  - set up a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions on returning confiscated properties to religious groups;

- release or commute the sentences of all those imprisoned or detained on account of their peaceful manifestation of religion or belief; including, among others, UBCV Patriarch Thich Huyen Quang, Thich Quang Do and six UBCV leaders detained in the 2003 crackdown, members of ethnic minorities in the Central Highlands and northwest provinces, and the six Mennonites arrested in July 2004, using the list compiled by the State Department pursuant to Section 108 of IRFA;
- re-open all of the churches, meeting points, and home worship sites closed during 2001 in the Central Highlands and northwest provinces;
- investigate and publicly report on the beating deaths of Hmong Protestant leaders Mua Bua Senh and Vang Seo Giao, and prosecute anyone found responsible for these deaths;
- halt the practice of diplomatic pressure, offering of bounties, or cross-border police incursions into Cambodia for the purpose of forcibly repatriating Montagnards; and,
- allow representatives of the UN High Commission for Refugees (UNCHR), or some other appropriate international organization, unhindered access to the Central Highlands in order to monitor voluntarily repatriated Montagnards consistent with the Memorandum of Understanding (MoU) signed on January 25, 2005 between the UNHCR, Cambodia and Vietnam and provide unhindered access for diplomats, journalists, and non-governmental organizations to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces; and
- expand existing programs and initiate new programs of public diplomacy for Vietnam, including,
  - expanding funding for additional Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts;
  - targeting some of the Fulbright Program grants to individuals and scholars whose work promotes understanding of religious freedom and related human rights;
  - requiring the Vietnam Educational Foundation, which offers scholarships to Vietnamese high school age students to attend college in the United States, to give preferences to youth from ethnic minority groups areas (Montagnard and Hmong), from minority religious communities (Cao Dai, Hoa Hao, Catholic, Protestant, Cham Islamic, and Kmer Buddhist), or former novice monks associated with the Unified Buddhist Church of Vietnam;
  - providing grants to educational NGOs to bring Vietnamese high school students to the United States for one year of study;
  - creating new exchange programs between the Vietnamese National Assembly and its staff and the U.S. Congress;
- continue to expand its economic development, democracy, education, good governance, and rule of law programs in Vietnam by:
  - working with interested nations and international donors to create a development fund for ethnic and religious minorities that targets business creation, micro-enterprise development loans, and grants to improve agricultural, educational, health, and technical training, a fund that would prioritize areas with both rural poverty and significant human rights problems;
  - expanding existing rule of law programs to include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious communities to discuss the impact of Vietnam's laws and decrees on religious freedom and other human rights, to train public security forces on these issues, and to discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations.

In addition, the U.S. Congress should appropriate additional money for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming. Funding should be commensurate to new and ongoing programs for Vietnamese workers, women, and rule of law training.

Mr. SMITH OF NEW JERSEY. Thank you so very much. I apologize I had to step out for a moment. Let me just ask you a couple of questions. You heard the State Department's analysis and recommendations. Is there anything that you disagreed with as well as agreed with in their analysis? Are they optimistic? Overly optimistic?

Mr. CROMARTIE. As I have just outlined in my comments, there are positive things that have occurred and there are also some grave concerns and so I would go back to the point that you so kindly referenced in my testimony in the quote, is the glass half full or half empty? I think that the answer is in the testimony I just gave that the real question is not whether it is half full or half empty, but the glass has only recently been constructed and the question should really be: Is it made out of plastic or is it made out of glass? This remains to be seen.

I would underline though, Mr. Chairman, the diplomatic efforts by Ambassador Hanford have been terrific and important. Those diplomatic efforts, however, have been aided by the fact of the CPC designation. The pressure of that and of this body by the way, those things combined have made the diplomatic efforts all the more important and all the more fruitful.

It is the pressure of this body, it is the pressure of also our commission—and thank you for your kind words about our commission—and it is also the pressure of their wanting to get off the CPC list that has combined to make political pressure and diplomatic negotiations more successful. In answer to your question about their testimony, no, not overly optimistic. I think sober and serious and I would just say from the comments I have made that any optimism must be coupled with a continual reality check on what is still going on.

As you said, Mr. Chairman, there are some prisoners who have come out and we are glad about this, but we would agree with you, sir, that we are looking for liberation. We want everybody out. No excuses.

Mr. SMITH OF NEW JERSEY. I appreciate that. Let me agree with you as well. Your commission has made a major, major difference in this fight and in this struggle. As a matter of fact, when I talked to Father Ly in Vietnam, because as you know he is still under house arrest, we had a very, very good exchange but we all recall it was his testimony to your commission done in absentia that landed him in prison. The Vietnamese at least then took you extremely serious and I want to thank you for your leadership there.

Let me just ask you the following. You said that since June there have been a number of documented instances of coerced renunciations of faith reported. My question is: To the best of your knowledge, has any public official been held to account? I really am glad you pointed out in your recommendation side that section 604 of IRFA needs to be fully implemented and I hope that we have, as a government, at least identified people that have committed these kinds of acts, or at least we have tried to identify such people so that part of IRFA can be implemented.

I would note in passing that I met with one visiting delegation that included a former governor from Daklak Province. We had a very vigorous exchange about this whole forced renunciation issue

and it occurred to me that he may have been complicit in some way with the forced renunciations of faith that occurred in his province although I cannot say because I had no evidence, although I did ask him. A reasonable belief would be that he probably was, but obviously we need proof. He was here with a U.S. visa enjoying the sights and engaging in dialogue with Members of Congress. I think your point was very well taken. Has anyone been held to account?

Mr. CROMARTIE. My understanding, Mr. Chair, is that no one has been and the reason they have not been is because it is not in the law and it needs to be in their law. This is something religious leaders constantly complain about. They are not held to account, because they are not required to be held to account.

Mr. SMITH OF NEW JERSEY. Finally, let me just ask a question on the issue of faith-based charitable work. I may have missed that part of your testimony, because I regrettably stepped out, but it seems to me that that is an opening, as is education. Certainly faith-based work adds value to the Government of Vietnam and to the people of Vietnam by allowing this untapped reservoir of goodness to help the people, whether it be people who are suffering from HIV/AIDS or from drug problems or battering problems within their household, because battering of women is a problem in Vietnam as we know. A faith-based approach certainly can help mitigate and solve some of those problems.

What is your sense as to whether or not we are using our foreign aid, effectively, particularly as it relates to our HIV/AIDS account, which is extensive: Hundreds of millions of dollars as a country as part of the PEPFAR program? Are we using it effectively enough to foment real change in that quarter?

Mr. CROMARTIE. Mr. Chairman, the faith-based initiative in Vietnam has got some roadblocks, more than our own country. Religious groups in Vietnam have provided social services in some areas that the government cannot provide, but there is no legal framework. There is no legal framework to protect or expand their activities and so they can be curtailed or cut off for political reasons. There is no legal protection for them not to be.

The UBCV offers help with recent flood relief, but it was refused by the government to do so. The religious groups in Vietnam are generous and they are eager, but again this goes back to the question of legal framework. There is no protection for them so at the whim of the government they can be shut off or told they cannot do something. Again, because we see in Vietnam, as I said in my testimony, that religion is seen not as a civic virtue to be encouraged but as a threat to the state and therefore, it may well fall over into this area also.

Mr. SMITH OF NEW JERSEY. Finally, the statement that you quote from the chief of police of Tung Ba Commune and this as recent as January 1, 2006, where the police chief said, "He caught 20 people red-handed illegally singing. We seized 14 books and one radio from them. We told them to stop practicing that religion because it is illegal." That just sums up I think the problem that still exists at the local level and hopefully not at the Federal or the central government level, although I am sure it is there as well. I thank you for that and again for the tremendous work you are doing. Mr. Faleomavaega.



Mr. CROMARTIE. Thank you, Congressman.

Mr. FALEOMAVAEGA. I want to thank Chairman Cromartie for the most eloquent statement. Certainly this is an issue that has always been part of the Communist manifesto about religion period. Who was it the Soviet astronaut that went out there and looked around and when he got up there in heaven and found out he could not see God and could not find God and therefore religion is a falsehood. It is part of the ideological thing that we are looking at.

I do not want to be simplistic about asking you the same basic questions I have asked your predecessors, I mean the gentlemen that were before you, but in the overall sense and I am a generalist, I do not get into the micro, what is your sense if we are talking about trajectories, on how Vietnam as a country is moving toward providing more tolerance toward religious organizations and the like?

You say that they are making movements, but not enough. Of course, never enough is never enough, whether it be a half empty glass or a half full glass. Of course the question is who made the glass or what is it made out of? What is your best sense of what is happening in Vietnam from the time not only we have developed diplomatic relations as 1995? Has it been progressive? Obviously not enough in terms of how we standardized a given situation, but from their point of view, do you think they have made some huge advancement toward religious tolerance?

Mr. CROMARTIE. Mr. Congressman, let me just say that for all the people that I respect the most, academics or the work of the very able staff of the commission or even of the previous testimony, I do believe that progress has been made. I have been persuaded by that and the progress is significant for a country like Vietnam that does seem to be wanting to expand religious, at least to get people registered, which is better than it was in the past.

I would say building on the previous testimony of our previous speakers and also on the work of the commission that there is a feeling that progress is being made, but the progress is being made only because of the work of your body and of the work of the commission and of the diplomatic work being done by the State Department and especially Ambassador Hanford. Progress is being made because they are being pushed and they are being pushed firmly and gently and every other way that is persuasive.

The progress would not be being made, however, if this pushing was not occurring. I do not think they are doing this out of some magnanimous desire, if I may be so candid, but I think they are doing it because of pressure and I think political and legal pressure is important. I think diplomatic negotiation is also important. Those things going together means that Vietnam is progressing and we documented in our testimony what the positive trends are, but it is also a country that is a little bit not only thinks that religion is a falsehood, as you mentioned in your earlier comment, but it is not just a falsehood. It is a threat.

Religious people are a threat to the power of the state and the state must register these people and control these people or they will be a threat to us and until they get over this idea that religion is a virtue to be encouraged in its citizens and a virtue that ought to be expanded and that religious freedom is an ideal and not a

hindrance and that it is good for society, until they get over the mentality that they have to control everything, then they will see religion as a threat to be controlled. It can be free, but only under the parameters of which they have given them.

Until they get over the idea that religion is not only just a falsehood but a threat, then their progress will be slow, but it is moving.

Mr. FALEOMAVAEGA. One more question, Mr. Chairman, I wanted to ask. I am focusing specifically on the Asia Pacific region and I just wanted to know in just a real general sense of the commission's work have covered how many other countries and I realize it is a huge area. More specifically, Indonesia is what I am focusing on. I just wanted to ask you if the commission has also done work, extensive work and reporting on the situation and if you have, I definitely have every intention of contacting you, sir and we will do our dialogue in that sense.

Mr. CROMARTIE. Yes, sir. You should feel free to contact us any time.

Mr. FALEOMAVAEGA. All right.

Mr. CROMARTIE. By phone, email, fax, whatever. The commission is there to respond to any request you have. The research and the work done by the staff of the commission is as extensive, as thorough and any information you need, that is why we are there.

Mr. FALEOMAVAEGA. Thank you very much. Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you very much.

Mr. CROMARTIE. Thank you, sir.

Mr. SMITH OF NEW JERSEY. Let me just ask, if I could, whether or not there is any interface with your commission and the Office of the U.S. Trade Representative. Do they show any interest in—

Mr. CROMARTIE. Say it again. The commission and who?

Mr. SMITH OF NEW JERSEY. And the U.S. Trade rep.

Mr. CROMARTIE. I am not aware, but maybe our staff would know. I do not think we are in dialogue with them.

Mr. SMITH OF NEW JERSEY. We will send your testimony over with a strong cover letter, without a doubt.

Mr. CROMARTIE. Would you, please? Please. Thank you so much.

Mr. SMITH OF NEW JERSEY. Let me just ask you as well, what human rights conditions do you think we should attach before we grant PNTR to Vietnam or admit it to the WTO? Is it possible for a country that is on the CPC list, is it possible for the U.S. to be working with them successfully to grant them PNTR and move them into the category of a WTO country or do they need to make sufficient progress so that they can come off the CPC list before that occurs?

Mr. CROMARTIE. I think being on the CPC list certainly opens their mind, as I said earlier, to diplomacy and dialogue and negotiations. I think I would leave it up to the prudential wisdom of this body and those who make those decisions to decide. We have a CPC list. We also have what is called a watch list. Even on the CPC list there are some countries that are worse than others. I think you would have to take it on a case-by-case, country-by-country basis.

You know we have countries on the CPC list that they do not care. They do not care they are on the list. You know they totally ignore it. Where there are other countries that we have on the list, as I said earlier, it really serves as a wonderful leverage to get their attention, to start negotiations and start diplomatic dialogue. I guess, Mr. Chairman, it would depend on the country and on the kind of openness you see there what kind of restrictions ought to be applied.

Mr. SMITH OF NEW JERSEY. Let me just conclude. One of the conversations Eleanor Nagy and I had was with the Ho Chi Minh City's vice chairman, Nguyen Ton Tai, and the members of his council. When I asked him, "Can a member of the government believe in God?", I was met with absolute stunned silence, and nervous laughter in the room. I pressed him about putting aside political labels. I am a Republican. Big deal. He is a Democrat. Big deal. "What is it about religion that you find so offensive and contradictory to your political party?" He had just about no answer. It was amazing. It was as if it had not entered into their thought process at this point.

Their misconceptions, it seems to me, are very profound when it comes to religion and that was a very telling moment for us. Anything you would like to add?

Mr. CROMARTIE. No. Just that I am not surprised by the answer. When your ideology says the state is the final authority that one must be loyal to and committed to, when the state is the final authority and that question is put to you, it is almost like a question he does not want to entertain. It is not put to him very often I am sure. I am delighted, sir, that you asked it.

Mr. SMITH OF NEW JERSEY. I even tried to suggest to him the argument of design. You know, "How could there be such incredible order in the universe, even the human brain and not presuppose a maker and a prime mover?" It was not a two-way conversation. It was a one-way conversation.

Mr. CROMARTIE. I would only add, Mr. Chairman, that there are some, as you know and especially in Vietnam who are Buddhist and say they are religious, but just some.

Mr. SMITH OF NEW JERSEY. Yes. Thank you so much. I really appreciate your testimony and we will tell you what we hear back from the Trade rep when we send over your testimony.

Mr. CROMARTIE. Please do. We look forward to hearing from you and you, sir, we would be glad to hear from you.

Mr. FALCOMA. Thank you.

Mr. SMITH OF NEW JERSEY. Thank you so much. I would like to now welcome our third panel and thank them for their patience, but I think this has been a fascinating hearing and I want to thank my colleagues for their exchanges. We have had a very good turnout for today's hearing, which is evidenced by both sides of the aisle today.

