

**HIGHLIGHTING VIETNAMESE GOVERNMENT  
HUMAN RIGHTS VIOLATIONS IN ADVANCE OF  
THE U.S.-VIETNAM DIALOGUE**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND  
INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS  
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**THURSDAY, APRIL 11, 2013**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 10 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The hearing will come to order, and I want to wish everybody a good morning, and thank you for joining us for this important hearing to examine the ongoing human rights situation in Vietnam. The Vietnamese Government continues to be an egregious violator of a broad array human rights. Our distinguished witnesses who are joining us here today including our former colleague Anh Cao, and many very distinguished people who have in many cases themselves suffered, and who will provide detailed accounts. And I'd like highlight just a few areas of grave concern.

Despite the State Department's decision in 2006 to remove Vietnam from the list of Countries of Particular Concern, or CPC, as designated pursuant to the International Religious Freedom Act, Vietnam, in fact, continues to be among the worst violators of religious freedom in the world. According to the United States Commission for International Religious Freedom 2012 annual report, "The Government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and represses individuals and groups viewed as challenging its authority." I agree with the Commission's conclusion that Vietnam should be designated a CPC.

I met courageous religious leaders during my last trip to Vietnam who are struggling for fundamental human rights in their country. Unfortunately, many of them including Father Ly, and the most Venerable Thich Quang Do, remain wrongly detained today. There are disturbing reports that Father Ly is suffering poor health. Leaders of religious organizations are not only victimized by the Vietnamese Government, individuals in small communities are also targeted by their regime.

One of our witnesses today, Mr. Tien Tran, will speak of the brutality that he experienced as a member of the Con Dau Parish that

was violently repressed in 2010 when they tried to have a funeral procession. I will point out parenthetically that we held hearings then. And Congressman Cao will remember it so well because he did so help put those together, and we talked about the fact that the bullies actually rained upon people during a funeral and beat them, and told them that they could not continue with their funeral procession. And unfortunately, people died, people were incarcerated and torture was rampant.

The State Department's upgrade of Vietnam from Tier II watch list to Tier II with respect to minimum standards for the elimination of human trafficking also needs to be critically examined. The Department's 2012 Trafficking in Persons Report states only that Vietnamese women and children are being sexually exploited, but there are severe labor abuses occurring as well with, not in the absence of, but with the government's complicity. The report acknowledges that state licensed labor export companies engage in fraud and charge illegal commissions for overseas employment, and that there are documented cases of recruitment companies ignoring pleas for help from workers in exploitative situations.

I would note again that Dr. Thang has been instrumental in bringing huge amounts of evidence forward not only to committees and hearings that I have held and we have held in the past, but also to the Department of State, asking them to use that in bringing their conclusion to a Tier III ranking, because it is unmistakable that on this score card Vietnam deserves a Tier III ranking as well. As the sponsor of the Trafficking Victims Protection Act I am deeply disturbed that the tier rankings are not being better utilized by our State Department to pressure Vietnam to correct the trafficking abuses occurring within its government, not to mention those in the private sector.

We will hear from Ms. Hui Danh who will testify about the ordeal that her sister has endured as a victim of human trafficking. I am deeply disturbed by her story because her sister's situation actually got worse when she asked for help from the Vietnamese Embassy. I greatly admire her courage, and the subcommittee is most appreciative of her willingness to speak out and to bring attention to this issue.

Despite the dismal status for human rights in Vietnam we can exert pressure on the Vietnamese Government to cease these abuses. I will be introducing the Vietnam Human Rights Act very soon. We are in the final drafting stage of that legislation, and our hope is that swift congressional action on this bill will send a very strong message that Congress will not tolerate continuing human rights abuses in Vietnam. I will note parenthetically that this bill, in a different iteration, but very similarly crafted, has passed the House of Representatives with huge margins on two occasions only to die in the United States Senate because holds were put on it to block even a vote by the United States Senate.

Finally, during the human rights dialogue with Vietnam in Hanoi, it is imperative that the U.S. Government send an unequivocal message to the Vietnamese regime that it must end its human rights abuses against its own citizens. This message, however, should not be confined to the human rights dialogue alone. It must be raised at each opportunity that we have with talks with

the Vietnamese Government. It should be pervasive every time business, cultural or any exchange occurs. The ongoing plight of people like Father Ly, the evangelicals, the Montagnard, the Hmong, and The Venerable Thich Quang Do, and all the others who have been repressed, needs to be on the table. They need to know that we mean it, that we have not put this in a compartment, hermetically sealed from all other aspects of our bilateral relationship, that human rights matters to this country and matters to the American public.

We are joined by our distinguished chairman of the full Foreign Affairs Committee, Mr. Royce of California who has been a champion of human rights in Vietnam, for however much time he may consume.

Mr. ROYCE. Thank you. I want to thank Congressman and subcommittee Chairman Smith for that, and Karen Bass of California also, the ranking member here of this subcommittee. And let me begin by saying what a pleasure it is to see Representative Cao with us today, and not only to welcome him back but to say that his voice is sorely missed on the Hill here as one who spoke consistently for human rights, for religious freedom. And indeed that brings us to the subject today.

The panel that is here has shown a very real dedication. A lot of expertise here in the subject of human rights. But I think it is absolutely dire today that our Department of State and we in the United States and the Congress, in the Senate and the House, manage to express to the Government of Vietnam that they are backsliding. Their walking in the wrong direction on religious freedom and freedom of expression is raising such a serious concern not only among the international community but I hear it from Vietnamese-Americans. And I saw it firsthand, I have to share with you.

In a trip I took to Vietnam I had an opportunity to talk to some of the religious leaders including The Venerable Thich Quang Do. But I talked to several who were under house arrest. Now one of those was subsequently at one of these religious demonstrations and was beaten in such a way as he was permanently injured. And for those of you who follow these human rights cases, and follow particularly the case of religious leaders who refuse to bend to the party in Vietnam—and why do they? Well, as explained to me, as shown to me, the Buddhist texts are rewritten by party functionaries so that they are a small fraction of the original text, but the meaning, the meaning of the text has been changed.

And so when the government itself says, well, we have our own new appointed Buddhist leader that we are going to recognize, that's because that individual is willing to bend and change the faith. And the question that I have is that when we took Vietnam off of the Country of Particular Concern list the deal was that the government in Vietnam was going to recognize religious freedom. Now that means a cessation. That means ending the process of beating religious leaders who try to speak out for freedom of religion. That means ending the process of seizing church property. That means allowing, allowing all faiths to practice.

And I am looking at the 2013 report of the Human Rights Watch, looking down through that. The conclusion is Vietnam suppresses

nearly every human right from freedom of expression, freedom of association, religious freedom. And I think that as we look at the excessive use of force not just against religious leaders but also young kids that want to use the Internet in order to gain access to information, to see the sentencing for those that are involved in any kind of dialogue about freedom of expression, and see them locked away for these long periods of time, to see the functionaries of the government beating people with electric batons to break up protests over any issue including environmental issue, and this has remained the same for many years, but frankly it is getting worse.

Vietnam, over the first 6 weeks of this year, the Government of Vietnam have convicted in show trials 40 dissidents. Now that means in just less than 2 months the Communist government there has already eclipsed the entire total of last year. That is why these witnesses came here today to speak out, is because things are regressing in Vietnam. And despite this behavior, Vietnam is actively pursuing a seat at the U.N. Human Rights Council. The words have no meaning. And in terms of the trafficking issue, which Chris Smith has been involved in for so many years, to hear the individual stories, to hear the complicity of the government, the Government of Vietnam doesn't want these stories to surface about what is actually happening to these traffic victims. And that indeed is why if you complain to the government you might find yourself in worse shape than if you just suffer through. And the government makes money in so many cases off of the abuse of workers, but for the trafficking victims it is really hell. Their life is a life that no one would ever want to go through. We have got to have the U.S. Government stand up for moral principle here.

Now the State Department is heading over to Vietnam for the next round of talks in the U.S.-Vietnam Human Rights Dialogue. And during those talks I hope that these cases that we discuss today, I hope that our Government here in the United States makes it absolutely clear, if Vietnam is serious about pursuing a stronger relation with the United States, well, that is contingent on it starting with one thing for certain, and that is, the human rights situation has got to be improved in terms of religious freedom, in terms of these traffic victims, and in terms of freedom of expression for these young people in Vietnam who want to simply have a dialogue. We can't have these show trials. We can't have this kind of abuse. We can't have these beatings. It must end. It must end now. And I commend the chairman for holding this hearing, and I yield back.

Mr. SMITH. I want to thank the distinguished chairman of the full committee, Mr. Royce, for his longstanding and very effective leadership on behalf of the suffering people in Vietnam and for his very eloquent statement this morning.

Ms. Bass, ranking member.

Ms. BASS. Thank you, Chairman Smith, as well as Chairman Royce, for your years of work on human rights. And I am glad today that we are joined by my good colleague from California, Congressman Alan Lowenthal. I want to offer my gratitude today to today's witnesses for your testimony, and I look forward to your insights and perspectives.

As we turn to another country and set of human rights issues that greatly require congressional and global attention, it is my hope that this hearing will lead to improved conditions for the Vietnamese people, where freedom of speech, the end of religious persecution, freedom of the press, any free press, are permitted to thrive in a society that is open and truly free.

Tomorrow the U.S. and Vietnam will hold the 17th of its human rights dialogues, where there might be some advances—and I am sure today's witnesses will confirm that or not—in the government's crackdown on various freedoms. This is by no means widespread. Organizations such as Human Rights Watch, Amnesty International, and the Vietnam Human Rights Network continue to document the full extent of the government's efforts to undermine the human rights of its citizens at every turn. The upcoming meeting between our two governments presents no better time than the present to raise the seriousness of these concerns and abuses, particularly as the Vietnamese Government seeks a seat on the U.N. Human Rights Council for 2014 to '16.

I would like to make very brief remarks on the freedom of speech, human trafficking, and religious persecution. Freedom of expression is fundamental in a society that thrives. Last year the Vietnamese Government arrested activists, bloggers, and human rights lawyers detaining them for extended periods of time, denied them access to legal counsel, prevented them from contacting their families, and prosecuted them in politically charged trials. Those convicted and sentenced merely sought a society in which their fellow citizens criticized their government to improve society and ensure policies do not exist where people live in fear or are under the threat of censor or arrest.

I am particularly concerned about the trafficking of women, men, and children around the region, and hopefully the witnesses today will give us additional information about that. It is my understanding that both women and men are forced into sexual labor. Women are sold as mail-order brides or surrogate mothers. Men are often sold into indentured servitude. And the most vulnerable citizens, children, are exploited for the purposes of sex, labor, forced begging, or bonded labor. According to the State Department's 2012 Trafficking in Persons Report, the Vietnamese Government has made some efforts to curb trafficking, but more must be done to combat sexual slavery and the illegal transfer of children to Cambodia, China and elsewhere.

I am also troubled by the persecution of religious minorities across Vietnam. Government seizure of lands, particularly those belonging to religious or other minority groups, the resale of lands belonging to churches and temples, and the infiltration of religious organizations by government agents demonstrate contempt for religious freedom. People should be able to practice their beliefs without fear of punishment or persecution by government officials.

I want to conclude by reminding all of us and all our governments the important words that enshrined within the Universal Declaration of Human Rights. These words provide us a framework and serve as a guide to ensure that all people are free, live in open and just societies, and their governments, including our own, work with and for people rather than against. Everyone is entitled to all

the rights and freedoms set forth in this declaration without distinction of any kind such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional, or international status of the country or territory to which a person belongs whether it be independent, trust, non-self-governing or any other limitation of sovereignty. Everyone has the right to liberty, life, and security of person. No one shall be held in slavery or servitude. Slavery and the slave trade shall be prohibited in all these forms. No one shall be subjected to arbitrary arrest, detention or exile.

Today I look forward to your testimony, and I yield back my time.

Mr. SMITH. Thank you. Thank you very much, Ms. Bass. I would like to yield to Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman. And thank you for coming to testify. And as we listen to your testimony, one of the things, the clearest message that needs to be taken back that needs to be heard by the Government of Vietnam is that to truly have economic prosperity and economic freedom there first and must always be the protection of religious liberties and with human rights to make sure that those are protected and upheld in every situation. We are here in a country that many times for economic reasons we look the other way. And that cannot be the case and will not be the case. We would not tolerate this kind of human rights violations among companies here, and to be a good trading partner with the United States we must stand and be vigilant on this particular issue, and it is nonnegotiable.

And to highlight this, I appreciate the bravery and the true sense of trying to expose and share in an intimate way the atrocities that are happening not just in Vietnam but across many countries, but specifically with what you have had to deal with. I look forward to hearing your testimony, and truly may it be the start of highlighting this over and over again so that real change, not just words but actions follow up those words. So thank you so much. I yield back, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Meadows. The chair recognizes Mr. Lowenthal.

Mr. LOWENTHAL. Thank you, Chairman Smith, Chairman Royce, Ranking Member Bass, for the opportunity to participate in today's hearing on the human rights conditions in Vietnam. I would like to also thank the members of the panel for coming to testify today.

This hearing is very important to me because of the large numbers of Vietnamese-Americans that I proudly represent, particularly in Little Saigon, one of the largest concentrations of Vietnamese outside of Vietnam. Since the normalization of diplomatic ties between Vietnam and the United States, Vietnam has gained tremendously from these economic ties and exchanges. In partnering with the United States, Vietnam was admitted into the World Trade Organization, received permanent normal trade status with our country, and it has gained access to the American markets. Currently, the United States is one of Vietnam's largest, if not its largest exporting partner.

But despite these partnerships, the Government of Vietnam has yet to demonstrate its commitment to upholding international laws and norms such as the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, which Vietnam is a signator. Vietnam has disregarded its promises on respecting human rights and basic freedom of the press, expression and association of its own citizens as is already enshrined in the Vietnamese Constitution.

Currently as we speak today, respected religious leaders such as the Supreme Patriarch Thich Quang Do of the Unified Buddhist Church of Vietnam, and Father Nguyen Van Ly, along with many activists are under house arrest. According to reports as just reported also, by, I think, Chairman Royce, at least 50 human rights defenders have been arbitrarily detained within the last year alone, and that rate is increasing exponentially.

The persecution of prominent bloggers such as Ta Phong Tan who received the State Department's 2013 Woman of Courage Award; journalists such as Phan Thanh Hai and Dieu Cay who founded the Free Journalist Club; songwriters such Viet Khang and Tran Vu Anh Binh; the 14 Catholic youth activists; and most recently human rights lawyer, Le Quoc Quan, all of these persecutions have resulted in the Government of Vietnam being strongly criticized and condemned by international rights organizations and by governments around the world. The United Nations Working Group on Arbitrary Detention has ruled that these arrests and detentions are a violation of international law.

Mr. Chairman, as the Government of Vietnam is seeking Trans-Pacific Partnership agreements along with increasing economic and military exchanges with the United States, my hope is that the United States Congress carefully examines the seriousness and the commitment on the part of the Government of Vietnam to respecting human rights and basic freedoms of its citizens given these current conditions in Vietnam.

I recently attended an event in my district where thousands of Vietnamese-Americans came together to support the call from religious leaders, from intellectuals, from former Communist Party officials, and from activists in Vietnam, demanding constitutional changes and for the Vietnamese Government to grant greater freedom to its people. I believe that the United States should use our diplomatic relations to try to influence and do everything that we can to support the people of Vietnam in their aspirations for justice, for liberty, and for freedom. Thank you, Mr. Chair, and I yield back.

Mr. SMITH. Mr. Lowenthal, thank you very much for your statement and for your leadership and for being here today and joining us on the panel.

I would like to now introduce our distinguished witnesses. And beginning first, it is expressing the highest honor and privilege to welcome back Anh Cao, who is a good friend and a tremendous human rights leader. He was born in Vietnam, and at the age of eight he was able to escape to the United States with his siblings. After learning English, he did well in school and went on to earn his undergraduate and master's degrees before teaching philosophy and ethics in New Orleans. Congressman Cao went on to earn his

law degree and worked for Boat People SOS—and I first met him in the 1990s—to help poor Vietnamese and other minorities.

He lost his home and office in Hurricane Katrina, but helped lead his community as it started to rebuild. In 2008 he became the first Vietnamese-American elected to the U.S. House of Representatives, and represented Louisiana's Second Congressional District, and as I said at the outset was a leader on numerous human rights issues, but was the leader on trying to protect the rights of people living in Vietnam. So it is a privilege to have him here.

We will then hear from Mr. Vo Van Ai who serves as the international spokesman for the United Buddhist Church of Vietnam which is currently banned by the Communist dictatorship in Vietnam. He is also the founder and president of Que Me: Action for Democracy in Vietnam, and the Vietnam Committee on Human Rights, organizations established in 1976 to raise awareness of the human rights and religious freedom situation in Vietnam, the campaign for the release of prisoners of conscience, and promote democratic freedoms and human rights. He testifies regularly at the United Nations Human Rights Council, the U.S. Congress, European Parliament, and other international fora on human rights in Vietnam. Welcome.

We will then hear from Ms. Anna Buonya who was born in Thailand and came to the United States as a Montagnard refugee in 1986. She graduated from UNC Greensboro in 2006 with a degree in political science and communication studies, and received her law degree from Elon University in 2010. She has her own law practice, and outside of her private practice she does pro bono advocacy on behalf of refugee policy for the Montagnard Human Rights Organization and the Council of Indigenous Peoples in Today's Vietnam.

We will then hear from Ms. Hui Danh, a Vietnamese-American who lives in the United States. Her sister is a victim of a forced labor scheme in which she went to Russia thinking that she would work in a restaurant, only to find out when she arrived that she would be forced and compelled to work as a prostitute. Her sister was eventually able to return to Vietnam, but there are many others who remain trapped in Russia as well as elsewhere by their Vietnamese traffickers. We welcome her and thank her for her enormous bravery knowing that there has been retaliations because she has spoken out.

We will then hear from Tien Tran who is a member of the Con Dau village in Central Vietnam where he was a farmer and a member of the local Catholic church. He was captured by Vietnamese security forces during a funeral at Con Dau on May 4th, 2010. He was jailed and tortured for 7 days in a police detention center. He was able to escape Vietnam and go to Thailand in August 2010, and then came to the U.S. in September 2012. We welcome him and express obviously our deep sadness as to how he was mistreated, but again thank him for speaking out for all those who remain and have been so victimized.

We will then hear from Mr. John Sifton who is the advocacy director for Asia for Human Rights Watch where he focuses on South and Southeast Asia. He has extensive experience doing international human rights work with a focus on Asia, but has also

worked on issues relating to human trafficking, terrorism, and refugees. Mr. Sifton has traveled to Vietnam where he investigated the human rights situation and other developments in the country. He works with a wide range of government officials from many countries to provide policy advice and raise awareness of Vietnam's human rights record. And welcome, Mr. Sifton, as well.

I would just note we also have Dr. Thang here today, and just one note concerning him. In the 1990s when I became chairman of the subcommittee focusing on human rights, it was Dr. Thang who came to my office and said, here is some information regarding the human rights situation especially with regards to the refugees who are in a number of camps including in High Island in Hong Kong, and elsewhere, who are about to be forcibly repatriated back to Vietnam where they were facing a predictably cruel fate and would have been, many of them, put into prison. We organized, as a direct result of Dr. Thang's advocacy—and Anh will remember this as well—a series of four hearings including one closed hearing.

The Clinton administration was intent on sending back those men and women who had been screened out as refugees, improperly, even though human rights organizations had made it very clear that they were refugees, that they had a well-founded fear of persecution should they be forcibly or in any way returned back to Vietnam. After the four hearings, I offered an amendment again with the guidance of Dr. Thang that said no U.S. money will be used to forcibly repatriate anyone. It caused a change in the attitude on the part of the administration. We had some friends within the administration as Dr. Thang will remember, and as a direct result the ROVR program was established. And, frankly, I want to thank Dr. Thang because he is the man, the person, the human rights advocate, and his organization Boat People SOS, but he personally, who made the difference in ensuring that upwards of 20,000 people who would have gone back against their will were rescued. And he has been absolutely tenacious in promoting the cause of human rights for all faiths, all believers, all those who are suffering any kind of persecution in Vietnam, including those who have been trafficked. So Dr. Thang, thank you for your unbelievably effective leadership on behalf of the Vietnamese people.

Anh Joseph Cao?

**STATEMENT OF THE HONORABLE ANH "JOSEPH" CAO,  
FORMER MEMBER OF CONGRESS**

Mr. CAO. Chairman Smith, I would like to personally thank you and to thank Chairman Royce for you continuing to be the champion of human rights and religious freedom in Vietnam. I would like to also thank the ranking member Bass and members of the subcommittee for your interest in the human rights and religious freedom conditions in Vietnam, and for your willingness to support the fight of the Vietnamese people.

Mr. Chairman, basic universal human rights have served as the basis and foundation of modern societies over six decades. The United Nations Declaration of Human Rights succinctly and rightly states, "All human beings are born equal in dignity and rights." "Everyone has the right to life, liberty, and security of person." "No one shall be subjected to torture or to cruel, inhumane or degrading

treatment or punishment.” “All are equal before the law and are entitled without any indiscriminatio n to equal protection of the law.” Pope John Paul II called this Declaration “one of the highest expressions of the human conscience of our time.” Marcello Spatafora, on behalf of the European Union, stated, “The declaration placed human rights at the center of the framework of principles and obligations shaping relations between the international community.” Yet, the Socialist Republic of Vietnam has for decades defiantly trampled these important principles under its feet, proclaiming to the world arrogantly that it is above what are right and decent.