Let me begin first with Kay Reibold, who is the Project Development Specialist for the Montagnard Human Rights Organization. Ms. Reibold has been working with the Montagnard refugee community in North Carolina and Vietnam for over 18 years, including 17 trips to Vietnam during the time she was the Director of the Vietnam Highlands Assistance Project for Lutheran Family Serv-

ices in the Carolinas from 1989 to 2003. Ms. Reibold is the recipient of the national President Point of Light Award.

We will then hear from H'Pun Mlo who was born in Daklak Province, Vietnam. Mrs. Mlo is a Montagnard of the Ede tribe. She came to the United States as a refugee last week. So she is very, very recently arrived, March 22. After the February 2, 2001, crackdown, her husband escaped to Cambodia and reached the UNHCR camp and later came to the United States on July 11, 2002.

We will then hear from Dr. Thang who arrived in the United States in 1979 as a boat person from Vietnam. He joined Boat People SOS in 1989 and became the organization's Executive Director 2 years later. In 1991, he cofounded and served as the first Chairman of Legal Assistance for Vietnamese Asylum Seekers. In 2001, he established the Victims of Exploitation and Trafficking Assistance Program.

I would just note parenthetically that Dr. Thang, throughout my tenure as Chairman of this Committee, especially in the 1990s, provided incredible insight and very valuable suggestions for the Subcommittee that actually led to the creation of the ROVER program, because I was the one who offered the amendments that sought to end U.S. complicity in shutting down the camps and sending people back when they were calling it voluntary repatriation, when it was anything but, and the rereviews that were effectuated as part of ROVER are largely attributable to the work that Dr. Thang had done on behalf of those remaining people who were part of the CPA, the Comprehensive Plan of Action, and there were so many other items when he was effective in providing valuable insights on human rights in Vietnam. I want to thank him publicly for that.

Then we will hear from Doan Viet Hoat who is currently the Chairman of the International Institute for Vietnam. Previously he served as the Co-Director for the Program for Civil Society in Southeast Asia. Mr. Hoat was a prisoners of conscience in Vietnam for publishing, writing and editing *Freedom Forum*, advocating human rights and democracy. He was released and deported directly from prison to the U.S. on September 1, 1998, and he too is someone for whom I have a very, very strong affection and respect for, for his tremendous work as our other people here as well, but I have known him as well and thank you for being here. Let me begin first with Kay.

**STATEMENT OF MS. KAY REIBOLD, PROJECT DEVELOPMENT SPECIALIST, MONTAGNARD HUMAN RIGHTS ORGANIZATION**

Ms. REIBOLD. Thank you, Congressman Smith and honorable Members of the Committee for the privilege to appear before you today. We would like our full statement included in the record.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

Ms. REIBOLD. I am testifying on behalf of a Montagnard Human Rights Organization based on Raleigh, North Carolina, USA. We are honored to present a voice for the Montagnard people of Vietnam's Central Highlands who for so many decades have not been heard, whose voice has been silenced because of fear, isolation and persecution. We are grateful to the U.S. State Department, the

U.S. Congress and the international community that at last the cry for help is being heard.

We are especially grateful to Congress and to you Congressman Smith for chairing this important hearing to assess the human rights situation in Vietnam at the present time. We acknowledge the reforms that have taken place at Vietnam and the progress in some areas of human rights including the emigration process yet there continues to be suffering for many citizens of Vietnam who experience religious persecution, torture, imprisonment, harassment and restricted freedoms.

For these individuals and for the tribal people in the North and the Central Highlands, Vietnam continues to be a country of particular concern. This presentation will focus on four areas of human rights concerns: Religious freedom, refugee protection, freedom of movement and development assistance for the Central Highlands. There is great suffering in the Montagnard Central Highlands. There is not only suffering of the body and mind because of poverty, disease and fear but it is the heart of the Highlander people that is broken.

The word Montagnard, as many of you know, is French for mountain people. The Montagnards also call themselves "Anak Cu Chiang" or Children of the Mountains, Children of the Highlands. The Montagnards were loyal allies of the United States during the Vietnam war and they have suffered extremely for their devotion to our country and the vision of democracy.

The Anak Cu Chiang people do not consider themselves to be an ethnic minority. They are an ethnically distinct race from the majority Kinh or Vietnamese people. The indigenous Montagnard people comprise the Mon-Khmer speaking tribes who originated in Burma and the Malay-Polynesian tribes who migrated in ancient times from Polynesia to Indonesia and then to the coast of Vietnam and eventually to the Central Highlands.

The heart of the Montagnard people has always been the land, the forest, the streams, the lakes and the mountains. In ancient times, the relationship with the land was a spiritual bond with nature and the tribal people experienced themselves as stewards and sacred caregivers of the land. For this reason, when a Montagnard is asked if he or she is not afraid to answer, "What do you want?" The answer is often, "We want to be free" or "We want our land." Freedom for the people of Vietnam does not exist at this time. There is still no freedom of religion in many areas of the Central Highlands.

There is a pervasive police presence in every village. Montagnards are permitted to worship in some places, but only in churches recognized by the government. House church worship is occasionally tolerated but is more often disrupted and forced renunciations of Christianity continue to be reported. There are disturbing reports from Gialai and Daklak Province of the police posting pictures of Ho Chi Minh in churches or in the homes of Montagnard villages. This practice is deeply disturbing to Christian believers and also is frightening to Montagnards who still have traditional beliefs about photographs of the dead.

The Montagnards have a deep and abiding Christian faith. They will often choose death or imprisonment if they are threatened to

renounce their faith. This deep faith is often misunderstood or exploited by the Vietnamese Government. For Montagnards, belief in Christianity was a way to find true equality, dignity and value as human beings in their life on earth, a way of life that has been denied the tribal people for so many decades living under the South Vietnam Government and later the Communist Government of the North.

Montagnard Christian believers continue to die for their faith. At the present time, there are over 350 Montagnards who have been sentenced to prison since 2001 for sentences up to 17 years for their involvement in protests, their religion or attempting to seek asylum in Cambodia and we would like that partial list of prisoners to be entered into the record.

We believe that there must be a release of these prisoners of conscience. We are providing a partial list of these prisoners as I have said. There are undeclared numbers of Montagnards being held in secret gulags.

In the area of refugee protection, Montagnards continue to cross the border to seek asylum in Cambodia. They are hunted down by Cambodian police, who collaborate with Vietnam's Ministry of Public Security in border surveillance and operations. The Vietnamese Government pays Cambodian police with cash bounties to arrest and return Montagnard asylum seekers. The Cambodian police threaten anyone assisting Montagnard asylum seekers will be charged with human trafficking and considered criminals.

We urge that UNHCR and all governments of the free world recognize that this action violates Cambodia's obligation to the refugee convention. It is especially disturbing considering that both Vietnam and Cambodia are among countries who are prime movers in the human trafficking of women and children.

The United Nations High Commissioner for Refugees should review the urgent situation in Cambodia and intervene with the Cambodian Government to respect the 1951 Refugees Convention. UNHCR should be taking an energetic stance to protect Montagnard asylum seekers and to realize the close cooperation between Vietnam and Cambodia that endangers Montagnard asylum seekers.

There is an urgent need to stop all forced repatriation of asylum seekers from Vietnam as a result of UNHCR's inability to guarantee protection for the returnees in accordance with international refugee law in the convention against torture. Human Rights Watch continues to document the abuse and torture of Montagnards in Vietnam. Additional reports from sources inside Cambodia have documented the torture of Montagnard returnees who were repatriated to Vietnam under the provisions of the January 2005 Memorandum of Understanding between UNHCR and the Governments of Cambodia and Vietnam.

The returnees fled to Cambodia a second time after being beaten and imprisoned in Vietnam following a UNHCR monitoring visit. Their interviews have been documented as being credible. Although not all returnees to Vietnam experience torture after UNHCR or other monitoring visits, there should be no further repatriation because there can be no guarantee of protection for the returnees. Returnees have described torture, beating and intimidation by the Vi-

etnamese police. Individuals were threatened to say nothing bad about the Vietnamese Government prior to the time of the UNHCR visits. We believe there should be no further repatriation because there can be no guarantee for the protection of the returnees.

We also urge the United States Government and UNHCR to re-evaluate the current petitions of over 50 Montagnards in Phnom Penh, Cambodia whose asylum appeals have been rejected by UNHCR and USCIS. We are aware that there have been allegations made that some Montagnards are terrorists and providing 'material support' to a former ethnonationalist independent movement known as FULRO, an acronym for the United Front for the Liberation of Oppressed Races.

No armed independence movement called FULRO exists. The last members of this movement laid down their weapons in 1992 and were given refugee status in the United States. Prior to 1975, many Montagnards continued to fight for the independence movement known as FULRO. Some, believing the promise made by the United States military, that if Montagnards allied themselves and fought for the United States there would be support for the Montagnard claim of self-administration and land rights. We would like to provide a letter of Ed Sprague into the record.

The word FULRO is often exploited by the Vietnamese Government and used as propaganda to discredit the Montagnard people. Any use of the word FULRO today does not mean an armed independence movement. Montagnards care about the rule of law, human rights, self-determination and peaceful coexistence with their Vietnamese neighbors. We believe that humanitarian consideration should be given to those Montagnards whose asylum petitions are pending in Cambodia and that UNHCR must not repatriate Montagnards to Vietnam. There is a well founded fear of persecution in Vietnam for Montagnard asylum seekers.

In the area of freedom of movement, it may be difficult for United States delegations that only briefly visit the Central Highlands to realize that there is no freedom of movement in most Montagnard villages. There is a Vietnamese Government security presence in every village. Conversation and social interaction is carefully monitored. This includes meticulous police surveillance of all NGOs, foreign visitors and official delegations.

Vietnam has a highly developed security apparatus, telecommunications network and propaganda mechanism. Fear has such an impact on the ability of Montagnards to travel freely in the Central Highlands. In some areas, Montagnard villagers who question authority or gather in public are arrested or subject to interrogation. Families, especially the wives of Montagnard men who escaped to Cambodia, are particularly vulnerable to harassment, humiliation, coercion and in some cases, beating and imprisonment.

We have interviewed Montagnard women who have arrived as refugees in the United States and they often speak of what they endured in their villages with constant threats by the police, including threats to renounce their Christian faith and to abandon their Montagnard husbands and leave their marriages.

In the area of emigration, there has been improvement in Vietnam's issuance of passports for Montagnard beneficiaries legally eligible to emigrate, but there is still coercion for petitioners to pay

bribes for exit documents, forced substitutions in the Montagnard family unit and harassment of Montagnard women who apply for their passports. The U.S. Consulate General, with its refugee resettlement staff, has done admirable work in facilitating difficult family reunifications. There is enormous gratitude from those Montagnard refugees who are now reunited in the United States because of the U.S. State Department's efforts and the compassion and involvement of U.S. Members of Congress.

Development assistance. Vietnam has made progress with poverty reduction throughout much of the country, but not in Montagnard regions. Deeply disturbing questions remain why national policies were created that allowed such extreme poverty and socioeconomic conditions to exist in the Central Highlands. In the 1980s and 1990s, large and well-established NGOs working in Vietnam were explicitly told not to focus on the Montagnard people or the Central Highlands. Those humanitarian groups who did attempt relief efforts were continually undermined by having travel visas delayed or medical shipments redirected to other provinces.

There is anguish and suffering in the Central Highlands with the tribespeople who suffer from Hansen's Disease, known as leprosy, also experiencing a devastating lack of health care and clean water. Other questions arise about the massive resettlement of millions of Vietnamese settlers into the Central Highland areas that have been previously inhabited by the tribal people. This has resulted in the displacement of the Highlanders, the loss of their ancestral lands and the degradation of the environment.

The Montagnard world of sacred jungle, forests and rivers that had once been so vibrant with life is now threatened with destruction. The majority "Kinh" or Vietnamese population continues to grow. The Montagnard population, which was once over a million people, is now estimated to be around 800,000. Urgent policies are needed that will promote the survival of the Highlanders.

A March 2006 report by UNICEF in Vietnam stated there is a great concern about safe water and hygienic sanitation to help improve child survival and reduce malnutrition in rural areas. It is estimated that 87 percent of the Highlander tribal people do not have access to safe water. Major social needs such as education are closely linked to safe water and hygiene. This is another reason why it is so urgent that development assistance reach the Montagnard people in the Central Highlands.

If not now, when? These are fundamental human rights. The right to live and the right to survive. Vietnam is a great nation and its greatest resource is her people. All her people, including the original inhabitants of the Central Highlands, the Anak Cu Chiang people who deserve to live and prosper.

The Montagnard Human Rights Organization recommends that the designation of Vietnam as a CPC (Country of Particular Concern) remains for the reasons outlined in this paper. We further recommend that: (A) Montagnard house churches and other places of worship are permitted without police threat or arrests. Montagnards are allowed to worship freely; (B) the release of all political prisoners; (C) stop repatriation of Montagnard asylum seekers in Cambodia unless there is adequate protection for returnees and there is independent long-term monitoring of the return-



ees; (D) unfettered access for NGOs to provide humanitarian aid and development assistance in the Central Highlands with targeted emphasis on the tribal people in areas of health care delivery, clean water, child nutrition and education; (E) the removal of police from Montagnard villages; (F) UNHCR should provide protection for Montagnard asylum seekers in Cambodia and pursue intensive diplomatic efforts with Cambodia and Cambodia's donor community in order that Cambodia provides an environment of safety for Montagnard asylum seekers; (G) the U.S. Consulate General establishes an office in Pleiku and Ban-Me-Thuot, Vietnam to facilitate legal emigration and humanitarian aid; (H) Montagnard Americans are used as interpreters in the USCIS interviews due to ongoing problems with inaccuracy on emigration forms, both in Phnom Penh, Cambodia and Ho Chi Minh City, Vietnam.

Thank you, Congressman.

[The prepared statement of Ms. Reibold follows:]

PREPARED STATEMENT OF MS. KAY REIBOLD, PROJECT DEVELOPMENT SPECIALIST,  
MONTAGNARD HUMAN RIGHTS ORGANIZATION

Thank you, Congressman Smith and Honorable Members of the Panel for the privilege to appear before you today.

I am testifying on behalf of the Montagnard Human Rights Organization based in Raleigh, North Carolina, USA. We are honored to present a voice for the Montagnard people of Vietnam's Central Highlands who, for so many decades have not been heard, whose voice has been silenced because of fear, isolation and persecution. We are grateful to the U.S. State Dept., the U.S. Congress and the international community that at last, the cry for help is being heard.

We are especially grateful to Congress and to you Congressman Smith for chairing this important Hearing to assess the human rights situation in Vietnam at the present time. We acknowledge the reforms that have taken place in Vietnam and the progress in some areas of human rights, including the emigration process, yet there continues to be suffering for many citizens of Vietnam who experience religious persecution, torture, imprisonment, harassment, and restricted freedoms. For these individuals and for the tribal people in the north and the Central Highlands, Vietnam continues to be a "*Country of Particular Concern*." This presentation will focus on four areas of human rights concerns: religious freedom, refugee protection, freedom of movement and development assistance for the Central Highlands.