Since 2007, Vietnam has been backsliding on human rights and is now the proud possessor of the title “The Worst Violator of Human Rights in Southeast Asia.” Political opposition is outlawed; repression of dissidents intensified; severe restrictions on freedom of expressions are imposed; bloggers and peaceful activists are arrested, imprisoned, and tortured. In most cases, national security has been cited as a pretext for the illegal arrests and criminal investigations.

One of the main groups of people who have suffered greatly under Vietnam’s oppression has been the religious faithful and leaders. Vietnam does not hide its strict adherence to the Communist assertion that “religion is the opium of the people,” and they therefore will take any measure, no matter how despicable, to suppress this basic freedom. To defend itself, Vietnam points to its Constitution that explicitly recognizes religious freedom, but like the Universal Declaration of Human Rights, Vietnam’s Government officials and cronies trample on the country’s Constitution replacing it with a policy of intimidation, repression and torture.

The case of Con Dau Parish succinctly displays Vietnam’s contempt for the rule of law. In May 2010, the Da Nang City People’s Committee ordered all households of the all-Catholic Con Dau Parish to sell their residential housing to a private developer, the Sun Group, for a price that was much lower than market price. As the parishioners rejected the deal both because of the low price and because they wanted to preserve their 135-year-old way of life, the government used force causing multiple injuries and several deaths. Scores of parishioners were arrested, detained and tortured. The case of Con Dau clearly illustrates Vietnam’s intention of wiping out a religious community through the expropriation of farmland, cemetery plots, and residential homes of all parishioners.

On May 4, 2010, the authorities even prohibited the burial of a 93-year-old parishioner in the parish cemetery. As parishioners proceeded with the funeral, the police attacked them brutally causing injuries to over a hundred parishioners including the elderly and children. The police arrested 62 parishioners and tortured them for days during detention. The Communist militia caught one parishioner who attempted to escape and tortured him to death. Seven of the parishioners identified by the government as taking the lead in the opposition to the blanket expropriation of the entire Con Dau Parish were tried and sentenced to prison terms.

Other cases of recent arrests and torture are compiled under Exhibit A, which I would like to submit with this testimony for the subcommittee’s review and consideration. I would like also to sub-

mit the statement of Reverend Nguyen Van Khai, under Exhibit B, which succinctly explains Vietnam's position on religious freedom.

When I was growing up in Vietnam the children playfully called the Communist regime "The Red Devil." After seeing the actions and the atrocities committed by the Vietnamese Government against religion, I realized how truthful this statement was. The drafters of the U.N.'s Universal Declaration of Human Rights sufficiently appreciated the danger within a society when the basic freedoms of individuals are not recognized and defended. In the preamble the drafters stated, "Disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind." This disregard and contempt for human rights have led to the Holocaust under the Nazi regime, the Cultural Revolution under Stalin and Mao, and the Killing Fields under Pol Pot when countless millions were tortured and killed for their beliefs.

Recently in Vietnam, the Catholic bishops and leaders of other religious faiths demanded changes to Vietnam's Constitution. These changes include power and land must belong to the people. The U.S. Congress must stand in solidarity with these religious leaders. I ask that this Congress will introduce and pass the Vietnam Human Rights Act of Chairman Smith and the Vietnam Sanctions Act of Chairman Ed Royce. We are America and we understand that these rights and freedoms are of the greatest importance for human flourishing in the modern world. Thank you, Mr. Chairman, for the opportunity to testify.

[The prepared statement of Mr. Cao follows:]

TESTIMONY OF FORMER CONGRESSMAN ANH "JOSEPH" CAO

DATE: APRIL 11, 2013

TOPIC: HUMAN RIGHTS IN VIETNAM

COMMITTEE/SUBCOMMITTEE: SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

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Mr. Chairman,

Basic, universal human rights have served as the basis and foundation of modern societies for over six decades. The United Nations Declaration of Human Rights succinctly and rightly states:

*All human beings are born equal in dignity and rights. . . .<sup>1</sup>*

*Everyone has the right to life, liberty and security of person . . . .<sup>2</sup>*

*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.<sup>3</sup>*

*All are equal before the law and are entitled without any discrimination to equal protection of the law . . . .<sup>4</sup>*

Pope John Paul II called this Declaration "one of the highest expressions of the human conscience of our time." Marcello Spatafora, on behalf of the European Union, adamantly stated: "it placed human rights at the [center] of the framework of principles and obligations shaping relations within the international community." Yet, the Socialist Republic of Vietnam has for decades defiantly trampled these important principles under its feet proclaiming to the world arrogantly that it is above what is right and decent.

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<sup>1</sup> Article 1 of The Universal Declaration of Human Rights.

<sup>2</sup> Article 3 of The Universal Declaration of Human Rights.

<sup>3</sup> Article 5 of The Universal Declaration of Human Rights.

<sup>4</sup> Article 7 of The Universal Declaration of Human Rights.

Since 2007, Vietnam has been backsliding on human rights and is now the proud possessor of the title “The Worst Violator of Human Rights in Southeast Asia.” Political opposition is outlawed; repression of dissidents intensified; severe restrictions on freedom of expression are imposed; bloggers and peaceful activists are arrested, imprisoned, and tortured. In most cases, national security has been cited as a pretext for the illegal arrests and criminal investigations.

One of the main groups of people who have suffered greatly under Vietnam’s oppression has been the religious faithful and leaders. Vietnam does not hide its strict adherence to the Communist assertion that “religion is the opium of the people,” and they therefore will take any measure, no matter how despicable, to suppress this basic freedom. To defend itself, Vietnam points to its Constitution that explicitly recognizes religious freedom. But like the Universal Declaration of Human Rights, Vietnam’s government officials and cronies trample on the country’s Constitution replacing it with a policy of intimidation, repression, and torture.

The case of Con Dau Parish succinctly displays Vietnam’s contempt for the rule of law. In May of 2010, the Da Nang City People’s Committee ordered all households of the all-Catholic Con Dau Parish to sell their residential housing to a private developer (Sun Group) for a price that is much lower than market value. As the parishioners rejected the deal both because of the low price and because they want to preserve their 135-year old way of life, the government used force, causing multiple injuries and several deaths. Scores of parishioners were arrested, detained and tortured. The case of Con Dau clearly illustrates Vietnam’s intention of wiping out a religious community through the expropriation of farmland, cemetery plots, and residential homes of all parishioners. On

May 4, 2010, the authorities even prohibited the burial of a 93-year old parishioner in the parish's cemetery. As parishioners proceeded with the funeral, the police attacked them brutally, causing injuries to over a hundred parishioners including the elderly and children. The police arrested 62 parishioners and tortured them for days during detention. The communist militia caught one parishioner who attempted to escape and tortured him to death. Seven of the parishioners identified by the government as taking the lead in opposition to the blanket expropriation of the entire Con Dau Parish were tried and sentenced to prison terms. Other cases of recent arrests and torture are compiled under Exhibit A, which I would like to submit with this testimony for the Subcommittee's review and consideration. I would also like to submit the statement of Rev. Nguyen Van Khai under Exhibit B which succinctly explains Vietnam's position on religious freedom.

The drafters of the UN's Universal Declaration of Human Rights sufficiently appreciates the danger within a society when the basic freedoms of individuals are not recognized and defended. In the Preamble the drafters state: "[D]isregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind . . . ." This disregard and contempt for human rights have led to the Holocaust under the Nazi Regime, the Cultural Revolution under Stalin and Mao, and the Killing Fields under Pol Pot when countless millions were tortured and killed for their beliefs. Are we willing to let history repeat itself, or are we willing to do something about it? I ask this Congress to do something about it by passing the Vietnam Human Rights Act and the Vietnam Sanctions Act. We are America, and we understand that these rights and freedoms are of the greatest importance for human flourishing in the modern world.

# EXHIBIT A

**Recent Incidents of Torture**

Compiled by BPSOS  
July 28, 2011

(1) Tran Thanh Tien, subjected to torture at Cam Le District Police Station, Da Nang

On May 4, 2010 as the police cracked down on the mourners attending a parishioner's funeral in Con Dau Parish, Tien fled to his uncle's home. The police crashed the fences and broke down the entrance door and captured Tien as well as others who were in hiding in the house. As he was led to the police truck some 500 meters away, every 10 -15 meters Tien was kicked and beaten at his legs by two police officers standing on each side. People dressed in civilian clothes and with their faces covered attacked and beat Tien up. Tien was then handcuffed behind his back and pushed onto the police truck. He was made to lie face down to the truck's floor bed. At the District Police Station, other parishioners and Tien were lined up face against the wall. The police officers took turn to beat the detainees in the chest, sides and legs. Tien was then brought into the investigating room for further torture. He was beaten until unconscious; his interrogators threw water over his face to wake him up. A police officer then beat him in the back with a stack of chairs and broke the chairs. As he refused to admit to false allegations, he was repeatedly called in for interrogation and forced to write a self-incriminating report. A police lieutenant named Thanh handcuffed one of his hands to the upper rim of the interrogation room's window, causing him to stand on his toes. This interrogator used batons, electric rods to beat him. The interrogator said: "I will break you. Look at me well and remember my face in case you want revenge." On another day, a police officer with civilian clothes ordered Tien to undress. Pointing to the bruises on his body, this officer asked what happened. When Tien answered that he was beaten by the police, this officer beat him up badly and screamed: "Which police that beats you? I am a civilian, you bastard. I'll beat you to death!" On the seventh day he succumbed and signed the statement prepared by the police. He was released but ordered to not leave home or seek medical care.

Tien is currently in Bangkok, Thailand.

(2) Nguyen Lieu, subjected to torture at Cam Le District Police Station, Da Nang

On May 4, 2010, for participating in the funeral of a fellow Con Dau parishioner, he was beaten with an electric baton and then taken to the district police station. He was pulled off the truck and ordered to stand face to the wall. A police officer kicked him and punched him on the head. During interrogation he was beaten until he fell unconscious. Each time he passed out, his interrogator poured water over his face and interrogated him again. He was physically assaulted

until he signed a statement admitting to the police's allegation of causing public disturbance and interference with officers on duty. He was released the next day at 10pm. He suffered multiple injuries and could not walk for days but was ordered not to seek medical care.

Lieu is currently in Bangkok, Thailand.

(3) Tran Thanh Lam, subjected to torture at Cam Le District Police Station, Da Nang

On May 4, 2010 he was arrested for participating in the funeral of a Con Dau resident. He was beaten severely on the head and then transported to the county police station. There he was tortured by police officers during the interrogations. They beat him with batons and kicked him in his back, belly and hips. Interrogation sessions sometimes lasted from morning to evening. The interrogators told him to admit guilt and beat him when he did not. They told him to lie down and beat him on his back. He threw up blood and his body was all covered with bruises. He was not allowed a family visit until three months later when he was transferred to a larger prison in Hoa Khanh. During a visit by his wife, he asked her to hire a lawyer. The police did not allow him to hire a lawyer and he was sentenced to 12 months of suspended sentence and 12 months of probation.

(4) Tran Thanh Viet, subjected to torture at District Police Station, Da Nang

On May 4, 2010 he was arrested for participating in the funeral of a Con Dau parishioner. Police officers beat him and dragged him to the transport truck. He was beaten badly along the way and his body was battered. At the police station, he was subjected to further beatings during interrogation sessions. Two police officers stood on each side and one in front of him, recording his statement. They used batons to beat him on the head and body, and kicked his sides and back until he became unconscious. When he regained consciousness, they forced him to sign in a prepared statement to admit guilt that he did not commit such as assaulting the police. As punishment for his refusal to admit guilt, he was placed in solitary confinement in a cell with no light and with poor ventilation for 3 months and 9 days. He was beaten every 2 or 3 days. He was not allowed to hire a lawyer. He was sentenced to 12 months of suspended sentence and 12 months of probation.

(5) Over 60 Con Dau parishioners subjected to torture at Cam Le District Police Station, Da Nang

According to the above eye-witnesses, most of these detainees were subjected to brutal forms of torture including beatings, electric shocks, humiliation (stripped naked and photographed), death threats, among others.

(6) Krajan Phuil, subjected to torture at the local police station in Lang Biang Village, Lam Dong Province

On August 23, 2008, the local police broke into her home and arrested her because she helped fellow parishioners in the Lang Biang Catholic parish to draft petitions against the government confiscation of their land. She was handcuffed and taken to the police station. Accusing her of treason, the police beat her on the head and in her stomach with a baton. She was slapped repeatedly at the face. She was then locked up. For five days she was given only one small bowl of rice per day and was kept incommunicado with her family. On the fifth day, a police officer entered her cell and physically assaulted her. Before she was released, he told her that her life depended on her keeping quiet on what happened during interrogation.

(7) Nguyen Thi Huan, subjected to torture at the detention center of Tay Ho District, Ha Noi

A member of the Dân Oan (*Victims of Social Injustice*) movement, she participated in sit-ins since 2003. In April 2009 she was arrested and on May 17, 2010 sentenced to one year of imprisonment for creating "public disturbance." On June 9, 2009, the interrogator named Vu The Anh, around 30, hanged Huan to the ceiling and used a slipper to beat her at the face and on the head and body. As he beat her, Anh said: "You want justice? Here is justice." After several hours, Huan coughed out blood and suffered a broken facial bone. She continues to experience pain in her head and chest.

(8) Do Van Hoang subjected to torture at the Tran Phu Detention Center, Hai Phong

During his ten months of detention (Aug 2007 – Jun 2008) Hoang was repeatedly tortured and forced to admit to being involved in the death of a police officer. As he maintained his innocence, the interrogator crushed his testicles and burnt his genital. Hoang eventually had to sign the declaration of guilt.

(9) Ho Thi Bich Khuong subjected to torture at the K2 Detention Center, Camp 6, Thanh Chuong, Nghe An

A member of the *Victims of Social Injustice* movement, Khuong was arrested and incarcerated on Sep 12, 2008. Three male police officers used batons to beat her on her back, legs, and knees. As she fell down, they stepped on her face with their cleated shoes. She passed out, urinated and suffered internal bleeding, which lasted for ten days. Her legs became so swollen that she could not wear pants. She was denied medical care and medication. She was held in solitary confinement for 8 months.

After her release from prison, Khuong continued to pursue social justice. The evening of June 14, 2010 she was again arrested by the police. At the police station she was beaten on the head and kicked at the face repeatedly throughout the night and was then dumped at a public park the following day. She suffered many bruises and injuries.

(10) K' Theo subjected to torture at police station in Moc Bai, Tay Ninh

A Montagnard in Lam Dong, he signed up to go to Malaysia as a migrant worker. There he suffered severe exploitation. Upon return to his home village in Lam Dong, Vietnam he spoke out about his experience. The public security police took him into custody and beat him up. He later managed to escape to Thailand, where he joined the Vietnam Forum for Democracy. Late last year, the UNHCR rejected both his claims and appeal, and took away his asylum seeker certificate (UNCHR Asylum Seeker Certificate NI – 23249). A UNCHR official told him that since he knew how to come to Thailand from Vietnam, he should be able to find his way home in safety.

As he could not survive and faced the constant risk of being caught by the Thai police, he decided to return to Vietnam in late 2010. He called home to Lam Dong and asked his sister to pick him up at the bus station in HCM City. On December 10, 2010 he left for Vietnam. His sister showed up at the bus station but could not find him. His father contacted the police in Lam Dong but was not given any information of his whereabouts. Later on his family learned from a news article in a government publication that he had been arrested and taken into custody by the police.

It turned out that he was captured by the Vietnamese public security police at Moc Bai, Tay Ninh, along with another Montagnard, K' Khiep. The police accused him of escaping Vietnam to join the reactionaries in opposing the government. He was interrogated almost every day and was tortured during interrogation. His interrogators beat him in the face, on his head, and all over

his body, using with whatever available in the room, including furniture. He suffered many bleeding injuries.

They forced him to admit to all of those accusations. He was injured both inside and on his body due to the beatings but was not given access to medical treatment. During the 6 months in detention, he was held incommunicado from his family; they did not know his whereabouts.

On June 14, 2011 he was released without any given reason. The police warned him against any attempt to escape again or involvement in activities to oppose the government. They ordered him to pay the police 3.5 million Vietnamese dong for the expenses of detaining him. As he had no money, the police put that down as a debt that he had to pay later.

He now has to report to the local police station every day. He cannot find work to earn a living. He has to depend on his family to survive. He is in poor health and still suffers from the injuries inflicted while in detention.

He reported that K' Khiep was similarly tortured while in detention.

(11) Krajan K' Khiep subjected to torture at police station in Moc Bai, Tay Ninh

UNHCR Asylum Seeker Certificate NI – 23250

A Montagnard, he also worked in Malaysia. Back at his home village in Lam Dong, Viet Nam he was apprehended by the police after he had shared his experience of being exploited in Malaysia with other villagers. He was reportedly beaten by the police during interrogation. He managed to escape to Thailand, where he joined the Vietnam Forum for Democracy. His claims for refugee protection were denied by the UNHCR. He returned to Vietnam on December 15, 2010 and has reportedly been held in detention by the public security police. He was reportedly tortured almost on a daily basis during interrogation.

Address in Vietnam: Thôn Păng Tiêng, Xã Lat, Huyện Lạc Dương, Tỉnh Lâm Đồng  
His wife's phone has been confiscated by the public security police.

Nguyen Thi The, subjected to torture at police station in Cam Le, Da Nang

PA Date and Place of Birth: 1960. Con Dau Village, Hoa Xuan Ward, Cam Le District, Da Nang City, Vietnam

She is a member of the Catholic Parish of Con Dau, Da Nang. She was very active in the parish, being a member of the church's choir and volunteering for many other activities, especially with the parish's women organization.

When the government of Da Nang announced its plan to practically disperse the Con Dau parish, which has had 135 years of history, she was vocal against the government's policy and kept the parishioners unified in the defense of their parish's integrity.

She attended the funeral of Mrs. Dang Thi Tan on May 4, 2010 and was one of the women who protected the coffin from being taken away by the police. She was beaten and arrested along with more than 60 other parishioners from Con Dau during the police crackdown. The police dragged her to the police truck about 500 meters away, handcuffed her and started beating her mercilessly with batons and electric rods before throwing her on the truck bed and drove her and other parishioners to the Cam Le Police Station.

At the police station, she was hung to the ceiling beam of the investigating room. The police stripped her naked and took turn to beat her on her chest and stomach. They applied electric shocks to her vagina until she went unconscious.

They ordered her to admit to motivating people to oppose the government's policy and to attack the police during the funeral. She was forced to sign a self-incriminating statement while she was in great pain and only half conscious.

After more than 6 months of detention, on October 27, 2010 at the county court of Cam Le, she was sentenced to 12 months of house arrest followed by 12 months of probation.

She filed an appeal to the City of Da Nang Court of Appeal pleading for her innocence and was called to the Court January 26, 2011. She pleaded not guilty for all of the charges against her, but the court still kept the same sentence as the lower court.

She was released in May 2011 and is now living under house arrest. She may not travel outside of the village without police permission. She has heart problem and becomes fearful every time the police visits her house.

The police constantly monitor her movement and her contacts. They instructed her not to speak to anyone about the police beatings and torture. The police threatened to throw her in jail again if she fails to cooperate with the police and report suspicious activities at the church or by other members of the parish.

**SUMMARY OF TORTURE ACCOUNTS (ASYLUM SEEKERS IN THAILAND/MALAYSIA)**  
 (Any publication or public use of the accounts summarized below require the consent of the asylum seekers. Please inform BPSOS if there is any intention of such use.)

**I. Le Thanh Lam, Con Dau Parishioner**

He was among the hundreds of mourners at the funeral of Mrs. Maria Dang Thi Tan on May 4, 2010. The police assaulted the mourners and he was among those beaten up. He suffered injuries to his head. The police handcuffed him and took him to the police van. On the way the police kicked him on his thighs. He could no longer walk and fell to the ground. The police dragged him to the van, which was about 500 m away, and threw him on the floor bed. He was taken to the police station of Cam Le District.

At the police station, another round of beatings would soon start. Unable to walk, he was dragged up the stairs to the interrogation room. The police started interrogating him, beating him savagely. He was ordered to write a report on those who had incited him to attend the funeral. The police accused him of opposing the government. He explained that no one incited him; he attended the funeral out of a sense of duty among parishioners. There were three interrogators. One of them pulled his belt out and flogged me on the face. Another kicked him all over the body and used a stick to beat him from the head down. He bled all over his body, which became swollen. When he passed out, they poured cold water on his face to wake him up and then proceeded to beat him again till 9pm. They then took him downstairs and locked him up in a cell by himself. They did not feed him.

The following morning, another three interrogators resumed the interrogation. They asked him questions while beating him repeatedly. For every question that he did not answer as they wanted, they punched him in the face and chest. They forced him to denounce the inciters. In reality there was none; he only acted according to his religious faith and the bond among neighbors. They did not accept that as truth. They told him: "We will beat you up so that you'd live for only 5 years at most." The police tortured him for 9 straight days from 8 am to 8 pm. There were days they suddenly pulled him out of his cell at 9pm for interrogation and beating. That happened three times.

His interrogators did not wear uniform. They insisted that he signed a pre-written document that he was not allowed to read. As he refused to sign it, his interrogators threatened that they would arrest his sister and other siblings and torture them similarly. On the 10<sup>th</sup> day, he signed the document although he knew that he had not committed any crime. After he signed it, the interrogators told him: "Now that you admitted to your crimes, you should not expect to see the sun again. We will lock you up till you die rotten."

The police then transferred him to the detention center of Cam Le District. It was around 9pm. As soon as he arrived, the wardens there stripped him naked and started to flog him using their belts. He was then put in solitary confinement in a small cell that was pitch dark and filthy. He was given only one bowl of rice with boiled vegetables and salt water. After 9 days, he was transferred to a cell for prisoners with AIDS. After another 9 days, he had to sign a document accepting his temporary detention for two months and 21 days. Every few days he was taken out by the wardens for severe beating for no reason, 3-4 times per week.

There were days he coughed out blood because of the beating. His body was all black and blue. He was not allowed prison visit by loved ones. On August 13, 2010, the authorities transferred him to the detention center in Hoa Son, which is a big detention center in Da Nang City. There was no more beating. He was allowed family visit once every two weeks.

## 2. Tran Thanh Viet, Con Dau Parishioner

Around 5 a.m. on May 4, 2010, he attended the funeral service of Mrs. Maria Dang Thi Tan in Con Dau. At around 6 a.m., the funeral service finished and the procession to the cemetery began. When he and the other parishioners arrived at the junction of the cemetery, the police force blocked them. They tried to seize the coffin. They used clubs, batons, and electric rods to ruthlessly beat the parishioners. Along with others, he tried to protect the coffin as best they could, to keep the police force from seizing the coffin. The two sides pulled the coffin back and forth, fighting for the coffin for about an hour before they let down. Then, the parishioners continued to pray until about 11 a.m. After they finished praying, he went back home to his parents' house where he and his wife also lived. At around 1 p.m., the police force had gathered in large number, fired shots and beaten people ruthlessly. During this time, they had seized the coffin of Mrs. Maria Dang Thi Tan and taken it away. They forcefully entered his parents' home and destroyed things in the house, destroyed their altar. At the time, there were over 50 people in his parents' home, and they were all arrested. The police beat them and accused he and his family of inciting the parishioners to protest the government and engage in anti-government activities. They used electric rods and batons to beat him from his head down to the rest of his body. They kicked him in the stomach and hip/side with their hard-soled shoes. He became unconscious. They handcuffed him, and four policemen dragged him on the floor while still beating him. They dragged him about 500 meters to the police car that was already waiting there. They carried him off the ground and threw him into the car. They took him back to the police station of Cam Le district around 3 a.m.

The police led him up to the second floor of the station. By now, he did not have the strength to walk on his own, but they continued to drag him along and beat him as they pulled him along. They stepped on his two feet which made him fall down on my knees. They told him that he had to walk even if he could not. During his interrogation, there were three policemen. One sat across from him writing down what he was saying. The other two people stood on each side and continuously beat him with clubs and batons from his head down to the rest of his body. They kicked his hip/side and stomach with hard-soled shoes, knocking him unconscious for 10 to 15

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minutes. When he came around, they continued to beat him and punched him in the face with their fists so hard, his nose started bleeding and there was a puddle of blood in front of them. However, they still continued to beat him. They forced him to admit the charge of working with people outside the country to organize and incite protest against the government. They accused him of accepting all this money overseas to organize and incite protest inside the country. They told him that "if you do not admit to these charges, we will beat you to death." They said that they will also arrest his father because his family has supported and incited the parishioners to protest the government. At 7 p.m. that evening, they took him to the police post and detained him there until the next morning.

On the morning of May 5, 2010, the police continued to interrogate him. This time, there were two policemen. One policeman was writing down what he was saying and the other was standing beside him while his hands were handcuffed to the chair. They used an electric rod on his neck, and a club and baton to beat the rest of his body. They continued to use their boots to kick him in the hip/side and stomach. They just continued to beat him and took turns beating him. When the two policemen were tired from beating him, there would be two other policemen to take their place and continue to beat him.

Around 8 p.m. on May 5, 2010, they transferred him to a prison cell. The room was no bigger than 10 square meters and unbearably hot. There was no sunlight or fresh air. It was suffocating. It smelled of rotten things. He was locked up in this room for 3 months, 9 days. During the first week he was imprisoned, they continued to take him into the interrogation room for 5 to 10 hours a day. There were times the police pulled him out and took him to the interrogation room at 9 p.m. During the first week, they tortured him and ruthlessly beat him until he was bloody, black and blue. During the 3 months and 9 days he was detained at the prison in Cam Le District, they only gave him one bowl of rice with 2 to 3 drops of salt. Every two to three days, the police would come in and beat him. They used clubs and batons to beat him, and they would use their boots to kick him in the hip/side and stomach. During the 3 months and 9 days, his mental state was destroyed, and he kept thinking that he was going to die in jail.

After 3 months and 9 days, they transferred him to the prison in Hoa Son where he was detained until he went to trial.





**4. K'Theo, Vietnamese Montagnard from Lam Dong, member of pro-democracy group**

After being rejected by UNHCR and told that he would be okay if he returned to Vietnam, he decided to return to Vietnam. The first time in or around August or September 2010 he tried to return, he went with four other people, and was arrested in Cambodia. They searched his bag and found some documents. He said he was Thai so they deported me back to Thailand.

The second time (around December 2010), he went back to Viet Nam by myself. He was at the border by Tay Ninh and was arrested there because he believes they knew he was a member of a reactionary organization. He was on a tour bus, but at the Cambodian-VN border, he was asked to get down. The border police remembered him from before and searched his bag. Also, present were Vietnamese police. The arrest had been a joint operation between the Vietnamese and Cambodian police. He found out about this after the second arrest when the Vietnamese police showed him evidence of his first arrest by the Cambodian police.

After his arrest at the VN border, the VN police asked him why he was bringing leaflets from his reactionary organization and recruitment papers. He was locked up in a cell at Moc Bai near the border for nine days and interrogated. They asked him if he wanted to overthrow the government, if he intentionally went against the government? He said he didn't do anything wrong, and they started to beat him. They tied him to the bars on a window by his arms so his feet did not touch the ground. They used their fists at first, and then they tied some cloth around their hands and then they hit him. They used electric shocks and shocked his penis. They wanted him to cooperate with them to arrest the others in his organization. But he refused. This all occurred during the first day of his arrest.

On the tenth day, he taken to B4, Tay Ninh Prison and detained there for about six months. He was held in a cell that was three cubic meters with two other individuals. They beatings continued for about six months. Once, they used a pen and put it between my fingers and crushed the two fingers and turned the pen while his fingers were tightly pushed together. If he didn't answer when they asked him questions, they would beat him. They used a small knife to cut his finger. Sometimes they used a wooden stick to hit his ankles, sometimes they used their feet to kick his ankles. This occurred while he was still being hung on the bars of the window. Every time, there would be a "working session," they would hang him up. This occurred about three to four times a week.

In the daytime they hurt him so badly, he screamed loudly so others could hear. They decided to interrogate him in the evening, so they would transport him to the police station every evening. The evening working sessions were a lot worse. At the police station, they would have him stand in water and then shock him. They shocked him about twice a day, especially when he refused to cooperate.

During the sixth months, they also drew blood from him with a big syringe. Each time, the big syringe was filled with blood. He doesn't know why. This happened three times. The nurse

was a female police officer. When he went home, he was nearly drained of blood and had to go to the doctor.

His food ration was rice and salt and vegetables that had caterpillars in there.

In the sixth month they told him, you either confess or we'll kill you - you have to help yourself. He managed to make a deal with them to help them arrest two individuals as a condition to his release. He was released after six months (June 2011) even though they sentenced him to eight months. (He never went to trial, but there's a document that says he had a term of temporary detention for eight months.)

**5. Duong Hong Tham, Former Boat Person Returnee and Member of Pro-Democracy Group**

Upon being forcibly repatriated to Vietnam, he was under house arrest and under constant surveillance by the Vietnamese police and required to report regularly. Thereafter, he was called in for interrogations on several occasions. Two of the most gruesome experiences took place in 2006 and 2007 when he was interrogated by the Ho Chi Minh City police at 237 Nguyen Van Cu Street, District 1.

September 2006

On September 17, 2006, he received a phone call from the Ho Chi Minh City police requesting him to report to 237 Nguyen Van Cu Street, District 1, Ho Chi Minh City for something that involved him. On the morning of September 17, 2006, he came to 237 Nguyen Van Cu Street, District 1, Ho Chi Minh City. It was around 9 a.m. when I went to the office. Initially, one uniformed policeman brought me in where there was another uniformed officer waiting for me. A few minutes later 3 uniformed officers arrived and some time later 5 individuals in civilian clothing also came in. They started talking to each other about him: "Is this guy part of the reactionary group?" and the person standing next to him nodded his head. They pointed to a chair and asked him to sit down. An officer sitting across from him asked: "Do you know why we asked you to come here?" He said no.

The officer continued: "You are pretending; how do you not know?" He responded: "You asked me to come here and I came. I do not know anything." The policeman said: "I will let you know." An older policeman said, "Stop. Let's work." At this time, the office only had 3 policemen. The officer sitting across from him took out some paperwork and told him, "From this moment, if you need to leave the office you must ask. And now we are going to ask you questions and you must answer truthfully, who are part of your group? Who is the head of the reactionary group \_\_\_\_\_? What is his name? Where does he live? How many people are there? Where do you meet? You work together to oppose the government and distort the

party's policy. If you do not answer truthfully you will be imprisoned indefinitely; therefore, you must answer truthfully in order to receive clemency from the Party and the government. "

They asked him about his friends from the refugee camp in Thailand and what they were doing. He said he didn't know. Suddenly from behind him there were several punches to his neck, his chest, and his stomach. He fell out of his chair and someone in a white polo shirt pulled him up and sat him in the chair.

Police: "You must truthfully confess, who did you collude with to oppose the government? If you do not answer clearly then you must face severe consequences." "Where did you meet them the last time? When? What are your responsibilities? Who is the head of the group?"

He answered: "After my repatriation my focus was on working and I did not meet them." He was pulled out of the chair; the individual in civilian clothing repeatedly kicked him. They said, "You are hard-headed, trying to shelter your associates, you must tell the truth in order to stop this investigation." Then, there was a loud voice coming outside of the door that said: "If he doesn't want to confess, then take him away."

He followed the plainclothes policemen. He walked down the hallway with someone walking behind him the whole time. They turned on the light, and he saw a metal door. The person in front unlocked the door and motioned for him to enter. Once he was inside, they began to beat him - they used their hands, their feet and rubber sticks. He was beaten until he became unconscious. When he regained consciousness, he was parched. His feet were chained to a metal stick. It was completely dark, and he had no idea what time it was.

A few hours later, the light was turned on. He heard the door being opened and 2 individuals holding batons in their hands shouted: "Are you willing to inform us about your co-conspirators? What were you being stubborn? You dared to do it but are not willing to admit it! I will let you rot here." He was frightened. "Please release me. I do not dare to go against anything." They said "Fuck you. You continue to deny it? There's evidence and you still persist." They uncuffed him and brought me outside. He asked to use the toilet and they waited outside while he was using the toilet. They then brought him back to the room where there was someone there waiting. The policeman asked: "Are you ready to answer now? We do not want to bother you, we only need you to give us information and confess. Then you will receive amnesty from the Party and from the government." He was silent. He said he was thirsty and hungry and had a headache. He was also dizzy because of high blood pressure.

The police said: "If you answer truthfully then we will give you what you need. Of all the people that we asked you about, you do not know a single person?" He said he only knew them when they were in a refugee camp in Thailand.

The questioning continued . Then, he was brought to the old room, and they did not give him food. He could not walk so he sat on the floor and rested his feet on the metal bar. Sometime later, they brought him a box of food and bottled water. They said: "Eat and then tell us all that you know and you will receive amnesty. You are suffering because you oppose us, and this implicates your family too." He said: "I do not oppose to anything. If you feel that I have committed a crime, then please take me to court."

Police: "Do not challenge us. We have enough evidence to convict you." He was silent.

The police left and did not say anything else. The room was quiet. Then, the door to a nearby room was opened. He heard punching, kicking and falling noises. There was also crying. He imagined being tortured, and his heart began racing. He was shaking.

The police took me out at random times, during the day and night. They intentionally made him stressed and panicky in order for him to confess.

In the morning of September 26, 2006, I was called to the office "to work."

The police said: "Due to the humanity of the Party and the country, we are letting you go home to think about who your friends are. What are they doing? Where do they live? Especially those who belong to \_\_\_\_\_ Group and the former refugees from Thailand. Before you leave, you must write an affidavit stating that we have not worked with the police in the past few days, you were not investigated or detained by the police. Do not disclose this with anyone, including your wife and children. Once you are done with the affidavit then we will temporarily release you to return home to think carefully. When we call you for you then you must report to the station immediately. You cannot miss showing up for any reason."

He went home and his wife took me to Ba Ria Hospital because of the multiple injuries inflicted by the beatings, in addition to his heart problems and high blood pressure. He was discharged after more than 2 weeks.

#### March 2007

On March 7, 2007, he received a phone call from the city police to report at 237 Nguyen Van Cu Street. As soon as he set foot into the old room, he noticed there were several officers there, some with and some without their uniforms. From behind, a hand pushed him inside the room. He heard a shout: "It's you again. This time you cannot deny anything!"

They again interrogated him about his associations and the people he knew from the refugee camp in Thailand. He again denied everything.

The plainclothes policeman took him to the cell. They handcuffed him in the back, and his feet were cuffed to a long metal bar. At first he was in pain, then his body was stiff, and afterwards, he did not feel anything. When a policeman uncuffed his hands, they felt like pieces of wood. He

did not feel his hands or his body. They gave him water. When he became conscious, his feet were still bound. Periodically, they would give him some rice in a plastic bag and a small bottle of water.

On March 16, 2007, the police took him "to work." He was sitting across from the police investigator and suddenly fell out of his chair. He sat on the floor to regroup and awhile later 2 plainclothes policemen brought in a stack of paperwork. The police gave him a pen and paper and told him to write an affidavit not to disclose the fact that he was detained by the police, including the interrogation. After he finished writing and handed the affidavit to the officer, they let him go home but warned him that he would have to cooperate with them.

When he got home he had difficulty breathing, and his family had to buy medication for him. This time, the beatings were worse than the other times. When his family inquired about his injuries, he had to lie to them and tell them he was in a car accident.

#### April 2007

On April 23, 2007, the Ba Ria-Vung Tau Police summoned him. On the morning of the 23<sup>rd</sup>, he did not make it to the station yet before 2 police from the Phuoc Hoi Village Police came to his house to take him. They took him to Dat Do District. He was taken to the 1<sup>st</sup> floor. There were many policemen seated at the table measuring about 2 meters. He was seated. About 6 policemen interrogated him. There were also plainclothes individuals walking around the table, sometimes injecting questions. They again asked him about the reactionary group, the people in the refugee camp in Thailand and certain individuals he worked with as well as members and leaders of other reactionary groups. They tried to lure him to confess by telling him that other members of his group already revealed his work to them.

They took out a stack of hand-written documents, and together with the list, they set everything in front of him. The two policemen behind him kicked and punched him. He fell into a corner. An older officer from the North said to put him in a cell. They handcuffed him and took him to the cell. His feet were chained tightly to a metal stick, his hands were cuffed in front of him, blood poured from his mouth soaking his shirt. In the dark, he could smell the stench, and he laid on his back. Awhile later, the door opened and two people uncuffed him. They told him to go out. The starless sky was black. His body felt like being cut by knives. He followed the police and in front of them, there was a plainclothes individual walking towards them with a flashlight.

The plainclothes policeman said: "Ask if he's willing to talk and if he's stubborn then initiate the paperwork to put him in jail."

They took him into a lighted room and told him to sit down. The police sitting across from him slammed on the table and said: "Who are your co-conspirators? What do they do? Where do they live? Who is in charge? When did you begin to conspire against the government? Who is the instigator? Which overseas reactionary group support and recruit you all? Report everything truthfully." They gave him a pen and paper and told him to write.

He said "I don't know anything. If you have proof then just put me in jail and don't hit me anymore." The police said: "The government is very stern when it comes to the reactionary individuals like you and your cronies. You must answer truthfully in order to receive amnesty from the Party and the government."

Before they left they told him to think and then inform them about "What do the people in your group do? Their titles? Who's the person in charge? Where did you receive the reactionary materials from? You must report everything in details." The two policemen left the room. He was in the room by himself, hungry and thirsty. His body ached but he did not dare to get up because he was afraid that they would frame and charge him with another crime.

Two hours later nearing dawn, an officer came to the room and asked if he was done. He said "I do not know anything. How can you ask me to report?"

The policeman said: "You continue to be stubborn? Go." They brought him to the cell located across from the old cell. They pushed him inside. This time they only chained his feet. He asked for water and they said "you can drink after you answer truthfully."

In a dreamlike state, he heard the door open and an officer brought in a bag of food and a bottle of water. The policeman said: "Eat and then answer truthfully. Confess your crimes and promise not to commit a crime again then you will receive amnesty. Why be in the opposition to suffer." Then he locked the door and left.

Twice in the daytime, and once in nighttime, the police brought him out to write an affidavit and at each time he said he didn't know anything. They handcuffed him in the back, chained his feet to a metal bar, did not feed him, and he released himself on the spot. His entire body was numbed, and he wanted to die but did not know how.

On July 14, 2007, the police called him in to their office, and they gave him a shirt to wear.

The police said: "You are receiving amnesty from the Party and the Government. This is your first incident. We are temporarily releasing you to think. When you receive a summons you must report at the station. When you go home, if you leave the area then you must inform the government. If there's someone new coming to your house or if your friends urge you to go incite destruction then you must report to us for amnesty. Now write an affidavit stating that you will not divulge to anyone, including your wife and children, about this temporary detention."

After writing the affidavit, he was allowed to go home.

October 2009

In October 2009, the Ba Ria-Vung Tau Province Police issued a summon for him to report at the station. After he arrived, they took him to an empty room, it was not a cell, and they pushed him inside. They said: "Stay in there and think long and hard about the time when you met up with \_\_\_\_\_, \_\_\_\_\_ when they were just released from jail. You all continued to work against the revolutionary government; you must must inform us of all of your activities and confess your crimes in order to receive clemency from the party and the government. This country is being governed by the Communist Party and when you oppose the management and policy of the Party then you violate the law and we will arrest all of you."

He replied: "I do not oppose you. I have told you numerous times, they are my friends from refugee camp in Thailand."

Police: "If you intentionally conceal information from us then do not blame why the government is harsh. Are you willing to provide information now?" I responded that I can not report anything to them because I do not have any information to give.

They then took him to a cell. Two plainclothes individuals kicked him with hard-soled shoes. They chained his feet to a metal stick, cuffed my hands in the back, and closed the door.

The next they uncuffed him and took me out of the room. They let him use the toilet and brought him back up to the room and continued the investigation. They produced paper and pen and told him to write an affidavit about who him conspired with to go against the government. He stayed at the interrogation room the entire morning and did not write anything. After several hours, they finally released him and made him write an affidavit that he would not disclose the working session to anyone.

**6. Cil Dung, Vietnamese Montagnard from Lam Dong**

His son was a victim of labor trafficking. Upon his son's return to Vietnam from Malaysia, his son become vocal in protesting the government and joined a pro-democracy group. His son was beat and detained by the government several times so he went into hiding in Saigon. After a close colleague was arrested, his son had to escape Vietnam to seek asylum in Thailand in 2008.

After his son left in 2008, the government did not leave his family alone. They continually monitored and interrogated his family and him about his son and accused him of working with his son to "create public disorder" with the intention to subvert the Vietnamese government.

Many times, the police came to his house to interrogate and arrest me. Those times, he refused to go with them, they caused physical damage to his home.

On February 5, 2011, the Ward police came to his home and arrested him arbitrarily. He was locked up in a dark, cold cell and was barely fed. They pulled him out of his cell to be interrogated sometimes twice a week and sometimes 5 or six times a month. He was often beat while in detention especially when he did not answer their questions even though he truthfully did not know the answers. While detained, they tortured used a Taser gun and electric baton to torture him; as a result, his left hand is disabled and he now experiences blurriness of vision. They detained him for four months without ever formally charging him or allowing him to go to trial.

On June 1, 2011, they made him write a confession statement admitting the charges they made against him. But he continued to deny the charges and also told them that he was illiterate and can only speak Vietnamese. They then read him a confession statement that they wrote, and he was forced to sign it admitting to the charges against him. At that point, he was so exhausted so he just signed the statement. Then, he was finally released on June 2, 2011.