There is great suffering in the Montagnard Central Highlands. It is not only suffering of the body and mind because of poverty, disease, and fear, but it is the heart of the highlander people that is broken.

The word Montagnard, as many of you know, is French for "Mountain People". The Montagnards also call themselves "Anak Cu Chiang" or "Children of the Mountains," "Children of the Highlands." The Montagnards were loyal allies of the U.S. during the Vietnam war and they have suffered extremely for their devotion to our country and the vision of democracy.

The "Anak Cu Chiang" people do not consider themselves to be an ethnic minority. They are an ethnically distinct race from the majority "Kinh" or Vietnamese people. The indigenous Montagnard people comprise the Mon-Khmer speaking tribes who originated in Burma and the Malay-Polynesian tribes who migrated in ancient times from Polynesia to Indonesia, and then to the coast of Vietnam and eventually to the Central Highlands. The heart of the Montagnard people has always been the land; the forest, the streams, the lakes and the mountains. In ancient times the relationship with the land was a spiritual bond with nature, and the tribal people experienced themselves as stewards and sacred caregivers of the land. For this reason, when a Montagnard is asked, (if he or she is not afraid to answer,) "What do you want?" the answer is often "we want to be free or we want our land."

Freedom for the people of Vietnam does not exist at this time. There is still no freedom of religion in many areas of the Central Highlands. There is a pervasive police presence in every village. Montagnards are permitted to worship in some places, but only in churches recognized by the government. House church worship is occasionally tolerated, but is more often disrupted and forced renunciations of Christianity continue to be reported. There are disturbing reports from Gialai and Daklak Province of the police posting pictures of Ho Chi Minh in churches or in the

homes of Montagnard villagers. This practice is deeply disturbing to Christian believers and also is frightening to Montagnards who still have traditional beliefs about photographs of the dead.

The Montagnards have a deep and abiding Christian faith. They will often choose death or imprisonment if they are threatened to renounce their faith. This deep faith is often misunderstood or exploited by the Vietnamese government. For Montagnards, belief in Christianity was a way to find true equality, dignity, and value as human beings in their life on earth, a way of life that has been denied the tribal people for so many decades living under the South Vietnam government and later, the Communist government of the north.

Montagnard Christian believers continue to die for their faith. At the present time, there are over 350 Montagnards who have been sentenced to prison since 2001, for sentences up to 17 years for their involvement in protests, their religion or attempting to seek asylum in Cambodia. We believe that there must be a release of these prisoners of conscience. We are providing a partial list of these prisoners. There are undeclared numbers of Montagnards being held in secret gulags.

#### REFUGEE PROTECTION

In the area of refugee protection, Montagnards continue to cross the border to seek asylum in Cambodia. They are hunted down by Cambodian police who collaborate with Vietnam's Ministry of Public Security in border surveillance and operations. The Vietnamese government pays Cambodian police with cash bounties to arrest and return Montagnard asylum seekers. The Cambodian police threaten anyone assisting Montagnard asylum seekers will be charged with human trafficking and considered criminals. We urge that UNHCR and all governments of the free world recognize that this action violates Cambodia's obligation to the refugee convention. It is especially disturbing considering that both Vietnam and Cambodia are among countries who are prime movers in the human trafficking of women and children.

The United Nations High Commissioner for Refugees should review the urgent situation in Cambodia and intervene with the Cambodian government to respect the 1951 Refugees Convention. UNHCR should be taking an energetic stance to protect Montagnard asylum seekers and to realize the close cooperation between Vietnam and Cambodia that endangers Montagnard asylum seekers.

*There is an urgent need to stop all forced repatriation of asylum seekers from Vietnam as a result of UNHCR's inability to guarantee protection for the returnees in accordance with international refugee law and the convention against torture.*

*Human Rights Watch* continues to document the abuse and torture of Montagnards in Vietnam. Additional reports from sources inside Cambodia have documented the torture of Montagnard returnees who were repatriated to Vietnam under the provisions of the January 2005 Memorandum of Understanding between UNHCR and the governments of Cambodia and Vietnam. The returnees fled to Cambodia a second time after being beaten and imprisoned in Vietnam following a UNHCR monitoring visit. Their interviews have been documented as being credible. Although not all returnees to Vietnam experience torture after UNHCR or other monitoring visits, there should be no further repatriation because there can be no guarantee of protection for the returnees.

Returnees have described torture, beating and intimidation by the Vietnamese police. Individuals were threatened to say nothing bad about the Vietnamese government prior to the time of the UNHCR visits. We believe there should be no further repatriation because there can be no guarantee for protection of the returnees.

We also urge the U.S. government and UNHCR to re-evaluate the current petitions of over 50 Montagnards in Phnom Penh, Cambodia, whose asylum appeals have been rejected by UNHCR and USCIS. We are aware that there have been allegations made that some Montagnards are terrorists and providing "material support" to a former ethnonationalist independence movement known as "FULRO," an acronym for the "United Front for the Liberation of Oppressed Races."

*No armed independence movement called FULRO exists.* The last members of this movement laid down their weapons in 1992 and were given refugee status in the U.S. Prior to 1975, many Montagnards continued to fight for the independence movement known as FULRO, some believing the promise made by the U.S. military that if Montagnards allied themselves and fought for the U.S., there would be support for the Montagnard claim of self-administration and land rights. We can provide documentation if the Committee would like further information about this. The word FULRO is often exploited by the Vietnamese government and used as propaganda to discredit the Montagnard people. Any use of the word FULRO today does not mean an armed independence movement. Montagnards care about the rule of

law, human rights, self-determination, and peaceful co-existence with their Vietnamese neighbors. We believe that humanitarian consideration should be given to those Montagnards whose asylum petitions are pending in Cambodia, and that UNHCR must not repatriate Montagnards to Vietnam. There is a well-founded fear of persecution in Vietnam for Montagnard asylum seekers.

#### FREEDOM OF MOVEMENT

It may be difficult for U.S. delegations that only briefly visit the Central Highlands to realize that there is no freedom of movement in most Montagnard villages. There is a Vietnamese government security presence in every village. Conversation and social interaction is carefully monitored. This includes meticulous police surveillance of all NGOs, foreign visitors, and official delegations.

Vietnam has a highly developed security apparatus, telecommunications network and propaganda mechanism. Fear has an impact on the ability of Montagnards to travel freely in the Central Highlands. In some areas, Montagnard villagers who question authority or gather in public are arrested or subject to interrogation. Families, especially the wives of Montagnard men who escaped to Cambodia, are particularly vulnerable to harassment, humiliation, coercion, and in some cases, beating and imprisonment.

We have interviewed Montagnard women who have arrived as refugees in the U.S. and they often speak of what they endured in their villages with constant threats by the police, including threats to renounce their Christian faith and to abandon their Montagnard husbands and leave their marriages.

In the area of emigration, there has been improvement in Vietnam's issuance of passports for Montagnard beneficiaries legally eligible to emigrate, but there is still coercion for petitioners to pay bribes for exit documents, forced substitutions in the Montagnard family unit, and harassment of Montagnard women who apply for their passports. The U.S. Consulate General, with its Refugee Resettlement Staff, has done admirable work in facilitating difficult family reunifications. There is gratitude from those Montagnard refugees who now are reunited in the U.S. because of the U.S. State Dept.'s efforts and the compassionate involvement of U.S. Members of Congress.

#### DEVELOPMENT ASSISTANCE

Vietnam has made progress with poverty reduction throughout much of the country, but not in Montagnard regions. Deeply disturbing questions remain why national policies were created that allowed such extreme poverty and socio-economic conditions to exist in the Central Highlands. In the 1980's and 90's, large and well-established NGOs working in Vietnam were explicitly told not to focus on the Montagnard people or the Central Highlands. Those humanitarian groups who did attempt relief efforts were continually undermined by having travel visas delayed or medical shipments re-directed to other provinces. There is anguish and suffering in the Central Highlands with the tribespeople who suffer from Hansen's Disease, known as leprosy, also experiencing a devastating lack of health care and clean water.

Other questions arise about the massive resettlement of millions of Vietnamese settlers into Central Highland areas that had been previously inhabited by the tribal people. This has resulted in the displacement of the highlanders, the loss of their ancestral lands, and the degradation of the environment. The Montagnard world of sacred jungle, forests and rivers that had once been so vibrant with life, is now threatened with destruction.

The majority "Kinh" or Vietnamese population, continues to grow. The Montagnard population, which was once over a million people, is now estimated to be around 800,000. Urgent policies are needed that will promote the survival of the highlanders.

A March, 2006 report by UNICEF in Vietnam, stated that there is great concern about safe water and hygienic sanitation to help improve child survival and reduce child malnutrition in rural areas. It is estimated that 87% of the highlander tribal people do not have access to safe water. Major social needs such as education are closely linked to safe water and hygiene. This is another reason why it is urgent that development assistance reach the Montagnard people in the Central Highlands. If not now, when? These are fundamental human rights; the right to live and the right to survive.

Vietnam is a great nation and its greatest resource is her people, *all* her people, including the original inhabitants of the Central Highlands, the "Anak Cu Chiang" people who deserve to live and prosper.

The Montagnard Human Rights Organization recommends that the designation of Vietnam as a "CPC," Country of Particular Concern, remains for the reasons outlined in this paper. We further recommend that:

- a) Montagnard house churches and other places of worship are permitted without police threat or arrests. Montagnards are allowed to worship freely
- b) the release of all political prisoners
- c) stop repatriation of Montagnard asylum seekers in Cambodia unless there is adequate protection for returnees and there is independent, long-term monitoring of returnees
- d) unfettered access for NGOs to provide humanitarian aid and development assistance in the Central Highlands of Vietnam with targeted emphasis on the tribal people in areas of health care delivery, clean water, child nutrition, and education
- e) the removal of police from Montagnard villages
- f) UNHCR should provide protection for Montagnard asylum seekers in Cambodia and pursue intensive diplomatic efforts with Cambodia and Cambodia's donor community in order that Cambodia provides an environment of safety for Montagnard asylum seekers
- g) U.S. Consulate General establishes an office in Pleiku and Ban-Me-Thuot, Vietnam to facilitate legal emigration and humanitarian aid
- h) Montagnard Americans are used as interpreters in USCIS interviews due to on-going problems with inaccuracy on immigration forms, both in Phnom Penh Cambodia and Ho Chi Minh City, Vietnam

Mr. SMITH OF NEW JERSEY. Thank you very much for your very extensive statement and the recommendations. Without objection, I would like to make relevant parts of the UNICEF study that you referenced a part of the record.

Let us move to our next guest, Mrs. Mlo.

Mr. NAY. Mr. Chairman, my name is Rong Nay. I am Executive Montagnard Human Rights Organization. Today I would like to read H'Pun Mlo's statement. She has just come to the United States on March 22, 2006.

**STATEMENT OF MRS. H'PUN MLO, MONTAGNARD REFUGEE,  
VIETNAM**

Ms. MLO. Mr. Chairman, my name is H'Pun Mlo. I am a Montagnard refugee. I came to North Carolina on March 22, 2006. I represent all the Montagnards living in North Carolina who are trying to get their family out of Vietnam.

First of all, I would like to thank you, Congressman Smith, very much for opportunity to share the situation of the Montagnard family in Vietnam. I also would like to thank the Members of the Human Rights Subcommittee for their interest and full consideration of the human rights violations and religious persecution in Vietnam, especially regarding the Montagnard people in Central Vietnam.

Currently we need immediate help from the United States Government because the Vietnamese authority have refused to issue exit visas for many Montagnard families in the Central Highlands. The terrible abuse against our people in the Central Highlands is extremely difficult for the Montagnard. Their land has been taken. Their religion is an object of condemn.

The hostility of the Vietnamese Government toward the Montagnard will never end without intervention of the United States Government. The local police and other security personnel continue to keep a very tight grip on the Montagnard people and the situation has become dangerous. If no help is provided for them from our side, the entire population will soon be eradicated.

The Vietnam Government announced that the freedom of religion exists in their country, but in reality it is not true. The religious freedom of the Vietnam Government is church worship and free time to read the Bible at home for a single family, not allowing the public worship at their own church. Maximum of two family can gather together to worship, but only if they first have permission from the local.

Since 1975, my village had not been allowed to build a church and we only worship at home. The Vietnamese Communist Government set up their own church system for those who would like to work to practice their belief, but only under very restrictive state rule and mandatory. Submitting the sermon words for approval by the authority, the sermon has to be given in Vietnamese language. Only registered members can attend. The Communist officer monitors the church services. There is currently one platoon of regular army that stays permanently in my village. They monitor all the Montagnard families who have husbands in United States.

Since 1975, there is no freedom of speech, and freedom of information is privately run by the media in the Central Highlands. The United States officials and foreign media are required to obtain authority from Hanoi to travel to the Central Highland, but they are not allowed to travel to some Montagnard village.

For this reason, today the Montagnards continue to cross the Cambodia border because of their religious freedom and land rights. Since my husband had participated in the protest of 2001, I have been in prison four times and my family members are targets of the government. They treat us as their enemy.

On September 2003, Lt. Col. Pham Huu Nhac and two high rank officer, Nguyen Van Phuc and Nguyen Thanh That and a group of the police came to my house, arrested me and brought me to the Ban Don District headquarter and put me in jail, did not allow to my 5-year-old daughter to see me. During 10 days in the prison, I was investigated every day and over, over about the protest and on October 7, 2003, my brother Y-Phor was arrested and beat close to die because police suspect him, the one person who reported to my husband about my imprisonment.

On October 9, I was arrest again because police suspect have two foreigner come to my office and ask my name and on October 17, 2003, I was released from jail. The police told me first if your husband sponsored your family, you have to show all your husband's documents. Second, you cannot meet or say anything to any foreigner who comes to your village unless you are allowed by our local government.

On July 16, 2005, I was arrested again because I was called for interview by the U.S. Consulate General in Ho Chi Minh City. I was in jail 3 days because of that. On March 14, 2006, before I come to the United States, I was summoned to police headquarters and asked, "What do the Montagnard want?" I answered, "We want to worship God free and we need land to farm." He answered, "We already granted the Montagnard freedom to worship." He then threatened me, "When you go to the United States of America, you cannot say anything bad about the Vietnamese Government. If you do, you cannot come back to the Vietnam because your family members are in our hand. We will use our power against them.

Then they make me sign a paper saying that I would not say anything bad about the Vietnam Government, after leaving Vietnam. Mr. Chairman, I come here today to tell the truth about the Montagnard family and the situation the Montagnard are facing now in Vietnam and Central Highlands. The Montagnard are treated like an enemy in our homeland. We pay a very high price for a life of freedom in the United States.