On June 14, 2011, the Ward police came to his house. He was not at home at the time. His youngest son, Krajan Bloan, was sleeping in the house. The police started making a lot of noise and hitting the house. Bloan woke up and open the door. They immediately started beating him. Then, they handcuffed Bloan and asked him where his father went. Bloan said he didn't know. They dragged him over to their car, and Bloan refused to get in. So, they kicked him making him fall and hit his head against the car door. They started to beat him ruthlessly, and he lost consciousness. Bloan came to the next morning and found stitches on his head. He could not move his arm because his collarbone was displaced from the beating. Bloan has stitches and scars on his head. He has visited hospitals in Bangkok to be treated.

#### **7. Nguyen Duc Vinh, Former Boat Person Returnee and Member of Pro-Democracy Group**

He is one of the founding members of a pro-democracy group formed primarily by former boat people returnees from Sikiew camp in Thailand. Beginning in 2010, the Vietnamese government cracked down on members in his organizations and related organizations. On August 24, 2010, he was served with a formal written request to report to Police Force PA38 Protection Unit of Dong Nai province. He was out of town in Lam Dong province at the time, partly to work and partly because he knew that the police in Dong Nai were started going after him. The police who served the summons ordered his wife and kids that they had to tell him to come home and report to the Interrogation Unit on August 31, 2010 otherwise they would issue a criminal order to hunt him down.

On August 31, 2010, he had to return to Bien Hoa and report to the Police Force PA38 Protection Unit of Dong Nai Province. There, he met up with a policeman named Nguyen Thanh Long (he

is not sure of his ranking/title) and two other younger policemen in plainclothes, one of whom was named Tan. Mr. Long gave him a list and a picture and asked him about each person on the list and in the picture. He asked him the same questions as in the past such as: "Where did you meet this person? How do you know this person? What is their address and telephone number? After release from prison, when did you meet this person? Where was the last place you met this person? What did they say? What documents did they give you? They reported that they delivered documents to you, that you met with this person, that person at this place or that place... You have to report to the truth to enjoy leniency from the government. This person already reported everything about you, we know everything...if you are stubborn and conceal the truth we will imprison you indefinitely..." He just answered: "They are friends from the refugee camp in Thailand! I have to worry about making a living. I did not meet with them, I don't know them, I don't know anything about this..." Suddenly, from behind, the two young plainclothes policemen punched him in the hip causing him to fall to the ground, as they yelled: "You are a reactionary but you keep speaking this rhetoric, we have clear evidence but you keep saying you don't know anything. All the while, all your friends are fierce reactionaries. Let's just beat him mercilessly and throw him in prison!" One person lifted him up and the other person punched him in the stomach twice. Suddenly a voice from outside said loudly: "Don't hit him anymore. He is not a criminal! Take him to the room downstairs." The two plainclothes policemen handcuffed him and took him to a dark room with no sunlight. A moment later, he was able to see old furniture in the room. They shouted at him: "We have enough evidence. The people in your group reported everything to us. If you are smart, you should admit it and we will reduce your crime/punishment. If you keep denying it, we will beat you to death and put your skeleton in prison! You decide!" Then they locked the door and left him in the room and did not feed him or give him any water. That night, he was handcuffed and slept on the ground.

During the night, they came to wake him 4 times and interrogated him, asking him the same questions. After each time, he would have to write a statement for a total of four statements. Each time, he wrote the same thing – that these people were friends from the refugee camp and they help each other earn a living; that he didn't know what they do; that he did not know the other people.

The following day in the afternoon, they brought in a bag of rice and a glass of water and took off his handcuffs. They told him: "Eat the rice and then report everything to us truthfully. We will then release you. Don't be foolish. The people in your group already reported everything to us. If you deny everything, you will just be punished more heavily! If you report truthfully, the government will be lenient with you." After he finished eating, they led him upstairs to the room he was in the day before. They continued to interrogate him. They then made him write a statement, and he wrote exactly what he had told them. They made him write an affidavit pledging that he would not tell anyone about what they investigated him about, including his wife and children. In the end, they told him: "We will let you go home for now so you can

think more about this! When we call you, you will have to report to us immediately." They released him.

Khoảng 10 giờ ngày 15/3/2010 khi anh Vũ Hoàng Quang đang trong lớp học môn Toán Cao cấp (địa điểm trường Trung cấp dạy nghề số 10 – Bộ Quốc phòng tại số 101, Tô Vĩnh Diện, Quận Thanh Xuân, – Thành phố Hà Nội) đã bị một nhóm người đi xe biển số xanh vào bắt đi trước sự chứng kiến của giáo viên và sinh viên trong lớp.

Anh bị trói tay chân, bị mất và đẩy lên xe bị kín đưa đi đến một nơi bị mất.

Theo lời anh Quang kể lại, sau khi được đưa đến một nơi bị mất, anh bị đánh phủ đầu vào gáy, vào mặt bằng dùi cui và ép buộc anh ký vào bản viết sẵn có nội dung như sau:

- Công giáo là phản động, làm bất ổn an ninh xã hội.
- Công giáo tổ chức gây bạo động trong xã hội.
- Công giáo luôn đấu tranh phản đối chính quyền.

Anh Quang đã không chấp nhận ký vào những điều áp đặt và bị trả tẩn lên tulo suốt cả đêm qua.

Đến 9 giờ sáng nay, ngày 16/3/2010, nhóm người đó bị mất và đưa anh Quang đến bị mất ra cánh đồng thuộc Huyện Gia Lâm. Anh đã tự mò vào làng nhờ người đưa về bệnh viện.

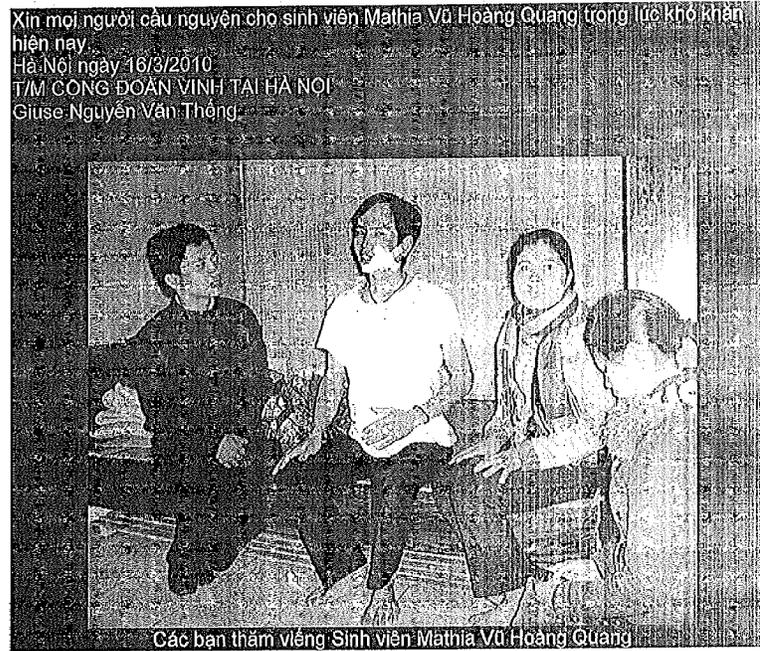
Rõ ràng, hành động này đã được sự tiếp tay của nhà trường cho nhóm người này lòng hành bắt bớ, đánh đập sinh viên công giáo ngay trong trường Đại học.

Đây là một hành động trái pháp luật, khi bắt giữ người không đúng trình tự quy định của pháp luật hiện hành. Việc đánh đập tàn nhẫn nạn nhân và thả người bị đánh trong thương ra giữa cánh đồng là hành động vô nhân đạo.

Trước đó, anh Quang đã bị Công an nhiều lần sách nhiễu và gọi đi làm việc vì anh là người Công giáo. Anh đã nhiều lần phản đối sự thỏa mạ và xuyên tạc tôn giáo trong quá trình giảng dạy của nhà trường tại đây.

Trước những hành động trắng trợn hành hung đánh đập sinh viên Công giáo có tình chất khủng bố này, Công đoàn Vinh tại Hà Nội tuyên cáo các điểm sau:

- Cục lực phản đối sự phân biệt đối xử, kỳ thị tôn giáo trong các trường đại học ở Việt Nam nói chung và ở Học viện Tài chính Hà Nội nói riêng.
- Học viện Tài Chính phải chịu trách nhiệm trước việc báo về an ninh của từng thành viên là sinh viên trong trường. Việc nhà trường đã tiếp tay cho nhóm người không rõ tung tích ngang nhiên vào khủng bố, bắt bớ đánh đập sinh viên trước sự chứng kiến của thầy giáo, sinh viên trong trường và bắt người trái phép là điều không thể chấp nhận được.
- Công đoàn Vinh tại Hà Nội yêu cầu Học viện Tài chính trả lời rõ ràng: Ai đã trực tiếp bắt bớ, đánh đập sinh viên Vũ Hoàng Quang ngày 15/3/2010 và ai chịu trách nhiệm trước pháp luật về vấn đề này?
- Trước mắt, Học viện Tài Chính phải chịu trách nhiệm trong việc chăm sóc điều trị cho anh Vũ Hoàng Quang và yêu cầu cơ quan pháp luật điều tra làm rõ về hành động trái pháp luật này.
- Tố cáo trước cộng đồng quốc tế về hành động bắt giữ người trái pháp luật nhằm khủng bố các cá nhân dám chứng minh đức tin của mình. Phải chăng đây là sự kỳ thị phân biệt tôn giáo đã và đang xảy ra trầm trọng trong các trường đại học và hệ thống giáo dục Việt Nam hiện nay?
- Công đoàn Vinh tại Hà Nội khẳng định sự ủng hộ và nâng đỡ đoàn kết với từng thành viên trong cộng đồng trên cơ sở Sự thật – Công lý – Là phải và đúng pháp luật.





Sinh viên Vũ Hoàng Quang và những chân thương







Trong tình hình này, Công đoàn Minh tại Hà Nội kêu gọi các đồng nghiệp của mình ở Công đoàn Minh tại Hà Nội và Công đoàn Minh tại các tỉnh thành khác của Việt Nam, đặc biệt là Công đoàn Minh tại Hà Nội, hãy cùng nhau đứng lên đấu tranh để đòi hỏi các cơ quan chức năng có thẩm quyền phải điều tra và xử lý nghiêm minh vụ việc này.

Công đoàn Minh tại Hà Nội kêu gọi các đồng nghiệp của mình ở Công đoàn Minh tại Hà Nội và Công đoàn Minh tại các tỉnh thành khác của Việt Nam, đặc biệt là Công đoàn Minh tại Hà Nội, hãy cùng nhau đứng lên đấu tranh để đòi hỏi các cơ quan chức năng có thẩm quyền phải điều tra và xử lý nghiêm minh vụ việc này.

Trong một loạt vấn đề chính trị chịu trách nhiệm trong việc điều tra và xử lý vụ việc này, Công đoàn Minh tại Hà Nội kêu gọi các đồng nghiệp của mình ở Công đoàn Minh tại Hà Nội và Công đoàn Minh tại các tỉnh thành khác của Việt Nam, đặc biệt là Công đoàn Minh tại Hà Nội, hãy cùng nhau đứng lên đấu tranh để đòi hỏi các cơ quan chức năng có thẩm quyền phải điều tra và xử lý nghiêm minh vụ việc này.

Các đồng nghiệp của mình ở Công đoàn Minh tại Hà Nội và Công đoàn Minh tại các tỉnh thành khác của Việt Nam, đặc biệt là Công đoàn Minh tại Hà Nội, hãy cùng nhau đứng lên đấu tranh để đòi hỏi các cơ quan chức năng có thẩm quyền phải điều tra và xử lý nghiêm minh vụ việc này.

Công đoàn Minh tại Hà Nội khẳng định sự ủng hộ và nâng đỡ, cần kết nối cùng thành viên trong công đoàn tên cơ sở Sư phạm - Công lý - Tự do và công lý.

Mọi mọi người cầu nguyện cho sinh viên Masha Vũ Hoàng Quang trong lúc chờ đợi kết quả điều tra.

Hà Nội ngày 16/3/2011  
 T.M CÔNG ĐOÀN MINH TẠI HÀ NỘI  
  
 Gluse Nguyễn Văn Thông

# EXHIBIT B

**STATUS OF RELIGIOUS FREEDOM IN VIETNAM:**

**THE CATHOLIC CHURCH'S SITUATION**

The Vietnamese government claims that our people enjoys religious freedom. When discussing religious freedom, officials frequently display pictures of recently built churches and scenes showing large numbers of believers attending Masses to convince others that there is religious freedom in Vietnam. Nothing is further from the truth.

**A. "FREEDOM" AS DEFINED BY THE GOVERNMENT**

**1. Free to Worship? No. Forced to Renounce One's Faith? Yes.**

Everyone knows that once a person declares his faith, the government will restrict his fundamental rights and apply ingenious methods of discrimination. All believers feel the government's pressure to varying degrees. Government employees who are known to be believers could be fired or at least be shunned and passed over when it comes to awards and promotions. If the person who becomes a believer is someone with stature, the government will use its entire political apparatus, consisting of many organizations and groups, to put pressure on the person and his family. In remote villages in the highlands and near the country's border, the government uses force to prevent people from practicing their religion or to make them renounce their faith. In Northwestern Vietnam, the government even uses border guards for this purpose.

At the same time, in cities from Ha Noi to Quang Ngai to Saigon, from 2008 on, when Catholics apply for identity cards or household registration, the police would issue such documents with the word "NONE" next to the "Religion" item, even after the applicant had declared that he was Catholic on the application form. Whatever its motive, the police is clearly pressuring people to renounce their faith, at least on official documents. In practice, when these people engage in activities aimed at preserving justice and truth, the police would claim that they are not Catholics in view of their official documents. Moreover, these people would encounter many difficulties when applying for admission to schools or for employment, selling property, or dealing with a government agency. The government employees would try to make the process very difficult for such applicants. We witnessed a number of such tragic cases involving people who were trying to sell their houses in Ha Noi. Therefore, if someone applies for an ID card or household registration, he should check the documents issued by the government very carefully and immediately request any needed corrections. Otherwise such persons would become victims of the government's tactic of using the administrative process as a tool of religious oppression.

**2. Free to go to church, to assemble, or pray? No!**

On the books, Vietnam's law recognizes freedom of religion. However, the government continues to violate this freedom in many locations throughout the country.

In Saigon, in the sprawling Phu My Hung region, when nuns and private citizens asked for priests to come and celebrate Mass, the government put up all kinds of obstacles. After a long struggle by the applicants on behalf of their right to religious freedom, the government finally allowed the nuns to invite some priests to come and celebrate Mass, but only in the early morning hours when hardly any believer could attend!

In Hanoi, when people went to the Dong Chiem Church to pray and engage in charitable work, the police blocked their way and used violence, causing dozens to be injured. When Catholics from other parishes come to Thai Ha Church on religious occasions, the government usually tries to stop them or harass them through tactics such as shooting at the tires on their vehicles, confiscating driver licenses, preventing vehicles from entering the town, prohibiting vehicles from other towns to use highways and streets that lead to Thai Ha Church. They even tried to prevent a bishop from celebrating Mass in Thai Ha, e.g., Bishop P.X Nguyễn Văn Sang when he led a group of priests and believers who traveled from Thai Binh Diocese to Thai Ha Parish on their annual pilgrimage.

It is even worse in the mountainous and border areas. For example, in many locations under the jurisdiction of the Redemptorists in Gialai, priests and even the bishop could not come to celebrate Mass. In Lai Châu, Sơn La and Điện Biên, the local government does not acknowledge any religious establishment and consequently has not allowed any church to be built or priests from other locations to come and celebrate Mass over the past several decades. Only recently the government started to allow a few priests to celebrate Mass in a "semi-official" way at a few spots along Highway 6. Still, in many hamlets in the three provinces, local authorities continue to harass Catholics who gather in someone's home for prayers. Such harassment includes fines, arrests and beatings. I, myself, had to celebrate mass in hiding during the night usually in the basement of private homes. Several times I had been hunted down by the police and the faithful had to lead me to the woods and steep hills to avoid police's pursuit.

### 3. Free to build places of worship? No!

Vietnam's law allows Catholics to remodel, repair or build churches, monasteries and other church facilities. It is quite a challenge to implement any of this in practice because government officials at all levels will try hard to prevent such activities.

**First:** With respect to existing facilities, the government uses delaying tactics when the Church submits applications for repairing or remodeling, or for building on Church land. Government officials usually come up with reasons to deny parishes or religious orders' requests for construction permits that would meet their needs. For example, Fr. Phạm Minh Triêu, pastor of Bao Long parish in Nam Định, has tried for 15 years in vain to apply for a permit to renovate the parish church. The local government would do anything to hinder the repair or building project of the church as proposed by the parishioners. Fr. Triêu also reported that as the parishioners were digging pond and building the monument of Our Lady in the front yard of their church, police and soldiers were sent out to harass and prevent them from doing so.

**Second:** In the remote regions or in the highlands, construction of church is strictly prohibited by the government; the government always tries to block the construction of new churches and prevent believers from engaging in religious activities in spite of the large number of Catholics living there. In Sơn La, Lai Châu and Điện Biên, with a combined area of 45,000 km<sup>2</sup>, not a single church has been built to serve the large number of resident Catholics. The government has not provided land or allowed the Church to accept land donated by private citizens for this purpose.

**Third:** In new new urban developments and new commercial zones of existing towns, the government has not allowed the construction of new churches to meet the needs of the faithful. For example, there is no church building in the Phú Mỹ Hưng area in the southern part of Saigon, a so-called "modern" development. Moreover, when the government implemented modernization plans, they demolished existing churches and forced the faithful to relocate. In Saigon, the government tore down the church and the lepers' asylum in Thanh Bình, and uprooted all the Thu Thiêm parishioners when it carried out the modern development of Thu Thiêm District. The government is also applying pressure with the aim of tearing down the church and monastery of the Holy Cross Order as part of their plan for commercial development. The government did the same to Du Loc Parish and Dong Yen Parish in Kỳ Anh, Hà Tĩnh Province when it established the Vũng Áng commercial district.

**Fourth:** With respect to religious orders, the government forbids the building of new convents and monasteries in areas served by the orders. When members of an order first come to a new area, they must make do with facilities borrowed from the local parish or purchased as the property of one of the members. The fact that these facilities are legally private property and not church property, contributes to the risk of them being confiscated or being ordered to vacate as the government attempts to put a halt to such religious activities.

**Fifth:** The government has torn down church properties -- or modified or changed their use -- that it had "borrowed", "leased", or forcibly taken from the Church in an illegal manner. Its objective is to obliterate the religious character of the properties and transform them into private properties. Right in Hanoi, the government still occupies the Đa Minh Church, one of the most beautiful churches in Hanoi (at the Hùng Vương-Chùa Một Cột intersection). In the past, the government used it as a restaurant. In 2011 the government is tearing down the Carmelite and Saint Paul de Chartres monasteries, church properties that had been used by the government in their original form until recently. Also in Hanoi, the government took land from the Fatima Order (Ham Long Parish) in order to build a public school, seized the church and has been using it as an administrative facility, while letting non-Catholic families live in the building in an attempt to erase the religious character of the property. Such official tactics can be seen in many towns and cities.

## **B. INSTANCES OF LACK OF FREEDOM AND UNEQUAL TREATMENT**

The government has treated Catholics and the Catholic Church in the harshest manner. This mistreatment and discrimination can be categorized as follows:

### **1. Church property is not protected under the law**

Beginning in 1954 in the North when the Communist Party took power in Northern Vietnam and in 1975 in the South when it took over South Vietnam, it has not recognized the people's right to own land – a reactionary legal approach that goes against the flow of modern democracy and serves as the basis for the government to confiscate properties (actually for the benefit of high-level officials). However, the government has acknowledged the "land use" rights of individuals and organizations through the issuance of certificates, popularly known as "Red Certificates", authorizing such uses or certifying their ownership of real estate built on the land.

There is one exception: the government does not issue Red Certificates to religious organizations, resulting in virtually no parish or religious order in Vietnam having documents that prove their ownership of properties. When asked about this, government officials usually give the standard response: "because the government has not had time to develop policy" or "the government has not yet studied the matter and extended the practice to religious organizations". In itself, this response revealed the government's discriminatory treatment of religious organizations. The misery does not end there. Without papers proving their rights to use land and ownership of buildings, parishes and religious orders have a terrible time in their transactions with utilities companies and in handling affairs related to their properties. In addition, they have to live with an ever-present risk, arbitrary confiscation by the government. If the victim protested, the government would ask for proof of ownership. When the victim presented papers issued by the previous government, government officials would say: "Documents issued by the old regime are not valid". The regime refuses to issue ownership documents, but asks for such documents while refusing to accept documents issued under the previous political system when it wants to rob the Church. If a religious organization reacted strongly and the international community showed concern, as in the matter of the apostolic delegation's property in Thái Hà, the government would try to brush over the issue by labeling it "a dispute related to land ownership", not a religious freedom issue.

The Communist government had other tricks up its sleeves. Five years ago, soon after it issued the decree on religious matters in 2005, in 2006 it requested that religious organizations apply for property ownership documents. However, after the parishes and religious orders listed all their properties, including those already confiscated, the government stopped in its tracks and continued its policy of not issuing Red Certificates to religious organizations. Any organization that wants to proceed must accept the loss of their illegally seized properties. For this reason, church property is still like the appetizing morsel dangling from a string in front of a cat -- the insatiable Communist Party whose hatred for religion is well known. Can there be religious freedom when the law does not acknowledge the Church's ownership of its properties, when religious organizations are never

sure about being able to use of their own land and facilities that they have been using for over a century? The regime's tactic has been nothing less than a covert and devious effort to neutralize and oppress religion.

## **2. The Church is not free to carry out her traditional religious activities.**

In Vietnam, the Church is not at all free to engage in traditional activities, i.e., religious events must be approved by the government. Retreats, conferences involving local, national or international religious groups must have official approval, unless one wants to run the risk of harassment and reprisals, including petty revenge. The Church has no freedom in establishing dioceses, parishes, religious orders, and convents and monasteries. The government requires seminaries to let government employees teach Vietnamese history, actually the history of Vietnam's Communist Party, for propaganda purposes and to influence the thinking of future clergy members. The government controls the seminaries' admission process, the ordination of new priests, the re-assignment of priests, etc. The Church must REQUEST authorization and may only carry on once the government has given its APPROVAL. From 2005 on, the government has replaced the word "REQUEST" with the word "REGISTER", but the system is still the "REQUEST – APPROVAL" system that is now more cleverly disguised. If the government does not "APPROVE" and a church organization or a clergyman still goes ahead, the government will call the activity illegal, try to block it, and retaliate later. In 2010 the government prevented two Redemptorist seminarians from being ordained, using tactics such as asking the appropriate bishops to desist from ordaining these two.

Vietnam's government even interferes with the appointment of bishops, an activity that is clearly under the Vatican's purview. The government accepts only the Vatican's choice of bishops if the individuals have been approved by the government, nominally by the office of the prime minister. In practice, the approval comes from the People's Committee, the Bureau of Religious Affairs, and the police, from the central government to the provincial and city level. Should the central government approve and the provincial or city government disagree, the process would grind to a halt. When a Vatican-proposed candidate is not approved by the government, the appointment of a new bishop can take years. Some dioceses went up to 12 years without a bishop, e.g., Hưng Hóa from 1991 to 2003. In practice, the government interferes grossly in Church affairs and is carrying out a strategy aimed at oppressing the Church in a sophisticated and devious way. How can the Church maintain its independence and authority? How can the Church appoint the type of bishops that suits her needs when the government has a say in each step? Therefore I believe that the Church and Vietnam's government have been dealing with each other on playing field that is anything but level, a dysfunctional situation that has diminished the Church's legitimate autonomy.

## **3. Catholics do not have equal rights, including political rights.**

In the past, the Communist Party did not enroll members who are Catholics. Only those who renounced their faith and Christian nature were accepted into the party, after declaring that they were atheists. However, from 2000 on, the party started to recruit Catholics in an attempt to use these new Communists in its assault on the Church. Communists who happen to be Catholic are practically denied the chance to play any leadership role within the government. They are not promoted to mid-level and senior positions. Even in areas where the proportion of Catholics among the local population is very high, e.g., Thái Bình, Nam Định, Đồng Nai, etc., no Catholic has been promoted beyond the position of chairman of the village administrative committee. At the present time, we have not seen any Catholic holding the position of chairman at the district, province and city level. Currently there is not a single Catholic among the ministers of departments and the officer corps of the armed forces. In every governmental unit, including scientific organizations, Catholics have not been promoted to responsible positions even if they are ethically and technically qualified.

#### **4. The Church is not treated like other organizations with respect to financial and commercial activities**

The government allows domestic and foreign entities to lease land and buy properties for building manufacturing and commercial facilities, going as far as letting Chinese and Taiwanese lease land and build their commercial and industrial centers in Vietnam. Ironically, the same government does not allow the Church to lease or buy land, or use her properties for income-producing activities. Worse, the government is illegally occupying land and commercial facilities that once belonged to the Church, and forbids Church organizations from opening bank accounts. This discriminatory measure considerably hampers the receiving of monetary aids for religious or social projects from benefactors.

The government often hinders the operation of companies and stores owned by Catholics. Worse, when a Catholic community happens to be in a location with high financial potential and increased land value, the government would draft "development plans" with the intent to force the residents to leave their homes or destroy their businesses. Examples include the confiscation of land belonging to Côn Dấu parishioners in the Đà Nẵng Diocese; the demolition of Chợ Sặt in the town of Biên Hòa, within the Xuân Lộc Diocese – an important business center of the Church; the demolition of the residential section of the parish and facilities of the Holy Cross Order in Thủ Thiêm -- a residential area, a church and an ancient monastery in Saigon that happened to be located on a highly desirable piece of land.

#### **5. Socially, there is no equality for Catholics**

The government considers Catholics second class citizens everywhere. Laborers, government employees, and students at all levels are the subject of monitoring and oppression. The government uses subtle and sometimes grossly obvious means to discriminate. For example, T, a college student from Thái Hà Parish who had been active in religious activities, has been watched closely by the police. At graduation time, the police pressured his college to deny him his diploma.

Moreover, the government does not accept Church organizations as legal entities. The government and many entities still do not recognize the seals and signatures of Church officials representing dioceses, parishes and religious orders. Consequently, the clergy's activities are constrained. For example, I cannot use libraries because their management does not recognize letters of introduction issued by the Father Superior of my order. The People's Committee with jurisdiction over my monastery refuses to issue a letter of introduction to me, claiming that I am not under their purview. When I try to do business at a bank, a school, or the post office, the same constraints apply. Once, a sister who maintained the website of the Episcopal Conference of Vietnam wired 400,000 Vietnamese dollars (about 30 U.S. dollars) from Saigon to Hanoi as a payment for my articles, the post office asked for a government paper proving that I was a legal resident in Thái Hà Church. The government has not issued me such a document because I was not allowed to register as a resident of Thái Hà Church – such registration requires the official certification of the legal entity responsible for my residency, which for me is the Redemptorist Order; however, my Order is not recognized as a legal entity. One can conclude that in the current Communist-ruled Vietnam, religious organizations, believers, and especially members of the Catholic clergy are being isolated and marginalized.

#### **6. There is no freedom and no equal treatment with regard to education, communication, and charitable activities**

Clergy members, except the few individuals who toe the Communist Party's line, may not teach in colleges. Catholics may not enroll at military, police and security academies (and some other institutions). The Church and affiliated organizations may not run schools from the primary level through university level, or vocational schools. While the government allows us to run pre-school and kindergarten establishments, local officials frequently try to cause us difficulties. Schools and hospitals that used to be owned and run by the Church had been confiscated by the government and

have been operated as public institutions for some time. Now, the government plans to privatize them, causing them to fall into the possession of government officials or their relatives, without the prospect of the Church being able to get them back and serve society through those institutions.

The Church may not own publishing companies, periodicals, radio stations and TV stations, nor can she pay for space on newspapers or time on radio and TV to make announcements or report on major religious events. The government-owned media even censor obituaries of deceased priests and demand changes in content and wording. Christians typically face roadblocks whenever they try to rent facilities for important religious events. For example, Protestants rented Mỹ Đình Stadium to celebrate Christmas of 2010. Right before Christmas Day, the police pressured the stadium management to negate the contract. On Christmas Day, the police harassed and beat up people who came to celebrate.

The government allows the Episcopal Conference of Vietnam to issue only a single monthly newsletter, "Hiệp Thông", 100 copies, each not exceeding 100 pages of size A5. I made calculations using the font type of the publication (Times New Roman, Size 14) and found that if each of the 7 million Vietnamese Catholics got an equal share of this publication, in any given year each person would get 5 letters of the alphabet. Catholic websites with foreign domains such as chuacuthe.com of the Redemptorist Order, have been blocked by firewalls set up by Vietnam's government and subjected to hacking around 10 times in the past few years. When a parish wants to issue a bulletin within its church, the government also interferes through harassment, threats, and even prohibition when the news does not please the government, no matter how accurate.

The government does not allow the Church to open charitable facilities serving handicapped people, orphans, lepers, etc. The Church used to own and run these types of facilities, but the government has confiscated them. The government also attempts to prevent the Church from organizing relief efforts in response to natural and man-made disasters. For example, Thái Hà Church had to give up on the plan to establish a charity center in Thạch Bích, Hanoi, because government officials wanted to skim 10% off the funds needed for the project. At the same time, priests and religious brothers/sisters could not continue with many of their relief efforts on behalf of the very poor who live in mountainous areas because local officials demanded that donated material be turned over to them so that they could distribute it themselves. If the officials had laid their hands on the supplies, very little or nothing would have filtered through to the intended recipients. When facing the crisis of a declining educational system, health care system, morality and culture in Vietnam, the government's actions show that it prefers to let citizens go hungry, suffer from diseases, and remain uneducated and poor, rather than acceding to the religious organizations' request for a chance to participate in serving the people and building society.

#### **7. There is no freedom in selecting where one lives and no freedom to travel**

The government turned a blind eye when Chinese citizens came to Vietnam to live and work, and, in some cases, cause trouble for Vietnamese residents. However, when the Catholic clergy and faithful who are dedicated to serving their communities want to travel to the places where they can serve, the government places restrictions on where they may move to, while restricting their freedom to travel. Any clergy member who needs to work in a different location must "register", i.e., get the government's approval. However, the government tries to restrict this type of travel in various ways. When the government fails to issue its approval of someone's application for residency (in Vietnam one must get government approval before one moves to another area), the person's daily life becomes much more complicated. In the Thai Ha monastery, there are approximately 15 resident priests and brothers, all without the government's approval for residency registration, i.e., long-term residency. The church encounters difficulties in transactions involving the post office, utilities, telephone service, and processes involving the local government on account of the residency status of the 15 individuals. The system of residency approval is a violation of the freedom to select where one wants to live, particularly in the case of priests and brothers and sisters.

The government violates citizens' right to travel freely. For example, the police constantly monitors and even trails Thái Hà clergymen. The police has set up a camera aiming at the entrance to the church so that they can monitor everything and everyone who comes and goes, all the time. Frequently the government violates the clergy's right to travel in a most obvious and illegal manner. For example, the Ninh Binh police refused to issue me a passport in 1999 without giving a valid reason other than labeling me a "reactionary." When the police in Ho Chi Minh City issued me a passport, the Ninh Binh police requested the HCM City police to retract its decision and prohibit me from going abroad. Even when one has a passport, there is no guarantee that one's trip would be allowed. For example, in June 2010 the Hanoi police and HCM City police suddenly prohibited Rev. Nguyễn Văn Phụng from traveling to Rome. In December 2010 the HCM City police prevented the Regional Superior of the Redemptorists, Rev. Phạm Trung Thành, from traveling to the USA. On July 10, 2011, the HCM City police continued to prevent Rev. Phạm Trung Thành from traveling to Singapore for the annual conference of Regional Superiors in Southeast Asia, and on July 12 the Tây Ninh police prevented Rev. Đinh Hữu Thoại, a Redemptorist, from traveling to Cambodia. All these police actions are illegal because the applicants have no police arrest record, have never been in prison, and have not been charged with any crime.

### C. IN LIEU OF CONCLUSION

1. In 2004 Vietnam's government issued the Ordinance on Belief and Religion; in 2005 it issued a new decree on religious affairs; in 2007, it issued a White Paper on religious freedom. The regime felt that such actions sufficiently proved that it respects religious freedom and is concerned about meeting the people's spiritual needs. The truth is that it sought merely to use impressive words in a propaganda campaign to cover up its increasing control of religion while trying to placate domestic and foreign critics.

The government and its agents would point to those documents when asked whether there is religious freedom in Vietnam – a question that is so abstract and open-ended that could be easily dodged. In order to truly learn about the reality in Vietnam, one must ask pointed questions such as: Does the government officially recognize the legal status of the Catholic Church in any written document? Does the government treat Catholics just like other citizens? Are Catholics admitted to academies for the military, police and security forces? Can Catholics be appointed to mid-level and high-level government positions? Does the Catholic Church receive the same treatment as other domestic and foreign entities? Does the law protect church property? Has the Church been allowed to publish periodicals, or open schools, publishing houses, health clinics and hospitals; or charitable centers to serve the people? Does the government respect the Church's right to carrying out her traditional religious activities? Can the Catholic Church set up bank accounts or lease land? And other questions along this line...

Actually, the government has been mistreating its Catholic citizens compared to the way it treats foreigners who live and work in Vietnam, and the government's treatment of the Catholic Church is much worse than its treatment of foreign entities that operate in the country. What is more painful is that the other religions and their believers suffer the same treatment as the Catholic Church and our faithful. How can anyone trust that Vietnam enjoys religious freedom when believers and churches are discriminated against and are not free to serve the people, something that the other citizen groups and non-religious organizations may engage in?

2. The nature of Vietnam's Communist Party compels its members to eradicate all religions, or at least, to control them tightly, transform them, oppress them and made them serve the regime's agenda of dominating all aspects of society through the party's policy edicts, laws and actions.

The government still uses the national media and educational system to train various levels of personnel in ways to oppress the Catholic Church and use propaganda against her. The government continues to make false accusations and declare that the Church has committed such and such "crimes" in Vietnam and in other nations. In government-sanctioned books used in schools, there is plenty of libelous material aimed at painting a very negative picture of Catholics, to the point of not

being credible. The party still attempts to make non-Catholics view the Church as the evil and dangerous entity that Communists have been imagining forever.

The government continues to use its "divide and conquer" strategy against the various religions and against groups within each religion, using highly sophisticated tactics, particularly in its uneven treatment of different faiths. One could see this clearly when it uses public money (from the taxes that all citizens had paid) to build for Vietnam's Buddhist Sangha, which is controlled by the government, the largest Buddhist temple in Southeast Asia, Bái Đính Temple in Ninh Bình, at the cost of trillions of Vietnamese dollars (tens of millions of U.S. dollars). The government also uses public funds to support Buddhist events such as the World Buddhist Conference V, held in 2008 in Vietnam. On the other hand, it continues to outlaw the Unified Buddhist Church of Vietnam.

The same "divide and conquer" policy is applied to the Catholic Church. The government accords a few clergy members and religious institutions certain privileges while oppressing the Catholic orders that speak out against religious persecution by the government.

3. The Communist regime has grown increasingly heavy-handed in its religious persecution in view of the Communist Party's inherent distrust of religion and perpetual dedication to abolish religious life. The government did not engage in the wanton destruction of religious facilities, the abuse of priests and believers, the desecration of religious symbols, etc. as it is doing now. These types of horrendous acts have been occurring more and more frequently since the US government took Vietnam out of the list of Country of Particular Concern (CPC) in 2006. From 2007 to 2011, the regime has carried out the following oppressive measures against the Catholic Church: Seizing land from Thái Hà Parish and the apostolic delegation's land from the Hanoi Archdiocese; seizing land from Tam Tòa Parish, Loan Lý Parish, Thủ Thiêm Parish, the Order of St Paul de Chartres in Vĩnh Long, the Order of St. Vincent de Paul in Saigon, the Order of the Divine Word in Nha Trang, the Order of Heavenly Peace in Huế, the Order of Lasalle in Huế, etc.; demolishing the Virgin Mary's statue in Đồng Đính and the Cross in Đồng Chiêm; removing Mary's statue in Bàu Sen; damaging properties belonging to the Order of St. Paul and the Carmelite Order in Hanoi; razing the Bình Triệu Church in order to build the Law School of HCM City, etc.

Furthermore, the regime has been performing other suppressive acts, including raids, beatings, arrests, dishing out long prison sentences, or prohibiting members of the Church from traveling abroad, and is spearheading a systematic campaign against the Church, using the regime's total control of the media and school curricula, and its influence in various communities. When evaluating the nature and degree of severity of these recent acts, one can conclude that such acts are brazen and arbitrary, and are squarely aimed at the religious establishment. These are the type of acts that the regime did not dare to commit a few decades earlier. The demolition of the Cross and other sacred icons are examples of such acts. In Hanoi, the regime used to refrain from demolishing the Carmelite Monastery with its cross perched high above its roof; in Saigon, the regime used to cover the tower and Cross in the front of the church located near the Bình Triệu Bridge instead of tearing down this Christian symbol. However, since 2007 the regime has shown no such restraint when demolishing these iconic landmarks in an attempt to wipe out all traces of legitimate Church ownership.

Through the regime's numerous acts of repression and oppression directed at all faiths in Vietnam, we have determined that the Communist rulers have been grossly violating religious freedom. Consequently, if someone asserted that "there is religious freedom in Vietnam", we believe that the person either: (1) lies; or, (2) has not spent time to examine thoroughly this issue; or, (3) did something that enabled the police to blackmail him into saying the "official" line; or, (4) is so concerned about his safety and well-being that he must say things that the regime wants him to say; or, (5) the person works for the regime as a police or other security personnel, or in some other capacity. It is our belief that bringing religious freedom to Vietnam is an arduous and very long trip, and anyone who claims that religious freedom exists in Vietnam now is guilty of self-deception, misleading others, and whitewashing the oppressive regime in Vietnam.

**Reverend Peter Nguyễn Văn Khải, Redemptorist Order**  
**Rome, Italy October 16, 2011**

Mr. SMITH. Thank you very much, Congressman Cao.  
Mr. Ai?

**STATEMENT OF MR. VO VAN AI, PRESIDENT, VIETNAM COMMITTEE ON HUMAN RIGHTS AND QUE ME: ACTION FOR DEMOCRACY IN VIETNAM**

Mr. AI. Honorable Chairman, distinguished Members of Congress, I will make short remark and submit the full text of my testimony for the record.

Mr. SMITH. Without objection, your full statement and those of all of our distinguished witnesses, and any materials you want added to the record will be made part of the record.

Mr. AI. Thank you. Thank you for inviting me to testify on behalf of the Unified Buddhist Church of Vietnam, UBCV, the largest and oldest religious community in Vietnam. I appreciate the chance to speak before the dialogue, for I am concerned that the State Department does not realize the gravity of Vietnam's repression of the UBCV. Buddhist leader Thich Quang Do expressed the same concern to Ambassador David Shear who visit him in Saigon. He said, "The State Department report of abuses portray but a pale picture of the systematic police pressure, harassment and intimidation faced by Buddhists in every aspect of daily life." I realize that that Vietnam deceptive religious policy with their mixture of a certain and sheer brutality are not easy to understand, but I appeal to Congress and the State Department to look behind Hanoi's mask to see the reality of religious repression against Buddhists and other religious community and to raise this loud and clear in the coming dialogue in Hanoi.

For the past three decade, the Communist hierarchy have systematically targeted the UBCV, detaining and harassing Buddhist monks and nuns. Religious gathering and festival such as the Buddha birthday are routinely disbanded by police. Foreign visitor are assaulted, follower are threatened with losing their jobs or having their children expelled from school if they worship in UBCV pagoda. The aim is to create a climate of fear in which no one dare live their faith.

Just last week, security agent threw rotten fish and excrement into the home of Buddhist blogger Huynh Ngoc Tuan. He has spent 10 years in prison for his article calling for human rights. In March, Buddhist youth leader Le Cong Cau was interrogated by security police in Hue for 3 days, and threatened him with a 20-year prison sentence simply for demanding the legalization of the UBCV. Le Cong Cau is head of the Buddhist Youth Movement, an unofficial educational movement which has over 500,000 members in Vietnam. During the interrogation, police told him that Vietnam would never accept to legalize the UBCV.

Monk, nuns, and followers of over 20 provincial boards are prevented from carrying out charitable activity. In August, Venerable Thich Thanh Quang, in Da Nang, was brutally beaten under the eye of police who made no attempt to intervene. The most tragic victim is the UBCV leader and Nobel Peace Prize nominee Thich Quang Do. Despite over 30 years in detention he refuses to be silent. During the recent debate on reforming the Constitution, Thich Quang Do urged the Communist Party to embark on "a path of

peace and multi-party democracy to lead our people into stability, development and happiness.”

Alongside political violence, Vietnam also uses the law to curb religious freedom. In January, Decree 92 came into effect which submits religious to tighter control. Ordinance 44 authorizes the detention of religious dissidents under house arrest, in labor camps or psychiatric hospital without any due process of law.

Mr. Chairman, the human rights dialogue is only relevant if it leads to concrete progress. The United States should set benchmarks and a time frame for improvement and ensure that Vietnam does not use the human rights dialogue as a shield to deflect international scrutiny from its grave abuses of religious freedom and human right. At the coming dialogue, I urge the U.S. to press Vietnam to release all religious prisoners, particularly UBCV Patriarch Thich Quang Do, and reestablish the Unified Buddhist Church of Vietnam legal status. Bring religious legislation into line with Article 18 of the U.N. Bill of Rights. Fix a date of the visit by the U.N. Special Rapporteur on Freedom of Religion or Belief to which Vietnam has agreed.

Finally, regarding U.S. policy, I urge the U.S. to redesignate Vietnam as a Country of Particular Concern; to mandate the Ambassador-at-Large on International Religious Freedom to visit Vietnam and meet with a wide range of stakeholders, including religious dissidents, and to consult widely with civil society before the trip; to adopt the Vietnam Human Rights Act in order to link trade relation to the respect of religious freedom and human right. In view of its abysmal human rights record, the U.S. should not support Vietnam's membership of the U.N. Human Rights Council which will be voted at the General Assembly in New York in September this year. Thank you, Mr. Chairman.