The Hanoi regime and the local government deeply hate and discriminate against the Montagnards. The human rights abuse never ends for the Montagnards. The Montagnards have no freedom and have never known happiness throughout our generation. Without pressure from outside, the Hanoi government will never stop abusing the Montagnard people. I ask the United States Government to expedite the reunification of families living in Vietnam with those who have been so fortunate to have been given asylum in the United States.

The longer they stay in the Vietnam, the great danger they will face. Once again, thank you very much for privilege to testify today. God bless you and bless America.

[The prepared statement of Ms. Mlo follows:]

PREPARED STATEMENT OF MRS. H'PUN MLO, MONTAGNARD REFUGEE, VIETNAM

My name is H'Pun Mlo, I am a Montagnard refugee and came to North Carolina on March 22, 2006, I am representative of all Montagnards living in North Carolina who are trying to get their families out of Vietnam.

First of all I would like to thank you Congressman Smith very much for the opportunity to share the situation of our Montagnard families in Vietnam, and I also would like to thank the members of the Human Rights Subcommittee for their interest and full consideration of the human rights violations and religious persecution in Vietnam and especially regarding the Montagnard people in the Central Highlands of Vietnam.

Currently, we need immediate help from the United States government because the Vietnamese authorities have refused to issue exit Visas for many our Montagnard families Vietnam's Central Highlands.

The terrible abuse against our people of the Central Highlands is extremely difficult for Montagnards. Their lands have been taken, and the religious persecutions are objects of contempt.

The hostility of the Vietnamese government towards the Montagnards will never end without the intervention of the United States government. The local police and other security personnel continue to keep a very tight grip on the Montagnard people, and the situation has become gravely dangerous. If no help is provided to them from outsiders, their entire population will soon be eradicated.

The Vietnam government has announced that "the freedom of Religion is existed in its country". But in reality it is not true. The freedom of religion of the Vietnamese government is "*House Church worship and free time read bible at home for only single families, but not allowing public worshipping at their own Churches*". A maximum of two families can gather together for worship, but only if they first have permission from the local communist authorities. Since 1975, my village has not been allowed to build a church, and we can only worship at home. The Vietnamese communist government has set up their own church system for those who would like to practice their belief, but only under very restrictive state rules and monitoring including: submitting sermons for approval by local authorities, sermons have to be given in the Vietnamese language, only registered members can attend, and communist officials monitor church services. Currently, one platoon of regular arm stays permanent in my village to monitor all families who have husband in the United States of America.

Since 1975, there is no freedom of speech, freedom of information, or privately run media in Vietnam's Central Highlands. The U.S. Officials and foreign media are required to obtain an authorization from the Foreign Ministry to travel to the Central Highlands, but they are not allowed to visit the Montagnard villages. For these reasons, today the Montagnards continue to cross Cambodia border because of their freedom of religion and lands rights.

Since my husband has participated in the protest on February 2, 2001, I have been imprisoned four times, and my family members were the target of the government and treated us as their enemy.

*On September 3, 2003, Lieutenant Colonel Pham Huu Nhac, two high-ranking officers, Major Nguyen Thanh That and Major Nguyen Van Phuc, and a group of police, came to my house and arrested me and brought me to Ban Don District headquarters. They put me in jail and did not allow my five years old daughter to see me. During my ten days in prison, I was investigated every day, over and over about the protest.*

*On October 7, 2003, my brother, Y-Phor Mlo, was arrested and beaten so severely that he almost died because the police suspected that he was the one who reported to husband about my imprisonment.*

*On October 9, 2003, I was arrested again by the same group of the police because of two foreigners came to my commune asking for me.*

*On October 17, 03, I was released from jail. The police told me "First, if your husband sponsored your family, you have to show us all your husband documents. Second, you cannot meet or say anything to any foreigners who comes to your commune unless you are allowed by our local government."*

*On July 16, 2005, I was arrested again because I was called for an interview by US Consulate General of Ho Chi Minh City. I was in jail for three days because of that.*

*On March 14, 2006, I was summoned to police headquarters and asked, "What do the Montagnards want?" I answered, "We want to be free to worship God and we need land for farming." He answered, "We already granted the Montagnards freedom to worship." He then threatened me, "when you go to the United States of America you can not say anything bad about the Vietnamese government. If you do, you can not come back to Vietnam because your family members are in our hands and we will use all our power against them." They then made me sign a paper saying that I would not say anything bad about the Vietnamese government after leaving Vietnam.*

*Mr. Chairman, we came here today to tell you the truth about the Montagnard families and the situation the Montagnards are facing right now in Vietnam's Central Highlands. We Montagnards are treated like enemies in our own homeland, and we pay a very high price for a life of freedom in the United States.*

*The Hanoi regime and their local government deeply hate and discriminate against Montagnards. Human rights abuses are never-ending for the Montagnards. We Montagnards have no freedom and have never known happiness throughout our generation.*

*Without outsiders pressure, the Hanoi government will never stop abusing the Montagnard people. I ask the US government to expedite the reunification families living in Vietnam with those who have been so fortunate to have been given asylum in the United States, for the longer they stay in Vietnam, the greater the danger they will face.*

*Again, thank you so much for privilege of testifying today. God bless you and bless America.*

Mr. SMITH OF NEW JERSEY. Ms. Mlo, thank you so much for bravely coming forward to testify. If there is retaliation against your families, we need to know about it and we will, and I give you my word on this, alert every Member of the Congress and the Administration because that would show a profound lack of concern and good faith on the part of the Government of Vietnam.

I can assure you we will, as we have done with people like Father Ly and others, make an absolute Federal case out of it. It will injure the ability of Vietnam to join or to obtain the permanent normal trading relationship which they are so earnestly seeking. Dr. Thang.

**STATEMENT OF NGUYEN DINH THANG, PH.D., EXECUTIVE  
DIRECTOR, BOAT PEOPLE SOS, INC.**

Mr. THANG. Mr. Chairman and honorable Members of the Committee, first of all I would like to request permission to include as part of the official record of the hearing my written statement.

Mr. SMITH OF NEW JERSEY. Without objection.

Mr. THANG. And also the statements of Mr. Truong Van Thuc, a member of the Hoa Hao Buddhist church whom you have met twice in Vietnam and who is now under house arrest and also the statement of Pham Bing Nguyen, the Chairman of the Vietnamese Fellowship.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

Mr. THANG. There have been some concessions on the part of Vietnam. Yes, Vietnam has released a number, a handful of religious prisoners and political prisoners. Vietnam issued ordinance on religion and belief and follow-up with the Decree on Protestantism as well as instructions on how to implement ordinance.

They have been more candid in the dialogue with investigation just last month. So if we just look at that trajectory, we have seen positive signs. I am afraid that it is only half of the picture though. Vietnam is pursuing a policy of dual trajectories. On the one hand they appease the concerns of the international community, especially the United States. Vietnam has made a number of concessions ostensibly. Vietnam has expressed willingness to change and to comply with its agreement signed with the U.S. State Department last year on May 5.

However, at the same time there is another trajectory, which is under the radar screen. On that trajectory, persecution goes unabated and at times it has intensified. The provincial and local governments have actually taken advantage of the ordinance of the decree and the instructions to create more obstacles for practitioners of faith. For instance, they now have the total discretion on whether to pull applications from the churches to register their activities or to seek legal recognition of their status as a religious institution.

Worse yet, in many localities, we have received reports that the local authorities have used the applications and they require the churches to submit a list, a full list, of their members along with applications. They have used those lists to target individual members and pressure them to renounce their faith, to stop joining the prayer services, and therefore so many of the churches so far are so afraid to even apply.

So let me give you a number of illustrative examples here. July 2005, the government of Son Tay Village in Quang Ngai province, pulled down the houses of 10 Protestant families, declaring that Son Tay was a clean village, untainted by a foreign religion. By that, they meant Protestantism.

August 2005, the government of Son Thuong Village also in Quang Ngai Province, declared if their community did not tolerate Protestants and burned to the ground the home of Dinh Van Hoan, a member of the General Association of Vietnamese Evangelical Churches South, because he did not renounce his faith.

September 2005, seven Hmong Protestants in Chi Ca Village in Ha Giang Province were tortured by electric rods for following the American religion. Three of them were mortally wounded.

October 2005, Ma Seo Sung, an evangelical group leader in Lao Cai Province was beaten six times on the same day because he refused to admit that Protestantism was an illegal faith. November 2005, two female members of the Mennonite Church in Central



Highlands were detained for 7 days. They were repeatedly beaten and tortured.

December 2005, the people's committee of Xin Man and Quang Binh Districts of Ha Giang Province detain a dozen Christians appointed as group leaders by the Evangelical Church of Vietnam North. That is the NECV mentioned by Ambassador Hanford in his testimony. Because they were appointed by the church they are now being detained and banned from leaving the province.

January 2006, prior to a visit to Kontum by a delegation of the U.S. Embassy, A Ngai and his fellow members of the Mennonite church were chased into the woods and later on we received reports that the United States delegation was set up to meet with an impostor, someone who pretended to be Mr. A Ngai.

February 2006, the Presbyterian Church in Darlak Province applied for official recognition. The provincial government said no because they had not received order from the central government. In the meantime, because they have found out that the list of the followers of that church, they targeted each follower individually and they told the pastor to take down the cross displayed in front of his house and stop all prayer services.

Just today attorney Pon Vai Nguyen, the only human rights lawyer left standing in Vietnam, but he was in Vietnam and again in the United States, he received a visit today in Vietnam by a police officer who sat on him and told him to stop providing legal assistance to other victims of religious persecution.

The Hoa Hao Buddhist Church is no less persecuted. On August 5, 2005, Monk Vo Van Thanh Liem was arrested in front of his temple in An Giang Province. He then was sentenced in a closed session to 7 years in prison on the charge of opposing public authorities. He was the one who submitted written testimony at your previous hearing held last June. Mr. Bui Thien Hue, another Hoa Hao Buddhist, who also submitted his written testimony last year is currently under house arrest. He recently met with you at your visit to Vietnam late last year.

On February 18, 2006, plain-clothed police of Can Tho Province beat up Truong Van Thuc and his brother and then dumped them into the river. Three weeks ago Thuc was sentenced to house arrest because he reported on the violations of human rights and religious freedom in Vietnam. Again, he was one of the Hoa Hao Buddhist that you met several times already.

Mr. Hanford as well as Chairman Cromartie have mentioned about the Unified Buddhist Church of Vietnam so I am not going to repeat very much. I just wanted to point out 2 weeks ago the public security police expelled Buddhist nun Thich Nu Thong Man from her own pagoda in Khanh Hoa Province. The expulsion order cited that she committed wrongful acts by being a member of the Unified Buddhist Church of Vietnam in violation of the Vietnam Buddhist Sangha's Charter, that is the government sanctioned Buddhist church and the laws of the Socialist Republic of Vietnam.

With religious persecution still widespread, still ongoing I am concerned that many victims do not have full and prompt access to U.S. protection and the U.S. refugee programs. I am very concerned that for the past 12 years only a handful of cases have left Vietnam under the Priority One Refugee Program. I am also very

concerned for victims who have successfully escaped in neighboring countries. I am working on a dozen cases right now that have very compelling claims of persecution and that have been denied refugee status by the United Nations High Commissioner for Refugees.

I am also working on a handful of cases that have been recognized by the UNHCR but have not been referred to any country for resettlement and those cases are now in Thailand, Cambodia and Indonesia. A major source of trafficking persons, Vietnam each year exports tens of thousands of men, women and children to sweatshops and sex industry in Cambodia, China, Hong Kong, Ma Cau, Taiwan, Malaysia, Japan, the Czech Republic and now South Korea.

Vietnam has refused to pay \$3.5 million in damages to 321 victims, Vietnamese and Chinese victims after American Samoa as ruled by the High Court of American Samoa and here I do hope that the Congressman from American Samoa could help to convince the Vietnamese Government to pay the \$3.5 million to these victims.

Last December, I spent more than a week in Taiwan to meet with many traffick victims. Taiwan currently has 100,000 contract workers from Vietnam. 20,000 of them had escaped their employers. In late 2004, Vietnam sent bounty hunters to Taiwan to round up these escapees. By October 2004, they had caught 500 and they promised that by the end of 2004 they will have caught 2,000 of them.

These captured escapees were forced to work, to continue to work in order to pay back the full amount of debt to the brokers before repatriation to Vietnam. There are a number of female workers who were raped by their brokers in Taiwan. Taiwan was dropped from Tier 1 to Tier 2 in last year's trafficking in person annual report and therefore, the Taiwanese Government has been very concerned about that and they took a number of measures to combat trafficking.

In reaction to that, Vietnam has now shifted to South Korea as its new destination for contract workers and since I was not allowed to go to Vietnam, I was denied a visa to join you in Vietnam last year, I spent that time in Malaysia and met with a lot of trafficked workers coming from Vietnam. At that time, there were about 80,000 Vietnamese workers laboring in Malaysia. To my amazement, the U.S. Embassy there was not aware of that number at all. Of that problem at all.

Malaysian brokers work directly with Vietnamese brokers and they have total control over these workers, keeping their documents and regularly reselling them to higher bidders. Some of these brokers are Mafia bosses. Many of these workers were not paid to work for their work in Malaysia. Since the brokers try to maximize their profit, they overbooked. That means they brought into Malaysia more workers than there were jobs available and therefore many workers were left without jobs, but they could not return to Vietnam because their travel documents had been confiscated.

I personally talked to a group of Vietnamese workers who were planning to escape back to Vietnam by walking through Cambodia, because they have no travel document. Some female contract work-

ers were lured into prostitution and during my days in Malaysia, I talked to several underground groups in Malaysia who are trying to help bring those women back to Vietnam clandestinely.

Considering the gravity of the involvement of Vietnamese Government officials in trafficking, I do believe Vietnam belongs squarely in Tier 3. However, I do see some signs of hope because there would be a convergence of positive factors and there would be a window of opportunity. It is up to us, the U.S. Government, U.S. Congress and refugees and human rights advocates to take advantage, full advantage of that window of opportunity.

Vietnam, as you mentioned in your opening statement, Mr. Chairman, wants to join the WTO, wants to achieve permanent normal trade relations with the United States. They are going to hold and host the APEC summit in Hanoi and President Bush is expected to be there and they want to get off the CPC list.

So that is good signs there. What we need to do is to have a very consistent message, a very consistent policy to bring the two trajectories in line with each other, to enforce, to put pressure on Vietnamese Government to enforce their own directives and ordinance and instructions. I offer the following recommendations.

We should use test cases as benchmarks to measure real progress. The State Department did mention a number of positive developments, such as the release of a handful of prisoners. I do suggest, I do recommend that we also include a list of cases that have not been released. We do have some cases that have tried to apply for registration of their religious activities, those who have applied for recognition that have not been recognized and also we should maintain a list of violators, of abusers of human rights as well as religious freedom.