[The prepared statement of Mr. Ai follows:]

VIETNAM COMITE ON HUMAN RIGHTS  
 QUÊ ME: ACTION FOR DEMOCRACY IN VIETNAM  
 Ủy ban Bảo vệ Quyền làm Người Việt Nam



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**COMMITTEE ON FOREIGN AFFAIRS**  
 Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

**Hearing on "Highlighting Vietnamese Government Human Rights Violations  
 in Advance of the U.S.-Vietnam Dialogue"**

Rayburn House Office Building, Washington D.C., Thursday April 11, 2013

**The State's Policy of Repression against the Unified Buddhist Church of Vietnam**

Testimony submitted by

VO VAN AI

President, Vietnam Committee on Human Rights &  
 International Spokesman of the Unified Buddhist Church of Vietnam

Honourable Chairman,  
 Distinguished Members of Congress,

Thank you for inviting me to testify on behalf of the Unified Buddhist Church of Vietnam (UBCV), the largest and oldest religious organization in Vietnam. It is especially important to be able to testify in advance of the U.S.-Vietnam dialogue because, in the light of the latest Annual Report on International Religious Freedom, I am concerned that the State Department does not fully realize the gravity of Vietnam's relentless repression of the UBCV.

In August last year, when U.S. Ambassador David Shear visited UBCV Patriarch Thich Quang Do at the Thanh Minh Zen Monastery where he is under house arrest, Thich Quang Do expressed the same concern. He said: *"Whilst appreciating the State Department's reports of abuses against the UBCV, we are concerned that they portray but a pale picture of the systematic Police pressures, harassment and intimidation faced by UBCV Buddhists in every aspect of their daily lives"*.

The assessment of the US Commission on International Religious Freedom, which has made several in-country visits to Vietnam, is much closer to the truth. Describing the UBCV as *"Vietnam's largest religious organization with a history of peaceful social activism and moral reform"*, the USCIRF reported *"marked increases in arrests, detentions, and harassment of groups and individuals viewed as hostile to the Communist Party"* in 2012, including the UBCV which, it stated, *"has faced decades of harassment and repression for seeking independent status and for appealing to the government to respect religious freedom and related human rights"*.

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Vietnam's deceptive religious policy, with its mixture of subtlety with sheer brutality, may at first seem hard to fathom. But I call upon Congress and the State Department to look behind Hanoi's mask, beyond the veneer of State-sponsored freedom of worship, and recognize the full extent of religious repression against the UBCV and other non-recognized religions in Vietnam. These are the issues that the U.S. must assertively raise in tomorrow's dialogue with Hanoi.

Over the past year, violations of religious freedom and human rights have increased in Vietnam, at the USCIRF has observed. To avoid international outcry, Vietnam implements a policy of what I call "stealth repression": instead of sentencing Buddhist leaders at public trials, the authorities detain them under house arrest, isolate them from their followers, cut off communications, place them under surveillance and deny them the right to travel and meet together. Foreign visitors to UBCV monasteries are assaulted and harassed. Police routinely disband religious gatherings and prevent UBCV pagodas from celebrating festivals such as the Vesak (Birth of Buddha) and the Lunar New Year. The authorities even seek to strangle the UBCV's economic survival by threatening to fire Buddhists from their jobs or have their children expelled from school if they support the UBCV. To avoid surveillance, UBCV followers often come at dawn to deposit food and offerings outside pagoda gates.

Following the Chinese model, Vietnam deploys special agents and "Religious Security Police" (*công an tôn giáo*), some disguised as monks, to infiltrate, slander and divide the Buddhist community and undermine it from within. The aim is to slowly stifle and suppress the UBCV by creating a permanent climate of fear in which followers dare not express their beliefs. Today, as this Hearing takes place, new evidence from Vietnam indicates that the authorities are intensifying persecution and seeking by every means to intimidate, harass and silence members the outlawed Unified Buddhist Church of Vietnam;

- Just last week, Buddhist blogger and writer **Huynh Ngoc Tuan** and his family were the victims of base intimidation. At midnight on 3 April, two men on a motorbike threw buckets of water mixed with rotten fish and excrements into his home in Quang Nam. Huynh Ngoc Tuan, who has spent 10 years in prison (1992-2002) for his articles on religious freedom and human rights, was one of five Vietnamese bloggers awarded this year's Hammel-Hammet award for persecuted writers, along with his daughter Huynh Thuc Vy. His son, Huynh Ngoc Tuan tried to travel to the US to receive the prize on their behalf, but was stopped at the airport and banned from boarding the plane;
- In **March 2013**, Buddhist youth leader **Le Cong Cau** was interrogated intensively for three days by Security Police in Hue because he posted articles on the Internet calling for the legalization of the UBCV. Police said that by advocating for the UBCV rather than the State-sponsored Vietnam Buddhist Church (VBC), he was "*sowing divisions between religious followers*", an offense punishable by up to 15 years in prison under Article 87 of the Vietnamese Criminal Code. Police also threatened to sentence him with up to 20 years in

prison for “*anti-State propaganda*” (Article 88 of the Criminal Code). Le Cong Cau is head of the UBCV’s Buddhist Youth Movement (*Gia dinh Phat tu Viet Nam*), an unofficial educational movement which has over 500,000 members in Vietnam.

During the interrogation, the Head of the Hue Provincial Security Police told Le Cong Cau that Vietnam would **never accept to legalize the UBCV**. This reveals the cynical duplicity of Vietnam’s religious policies, which on the one hand claim internationally to be moving towards religious freedom, but on the other categorically reject all religious groups that refuse the political dictates of the Communist Party of Vietnam;

- Monks, nuns and followers of over **20 UBCV provincial boards** set up to bring spiritual and humanitarian aid to poor people in the provinces are harassed, interrogated and prevented from carrying out educational and charitable activities, notably in the provinces of **Quang Nam-Danang, Thua Thien Hue, Binh Dinh, Khanh Hoa, Ba Ria-Vung Tau, Dong Nai, Hau Giang and An Giang;**
- For the past three years, the People’s Committee in Danang has strictly prohibited Vesak celebrations at the **Giac Minh Pagoda**, deploying hundreds of Police and security officials to block all entries to the building, forcibly obstructing and assaulting Buddhists who tried to take part, and prohibiting the monks from reading the traditional Vesak Message by UBCV Patriarch Thich Quang. In August 2012, Superior monk **Venerable Thich Thanh Quang**, head of the UBCV Youth Department, was brutally beaten by a gang of plain clothed security agents under the eyes of the Police, who made no attempt to intervene;
- The most tragic victim of Vietnam’s repression is the **UBCV Patriarch Thich Quang Do**, 85, currently under house arrest at the Thanh Minh Zen Monastery in Saigon and detained almost without interruption since 1982. Denied freedom of movement and citizenship rights, forbidden even to preach in his Monastery and under constant Police surveillance, this revered dissident and Nobel Peace Prize nominee remains a symbol of the movement for democracy, and continues to challenge the government on religious freedom and human rights. In March, during a public debate on reforming the Vietnamese Constitution, Thich Quang Do urged the Communist Party to embark on a “*Path of Peace*” – *a path of multi-party democracy which will lead our people to stability, development and happiness*”.

Alongside political repression, Vietnam also uses the law to restrict religious freedom. In January 2013, “**Decree No. 92**” on religious organizations and religious activities came into effect, replacing Decree No. 22, which was issued in 2005. Buddhist and Christian leaders alike have criticized the new Decree for its use of vague and ambiguous terminology, and for introducing new bureaucratic obstacles to the peaceful and lawful activities of religious believers. Although the new Decree reduces the timeframe in which the authorities must respond to applications for registration

and introduces some measures to improve transparency, the Decree as a whole is aimed at increasing control and management rather than the protection of religious freedom.

At the same time, Vietnam invokes vaguely-worded “national security” provisions in the Criminal Code to criminalize the peaceful religious activities. Ordinance 44 authorizes the detention of religious and political dissidents under house arrest, in labour camps or in psychiatric hospitals without any due process of law.

Mr. Chairman,

Vietnam seeks to suppress the UBCV not only because it is a religious movement, but because it is one of the most vocal civil society movements in Vietnam. In this one-Party state, where there is no political opposition, no independent media, no free trade unions, the religious movements, in particular the UBCV, are the sole independent voices that the Party has failed to suppress. Religious freedom is thus the key to peaceful progress towards a pluralistic and vibrant society based on respect for human rights and the rule of law.

**Recommendations for the Human Rights Dialogue**

- The U.S.-Vietnam human rights dialogue as a viable policy tool. But it must not become an end in itself. At its Universal Periodic Review at the United Nations in 2009, Vietnam declared that its engagement in dialogue with the US, the EU and other countries “proved” that it respects human rights. This is surely not America’s view. The dialogue is only relevant if it leads to substantive progress. The United States should set benchmarks and a concrete time-frame for human rights improvements wherever possible, and ensure that **Vietnam does not use the human rights dialogue as shield to deflect international scrutiny from its egregious violations of religious freedom and human rights.**

**For the upcoming dialogue, I urge you to press Vietnam to:**

- release prisoners of conscience in prison or under house arrest for their nonviolent religious activities or convictions; release UBCV Patriarch Thich Quang Do as a matter of urgent priority and restore his full freedoms and rights;
- re-establish the legitimate status of the banned Unified Buddhist Church of Vietnam and all other non-recognized religions so they can contribute to the social and spiritual welfare of the Vietnamese people;
- rescind or review all legislation that restricts the exercise of religious freedom in contravention of Article 18 of the UN International Covenant on Civil and Political Rights;
- fix a date for the in-country visit by the **UN Special Rapporteur on Freedom of Religion or Belief** to which Vietnam has agreed; allow a visit by the UN Rapporteur on Freedom of

Opinion and Expression, and Human Rights Defenders, as well as a follow-up visit by the UN Working Group on Arbitrary Detention to monitor the situation of human rights defenders and prisoners of conscience in Vietnam.

**Recommendations for U.S. Policy**

- the U.S. should heed the recommendation of the US Commission on International Religious Freedom to **re-designate Vietnam as a Country of Particular Concern** for its egregious violations of religious freedom and related human rights;
- **the US Ambassador-at-large on International Religious Freedom should make an in-country visit to Vietnam** and meet with a wide range of stakeholders, including religious dissidents and members of non-recognized religious bodies as well as government and religious officials; in preparation for this trip, the Ambassador should **consult widely** with international experts and overseas-based civil society representatives of religious movements in Vietnam;
- religious freedom should be mainstreamed into legislation regarding the US-Vietnam trade relationship. In the absence of a “human rights clause” in bilateral trade agreements, the **Vietnam Human Rights Act** should be passed to link trade relations to the respect of religious freedoms and human rights;
- Vietnam rejected many concrete recommendations made by the United States at its Universal Periodic Review in May 2009, and it has failed to uphold its binding commitments to respect UN standards and norms. Therefore, I urge the United States **not to support Vietnam’s bid for membership of the UN Human Rights Council for 2014-2016 which will be voted at the UN General Assembly Meeting in New York in September 2013.**

**Vo Van Ai**

*Washington D.C., April 11, 2013*

Mr. SMITH. Mr. Ai, thank you very much for your testimony and your very concrete recommendations to the committee and to the President and to the U.S. Congress at large. I would like to now ask Ms. Anna Buonya if she would proceed.

**STATEMENT OF MS. ANNA BUONYA, SPOKESPERSON,  
MONTAGNARD HUMAN RIGHTS ORGANIZATION**

Ms. BUONYA. Thank you, Mr. Chairman Smith and other distinguished members and guests for the honor and the opportunity to be here to speak with everyone today. Again, my name is Anna Ksor Buonya, and I am here on behalf of the Montagnard Human Rights Organization, and we are based from Raleigh, North Carolina. I am also here to represent the Montagnard Indigenous Peoples of the Central Highlands of Vietnam.

As some of you may know, the Montagnards were strong and loyal allies with the U.S. Government during the Vietnam War, and because of that after the fall of South Vietnam we have been subjected to cruel and unusual punishment. Since then Montagnards' political and religious leaders have been tortured and imprisoned. Our population has been forced for relocations and thousands have been condemned to live in some of the country's poorest cropland. Also our ancestral lands are being deforested for logging and being used as rubber plantations. My statement today will focus primarily on religious persecution and human rights violations that confront the Montagnard, the Hmong, and other persecuted indigenous peoples of Vietnam.

In 2011 and 2012, Human Rights Watch has published detailed reports on the continuing religious persecution of Montagnards in the Central Highlands and the extreme persecution of the Hmong Christians in the Northern Highlands. During 2011, entire Hmong villages have been destroyed by the Vietnamese Government. Also, in May 2011, Hmong Protestants gathered peacefully to ask for an end to religious persecution and the confiscation of their homes and lands. The Vietnamese Government responded with violence and the attacks resulted in multiple deaths and countless injuries.

Also, August 21st, 2012, there had been reports that Montagnard Catholics were in the midst of prayer when they raided by the Vietnamese police. In November 2012 Vietnam police carried out a sweeping operation of about 1,000 soldiers searching for Montagnard Catholics. They found six people. These men were severely beaten. One man was tied to a cross while the others had their hands and feet tied and were surrounding him. The police then rounded up the villagers and threatened them with the same punishment if they continued to carry out their religious beliefs.

I also have some pictures that I want to include in the record. This is of a Hmong deacon who was tortured to death at the police station on March 17th, 2013. This is a Hmong Christian. He participated in the May 2011 protest that I had stated earlier. He escaped the police crackdown but he was later found out and when he tried to escape he was shot down by the police.

The religious persecution I just highlighted above also relates to numerous arrests regarding religious leaders. The Vietnam Government is directly responsible for the cruel and terrible treatment of Montagnard Christians and other political prisoners. The Viet-

nam Government continues to arrest, torture and jail Montagnard Christians. There are currently over 400 Montagnard Christians imprisoned for their religious beliefs, some of them up to 16 years. Between 2001 and 2004, over 400 Montagnard house churches were taken over by the Vietnamese Government, hundreds of Montagnards were arrested and imprisoned for their participation in demonstrations which related to the policy of land confiscation and religious rights. To this day, many of these house churches still remain closed, and practically all these Montagnard prisoners are still in prison.

They are also often forced to renounce their faith. They are beaten, and many put in prison for many years without adequate water, food, medicine and family visits. May suffer solitary confinement and torture. These conditions have not improved. Two main areas that continue to experience problems are Pleiku and Buon Ma Thuot. Many of the issues I just described also leads to the Montagnards seeking asylum in Cambodia or Thailand. This in itself is another problem. Montagnards asylum seekers have no place to find sanctuary. There are hundreds of Montagnards who are hiding and they are trying to flee persecution. They are hunted down by the police. They are beaten and put in jail. There are no safe haven for them. When they escape to Thailand they are also facing rejection by the UNHCR, and they are later arrested and put in immigration detention. The Hmong who flee to Thailand, most of them because of the May 2011 protests, are also experiencing similar problems. Right now there are approximately 300 known cases which have been reported to the Hmong National Development organization. Dozens of applications for refugee status have been filed with the UNHCR, and to date every single application has been denied.

There is another recent case that I want to highlight. Again at this very moment there are two Montagnard individuals who are hiding in the Central Highlands. They were participating in protests, and because of that they experienced persecution and physical beatings by the Vietnam police. For the last year they have struggled to obtain an interview with the U.S. consulate. Finally, after a year of waiting they went through three separate interviews, the whole time still continued to stay in hiding, and just recently within the last week they were told by the International Organization for Migration that they now need a passport from the Vietnam Government or their refugee application will be abandoned. And of course, with the fear of persecution this would be a problem. Everything I have just stated is only a very brief, general overview of the types of religious persecution and human rights violations that Montagnards and other indigenous people face.

We do have some requests. In the latest USCIRF Annual Report for 2012, the Commission again recommended that Vietnam be returned to the list of Countries of Particular Concern. We agree with this recommendation, and we urge the U.S. Congress and the U.S. Government that the release of all Montagnard prisoners be negotiated for and their release obtained before any more U.S. Government defense and trade treaties with Vietnam go forward. Also in light of the United Nations' Declaration on the Rights of Indigenous People, which the U.S. administration and President Obama

recently endorsed on December 2010, we also recommend that the U.S. Government continues its dialogue with Vietnam to recognize the Montagnard, Khmer Krom, and Cham as its indigenous people. Vietnam has shown support of the United Nations Declaration, and we urge the U.S. Congress to put pressure on Vietnam to implement the principles of this declaration especially since religious persecution is being experienced by all of the indigenous groups. Also we hope that the U.S. State Department will consider reopening its refugee program within Vietnam by acknowledging that there continues to be claims of well-founded persecution there.

Again, Mr. Chairman, it has been my privilege to come here today, and I hope the U.S. Government takes what I have said into consideration during future dialogue with Vietnam. Thank you.

[The prepared statement of Ms. Buonya follows:]

**U.S. Committee on Foreign Affairs**  
**Subcommittee on Africa, Global Health and Human Rights**  
**“Highlighting Vietnamese Government Human Rights Violations in Advance of the U.S. –**  
**Vietnam Dialogue”**  
**Hearing: April 11, 2013**  
**Testimony from Anna Ksor Buonya, Spokesperson**  
**Montagnard Human Rights Organization**

The Honorable Christopher Smith  
Chairman, Subcommittee on Africa, Global Health and Human Rights

Mr. Chairman,

My name is Anna Ksor Buonya, and I am here on behalf of the Montagnard Human Rights Organization based in Raleigh, North Carolina. I represent the Montagnard indigenous people of the Central Highlands of Vietnam.

**Brief Background**

My parents, along with 10,000 Montagnards, struggled and suffered for over 12 years in the jungles of Vietnam and Cambodia as we fought to defend our freedoms and way of life from 1975 until 1986 when our family came to the U.S. as refugees. I feel privileged to have enjoyed many blessings of freedom, thanks to the sacrifice of my beloved parents and the Montagnard people.

Tens of thousands of Montagnards were recruited and trained by US Special Forces, and loyally served the United States during the Vietnam War. Their bravery in fighting against the communists was legendary. During the war years, it was estimated some 100,000 Montagnards fought alongside US troops and at any given time some 30,000 were actively serving. By the end of the war in 1975, it's estimated over 200,000 people, perished in the conflict.

The survivors were left to face the vengeance of the victorious communists. On taking over South Vietnam, the communists imprisoned and executed the Montagnard's political and religious leaders. The wider Montagnard population was subjected to forced relocations and thousands were condemned to live on some of the country's poorest cropland. The military also deforested the Montagnard's ancestral lands while expanding their logging operations into neighboring Laos and Cambodia. The Montagnards have been deliberately marginalized as losers of the war and survive today in a cycle of crushing poverty.

I would like to thank Mr. Chairman for the honor and opportunity to share our feelings and experiences about the ongoing human rights abuses in Vietnam and especially, persecution experienced by indigenous peoples. My organization has had the honor to testify at the first U.S. Congressional Hearing about Montagnards sponsored by former U.S. Senator Jesse Helms in 1998, as well as in subsequent U.S. Congressional Hearings in Washington.

My statement today will focus primarily on religious persecution and human rights violations that confronts the Montagnard indigenous people of the Central Highlands, along with similar issues that impact the Hmong, Khmer Krom, Cham, and other persecuted indigenous populations in Vietnam.

### **Religious Persecution**

Human Rights Watch has published a detailed report in 2011 and 2012 on the continuing religious persecution of Montagnards in the Central Highlands and the extreme persecution of Hmong Christians in the northern highlands. During 2011, entire Hmong villages have been destroyed by the Vietnamese government. The Khmer Krom also suffers. They follow the Buddhist Theravada branch, but the Vietnamese government has forced them to become members of the government-sponsored Vietnamese Buddhist Sangha. These two different Buddhist orders have different ethnic practices that range from the color of their robes to the practice of the way they eat their meals. Because of this forced conversion, many of their temples are shut down by the government. Some Buddhist and Christian clergy are forced to work as informants for the Communist government.

Reminiscent of the Montagnards mass demonstrations of 2001, 2002, 2004 and 2008, the Khmer Krom Buddhist monks, some 200 of them, staged a mass sit-in in Feb 2007. They were brutally cracked down by the police. Approximately 60 monks were arrested, nine defrocked and five jailed.

Most recently, in 2012, Buddhist Hoa Hao groups were prevented by the Vietnamese local police from commemorating the anniversary of their founder, Huynh Phu So, by blocking roads and intimidating Buddhist followers. A Protestant pastor, Nguyen Trung Ton was arrested in January without any known charges. Three Catholic Montagnard activists were arrested in March. Two Buddhist activists were arrested in April and July. And about 15 Catholics were arrested in July, August, and September.

Another indigenous group, the Cham has experienced the destruction of their religious temples. What was once religious shrines are now functioning as tourist attractions. To add to the insult, none of the profits made from these tourist attractions are being put back into the Cham community.

I am very grateful that this country gives me the opportunity to worship in whatever way I choose. Freedom is a precious right that must be protected and fought for, but unfortunately for my people, that right continues to be restricted. They are persecuted for believing in God, with many tortured and facing long prison sentences. For Americans, "In God We Trust" is often times simply a motto, and something we take for granted, but for the Montagnard and other indigenous people, it is something they suffer for each and every day.