We should engage and fund the independent churches to conduct human services, including HIV/AIDS education in Vietnam and to help repatriated trafficking victims with reintegration. It is ironical that Vietnamese Government was concerned about Internet cafe because they did not want Vietnamese kids there to access Web sites, adult sites, and they would like Vietnamese children to spend more time doing homework. Let the churches do that work. They are excellent at doing this work.

Organize a series of conference in Vietnam on human rights, civil society and human trafficking and religious freedom leading to and during President Bush's visit to Vietnam. In conclusion, I commend you for holding this hearing. It comes at a very important and critical juncture because Vietnam, the Vietnamese Communist Party is preparing for its upcoming Congress to set up its policies, national policies for next 5 years and also to choose its leaders.

I again thank you, Mr. Chairman.

[The prepared statement of Mr. Thang follows:]

PREPARED STATEMENT OF NGUYEN DINH THANG, PH.D., EXECUTIVE DIRECTOR, BOAT PEOPLE SOS, INC.

Mr. Chairman and members of the Committee,

The next eight months present a rare window of opportunity to truly influence Vietnam's policies towards religious freedom, human rights, and human trafficking.

Vietnam hopes to achieve permanent Normal Trade Relations status this Summer and enter the World Trade Organization by the end of the year. The Vietnamese government is preparing to welcome world leaders, including President Bush, to the APEC summit in Ha Noi this November. It is in Vietnam's interest to convince the

international community that it is a country in transition to a more open society. In that context, the Vietnamese government has become more sensitive to the Country of Particular Concern (CPC) designation by the U.S. Department of State.

Last year Prime Minister issued Directive on Protestantism and instructions on the implementation of the Ordinance on Religion and Belief. To avoid sanctions, Vietnam has signed on to a roadmap to improve religious freedom.

These changes, while promising, have had little real effect on the ground. So far only three of some 4,500 Christian house churches have been approved for conducting religious activities. Many house churches, such as the General Baptist Church, the Fellowship Baptist Church and the Southern Baptist Church in Saigon and many more in other provinces have not been allowed to even register. The authorities told them that they would review applications only on an informal basis and would notify when time comes for formal submission. Months have passed and there has been no word from these authorities.

I would like to note that registering religious activities is not the same as legal recognition as a religious institution. Not a single house church has received legal recognition.

It appears that the Vietnamese government conducts a two-pronged policy. The central government promises changes to appease the concerns of the international community, particularly the U.S. At the same time provincial and local officials use administrative maneuvers to harass people of faith, persecute religious leaders, and block religious activities. In fact the Ordinance on Religion and Belief gives these authorities full discretion to authorize religious activities or recognize a religious institution, making it much harder for the international community to monitor the situation in Vietnam.

We have noted a significant increase in violations of religious freedom after Prime Minister Phan Van Khai's visit to the U.S. last June. Following is an illustrative sample.

- (1) July 2005, the government of Son Tay Village, Quang Ngai Province, pulled down the houses of ten Protestant families, declaring that Son Tay was a "clean village" untainted by a foreign religion.
- (2) August 2005, the government of Son Thuong Village, Quang Ngai Province, declared that their community did not tolerate Protestants and burned the home of Dinh Van Hoan, a member of the General Association of Vietnamese Evangelical Churches-South, because he did not renounce his faith.
- (3) September 2005, seven Hmong Protestants in Chi Ca Village, Ha Giang Province were tortured with electric rods for "following the American religion." Three of them were mortally wounded.
- (4) October 2005, Ma Seo Sung, an evangelical group leader in Lao Cai Province, was beaten six times in a day because he refused to admit that Protestantism was "an illegal faith."
- (5) November 2005, two female members of the Mennonite Church in Central Highland were detained for seven days. They were repeatedly beaten and tortured.
- (6) December 2005, the people's committee of Xin Man and Quang Binh Districts of Ha Giang Province detained a dozen Christians appointed as group leaders by the Evangelical Church of Vietnam-North. The authorities used fabricated letters denouncing them as impostors in the name of their Church.
- (7) January 2006, prior to a visit to Kontum by a delegation of the American Embassy, A Ngai and his fellow members of the Mennonite Church were chased into the woods. The U.S. delegation was reportedly led to meet a person who pretended to be A Ngai.
- (8) February 2006, the Presbyterian Church in Darlak Province applied for official recognition. The provincial government denied the application on the ground that it had not received the order from the central government. The authorities ordered Pastor Nguyen Van Dan to take down the cross they displayed in front of his house and stop all prayer services.
- (9) March 2006, the public security police, People's Committee officials, and the militia surrounded the home of Ms. Hoang Thi Le, where 30 members of the Emmanuel Christian Church were holding their Sunday prayer. Ms. Le was told that her house would be burned down if she continued to allow prayer service at her home.

The Hoa Hao Buddhist Church is no less persecuted. On August 5, 2005 Monk Vo Van Thanh Liem was arrested in front of his Quang Minh Tu Buddhist Temple

in An Giang Province. On Sept 14, 2005, in a closed court, he was sentenced to seven years in prison convicted of the charge "opposing public Authorities." He had submitted a written statement to the hearing held by this Committee in June of last year. Mr. Bui Thien Hue, a Hoa Hao Buddhist who also submitted his written testimony at last year's hearing, is currently under house arrest.

On February 18, 2006, plain-clothed police of Can Tho Province beat up Truong Van Thuc and his brother and then dumped them into the river. Three weeks ago Thuc was sentenced to house arrest for the reports he had written concerning violations of human rights and religious freedom.

On February 16, Venerable Thich Quang Do, Deputy Head of the Unified Buddhist Church of Vietnam (UBCV), and 11 UBCV monks were assaulted and detained for six hours as they boarded the train to visit their Patriarch Thich Huyen Quang, who remained in detention in Binh Dinh Province. Two weeks ago the public security police expelled Buddhist nun Thich Nu Thong Man from her own pagoda in Khanh Hoa Province. The expulsion order cited "wrongful acts by being a member of the Unified Buddhist Church, in violation of the [State-sponsored] Vietnam Buddhist Sangha's Charter and the laws of the Socialist Republic of Vietnam".

With religious persecution still widespread, I am concerned that many victims do not have full and prompt access to U.S. refugee programs. While I am encouraged that the relatives of Father Nguyen Van Ly have made it to the U.S. under the Priority One Refugee Program, it is troubling that they are the only ones, with only one exception, who have left Vietnam under this program in the past 12 years.

I am also concerned that those victims who have successfully escaped to neighboring countries are not receiving due protection by the office of the United Nations High Commissioner for Refugees. I am aware of a dozen cases with very compelling claims that have been denied refugee status. I am also aware of many recognized refugee cases in Thailand, Cambodia, and Indonesia that UNHCR has not referred for resettlement for years.

A major source of trafficking in persons, Vietnam each year exports tens of thousand men, women and children to sweatshops and the sex industry in Cambodia, China, Hong Kong, Ma Cau, Taiwan, Malaysia, Japan, and the Czech Republic. Vietnam has refused to pay \$3.5 million in damages to 321 victims in the Daewoosa American Samoa case as ruled by the High Court of American Samoa.

Last December I spent more than a week in Taiwan to meet with many trafficked victims. Taiwan currently has one hundred thousand contract workers from Vietnam. Twenty thousand of them had escaped their employers. In late 2004 Vietnam sent bounty hunters to Taiwan to round up escapees. By October 2004 some 500 escapees were captured. They were forced to work to pay off their debt to the brokers before repatriation. A number of female workers were raped by their brokers. Dropped from Tier 1 to Tier 2 in last year's Trafficking In Person's annual report, Taiwan has introduced several measures to combat trafficking. In response, Vietnam has shifted to South Korea as destination for its contract workers.

The situation in Malaysia is even worse. By late 2005 an estimate 80,000 Vietnamese workers were laboring in Malaysia. Malaysian brokers have total control over these workers, keeping their documents and regularly "re-selling" them to higher bidders. Some of these brokers are mafia bosses. Since I was not issued a visa to join you in Vietnam late last year, I spent time in Kuala Lumpur to meet with many trafficked workers. Many were not paid for their work. Others were not allowed to return to Vietnam until they paid off their debt to the brokers. Actually I talked to a group of workers who attempted to escape back to Vietnam through Cambodia as their travel documents had been confiscated. Some female contract workers were lured into prostitution.

Considering the gravity of the problem, I believe that Vietnam belongs squarely in Tier 3.

There is still hope if our government takes full advantage of the present window of opportunity to push for real improvements. I offer the following recommendations:

- (1) Use test cases as benchmarks of real progress: We will provide the State Department the list of house churches that have applied for recognition or registered their activities without success and the list of refugee cases not allowed access to U.S. interviews or not issued exit visa.
- (2) Engage and fund the independent churches to conduct human services, including HIV/AIDS prevention and re-integration of repatriated trafficking victims.
- (3) Organize a series of conferences in Vietnam on human rights, civil society, human trafficking, and religious freedom during President Bush's visit to Vietnam.

I commend you for holding this hearing. It will send a strong message to the Vietnamese communist leaders as they prepare for their Congress, to be held in three weeks, to choose new leaders and set national policies for the next five years.

Mr. SMITH OF NEW JERSEY. Dr. Thang, thank you so very much. I now ask that Doan Viet Hoat present his testimony.

**STATEMENT OF MR. DOAN VIET HOAT, PRESIDENT,  
INTERNATIONAL INSTITUTE FOR VIETNAM**

Mr. HOAT. Mr. Chairman, distinguished Members of the Committee, I am very honored to be here today.

Mr. SMITH OF NEW JERSEY. Could you push the microphone, please? Thank you. The button.

Mr. HOAT. I am very honored to be here today.

Mr. SMITH OF NEW JERSEY. I think that microphone is broken.

Mr. HOAT. I am sorry. I am very honored to be here today to present my views on the human rights situation in Vietnam in general and on the Vietnam/United States dialogue recently taken in Hanoi, but first on this important event I would like to extend our thanks to Mr. Chairman and to you, the Committee Members, for what you have done for the betterment of Vietnam in general and for improvement of human rights in particular.

I am certain that freedom defenders in Vietnam, from all walks of life as well as from different political leanings and religious backgrounds share only one common dream. It is the dream of a new Vietnam, a Vietnam of 21st century, a Vietnam of democracy and progress, a Vietnam for all Vietnamese people, regardless of religious and political differences.

Also I want to take this opportunity to reaffirm my belief that all Vietnamese Americans and Vietnamese overseas throughout the world have only one aim, that is a free and democratic Vietnam where justice and human dignity are respected under the law and by the government.

It is conceivably clear by both Vietnamese overseas and people of conscience inside Vietnam today and most of whom are now Communist veterans and their number increases everyday, they all have shared one common movement for a free Vietnam for the last few decades.

Though having accepted a free market economy, the Communist leadership of Vietnam has persistently held on to their monopoly of political and ideology. Their monopoly, becoming increasingly irrelevant in this post Communist, post bipolar age of globalization, has made dysfunctional the development of a free market economy and a civilized and equitable society.

Consequently, today's Vietnam is facing a paradox in that an increase in materialistic standards is coupled with a decrease in dignity, equitability and quality of life. This contradiction has not only hindered and slowed down economic development, but also and more dangerously has resulted in serious problem, namely ecological damages, corruption, abuse of power, social injustice, cultural and educational debasement as well as discrepancies between the rich and the poor, between cities and villages and Highland areas.

In this age of globalization, this contradiction between free economy and authoritarian politics cannot last long before it erupts into social and political disorder. During the last three decades, we have

witnessed this disorder happening in many developing countries from central to east Asia. Today we are witnessing this happening in China and Vietnam. In China, according to official sources in 2004 there were 74,000 demonstrations all over the country with an average of 400 highly frustrated participants in each demonstration. For the first time since Tienanmen the army has had to open fire at one of such revolts some months ago.

In Vietnam, in February 2001, army troops crushed down peaceful demonstration of about 20,000 Central Highlanders. Some national assemblymen just revealed that thousands of petitions have been submitted to the government but have not been resolved. As a result, violence crashes between angry villagers and military troops have erupted in many villages.

In recent months, worker strikes have spread from Southern to Northern Vietnam, involving ten of thousands of lowly paid and badly treated workers. Export of workers also leads to women trafficking, which debases Vietnamese women's rights and dignity.

Negative developments and human rights violations have become so abundant and widespread that dissent and frustration now explode not only from high profile political dissidents and religious leaders. Thanks to the policy of openness preceding the Communist Party Congress, voices demanding political changes or the second renovation have been heard openly in the media or expressed by an increasing number of progressive Communist Party members, intellectuals and people of conscience in the last few months.

This policy of openness will soon end when the 10th Party Congress takes place in April 18. However short it may be, this period of openness has sent a very clear message to all concerned people. Vietnam needs the second renovation, which is the political transformation from an authoritarian and one party controlling government to a democratic government, which is accountable to the people.

The government should be checked directly by the people through their free and independent civil and political organizations. Without such drastic political changes, human rights cannot be improved and it will take a long and unstable road before Vietnam can become a civilized and responsible member of the regional and international community.

I believe that this view is clearly shared by all those who have observed or contributed in varied ways to the development of Vietnam over the last 20 years, since the first renovation. It has been the persistent demand of all political activists, both Communist and non-Communist in Vietnam since then. Until now, the Communist leaders have not accepted to carry out this crucial second renovation.

The Communist Party is now preparing for its 10th Congress and most of the details of the Congress have been decided, including policy and programs of development for country and the names of leaders of both the party and the government for the next 5 years. What has been happening before and during the central committee's meeting signals little changes in the cultural and political areas.

Both leaders of the banned Unified Buddhist Church, the most Venerable Thich Huyen Quang and the most Venerable Thich

Quang Do as you know continue to be under house arrest at their own pagodas. Normal religious activities of Hoa Hao Buddhist followers are cruelly cracked down.

Protestants in the Central Highlands continue to be discriminated against and local officials and security forces still tightly control their religious activities. Leaders of recent worker strikes are hiding from policy supervision. Political dissidents continue to be harassed and house arrested. Their telephones and Internets are cut or confiscated.

Former Director of the Party's Marxist Philosophy Institute and a well-known dissident from the 1960s, Mr. Hoang Minh Chinh and his wife were harassed and assaulted after returning back to Vietnam from America by plain-clothed security personnel right inside their front yard. Some days ago, just some days ago, the outspoken and young dissident Do Nam Hai, an Australia educated engineer who proposed a national referendum, was beaten in public, arrested and interrogated by the police for many days. His computer and data CDs were confiscated.

Internet users continue to be closely watched and many have been reportedly detained while surfing pro-democracy Web sites in public Internet cafes. Hundreds of defenders of political and religious freedom are still in jail, most without trial and whose names and whereabouts are being unknown to international observers.