### **Prisoner Abuse**

The religious persecution highlighted above also relates to numerous arrests regarding religious leaders. The Vietnam government is directly responsible for the cruel and terrible treatment of Montagnard Christians and other political prisoners. They discriminate against the Montagnard prisoners by not allowing them to have clean water, family visits or enough food to eat. The

prisons are long distances from the Central Highlands, making it very hard, if not impossible for family members to visit.

The Vietnam government continues to arrest, torture and jail Montagnard Christians. There are currently over 400 Montagnard Christians in prison for their religious or political beliefs up to 16 years. Between 2001 and 2004, over 4000 Montagnard house churches were destroyed, and hundreds of Montagnard were arrested and imprisoned for their participation in demonstrations that objected to the policy of land confiscation and religious rights. Most of these house churches remain closed and practically all Montagnard prisoners remain in prison to this day. Montagnard Christians are often forced to renounce their faith, they are beaten, and many put in prison to suffer long and terrible years in prison without enough food, medicine or even family visits. Many suffer solitary confinement and torture.

### **Montagnard Refugee Protection**

Because of all the issues I have described earlier, the Montagnard and Vietnamese asylum seekers are seeking protection in Vietnam, Cambodia, Thailand or other countries. This in itself, is another problem.

The UNHCR site in Phnom Penh, Cambodia closed in Feb. 2011. Montagnard asylum seekers now have no place to find sanctuary. Asylum seekers have fled to Thailand, been arrested and put into detention. We know of Montagnards rights now who are hiding in the jungles of Vietnam because they have no safe place. They have no safe place and they are desperate. .

There are hundreds of Montagnards who try to flee persecution in Vietnam and they are hunted down by the police, beaten and put in jail.

There is no safe haven for asylum seekers in Vietnam so they escape to Thailand where they face rejection by the UNHCR and are later arrested and put in immigration detention. One Montagnard refugee recently arrived in Raleigh, NC, after years in a Bangkok detention center. This young Montagnard was a Christian youth leader who was tortured and imprisoned in Vietnam. He twice received prison sentences, and has told us the details of his torture. He spent 5 years on the run with a small group of other Montagnard refugees, hiding in the jungles of Laos and Thailand, separated from his wife and two children, all with the hopes of finding freedom and the right to worship as a Christian.

Sadly, he was rejected by the UNHCR in Cambodia and later in Thailand. It took many advocates to finally win his freedom. The situation in Thailand becomes desperate for refugees who often cannot register with UNHCR or who have their claims denied by UNHCR.

There is another very recent case I want to highlight. As of this moment, there are two Montagnard individuals, who are hiding in a Central Highlands province. They have experienced persecution and physical beatings by the Vietnam police. For the last year, they have struggled to obtain an interview with the U.S. consulate. Finally after a year of waiting, they went through three separate interviews, all the while still in hiding. They were told by the International Organization for Migration (IOM), within this past week, that they now need a passport from the Vietnam government or their refugee application would be abandoned.

### **Vietnam's Assimilation Policies**

The Montagnard indigenous peoples of Vietnam are crying out to keep our ancestral land, our language and our culture. We've asked for help from the U.S. government, the United Nations and the world community to help us. Many of our ancestral lands have been seized by the Communist government for rubber or coffee plantations.

Our languages are being lost, and our children shamed into believing they are not worthy. Even Montagnard prisoners in Hanoi's prisons are not allowed to write letters in the Montagnard language. The Montagnard names of our rivers, forests, mountains, and provinces have been altered into Vietnamese names. We believe this is a policy of quiet genocide and ethnic cleansing targeting our Montagnard people. The reason behind this being, that the Vietnamese Communist government wants our precious land of the Central Highlands and their goal is complete assimilation.

### **Recommendations**

In the latest USCIRF Annual Report for 2012, the Commission again recommended that Vietnam be returned to the list of countries of particular concern. We have also called on the U.S. government to reinstate Vietnam's designation as a "Country of Particular Concern" (CPC) for extreme violations of religious freedom. We agree with their recommendation and we urge the U.S. Congress and the U.S. government that the release of all Montagnard prisoners be negotiated and their release obtained before any more U.S. government defense and trade treaties with Vietnam go forward.

In light of the United Nations Declaration on the Rights of Indigenous People, which was adopted by the General Assembly on September 13, 2007, and which the U.S. administration and President Obama recently endorsed on December 2010, we also recommend that the U.S. government continue its dialogue with Vietnam to recognize the Montagnards, Khmer Krom, and Cham as it's indigenous peoples. Vietnam has shown support of the United Nations Declaration and we urge the U.S. Congress to put pressure on Vietnam to implement the principles of this declaration, especially since religious persecution is being experienced by all of the indigenous groups.

We hope that the U.S. State Department will consider re-opening its Refugee Program within Vietnam by acknowledging that there continues to be many claims of well-founded persecution in Vietnam. There is concern for individuals in Vietnam who have experienced persecution, but have difficulty obtaining an interview with a U.S. official at a U.S. consulate. When they finally do get an interview, they may be refused refugee status because there is now the requirement to obtain a passport, which must be requested from the Vietnam government. For people facing the fear of police brutality and persecution, this makes the task almost impossible. We recognize that there is not an official U.S. refugee program currently in Vietnam, but the current mechanism is not effective. We recommend that the U.S. consulate have some formal arrangement with Vietnam to allow an "exit visa" or other process, for individuals who qualify for refugee status.

**Mr. Chairman**, it has been my privilege to come here today to tell you the truth about the Montagnard human rights abuse that the Montagnard Indigenous Peoples are facing right now in

Vietnam's Central Highlands and in other areas of Vietnam. We Montagnards are treated like enemies in our own homeland. Hundreds of prisoners in Ha Nam prison are suffering terrible abuse and isolation, and other Montagnard men, women and children quietly suffer in their villages under constant fear and police surveillance.

I come to you today, not only as a Montagnard, but also as a U.S. citizen. I'm grateful to have a voice because I know the voice of my people has been silenced for over a century. I'm grateful to speak on behalf of those who suffer in prison and who can't see their families all because they spoke out for freedom or the right to be a Christian. I've had the opportunity for education in America, but I'm saddened that my Montagnard people have been denied education and development assistance in Vietnam for so many years.

We hope that with these continuous hearings, the U.S. government and the world will hear our prayer and plea for help.

Thank you for your time and for letting me share the plight of the Montagnard people along with the struggles of other indigenous groups of Vietnam.

Respectfully,

Anna Ksor Buonya, Esq.

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Mr. SMITH. Ms. Buonya, thank you very much for your testimony, your very specific recommendations as well, and we will follow up on each and every one of them. Thank you so very much.

Ms. BUONYA. Thank you.

Mr. SMITH. I would like to now ask Ms. Danh if she would testify.

**STATEMENT OF MS. DANH BUI, SISTER OF A VICTIM OF  
HUMAN TRAFFICKING**

[The following testimony was delivered through an interpreter.]

Ms. DANH. Members of the committee, my name is Danh Hui. I live and work in Houston, Texas. Thank you for the opportunity to be here to speak at this hearing. The purpose of my being here today is to call on the U.S. Government to help with the rescue of 15 victims, Vietnamese victims, who have been sex-trafficked to Russia. My own little sister, Huynh Thi Be Huong is one among those 15. My sister Huong was the first one to be released and returned to Vietnam. Then gradually six other victims were also released and allowed to return to Vietnam. However, there are still eight victims being held captive in Russia. I truly hope that after this hearing, the committee, the Congress, and the government will help raise the voice so that the remaining eight victims will be eventually rescued and allowed to go home and be reunited with their families in Vietnam, and also assure that the trafficker, the brothel's owner, would be prosecuted before the law so that she won't be able to harm other victims anymore.

Over a year ago, my sister Huong was promised employment in a restaurant in Russia. However, as soon as she landed in Russia her passport was confiscated and she was taken into a brothel owned and run by a Vietnamese woman. She was forced to serve sex clients immediately on that day. My sister Huong and the other victims were beaten regularly and they were not allowed to communicate with their family in Vietnam. Last July, the owner of the brothel, the trafficker, called me demanding \$2,000, U.S., as ransom as a condition for the release of my little sister. Being so poor I had to borrow the money to pay her. However, she raised the ransom to \$4,000 and then to \$6,000. I realized immediately that she never had the intention to release my sister but only wanted to extort my family of our little resources.

On February 2nd of this year, my sister Huong and three other victims managed to escape. They called home and also they called the Vietnamese Embassy in Russia to ask for help. Very soon afterwards, all four of them were recaptured by the traffickers and they were beaten and tortured every day. Then BPSOS, Boat People SOS, helped us, and mobilized the involvement the media, the U.S. media. And also there was Congressman Al Green who spoke out, and also thanks to the State Department, my sister Huong and six other victims were released and were allowed to return to Vietnam.

Once home, Huong then informed us that the brothel's owner had very close relationship with people at the Vietnamese Embassy. Her boyfriend's, that is, the owner's boyfriend's older brother worked at the Embassy, the Vietnamese Embassy in Russia, and then that older brother is married to the niece of a very high ranking official at the Vietnamese Embassy as well. Currently, my sis-

ter Huong is in very dangerous situation. She doesn't dare to go home to her hometown to work, but she has to stay in hiding in Saigon, because the trafficker had already threatened to send her subordinates to Vietnam to harm her and the other victims. They would not allow them to stay in peace in Vietnam. Huong is the very one that the trafficker had pointed out to her subordinates to track down and harm by all means and cost.

Huong, right now, and the other victims who have returned to Vietnam really need help and also protection. And also there are eight others who are still in Russia, they need to be rescued. I would like to present to the committee and submit to the committee the list of the victims here, the list of victims, and also the pictures of some of the victims. And here is my little sister Huong. Just think of them as your own daughters.

On behalf of all these victims I would like to thank you, distinguished members of the committee, especially Congressman Al Green and the Boat People SOS organization. Please accept my deep gratitude. Thank you.

[The prepared statement of Ms. Danh follows:]

**Statement of Ms. Hui Danh  
Sister of a Vietnamese Victim Sold to a Brothel in Russia**

Before

**The House Committee on Foreign Affairs  
Subcommittee on Africa, Global Health, Global Human Rights,  
and International Organizations**

**Highlighting Vietnamese Government Human Rights Violations  
in Advance of the U.S.-Vietnam Dialogue**

April 11, 2013

Translator/Interpreter: Dr. Nguyen Dinh Thang of BPSOS

I am appreciative for the opportunity to be here today. And thank you for listening to my presentation about my sister's tragic story.

Before presenting my sister's tragedy, I would like to extend my gratitude to Congressman Al Green who met with me in person, to the US State Department, BPSOS, Coalition to Abolish Modern-day Slavery in Asia (CAMSA), and especially the BPSOS President, Dr. Nguyen Dinh Thang. I thank many others whose zealous advocacy helped my sister to safely return to my parents in Vietnam. I came here today to speak on my sister's behalf and especially for the remaining 8 female victims who cannot escape from the same brothel in Moscow where my sister was imprisoned.

My sister, Huynh Thi Be Huong, was victimized by a sex-trafficking ring. Be Huong's tragedy began in 2011. She was approached by an acquaintance with the opportunity to travel to Moscow for employment as a waitress at a night club. Wanting to help her parents, Be Huong hastily assented. The acquaintance referred Be Huong to a job agency that handled her work visa to Russia. The agency did not require Be Huong to pay any up-front fees. She was told that she would pay the agency back whenever she started working.

Unknown to Be Huong, the acquaintance and job agency were agents of a sex-trafficking ring that sells Vietnamese girls to brothels in Moscow. In December 2011, members of the sex trafficking ring escorted her by bus from her home town, Go Quao, in southern Vietnam's Kien Giang province, to Bangkok, Thailand. And, they flew her from Thailand to Moscow.

Our family lost contact with Be Huong for a few months. When Be Huong called home for the first time, she stated that she was fine. In the following phone call, Be Huong requested her parents to send her money. Be Huong told my parents that she was sick and needed the money to pay for her medical expenses. After hearing her story, my parents sold their valuable belongings and sent my sister \$300 dollars.

A few weeks later, Be Huong called my parents again. She told my parents that the restaurant was slow. Be Huong's employer therefore agreed to let her return to Viet Nam. However, Be Huong would need US \$2,000 to pay for her airplane ticket and traveling expenses. My family is poor, so I borrowed the sum from my uncle in the US. We paid Be Huong's employer, a Vietnamese woman in her 40's named Nguyen Thuy An. Yet, Be Huong was not released. Her employer raised the sum to US \$4,000 and then \$6,000.

My parents requested to speak to Be Huong's employer. When being confronted why Be Huong had no money after working there for several months, Thuy An got angry. Realizing her extortion trickery was not working, Thuy An angrily told my parents that Be Huong worked as a prostitute in Moscow serving mostly Vietnamese clients.

Only much later did I learn that, once in Moscow, Be Huong's passport was confiscated and she was immediately taken to a brothel owned by Nguyen Thuy An. My sister was forced into sex slavery on the same day. This lasted for over a year, until her repatriation last month.

Be Huong, 27 years old, recalled the abuses she suffered at the brothel house. The house has three rooms. When she was there, there were 14 other Vietnamese female sex slaves, and one of them was only 16 years old. Another victim had been held captive at the brothel for over four years. New arriving girls were not allowed to leave the house. Be Huong remembered the brothel had two security guards. The guards acted as corporal punishers for those who tried to escape or refuse to serve clients. Two victims who attempted escape were savagely beaten and forced to destroy their own passports so that they would never be able to leave Russia.

Regardless of the time, Be Huong would continuously sell her body as long as she had clients. Clients were able to choose whether they wanted to stay in the brothel for her service or whether they wanted to go elsewhere. If a client chose to stay, Be Huong would lay out a mat to have sex with the client. On any given day, Be Huong was forced to have sex with as many as four clients.

Unless Be Huong was sick, Madam Thuy An forced Be Huong to serve clients. Thuy An would keep all the money and tally up the number of Be Huong's customers. At the end of the month, Thuy An would keep half of the proceeds from Be Huong's customers. That's only in theory. In reality Thuy An made up reasons to deduct "points" from Be Huong's earning. Consequently Be Huong rarely earned any money. There were months where her earning was negative, adding to the large debt that Thuy An had already imposed on her – thousands of US dollars that Thuy An claimed that Be Huong owed her for bringing Be Huong to Russia.

Even though they were held captive against their will, all the victims must pay their captor for rent and food. Every day, the same two meals were served at the brothel: bowl of rice, cabbage, and a portion of cooked pork.

Be Huong stated that she was a sex slave in the brothel for 14 months. She had no money to send back to her parents, but continued against her will to sell her body.

In February of this year, 13 months after her enslavement, Be Huong escaped from the brothel with three other victims – Le Thi Thu Linh, Le Thi Ngan Giang (the victim held captive for over four years at the brothel), and Nguyen Pham Thai Ha (the 16-year old minor). During her escape, Be Huong contacted my parents in Vietnam. With the request from Be Huong, my mother reported Be Huong's story to the local Vietnamese police.

The Vietnamese police gave Be Huong the contact number of the Vietnamese embassy in Moscow. She called the embassy and talked to Nguyen Dong Trieu, a consular envoy in charge of security matters at the embassy. However, Trieu told her that prostitution was not illegal in Russia. He then concluded: "Whoever brought you here, ask them to take you home."

Two days after begging Trieu for help, Be Huong and the other three victims were recaptured by Thuy An and the brothel's guards. Their hiding location was compromised after talking to Trieu. Be Huong later learned that Consular Envoy Trieu was a good friend of Madam Thuy An. In fact, Thuy An's boyfriend's older brother, himself an employee at the embassy, is married to Trieu's niece.

After being hauled back to the brothel, the other three victims received a swollen face as corporal punishment. Be Huong was not beaten because she had been in touch with embassy officials. And her physical appearance might be a concern for Madam Thuy An, who was already planning to send Be Huong to the Vietnamese embassy to recant her denunciation of Thuy An.

Thuy An forced Be Huong to call my family in Vietnam and insist that they withdraw their complaint to the police, call me in Houston and ask that I apologize to Thuy An in writing, and write a self-report admitting that she had wrongly accused Thuy An of sex trafficking. Thuy An then arranged for Be Huong to go to the Vietnamese embassy and submit that self-report to Consular Envoy Trieu.

When I heard my sister's failed escape, I reached out to the U.S.-based anti-trafficking in persons organization named Coalition to Abolish Modern-Day Slavery in Asia (CAMSA), which was co-founded by Boat People SOS. Her tragic story received coverage from Vietnamese media based in the U.S. and then the Houston Chronicle and Radio Free Asia interviewed me.

Madam Thuy An reluctantly agreed to release Be Huong. Be Huong was brought to the Viet Nam Embassy in Moscow to be released.

At the embassy, a staff member named Kien told her that her release was conditional: Be Huong must write a letter stating what she had told her relatives about Madam Thuy An was inaccurate. In addition, Be Huong must thank the embassy officials and Madam Thuy An for having helped her with repatriation. Indeed, Be Huong had to borrow money to buy her own plane ticket home. Neither the embassy nor Thuy An gave her a cent.

Once Be Huong finished writing the thank-you letter, she was put on a plane. She reunited with her 6-year old son and parents in Vietnam on March 3.

As of this moment, Be Huong is living in hiding, afraid of persecution from Madam Thuy An. She had to change her cell phone number because she was contacted by Madam Thuy An's agents. She tested negative for HIV. However, she suffers from psychological issues from her experiences at the brothel.

Be Huong told me that her wish is to see her trapped friends at the brothel be all released. She wants to share her tragedy with others so that her friends can be freed from sex slavery.

I therefore continued to work with Boat People SOS and CAMSA to set the other victims free. I was interviewed by an ever increasing number of media organizations in the US, in Canada, in Australia... I contacted the families in Vietnam of the other victims to get information and to encourage them to sustain the fight.

Thanks to Boat People SOS and CAMSA's efforts to gather information about the whereabouts of the victims, to the US State Department which passed on that information to the Russian police, and thanks to the widening media coverage, six other victims were gradually released. They all made their way home last month.

From them I have learned that on March 5, the Russian police mounted a raid to rescue the victims – 14 of them at that time. However, two hours before the raid, a phone call from the Vietnamese embassy in Moscow tipped off Madam Thuy An. She immediately moved all victims to another location. The Russian police only found an empty apartment. They confiscated all luggage found in the apartment. Two days later Thuy An moved the victims back to the apartment. Many of them were left with only one piece of clothing on their back. Yet they were still forced to serve sex customers.

I believe that the Vietnamese embassy knows how to contact Madam Thuy An and therefore knows exactly where the remaining 8 victims are being held.

I am asking the US Congress to get the Vietnamese government to provide that information to the Russian police, assist in the rescue of the victims, and bring them all home to their families in Vietnam.

Thank you.

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Mr. SMITH. Thank you for that extraordinarily moving story and the call to action on the part of our committee to do more on behalf of your sister who is in hiding but all the other eight who remain victimized in Russia. So thank you so much.

I would like to now call on Mr. Tran.

**STATEMENT OF MR. TIEN TRAN, VICTIM OF RELIGIOUS  
PERSECUTION AT THE CON DAU PARISH**

[The following testimony was delivered through an interpreter.]

Mr. TRAN. Distinguished members of the committee, my name is Tien Thanh Tran, a parishioner of Con Dau village in Da Nang, Vietnam. I deeply thank the U.S. Government, the Members of Congress, and the congressional staffers who are here today. The fact that you have raised your voice bought me the freedom. I feel that it is my duty, my responsibility to be here to present at the U.S. Congress about the violation of human rights in my parish Con Dau where I was a victim myself.

Since June 2008, the City of Da Nang's government had already ordered the wipeout, the total wipeout of my parish, Con Dau, the relocation of all 2,000 parishioners and also the displacement of 1,600 graves at the cemetery of our parish so that they could build and develop an eco-tourism project. This order violated Vietnam's own law on land. The reason for that, the purpose for the order to confiscate the land of our parish was to serve the interests of a privately owned development company and not for any public interest.

On the 4th of May 2010, the government of Da Nang City sent in hundreds of troops, police, to stop a funeral procession and broke up the procession of the burial of one of the parishioners. Over a hundred parishioners, including the elderly, the seniors, women, children, were brutally beaten by the police. Sixty-two of us were taken to the police station where we were tortured for over a week, including myself. Seven of the parishioners were sentenced to prison terms. Parishioner Nguyen Thanh Nam, over there, the picture was over there, was tortured until death.

At the police station in Cam Le I was called in for interrogation repeatedly, continually. There was one police officer who read out all the crimes I had to admit to have committed. If I didn't say what they wanted me to say, immediately two police officers standing by my sides beat me up using whatever they got a hold of such as the chair, the baton, wooden sticks. My face was all bloody. I fell down to the ground. They lifted me up and continued to beat me until I pass out, then they pour water over my face and then continue the interrogation. After 7 days of torture, I was released on the condition that I must report to the police the other parishioners that were involved in the funeral. And I had to report to the police station every 3 days. When I went to see a doctor for my examination about my injuries suffered during detention, all these doctors refused to treat me when they found out I came from Con Dau.

More than 90 parishioners had to leave Vietnam and seek protection, refuge protection in Thailand. I am one of the 34 who have arrived in the U.S. since, as a refugee. A few weeks after my arrival in the U.S. I had a medical exam and the doctor told me that my eardrums had been punctured and also I had a hole in my eye

caused by the very severe impact during the torture session. And here is the medical record.