In the face of the above serious human rights violations, American and international intervention and pressure for the improvement of human rights are not only necessarily but should also be considered as an integral part in the policy of promoting better relationship with Vietnam.

Respect of human rights should be considered as a condition for nonhumanitarian assistance programs if we want assistance programs to be beneficial to the people and not to the dictators. It should also be a condition for the Vietnamese Government to be integrated into regional and international community.

I want to emphasize these points because I think that until now the attitude of the Vietnamese Government toward human rights has not basically changed. They still consider respect of human rights a favor that the government gives to the people and not the duty that the government must perform to the people and only under international pressure. I therefore support the human rights dialogue only with some conditions.

Three years ago the United States/Vietnam human rights dialogue was canceled by the U.S. State Department because Hanoi did not match their words with action. Now that the dialogue has been resumed, per Hanoi's request, I think it is both imperative and opportune for the Administration and Congress to pressure Hanoi for more deeds than talks. Hanoi must be engaged in a process via the dialogue to account for incremental progresses in human rights.

The dialogue should not be used again as a forum for propaganda or political games. The dialogue can open the new stage in the United States/Vietnam relationship and help boost the long awaited political transformation in Vietnam. This transformation fits well with Ms. Rice's newest policy of transformation of diplomacy. I believe Vietnam now urgently needs this transformation, but this



policy will not be fully implemented unless and until at least the followings are achieved and I recommend that the followings must be achieved.

One, the Administrative Detention Decree 31/CP is abolished. This decree allows local officials and police to detain any person up to 2 years without trial. Second, leaders of the Unified Buddhist Church of Vietnam and other religions are free to travel, to assemble and to disseminate information to carry out their religious activities. Also religious organizations are free to publish their religious newsletters and publications. Third, Hanoi must release all people being imprisoned for having expressed peacefully and openly their political opinions.

Fourth, the Vietnamese people have free access to non-pornography Web sites and publications and fifth, international and American human rights observers and NGOs are allowed to visit Vietnam and to open their offices in Vietnam to monitor human rights violations.

Mr. Chairman and distinguished Members of the Committee, those are I think the minimum concrete resolves that the dialogue should achieve during these coming rounds of talks, otherwise it will be a waste of time and energy and we will become the tool of a political game for Hanoi. As such, the dialogue will not be supported by defenders of human rights inside and outside Vietnam and worse it will damage the image of the United States as a country which has highly upheld the ideals of freedom and democracy since its founding days. Thank you very much for your attention.

[The prepared statement of Mr. Hoat follows:]

PREPARED STATEMENT OF MR. DOAN VIET HOAT, PRESIDENT, INTERNATIONAL  
INSTITUTE FOR VIETNAM

Mr. Chairman,  
Distinguished Members of the Committee,

I am honored to have the opportunity to appear before you today to discuss the human rights situation in Vietnam and the human rights dialogue with Vietnam in particular.

On this important event, I would like to extend our thanks to Mr. Chairman, to Chairman Chris Smith and to committee members for what you have done for the betterment of Vietnam, as well as for the advancement of human rights and freedom for all Vietnamese. I am certain that freedom defenders in Vietnam from all walks of life as well as political leanings and backgrounds, share one common dream. It is the dream of a New Vietnam—a Vietnam of the twenty first century, a Vietnam of democracy and progress, a Vietnam for all Vietnamese people, regardless of religious and political differences. Also, I want to take this opportunity to reaffirm my belief that all Vietnamese-Americans and Vietnamese overseas throughout the world have no other aim than a free and democratic Vietnam, where justice and human dignity are respected under the law and by the government.

It is conceivably clear why both Vietnamese overseas and people of conscience inside Vietnam—most of whom are communist veterans (their number increases every day)—have shared a common dream and a common movement for a free Vietnam for the past three decades. Though having accepted a free market economy—reluctantly at first, and not fully even now—the communist leadership of Vietnam has persistently held on to their monopoly of political power and ideology. Their monopoly, becoming increasingly irrelevant in this post-communist, post-bipolar age of globalization, has made dysfunctional the development of a free market economy and a civilized and equitable society. Consequently, today's Vietnam is facing a paradox in that an increase in materialistic standards is coupled with a decrease in dignity, equitability, and quality of life. This contradiction has not only hindered and slowed down economic development but also—more dangerously—has resulted in serious problems, namely ecological damages, corruption, abuse of power, social

injustice, cultural and educational debasement, as well as discrepancies between the rich and the poor, between cities and villages and highland areas.

In this age of globalization, this contradiction between free economy and authoritarian politics cannot last long before it erupts into social and political disorder. During the last three decades we have witnessed this disorder in many developing countries, from Central to East Asia. Today we are witnessing the same happening in China and Vietnam. In China, according to official sources, in 2004 there were 74,000 demonstrations all over the country, with an average of 400 highly frustrated participants in each demonstration. For the first time since Tiananmen the army has had to open fire at one of such revolts some months ago. In Vietnam, in February 2001 army troops crushed down peaceful demonstrations of about 20,000 Central Highlanders. Some National Assemblymen just revealed that thousands of petitions had been submitted to the government but have not been resolved. As a result, violence clashes between angry villagers and military troops have erupted in many villages. In recent months, worker strikes have spread from Southern to Northern Vietnam, involving ten of thousands of lowly paid and badly treated workers. Export of workers also leads to women trafficking which debases Vietnamese women's rights and dignity.

Negative developments and human rights violations have become so abundant and widespread that dissent and frustration now explode not only from high profile political dissidents and religious leaders. Thanks to the policy of openness preceding the CPV Congress, voices demanding political changes, or the second renovation (Doi Moi II), have been heard openly in the media, or expressed by an increasing number of progressive CPV members, intellectuals, and people of conscience in the last few months. This policy will end soon when the 10th Party Congress takes place in April 18–25. However short it may be, this period of openness has sent a clear message to all concerned people: Vietnam needs the second renovation, which is the political transformation from an authoritarian and one-party controlled government to a democratic government which is accountable to the people. The government should be checked directly by the people through their free and independent civil and political organizations. Without such drastic political changes, it will take a long and unstable road before Vietnam can become a civilized and responsible member of the regional and international community. I believe that this view is clearly shared by all those who have observed and/or contributed, in varied ways, to the development of Vietnam over the last 20 years since the first renovation began. It has been the persistent demand of all political activists, both communist and non-communist, in Vietnam since then. Until now, communist leaders have not accepted to carry out this crucial second renovation.

CPV is now preparing for its 10th Congress as the CPV Central Committee has just ended its 14th and final meeting. Most of the details of the Congress have been decided, including policies and programs of development for the country, and the leaders of both the party and the government for the next five years. What has been happening before and during the Central Committee's meeting signals little changes in the cultural and political spheres. Both leaders of the banned Unified Buddhist Church, the Most Venerable Thich Huyen Quang and the Most Venerable Thich Quang Do, continued to be under house arrest at their own pagodas. Normal religious activities of Hoa Hao Buddhist followers are cruelly cracked down. Protestants in the Central Highlands continue to be discriminated against, and local officials and security forces still tightly control their religious activities. Leaders of recent worker strikes are hiding from police supervision. Political dissidents continue to be harassed or house arrested. Their telephones and Internets are cut or confiscated. Former Director of the Party's Marxist Philosophy Institute and a well-known dissident from the 1960's, Mr. Hoang Minh Chinh and his wife were harassed and assaulted by plain clothed security personnel, right inside their front yard. Some days ago the out-spoken and young dissident, Do Nam Hai, an Australia-educated engineer who proposed a national referendum, was beaten in public, arrested and interrogated by police for many days. His computer and data CDs were confiscated. Internet users continue to be closely watched, and many have been reportedly detained while surfing pro-democracy websites in public Internet cafés. Hundreds of defenders of political and religious freedom are still in jail, most without trial and whose names and whereabouts are being unknown to international observers.

In the face of the above serious human rights violations, American and international intervention and pressure for the improvement of human rights are not only necessary but should also be considered as an integral part in the policy of promoting better relationship with Vietnam. Respect of human rights should be considered as a condition for non-humanitarian assistance programs if we want assistance programs to be beneficial to the people and not the dictators. It should also be a condition for the Vietnamese government to be integrated fully into regional and

international community. I want to emphasize these points because I think that the attitude of the Vietnamese government toward human rights has not basically changed. They still consider respect of human rights a favor that the government gives to the people—and only under international pressure—and not the duty that the government must perform to the people.

I therefore support the human rights dialogue only with some conditions. Three years ago the US-Vietnam Human Rights Dialogue was cancelled by the US State Department because Hanoi did not match their words with action. Now that the dialogue has been resumed per Hanoi's request it is both imperative and opportune for the Administration and Congress to pressure Hanoi for more deeds than talks. Hanoi must be engaged in a process, via the dialogue, to account for incremental progresses in human rights. The dialogue should not be used again as a forum for propaganda or political games. The dialogue can open a new stage in the US-VN relationship, and help boost the long-awaited political transformation in Vietnam. This transformation fits well with Secretary Condoleezza Rice's new policy of transformational diplomacy. I believe Vietnam urgently needs this transformation now. But this policy will not be fully implemented unless and until, at least, the following are achieved:

1. The administrative detention Decree 31/ CP is abolished. This decree allows local officials and police to detain any person up to two years without trial.
2. Leaders of the Unified Buddhist Church of Vietnam and other religions are free to travel, to assemble, and to disseminate information to carry out their religious activities. Also, religious organizations are free to publish their religious newsletters and publications.
3. Hanoi releases all people being imprisoned for having expressed peacefully and openly their political opinions.
4. The Vietnamese people have free access to non-pornography websites, and publications.
5. UN, international, and American human rights observers and NGOs are allowed to visit Vietnam and to open their offices in Vietnam to monitor human rights violations.

Mr. Chairman and Distinguished Members of the Committee,

Those are the minimum concrete results that I think the dialogue should achieve during its coming rounds of talks. Otherwise, it will be a waste of time and energy, and will only become the tool of a political game for Hanoi. As such the dialogue will not be supported by defenders of human rights inside and outside Vietnam. Worse, it will damage the image of the United States as a country which has highly upheld the ideals of freedom and democracy since its founding days.

Thank you for your attention.

Mr. SMITH OF NEW JERSEY. Thank you so much, Mr. Hoat, for being here, for being a prisoner of conscience, and the suffering you have endured on behalf of human rights in Vietnam. Your statement is very powerful. Since we will be having a vote shortly, or votes I should say, I will ask a number of questions and then yield to my friend, Mr. Faleomavaega and he can put a few questions to you.

You mentioned that this period of openness will end at the 10th Party Congress on April 18 and 25. I am not sure I understand what that means. Let me also ask all of you, if Vietnam accedes into WTO and a normal trading relationship is conferred upon them by the U.S. Congress, are you concerned that the flurry of seeming activity on the part of the Vietnamese Government will grind to a halt?

Right before the bilateral trade agreement, I recall there seemed to have been some softening on the part of the Vietnamese Government, only to be slammed shut by a statement made by the Foreign Ministry on the day after Congress voted, suggesting that they think the human rights situation is a matter of internal affairs.

If you could maybe elaborate a little bit further on the Tier 3 issue, Dr. Thang, and you have mentioned 4,500 Christian church-

es, only three of which have been granted the ability to conduct their services. That is very startling news indeed. So if you could provide that information to the Committee as well.

Finally, we will submit some questions for the record and if we have to leave, Dennis Curry our counsel, will stay and receive testimony and perhaps ask some additional questions.

Kay Reibold, you mentioned the UNHCR monitoring visits. Your testimony was very clear on so many things, but I just did not understand if those visits are done in secret, or is somebody from the government there to get the information that leads retaliations?

Dr. Thang will recall we held a hearing on the repatriation monitors when that was touted by our own Government as a sure fire protection for those who went back under forced repatriation. When we held the hearing we found out that of the seven repatriation monitors, all had somebody from the government with them when they met with people who had been forcibly, or they called it voluntary, repatriated. It just lent itself to the abuse of the person who had been repatriated because anything they said could, and was, used against them.

I have a number of questions. Do you want to just address a couple of questions, if you would like?

Mr. FALEOMAVEGA. If I could, Mr. Chairman, just for a couple of minutes I wanted just to respond briefly to Dr. Thang's statement with reference to this human trafficking case that took place in my district. Just for the record, I want it to be known that it was a South Korean national that went over to Vietnam and contracted in bringing these 200 Vietnamese workers to work in my district and the fact of the matter is that this gentleman is spending 40 years in jail now for his violation of this Federal law for which myself and the good Chairman had worked very earnestly to make sure that it does not happen.

I do have to say that I admit that we were not very well prepared to provide for this kind of or form of employment of workers coming from Vietnam and being subjected to the way that this South Korean national had done his business, but I also want to note to Dr. Thang I did not appreciate some of the Vietnamese organizations, American Vietnamese organizations and some of the allegations that they lodged against my constituents.

The fact of the matter is that many of the Samoan families took in a lot of your people mainly because this guy was not able to accommodate or provide for their needs, but we have learned a lesson and this will never happen again.

I brought the matter personally to the attention of the Vietnamese Ambassador here in Washington, DC, and I am sorry to learn that this ruling by the court the Vietnamese Government has refused to honor the court lawsuit that was waged against this company and for whatever that they have done, but I will follow up on this thing again with the Vietnamese Government officials to see what we can do to remedy this situation and I sincerely hope this does not happen again.

One real quick observation to Kay Reibold. When you mentioned that some of the Montagnard people are Malay-Polynesians that pricked up my ears because I am Polynesian and I have never heard of a scientific study saying that my people came from Poly-

nesia to Indonesia and then from Indonesia they went on to Vietnam. I kind of heard something about it, but who is the expert on this thing that—

Ms. REIBOLD. Dr. Gerald Canon Hickey has written two remarkable and world known ethnohistories. He is an anthropologist.

Mr. FALEOMAVAEGA. Gosh, that is even worse.

Ms. REIBOLD. You are right.

Mr. FALEOMAVAEGA. The next time I catch an anthropologist coming to my islands, I am going to shoot them. We have had more problems these anthropologists studying my people to death. There are probably more masters theses written about the sex habits or the social habits of my people. I mean it is just ridiculous.

Ms. REIBOLD. Well, I think one of the and I appreciate that, but one problem has been research about the indigenous people and it is unfortunate that there has not been a great deal of research allowed in Vietnam Central Highlands about the ethnically distinct tribal groups.

Mr. FALEOMAVAEGA. Have you seen the difference between a Polynesian and a Montagnard?

Ms. REIBOLD. Actually you might find it interesting that there are a lot of linguistic similarities and housing. There have been studies done about that.

Mr. FALEOMAVAEGA. It is also found in Sanskrit and even in among the languages in the Middle East. I am getting way out of track, Mr. Chairman. I did not mean to put Ms. Reibold—

Ms. REIBOLD. I really recommend, at least at some point, taking a look at the well known book, *We Have Eaten the Forest* by Condoimas but also Dr. Hickey's books, *Free in the Forest* and *Sons of the Mountains*.

Mr. FALEOMAVAEGA. I think in due time. There is always the problem of so-called scientific studies made by anthropologists seem to change over periods and especially at one time say that my people never knew how to make pottery and now they found out that we have had pottery centuries, thousands of years. I mean it is ridiculous.

Ms. REIBOLD. But the big issue really is land and who were the original inhabitants and I think that is what really gets to the core I think of the fear of the Vietnamese Government about the tribal people. The tribal people in the Central Highlands may—

Mr. FALEOMAVAEGA. I will say, Ms. Reibold and I am sorry, Mr. Chairman, I did not mean to interrupt you, you have my absolute commitment with Chairman Smith to look into the situation with the Montagnard people.

Ms. REIBOLD. Thank you.

Mr. FALEOMAVAEGA. I think they absolutely deserve our attention and we ought to look into that. Dr. Thang, thank you for all of the help that you are doing in helping this situation deal with human rights.

Mr. SMITH OF NEW JERSEY. Thank you so much. I would ask you to answer these questions if you could. Obviously, we will look at the record when we return, but I would ask unanimous consent that an updated prisoner list of 384 Montagnard prisoners of conscience submitted by the Montagnard Foundation be made a part of the record. Without objection, so ordered. Also without objection,

testimony on behalf of workers' rights in Vietnam submitted by Vietnam Human Rights Network will also be made a part of the record.

If you could add to your answers how the government's two-child per couple policy is being enforced. I am especially interested to see if there is enforcement among the Montagnard. I do not know that. I would like to know if it is.

Finally, I just want to say to all of you that your recommendations will be taken, as I think you know, very, very seriously. It helps us. We will follow up with letters to the State Department and with our colleagues. This will help us in drafting any changes to the Human Rights in Vietnam Act as we go to markup on that legislation. This is a very, very timely intervention on your behalf and on behalf of the suffering people in Vietnam.

I would especially like to thank Dennis Curry for the extraordinary work he did in putting together this hearing. Eleanor Nagy accompanied me and was remarkable in her stamina, as well as her expertise when we visited Vietnam. I am so sorry that Dr. Thang could not accompany us; his visa turned down by the Vietnamese Government. Lindsey, thank you for all your work in putting this and other hearings together.

This will help these Committees and the Congress do a better job, but I deeply regret that I do have to run off to vote.

Mr. THANG. Regarding the question about the 4,500 house churches there are currently about 60 Christian religious organizations or denominations in Vietnam and about 4,500 house churches. So far only two of those organizations or denominations have been recognized by the Government of Vietnam. They are the South Vietnamese Evangelical Church and the North Vietnamese Evangelical Church.

About 58 others are still not yet recognized and not a single house church that is not affiliated with the SECV or NECV has been recognized. As we know, only three of those nonaffiliated house churches have successfully applied for and have registered their religious activities.

I would like to draw the distinction here between registration for religious activities and formal recognition of their legal status. Registering for religious activities means that a group of faith practitioners are allowed to conduct certain activities authorized by the local government period. They are not officially recognized. So out of 4,500 house churches, none has been recognized so far.

Relating to the Tier 3 recommendation, we are all aware that it is very hard on Vietnamese to move around inside the country or to emigrate. The Vietnamese Government has maintained a very tight control of the movement of its own people. Quite a number of victim persecution have had difficulty accessing United States interviewing teams and yet hundred of thousand Vietnamese workers have been sent overseas. That clearly indicates that the Vietnamese Government if not from the central level at least at the individual or local or provincial levels have been involved that allowed that to happen and we have seen an increase in the number of workers who have been exported to neighboring countries.

Therefore, we do believe that Vietnam deserves to be investigated further, that the United States Government should go to

Malaysia and other countries to conduct their own investigations, to talk to the workers and by the end of the day, I am confident that findings on those factfinding missions will point to Vietnam being in Tier 3 designation. Thank you.

Mr. HOAT. Concerning the question that the Chairman has on the 10th Party Congress and the end of the open, the period of openness before the Congress, the Congress will begin in April 18 and they will decide on everything and after that there is no more openness for people to discuss. They allow the people to discuss about their policy about 2 months before the Congress and during this very short period, a lot of people have proposed changes in political system, even the multi-party system too. But this openness will end April 18 when the Congress begins.

Mr. CURRY. Is the so-called openness to criticize corruption or inefficiency real openness or is it a limited kind of openness to just allow certain issues to be discussed for a certain amount of time?

Mr. HOAT. The object is to discuss and to give ideas and opinions about the Party's policy and programs that the Central Committee prepare for the Congress and so during the last 2 months, there are many opinions and ideas quite openly expressed in many, many areas. Corruptions. Government. Even the Party system. Even to change the constitution for example to allow for multi-party system for example.

So it is quite open, but this is a very short period of openness and that ends when the Party Congress begins. According to the preparation for the Party Congress, there will be no change in political system.

Mr. CURRY. We often hear about reformers or hardliners. How true is that distinction or is it mainly an approach? Is there a real difference between reformers and antireformers or is it somewhat more pragmatic and somewhat less pragmatic?

Mr. HOAT. No. I think there are three groups within the Party. One is hardliners. They are now not majority but they have the power and they are veteran people who have power now. The second group is the more moderate one who wants to change, but still keep the one-party system and the third group is more progressive and they even wanted democracy and multi-party system. In fact, many of the if not all of the dissidents now are Communist veterans right now.

Beginning since 1990, in the 1990s most of the dissidents are non-Communists but now most of the dissidents are Communist and veteran Communists and some of them were kicked out of the Party and even put in jail. So this group is more progressive and they are pro democracy.

Mr. CURRY. Thank you.

Mr. HOAT. Thank you and I have to leave so I am sorry.

Mr. CURRY. Thank you very much for coming.

Mr. HOAT. Thank you.

Mr. CURRY. Mrs. H'Pun Mlo, if you could ask her from a first-hand experience, what did they know about the two-child policy? Was it enforced strictly? Was it forced upon them? Any insights she can have would be very good.

Ms. MLO. The program the government broken over the Montagnard village that they only permit two child each family be-

cause the Montagnard is a poor people in Central Highland. They cannot take care of themselves and it is not only the propaganda in public and they also have officer they go house-by-house and propaganda this program.

Mr. CURRY. Thank you.

[Whereupon, at 6:07 p.m., the Subcommittees were adjourned.]



## A P P E N D I X

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### MATERIAL SUBMITTED FOR THE HEARING RECORD

[Note: Written questions were submitted for the record to the State Department by Members of the Subcommittees. However, the responses were not received prior to printing.]

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March 27, 2006

**PARTIAL LIST OF THE MONTAGNARD PRISONERS  
 IN BA SAO CAMP, HA NAM PROVINCE, HANOI**

**On September 26, 2001**, 9 Montagnards were sentenced from 10 to 12 years in prison. Their names were listed below:

No	Names	Residence in Vietnam	Terms in Prison
01	Y-Bom (Jona)	Plei Kueng Grai, Pleiku, Gia Lai	12 years
02	Ksor Kroih	Plei Sol, Pleiku, Gia Lai	11 years
03	Siu Tinh	Plei Tot Byoc, Pleiku, Gia Lai	11 years
04	Siu Yui	Plei Lom Klah, Pleiku, Gia Lai	11 years
05	Siu Boch	Plei Lao, Pleiku, Gia Lai	11 years
06	Siu Un	Plei Glung, Ayunpa, Gia Lai	11 years
07	Ksor Poih	Pleiku, Gia Lai	11 years
08	Y-Nuen Buon Ya	Buon Ae Sup, Dak Lak	11 years
09	Y-Rin Kpa	Buon Ae Sup, Dak Lak	11 years

**On October 18, 2001 and on October 24, 2001**, 8 Montagnards were sentenced from 7 to 8 years in prison and 2 years for probation, other 8 Montagnards were sentenced from 3 to 6 years in prison with probation. Their names were listed below:

No	Names	Residence in Vietnam	Terms in Prison
10	Y- Nok Mlo	Buon Ama Thuot, Dak Lak	8 years
11	Nay Druk	Buon Ae Sup, Dak Lak	7 years
12	Y- Phen Ksor	Buon Sup, Dak Lak	7 years
13	Y-Bhiet Nie	Buon Ama Thuot, Dak Lak	6 years
14	Y- Tum Mlo	Buon krong Buk, Dak Lak	8 years
15	Ksor Sun	Buon Jung, Dak Lak	5 years
16	Y-Bhiet Ayun	Buon Jung, Dak Lak	5 years
17	Y-Nuen Nie	Buon Ea Yong, Dak Lak	7 years
18	Y-Wang Nie	Buon Arieng, Dak Lak	4 years
19	Y- Khu Nie	Buon Tri, Ea Hleo Dak Lak	5 years
20	Ksor Blung	Plei Breng 3, Pleiku, Gia Lai	5 years
21	Ksor Alup	Plei Breng 2, Pleiku, Gia Lai	4 years
22	Kao Buonya	Buon Sup B, Daklak	8 years
23	Y-Tim Eban	Buon Dha Prong, Daklak province	8 years

24	Y-Coi B. Krong	Buon Ko Mleo, Daklak province	8 years
25	Y-Thomas Eya	Buon Bu Dak, Daklak province	8 years
26	Y-Nglu	Plei Glung, Ayunpa, Gialai	7 years
27	Siu Seo	Plei Joning, Ayunpa, Gialai	5 years
28	Siu Un	Buon Blec, Ea Hleo, Daklak	8 Years
29	Siu Tel	Plei Ke, Ayunpa, Gialai	5 years
30	Rmah Djoan	Plei Athai, Ayunpa, Gialai	5 years
31	Y-Bliet Ayun	Buon Jung, Krong Pac, Daklak	4 Years

**On January 28, 2002**, 4 Montagnards were sentenced from 4 to 7 years in prison with probation, on August 10, 2002, 1 Montagnard was sentenced to 9 years and 7 people were unknown. Their names were listed below:

No	Names	Residence in Vietnam	Terms in Prison
32	Siu Beng	Plei Bitel, Pleiku, Gia Lai	7 years
33	Siu Be	Plei Luh, Ea hru, Gia Lai	4 years
34	H'noch	Plei Kly, Pleiku, Gia Lai	6 years
35	Kpa H'ling	Plei Kly, Pleiku, Gia Lai	6 years
36	Y- Sop Siu	Buon Sup, Daklak	6 years
37	Nong Kpa	Buon Sup, Daklak	5 years
38	Mriu Eban	Buon Sup, Daklak	6 years
39	Y- Muk Nie	Buon Sup, Daklak	5 years
40	Y-Klah buonya	Buon Poc, Daklak	unknown
41	Y-Mien Eban	Buon Dha Prong, Daklak	unknown
42	Y-Tin	Buon Dha Prong, Daklak	unknown
43	Y-Klong Eban	Buon Dha Prong, Daklak	unknown
44	Y-Sem Buon Krong	Buon Ko Mleo, Daklak	unknown
45	Rmah Hyuh	Plei Bitel, Gialai	unknown
46	Rmah Poi	Plei Bitel, Gialai	unknown
47	KSor Dar	Gialai province	4 years
48	Rahalan	Gialai province	4 years
49	Rahlan Loa	Buon Toat, Krong Pac, Daklak	9 Years

**On December 25, 2002**, 10 Montagnard were from 2 to 10 years in prison plus 4 years probation, their names were listed below:

No	Names	Residence in Vietnam	Term in Prison
50	Y-Hoang B. Krong	Buon Cuor Knia, Buon DonDaklak	10 years
51	Y-Pum buonya	Buon Kmien, Krong Buk, Daklak	8 years
52	Y-Thuon Nie	Buon kwang, Krong Buk, Daklak	10 years
53	Nay Pham	Plei Kte, Ayunpa, Gialai	5 years
54	Y-Prom	Plei Bia Bre, Dak Doa, Gialai	8 years
55	Y-Tien Nie	Buon Ea Nao, BMT, Daklak	8 years
56	Y-Nai Mlo	Buon De, krong Hnang, Daklak	8 years
57	Y-Boh Nie	Buon Drao, Buonmathuot, Daklak	8 years

58	Y-Ju Nie	Buon Brieng, Ea Kar, Daklak	8 years
59	Y-Lem Buon krong	Buon Kwang, Krong Buk, Daklak	8 years

The following listing of the Montagnard people who are currently secret imprisoned that the Vietnam government does not allow their families to access its prisoners, not even publishing the names, locations and charges against people in detention.

No	Names	Residences in Vietnam	Terms in Prison
60	Siu Thuk	Plei Lao, Cu Se, Gialai	6 years
61	Kpa Thap	Plei Lao, Cu Se, Gialai	6 years
62	Siu Grih	Plei Lao, Cu Se, Gialai	6 years
63	Hyan	Plei To Drah, Cu Se, Gialai	3 years
64	Dol	Plei To Drah, Cu Se, Gialai	3 years
65	Rmah Teng	Plei Bo, Cu Se, Gialai	8 years
66	Ksor Hnel	Plei Bo, Cu Se, Gialai	6 years
67	Rmah Anur	Plei Bo, Cu Se, Gialai	8 years
68	Goih	Plei To Drah, Cu Se, Gialai	6 years
69	Byun	Plei Lon, B12, Gialai	8 years
70	Y-Het Nie	Buon Sek, Ea Hleo, Daklak	8 years
71	Dinh Mlem	Plei To Drah, Cu Se, Gialai	6 years
72	Brong Kpa	Buon Jung, Krong Pac, Daklak	9 years
73	Y-Nuel Nie	Buon Jung, Krong Pac, Daklak	11 years
74	Bli	Plei Pheo, Cu Se, Gialai	6 years
75	Siu Ye	Plei Mo, Cu Se, Gialai	6 years
76	Bah	Plei Hrai Dong, Cu Se, Gialai	6 years
77	Em	Plei la Lang, Pleiku, Gialai	7 years

On May 26, 2003, Daklak province court trials 15 Montagnards were sentenced from 5 to 10 years in prison and from 4 to 5 years of probation; their names were listed below:

No	Names	Residences in Vietnam	Terms in prison
78	Y-Tim Buonya		10 years
79	Y-Het Nie kdam	Buon Siek, Daklak	10 years
80	Y-Kroi B.krong	Buon ama Thuot, Daklak	7 years
81	Y-Kim Enuol	Buon ama Thuot, Daklak	7 years
82	Y-Hai knul	Buon Sah, Daklak	10 years
83	Y-Lia Nie	Buon ama Thuot, Daklak	7 years
84	Y-Blik Ksor	Buon ama Thuot, Daklak	7 years
85	Nay Klong	Buon Siek, Daklak	5 years
86	Y-Oak Nie	Buon ama Thuot, Daklak	5 years
87	Y-Hoen hlong	Buon ama Thuot, Daklak	7 years
88	Y-Kuo Nie ksor	Buon Ea Hleo, Daklak	5 years
89	Y-Dham knul	Buon ama Thuot, Daklak	5 years
90	Y-Kro Nie	Buon ama Thuot, Daklak	5 years
91	Y-Cuan Rcam	Buon Ea Hiao, Daklak	5 years

92	Y-Bhi Buonya	Buon Ko Mliao, Daklak	5 years
93	Y-Kuo Buonya	Buon Ko Mliao, Daklak	13 years
94	Y-He Eban	Buon Kdun, Cu Ebur, Daklak	12 years
95	Y-Jon Enuol	Buon Kdun, Cu Ebur, Daklak	11 years
96	Y-Bil Enuol	Buon Kdun, Cu Ebur, Daklak	10 years
97	Y-Wit Mlo	Buon Ale A, Daklak	8 years
98	Y-Tran Mlo	Buon Ko Mliao, Daklak	8 years
99	Y-Krong Hdok	Buon Kla, Ea Ana, Daklak	5 years
100	Y-Kao Buon Krong	Buon Kmrong Prong, Daklak	5 years
101	Y-Bhiet Nie Kdam	Buon Krak, Krong Buk, Daklak	6 years
102	Y-Nuel Nie	Buon Jung, Krong Buk, Daklak	11 years
103	Y-Brong Kpa	Buon Jung, Krong Buk, Daklak	9 years
104	Y-Kham Ayun	Buon U, Cu Jut, Daklak	6 years

**Add information and list from Amnesty international organization.**

105	Kpa Klung	Plei Veh, Dak Dua, GiaLai	6 years
106	Kpa Jri	Plei Lao, Nhon Hoa, Gialai	6 years
107	Ksor Blip	Plei Greng, Ea Phai, Gialai	4 years
108	Ksor Blum	Gialai	7 years
109	Ksor Blung	Cheo reo, Ayunpa, Gialai	2 years
110	Ksor Bru	Not know	6 years
111	Ksor Buh	Plei Veh, Dak Dua, Gialai	6 years
112	Ksor Dar	Not know	4 years
113	Ksor Doai	Buon Ho, Gialai	11 years
114	Ksor Kerek	Not know	5 years
115	Ksor Luh	Plei Bo, Nhon Hoa, Gialai	5 years
116	Ksor Ong	Not know	5 years
117	Nay Guh	Buon Sah, Ea Hneh, Daklak	3 year
118	Rmah Nul	Plei Bo, Nhon Hoa, Gialai	5 years
119	Rcom Dje	Gialai	5 years
120	Rcom Huong	Gialai	5 years
121	Siu Ning	Gialai	5 years
122	Siu Seo	Ayunpa District, Gialai	5 years
123	Siu Yiu	Plei Cu prong, Gialai	7 years
124	Y-Ar Nie	Buon Drao, krong Buk, Daklak	8 years
125	Y-Bli Buonya	Daklak Province	7 years
126	Y-Boh Lieng	Daklak Province	8 years
127	Y-Bri Enuol	Daklak Province	10 years
128	Y-Kim Enuol	Daklak province	7 years
129	Y-Krong Knul	Dak Gan, Dak Mil, Daklak	4 years
130	Y-Nok Mlo	BuonKTLA, Pong Drang, Daklak	8 years
131	Y-Phen Ksor	Buon Sah, Ea Hleo, Daklak	7 years
132	Y-Phiet Ayun	Buon Dlung, Krong Pac, Daklak	7 years
133	Y-Pum Buonya	Daklak Province	8 years
134	Y-Su Nie	Buon Krieng, Ea Hleo, Daklak	5 years
135	Y-Teo	Ayunpa District, Gialai	5 years

136	Y-Tho mas Eya	Dak Mill, Daklak	8 years
137	Y-Tim Eban	Daklak Province	8 years
138	Y-Ung	Gialai province	6 years
139	Y-Win	Daklak province	10 years
140	Y-Yoh Mlo	Buon pong drang, Daklak	8 years
141	Y-Yunna	Dak Dua, Gialai	10 years
142	Yaro Nie	Ban Ma Thuot, Daklak	8 years
143	Yoak Nie	Ban ma Thuot, Daklak	5 years
144	Y-Net Buonya	Buon Nui, Cu Jut, Daklak	8years
145	Y-Duk Eban	Buon Nui, Cu Jut, Daklak	4 years
146	Y-Boc Eban	Buon Nui, Cu Jut, Daklak	4 years
147	Y-Un Brieng	Buon Nui, Cu Jut, Daklak	4 years

**Two pastors were lost since January 2003**

**Y-Lok Kpor**, Buon ea Bung, Daklak

**Y-On buon** Krong, buon cu mblim

There were more secret trials and prison for the Montagnards that we do not know. Because of no U.S. officials, foreign journalists and NGOs were allowed to visit the Montagnard villages Central Highlands since February 2, 2001.

The Hanoi government has been regularly criticized for a decade by the International Human Rights Groups for its brutal repression of political and religion dissidents, especially the Montagnard people in the Central Highlands of Vietnam. But the Hanoi government has been ignored and has free hands to act.

Many Montagnards have disappeared from their families, and they have not been found at Cambodia refugee camps. They could possibly be brought for trials at unknown and secret locations. For those trials listed above were being tried in local government provinces and some of them were killed or died in prisons, their families and relatives do not or never allow to know.

Rong Nay  
Executive Director  
The Montagnard Human Rights Organization



## HOA HAO BUDDHIST CHURCH

SOUTHERN CALIFORNIA

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### REPORT ON HOA HAO BUDDHISM IN VIETNAM

Testimony by Mr. Truong Van thuc  
HOA HAO Buddhist Dissident  
Former Prisoner of Conscience

#### Senators and Representatives of the United States Congress

**Rep. Christopher H. Smith,**  
Chairman-Subcommittee on Global Human Rights  
US House of Representatives  
2373 Rayburn Building  
Washington, DC 20002  
202 225 3765

RE Religious Persecution in Vietnam

Dear Congressman Smith:

In April 1947, the Communists invited Prophet Huynh, the Hoa Hao Buddhist (HHB) leader, to discuss a resolution of their differences. During the conference a blackout occurred and the Prophet was abducted. To this day his fate remains unknown. His followers have since come together on the anniversary of his disappearance to commemorate his legacy.

After 1975, the Vietnamese Communist government harshly repressed all religious expression throughout Vietnam. They've particularly targeted Hoa Hao Buddhists. Although they have since allowed some celebrations, like HHB Foundation Day, or the Prophet's birthday, they strictly prohibit any commemoration of his abduction.

Every year near the anniversary of Prophet Huynh's disappearance, the local government employs the local police, the communist cadre and street-gangsters to harass HoaHao Buddhists. Each year they arrest and often severely beat some Hoa Hao Buddhists. Former prisoners incarcerated for their religious beliefs, such as Nguyen Chau Lang, Nguyen Van Lia and Tran Van Be Cao were physically assaulted by local police in the past few weeks.

On February 18, 2006, the local police, disguised in plain clothes, severely beat my brother, Truong Minh Chuc, and me and afterwards we were thrown into the river under the bridge at Thot Not district, Can Tho province. On March 07, 2006, I was again sentenced to house arrest for the reports I had written concerning violations of human rights, restriction of religious freedom, and my attempts to protest the demolition of Hoa Hao Buddhist Library at HHB Holy Land which had been confiscated by the communist government. Local police also delivered a

house arrest order to Monk Le Minh Triet, a former prisoner. His family member was beaten when he refused to take receipt of the order. Other HHB were house-arrested on this occasion are Truong Van Duc, Tran Nguyen Huon, Nguyen Phuoc Hau, Ha Van Duy Ho.

Dear Sir:

Last year, monk Vo Van Thanh Liem was arrested on August 5, 2005 by local police in front of Quang Minh Tu Buddhist Temple at Long Hoa 2 Hamlet, Long Dien, An Giang Province. On Sept 14, 2005, in a closed court, he was sentenced to seven years in prison convicted of the charge "opposing public Authorities." Monk Thanh Liem has been in prison more than 10 times. He submitted his written statement to the United States Congressional hearing on Monday, June 20, 2005 entitled "Human Rights in Vietnam," six weeks before his latest arrest.

**The above events clearly show that religious freedom has not improved in Vietnam. I respectfully request the U.S. Congress, the State Department, and the U.S. Commission on International Religious Freedom (USCIRF) to:**

1. Call for HHB being permitted to commemorate Prophet Huynh Disappearance day.
2. Closely monitor and report all religious violation and harassment on Hoa Hao Buddhists to the world community.
3. Urge the government of Vietnam to allow Hoa Hao Buddhists to choose their own leaders.
4. Return all confiscated Church properties and rebuild our Hoa Hao Buddhist Library, one of our religious and cultural monuments.
5. Call for the release of all HHB prisoners.

Please accept my appreciation for your contribution in bringing democracy, human rights and freedom of religion to Vietnam.

Respectfully yours,

**Truong Van Thuc**

Former prisoner and house arrest prisoner  
An Giang, March 25, 2006

**Original Documents of Hoa Hao Buddhist Persecution upon request:**

- 1- Order of House Arrest dated March 07, 2006 to Mr. Truong Van Thuc, signed by Nguyen Van Dam, Assistant of the President of The People Front Committee.
- 2- Letter to Rep. Christopher H. Smith on Nov 30, 2005, signed by former prisoners: Bui Thien Hue, Nguyen Van Lia, Truong Van Thuc, Le Minh Triet.
- 3- Letter to Rep. Christopher H. Smith on Nov 30, 2005, signed by Mr Vo Van Diem, monk Vo Van Thanh Liem's brother.
- 4- Petition Letter to Mr. Tran Duc Luong and Phan Van Khai on March 27, 2005, signed by 22 HH Buddhists in An Giang
- 5- A Call for Help on April 17, 2005, signed by Mr. Phan Van Cu.
- 6- A Call for Help on April 20, 2005, signed by Tran Thanh Giang, aka Vu.
- 7- Suggestion to Mr. Phan Van Khai, President of VN; Mr. John Hanford, US Commission on Religious Freedom; Mr. Micheal W. Marin, US Ambassador in Ha Noi, VN, signed by 9 former HHB prisoners.



For more information, please contact  
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[huynhmai@nguyehuynhmai.com](mailto:huynhmai@nguyehuynhmai.com)

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 Former prisoner and house arrest prisoner  
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For more information, please contact  
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Edmund W. Sprague  
 9 Maple Ave.  
 Antrim, NH 03440  
 Tel 603 588 4254

May 20, 1998

To Whom It May Concern:

I the undersigned served with the U.S. Department of State in South Vietnam from 1969 to 1975. I was a Foreign Service Officer assigned to the Central Highlands of South Vietnam as Ethnic Minority Advisor and the Province Senior Advisor, Phu Bon Province.

In March 1975 I was in Phu Bon Province when most of the Highland Provinces were attacked by North Vietnamese Forces.

On or about March 16, 1975, South Vietnamese military deserters and VN civilians started arriving in Phu Bon. The South Vietnamese Army Rangers immediately started looting stores and raping Montagnard girls. They also killed many Montagnard civilians. Finally what South Vietnamese leadership was left had somehow convinced a great many of the deserters to give up their weapons. I estimated at the time 5-6,000 U.S. M-16 rifles, plus PRC-25 radios and other military equipment. The Montagnard soldiers did not desert and prepared to fight the North Vietnamese. The weapons and military equipment was stored outside of town at the Ethnic Minority Service. I add that there was uncounted amounts of ammo for the weapons. By March 17, 1975 an estimated 100,000 deserters and civilians converged on Phu Bon. The Ethnic Minority Chief contacted me about the weapons at his location, asking if they could cache the weapons and ammo so they could continue to fight. I told him that it was a good idea they continue the fight because my U.S. supervisor assured me if they continue to fight the U.S. was behind them. How very wrong I was. That night the U.S. compound was attacked by ARVN Rangers and South VN police in an attempt to loot U.S. property, mainly gas for their stolen vehicles. The Montagnard staff and I held them off for two days. Finally, we were extracted by some very brave Air America choppers to Nha Trang. In Nha Trang was the U.S. Consulate headed by Moncrieff Spear, the Consulate General. I briefed Mr. Spear on the Phu Bon situation and that I was very concerned about the Montagnards. Mr. Spear assured me that if things got worse the U.S. was prepared to take care of the Montagnards. While I was in Nha Trang I was assigned to congregate all Montagnards on the beach at one location. The plan at this time was that the U.S. Navy ships would come in to evacuate the Montagnards. Again as in Phu Bon, Vietnamese Army deserters began attacks on the U.S. Consulate. American and Vietnamese employees were evacuated to Saigon. I found out that the U.S. Navy ships had been canceled to pick up the Montagnards on the beach. I attempted to get to that location to no avail. I had to fight my way to the Nha Trang Airfield and was able to get on the last plane to Saigon.

On April 1, 1975 I arrived in Saigon and was assigned as Advisor to the Minister of Ethnic Minority Development, Mr. Nay Luett. On or about April 2, 1975 I met with Ambassador Martin. I briefed him on the Montagnard situation. I requested that the plan for the U.S. Navy to pick up the Montagnards on the Nha Trang beach should be reinstated. Ambassador Martin stated other priorities have come up and they will not be picked up. I lost my temper and told him that the blood of thousands of Montagnards would be on his hands. The Ambassador immediately ordered me to leave Vietnam. I did not go. On April 4, 1975 a meeting was conducted with Mr. Jacobson, Special Assistant to the Ambassador, Minister Nay Luett, Senator Ksor Rot, Toneh Han To and others I cannot remember. Minister Nay Luett opened the meeting with an appeal for his people, and asked for U.S. support so they could continue resisting the North Vietnamese until the South Vietnamese could regroup and prepare for the return of the U.S.. Toneh Han To, Assistant to Nay Luett, briefed on Montagnard and American friendship. He stated that you are our friends, we are your friends. We believe in you and need your protection. It is your duty. Thousands will die immediately if the North Vietnamese take over. If no U.S. support for Montagnard resistance is approved we need political asylum. Mr. Jacobson briefed that U.S. priority at this time was to evacuate Vietnamese who are classified as Political Refugees. I cannot remember Jacobson's last words, but in good old State Department jargon he made them think they should continue their resistance. Mr. Luett and his staff firmly believed that the U.S. would aid Montagnard resistance. I am not trained in State Department jargon and also thought the U.S. would support the Montagnard resistance. It was only after I got back to the U.S. that I was told by Bill Colby that there would be no support. I was so very wrong and have lived with this shame for the last twenty three years.

Edmund W. Sprague  
U.S. Army Ret.  
Foreign Service Ret.

*Desktop/GC/Sprague Statement*