Right now over a hundred families are still left in Con Dau Parish. They are digging in, but they are very worried because there is a new order for them to vacate the parish. Two days ago the police approached a family and then destroyed their home using bulldozers. And just last night the tent that they set up on their land just to stay overnight was taken away and they were transported away, I don't know where. This policy of confiscating properties in Con Dau actually violates the interests of many U.S. citizens who used to be Con Dau residents, parishioners. They still hold title to their properties in Con Dau or they inherited the property from their deceased parents, and some of them are here today at this hearing.

I eagerly appeal to you, Members of U.S. Congress, to request that the Vietnamese Government immediately stop their intention to eliminate our parish in Con Dau, to immediately stop the brutality, the torture and the violence committed by the police, and also to immediately stop the confiscation of the property of U.S. citizens. Once more I want to thank you for giving me the opportunity to speak on behalf of my fellow parishioners as a free man in a free country. Thank you, and God Bless America.

[The prepared statement of Mr. Tran follows:]

**TIEN THANH TRAN**  
**CON DAU PARISHIONERS ASSOCIATION**

**HOUSE COMMITTEE ON FOREIGN AFFAIRS**

**SUBJECT:** Highlighting Vietnamese Government Human Rights Violations in Advance of the U.S.-Vietnam Dialogue

**INTERRETER:** Dr. THANG DINH NGUYEN

Date: Thursday, April 11, 2013

Time: 10:00 a.m.

Dear Members of Congress,

Ladies and Gentlemen,

My name is Tien Thanh Tran, a parishioner from Con Dau, Danang City, Vietnam. I was a young farmer happy with my life until the day disaster struck my parish. On May 4, 2010 I attended the funeral of a 93-years old parishioner and was captured when hundreds of armed police attacked the funeral. I was interrogated and tortured for 7 days at a police detention center. My interrogators forced me to admit wrongdoings which I did not commit. After being released, I escaped to Thailand and came to the US in September 2012 after 2 years being a refugee in Bangkok. First of all, I would like to sincerely thank the US government and many of Congress members and staffers who are here today. Your speaking out in the past has given me freedom. It is my honor to speak to the US Congress about the violations of human rights at my parish in Con Dau, Danang City.

1. What happens to Con Dau Parish illustrates the persistent violations of human rights, particularly the persecution against the Catholic Church, which have been going on for almost four decades. Con Dau is a village and a coterminous Catholic parish in the Diocese of Da Nang, Central Vietnam. It has 135 years of history. The area was originally a swamp with low, uncultivable land due to salt water coming in during the full moon. The ancestors of the residents of Con Dau built a dam to prevent seawater and turned Con Dau into a habitable area. French and Vietnamese priests led this effort to build a beautiful and prosperous parish. The century-old cemetery of the parish, in which generations of parishioners have been buried, is located about 1km from the parish's church. This cemetery, property of the parish, is a beautiful 10-hectare park with more than 2000 burial plots. In the middle of the cemetery is a concrete plaza with a chapel where parishioners gather for evening prayers. Because the cemetery is over 100 years old, it was designated a national historic heritage site under Vietnamese law.
2. On 26<sup>th</sup> of June 2008, the People's Committee of Da Nang City issued Decision No. 5111/QD-UBND to confiscate the entire parish, thus displacing all two thousand of its residents and wiping out this historical Catholic parish, purportedly for an eco-tourism development project. This was a clear violation of Vietnam's own laws regulating the land "recovery" process as laid out in Decree No. 181-2004. This decree allows for government's "recovery" of lands for the following purposes only: national defense, national security, national interest, public benefits, and economic development projects that belong in "Group A". Group A projects do not include urban development unless they involve infrastructure for a new urban area. The eco-tourism project in Con Dau does not qualify under Group A. They have discriminated us when giving the environment reasons to remove our cemetery while creating a new cemetery for the deceased soldiers just a few hundred yards from our parish cemetery.
3. Furthermore, it is a development project of a private company (The SUN Group Ltd.) to turn a profit for its owners or stockholders, having nothing to do with public interests or benefits. The government should have let this development company negotiate directly with residents of the Con Dau Parish. Instead, on May 4, 2010 the government of Da

Nang City sent in hundreds of police to block the funeral of a 93-year old woman parishioner, claiming that the Parish' cemetery must be relocated and therefore off-limit to the parishioners. Over one hundred parishioners, including men, women, children and seniors, were brutally beat up. Sixty two parishioners were taken to the police station, where they were repeatedly tortured for days and some for weeks, including myself. Seven of them were sentenced to prison terms. On July 1, 2010 the militia caught and tortured Nguyen Thanh Nam to extract information about parishioners who posted photos and videos of police brutality on the internet. The next day he died of bleeding injuries. Some 90 parishioners trekked across Laos to seek refugee protection in Thailand. The United Nations High Commissioner for Refugees (UNHCR) has recognized the vast majority of them, including Nguyen Thanh Nam's surviving wife and children, as victims of persecution and granted them refugee status. Thirty four of them have been resettling in the US recently.

4. After the May 4 raid, the police then rounded up parishioners and, threatening imprisonment and other retaliatory measures, forced them to surrender their land and homes for insignificant compensation, at approximately \$12 USD/m<sup>2</sup>. The developer then turned around and posted billboards placing the Con Dau Parish on sale, in the form of residential plots. The sale price was \$400 USD/m<sup>2</sup>, or 33 times the level of compensation. Some of the parishioners inquired about purchasing their own land, even at the much higher price, but were told that they may not – the only option available to them was to relocate outside of Con Dau Parish. In fact, in meetings with the government, we have proposed many times that they allow us to buy each family a small lot around the parish church, but the request was flatly rejected as it is considered non-negotiable.
5. The police continue to resort to intimidation and threats so to coerce parishioners to surrender their real properties. In many instances, the police have summarily evicted the residents to allow the developer's contractor to bulldoze their homes. As recent as December 19, 2012, the police surrounded a home in Con Dau Parish while the thugs accompanying them broke into it, disrupted the family during lunch, and beat up the wife in front of her husband and two daughters. The couple managed to escape from Con Dau Parish on the same day, went into hiding in another village and then fled to Thailand and now seeking protection from the UNHCR. A month ago, six of more than 100 families in Con Dau who are still hold up in the parish, received the Order of Eviction from the local government to destroy their homes and move out of the parish. In March 20, 2013, the local government posted a Notice in the parish cemetery entrance to order all 400 graves to be removed from the cemetery by April 10, 2013. After this deadline, all are considered non-owner graves and will be removed by force. Many of these graves belong to former Con Dau parishioners who are US citizens. They have informed their Congress members about the distress they have to endure when their relative's graves become the target of eviction.
6. This confiscation of land and real properties not only violates Vietnam's own laws but also infringes on the properties of citizens of other countries. Many members of our Association are US citizens; we have retained our original ownership of real properties in

Con Dau Parish while allowing relatives to live in our homes or cultivate our farmlands. Many others among us have inherited real properties from our Vietnamese relatives. As the government continues its efforts to expropriate additional land in Con Dau Parish, the SRV practically continues to violate the right to own property of non-Vietnamese citizens, which is a violation of international laws. This is happening not only in Con Dau Parish but throughout the country. Many of the US citizens formerly from Con Dau have requested their Congress members, the State Department and the US Trade Representatives to raise the issue of expropriation of US citizens' properties during the negotiations of GSP and TPP trade agreements with the government of Vietnam.

7. As mentioned earlier, I was captured during the funeral of May 4, 2010 while I was doing my duty as a drummer in front of the funeral procession. The police beat me up with baton all over my face and stomach. While they dragged me in the street, I saw my mother stand nearby and embraced her to avoid more beating but they poked electric rods to my chest and beat her as well, so I had to let go of her. Two police officials dragged me to the waiting truck a hundred meters away. I was kicked in the stomach and beaten by thugs every few meters along the way. They handcuffed and threw me face down onto the flatbed of the truck. At the police station in Cam Le County, all 62 captured parishioners were lined up facing the walls of the hallway. Dozens of police officers took turn to kick at our backs and legs. We were then divided into 2 groups; each of us was called into a separate interrogation room. Everyone coming back from the interrogation session was bleeding or unconscious. We were horrified by the scene and cried loudly when our name were called.
8. I was called in at 7pm and the interrogation session lasted till 11pm on the first night. The police interrogator read me the verdict (attacking the police) and told me to admit it. As soon as I said I did not do it, two police officers attacked me with whatever they had on hand: chair, batons, wooden rods, etc. They hit me on my back with a stack of 4 chairs until they were all broken. My head was bleeding seriously; my body crumbled onto the floor. One of them lifted me up to take more hits until I was totally unconscious. They threw water on my face to wake me up. They called me into interrogation session every day no matter day or night. They continued to torture me because I did not admit to doing anything wrong. One day, a police Lieutenant named Thanh used a handcuff to hang one of my hands to the top of a window, leaving me to stand on my toes. He beat and told me: "I know you are a farming machines operator. You have good health but I guarantee you that you will never recover and you will not live very long after this". Another day, there was a police in civilian clothes who asked me to take off my clothes for him to check. He pointed to the bruises on my body and asked: "What happened?" I replied: "I was beaten by the police." He yelled at me: "Who is the police that beat you? I am a civilian. I'll beat you until you die, damn it !"
9. I was released after 7 days on condition that I provide information about other parishioners and report to the police station 3-5 times every week. I tried to go to the hospital and doctor's offices for medical checkup and treatment for my injuries but they refused to treat me after learning that I was from Con Dau. They only gave me some pain relief medicine and herbs for the bruises. A few weeks after arrival to the US, I

underwent medical checkup. The doctors found that both of my ear drums are broken and my left eye needed surgery to repair a hole caused by violent impact in that area. I am including the medical results as evidence.

10. At the police station, the police continued to interrogate me to find out who leaked information to the media overseas about the May 4 police raid and subsequent torture sessions at the police detention center. The interrogators beat me every time I refused to tell them what they wanted to know. After a few months, I escaped from Vietnam. I stayed in hiding in Thailand with other asylum seekers from Con Dau while applying for refugee status with the UN High Commissioner for Refugees (UNHCR). I was recognized as a refugee and came to the US in September 2012. I currently reside in Raleigh, NC.
11. I am determined to tell the world of what happened to me, to the 61 of my fellow parishioners who similarly suffered torture, and to the thousands of innocent Vietnamese who have been brutally beaten by the police of the communist regime in Vietnam. At the time of this hearing, my fellow parishioners in Con Dau are anxiously preparing themselves for another wave of forced eviction by the government of Danang City. The government has already announced that this time their houses would be bulldozed and their relatives' graves would be razed mercilessly. Defenseless, they cannot speak up to anyone in Vietnam and I feel obligated to raise the issue to you in this forum: The Vietnamese government has routinely expropriated the properties of the persecuted religious communities. Property expropriation is part of its persecution tool kit.
12. It is important for the US Congress to know that the Vietnamese government's policy of expropriating the properties of religious communities has affected many US citizens, including those originally from Con Dau Parish. Some of these affected US citizens are here with me today at this hearing. We respectfully request the US Congress to take action to not only defend the human rights of the Vietnamese people but also to protect US citizens' properties.
13. Please call on the government of Vietnam to:
  1. Stop its plan to wipe out the existence of the Parish of Con Dau, including the Parish cemetery, and allow the people of Con Dau the right to live on their ancestor's land and practice their faith.
  2. Stop all forms of torture and brutality by the police.
  3. Immediately suspend all further expropriations of land and other real properties so as not to violate the properties of US citizens.
  4. Collaborate with the US government in determining the compensations for real properties already confiscated from US citizens.
14. Also, please call on our own Administration to apply US laws in defending the properties and interests of US citizens, namely:
  1. The Foreign Assistance Act of 1961, as amended in 1964 (22 USC 2370(e)), stipulates that the President shall suspend all assistance to a country the government

of which has expropriated the properties of U.S. citizens, and the U.S. government shall vote against loans to that government from international financial institutions. I believe that the Department of State should proactively find out whether a foreign government has expropriated properties of U.S. citizens and the said statute therefore applies.

2. The Trade Act of 1974 (19 USC 2462(b)(2)) stipulates that the President shall not grant Generalized System of Preferences (GSP) status to a government that has “nationalized, expropriated or otherwise seized property of U.S. citizens or corporations without providing, or taking steps to provide, prompt, adequate, and effective compensation, or submitting such issues to a mutually agreed forum for arbitration.”
  15. Thank you so much for giving me the opportunity to be here today to speak up for my people as a free man living in this free country. God Bless America.
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Mr. SMITH. Mr. Tran, thank you for bearing witness to a very ugly truth that you suffered yourself, but also on behalf of those who remain in Vietnam who are suffering to this day. And your testimony and the other testimonies again underscores what Congressman Cao said so eloquently, that Vietnam is the worst violator of human rights in Southeast Asia. And that fact has to emerge right now especially during that dialogue, and our U.S. relationship vis-à-vis Vietnam must be predicated on a full understanding of that fact.

Mr. Sifton?

**STATEMENT OF MR. JOHN SIFTON, ADVOCACY DIRECTOR FOR ASIA, HUMAN RIGHTS WATCH**

Mr. SIFTON. Thank you. First let me thank the committee as the other witnesses have for inviting me to testify. The committee is definitely to be commended for its efforts, repeated efforts, to draw the world's attention to Vietnam's rights record. Unfortunately I must confirm many of the reports today that that record has not improved. Since this subcommittee had a hearing on Vietnam last year, the rights situation has, in fact, worsened. The numbers are clear and numbers can't lie so there is really no doubt about it. The simple fact is that a growing number of dissidents including religious leaders and bloggers and politically active people are being convicted and sent to jail for violations of Vietnam's authoritarian penal code which prohibits any kind of public criticism of the government or the Communist Party.

By our count, which I believe Representative Royce cited earlier, which is a conservative count based on available information, it may be an under count, shows that the trend lines are very, very clear. At least 40 people were convicted in political trials last year. That was an increase from 2011, which was an increase from 2010. And then again, just in the first 6 weeks of this year another 40 people were convicted. The entire total for 2012 was matched in the first 6 weeks of 2013.

These trials have themselves led to other arrests, arrests which have not yet led to new convictions but probably will. During protests at some of the hearings, some of these trials, other activists are detained for protesting, and some of those arrested have been reporting beatings and even sexual assault. One blogger who wrote a terrible account of being detained temporarily after a well-known trial in late 2012. She was beaten. She was forced to undergo a cavity search in front of other police officers, a sheer humiliation of the grossest form.

And there has also been an official campaign in recent months to suppress critical comments about a process currently underway to amend Vietnam's Constitution, and this appears to have been a factor in the arrest on December 27th of last year of the lawyer Le Quoc Quan, and in the harassment this year of several other critics. I should mention that Senators McCain and Kelly Ayotte and Sheldon Whitehouse, and Joseph Lieberman met with Le Quoc Quan in 2010, and I hope that they will write to the Prime Minister to raise their concerns now, and I think they will very soon.

Thuggish harassment also seems to be on the rise with street violence by unidentified thugs who are probably government agents.

As Mr. Ai noted, just this week, Monday night, I believe, some men through a bucket of rotten rice water and fish heads and fish intestines, a disgusting foul mix, through the window of the writer Huynh Ngoc Tuan who I should note is the 2012 recipient of Human Rights Watch's Hellman/Hammett grant for writers who have been victims of political persecution.

And later in the week, this week, April 8th and April 9th, mere days ago, the bloggers Bui Thi Minh Hang and Nguyen Chi Duc were attacked by thugs on the streets of Hanoi. There were police nearby. They didn't do anything to intervene. And it affirms the common sense hypothesis that these unknown attackers, these thugs, are in reality just government actors, either paid goons or, in fact, police who are out of uniform. A picture of Nguyen Chi Duc has been circulating widely on Vietnamese language sites in the last 24 hours and it shows, the bruises on his face from the beating, it looks to have been taken within minutes of the beating, for there is dried blood on his cheek. And I suspect, I am not medically trained, but I suspect it was taken minutes after his attack because there isn't even any swelling. He probably looks worse today than he did when that photograph was taken.

While the trend lines show this worsening situation, it should be noted that none of this really new. I mean Vietnam has unjustly imprisoned political prisoners for decades, and several of its current political prisoners have been in detention for decades. And in some instances these prisoners have been denied proper medical care for their deteriorating health conditions. So one suggestion we have made to the Vietnamese Government is that even if they disagree with the human rights groups, even if they disagree with the U.S. Government about reversing their crackdowns and repealing their draconian laws, they at least agree that the very elderly and the very sick prisoners need not suffer in detention and that whatever the merits of their supposed crimes, they don't pose a threat to the government, the party or the people of Vietnam and so they should be released.

And that is a message I think everybody, including the State Department, in the dialogue will take as a kind of confidence building measure, at least that could be done.

There are of course many other human rights issues to discuss with respect to Vietnam religious freedom which has already been discussed, administrative detention and forced labor for drug users and alleged drug users and alleged sex workers. There is a lot of Internet blocking and filtering going on. Several dozen Web sites being blocked on Vietnam's ISPs including Radio Free Asia and Voice of America, Vietnamese service. Each of these issues is discussed in our World Report 2013 chapter which I have included with my testimony, written version.

I will also submit a recent statement from Human Rights Watch that we made 24 hours ago on the occasion of the U.S.-Vietnam Human Rights Dialogue. As that statement makes clear, the focus really needs now to be on the Vietnamese Government. I think this is something that we and everyone in the U.S. Government agrees, both the State Department and the White House and this subcommittee, the spotlight really belongs on Vietnam itself to give some kind of sign that it will address these issues and not ignore

them. And in this context it is important that everyone stand together, everyone in the U.S. Government, and explain to them that the relationship, which has improved as just a basic matter of fact over the last few years, will not continue to improve unless Vietnam's Government undertakes serious reforms to address the human rights problems we have spoken about today.

A few of the avenues that the U.S. Government can use are not just this dialogue but the regular legislation that moves through this House and through the Senate on appropriations. I mean, I believe in addition to the legislation that is underway for Vietnam in particular, the appropriations bill itself can do its part and send a message. Restrictions on the IMET military-to-military assistance, FMF, which is very small but it does exist, could be strengthened. Language could be included to instruct the Secretary of the Treasury to use his voice and power on international financial institutions such as the Asian Development Bank to start being tougher on asking questions of Vietnam about what they are doing. I think if Japan and the United States together were to start asking questions on those international financial institutions and also just in general that would make a big difference.

And then lastly, at the Human Rights Council this year Vietnam will go before Geneva for its Universal Periodic Review along with Cambodia, just a coincidence but Cambodia is up as well. It is very important that the State Department really not only criticize Vietnam in that forum but marshal the diplomatic power to convince other countries to do so, especially countries like Japan and Australia, and that goes for Cambodia as well although that is not the subject of this hearing today. On the other issues, levers that can be discussed, the trade agreements, the U.S. Trade Representative in his role, and the Pentagon, but we can discuss that in the questions if you wish. I would be happy to take questions from the committee on these issues. Thank you.

[The prepared statement of Mr. Sifton follows:]

Committee on Foreign Affairs  
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

Hearing of April 11, 2013: Highlighting Vietnamese Government Human Rights Violations in  
Advance of the U.S.-Vietnam Dialogue

**Testimony of John Sifton  
Asia Advocacy Director  
Human Rights Watch**

First, let me thank the committee for inviting me to testify today. As all of us are aware, it is often difficult to draw attention to Vietnam's human rights situation, and the committee should be commended for its repeated efforts to do so.

Since this subcommittee held a hearing on Vietnam last year, the rights record has worsened. Numbers are clear indicators, so there really isn't any doubt about it. The fact is that a growing number of dissidents—including religious leaders, bloggers, and politically active people—are being convicted and sent to jail for violations of Vietnam's authoritarian penal code, which prohibits public criticism of the government and the communist party.

In 2012, at least 40 people are known to have been convicted and sentenced to prison in such trials, an increase from 2011, which itself was an increase from 2010.

Alarming, another 40 people were convicted in political trials in just the first six weeks of 2013, matching the total for 2012. To repeat: in the first six weeks of 2013, as many people have been convicted in political trials as in the whole of 2012.

These trials have themselves led to other arrests. During protests at some of these hearings, other activists have been detained, and some of those arrested have reported beatings and even sexual assault. One blogger wrote an account of being detained temporarily after a well-known trial in late December 2012, being beaten, and then forced to undergo a cavity search, in front of several police officers—sheer humiliation of the grossest form.

There has also been an official campaign in recent months to suppress critical comments about the process, currently underway, of amending Vietnam's constitution. This appears to have been a factor in the arrest on December 27, 2012 of human rights-defending lawyer Le Quoc Quan and in official harassment and intimidation during February and March 2013 against several other critics.

Thuggish harassment also seems to be on the rise. Just this week, at almost midnight on Monday night, unidentified men threw a bucket of rotten rice water, fish-heads, and intestines into the house of the writer Huynh Ngoc Tuan, who was the 2012 recipient of Human Rights Watch's Hellman Hammett grant, for writers who have been victims of political persecution. And on April 8 and April 9, mere days ago, bloggers Bui Thi Minh Hang and Nguyen Chi Duc were attacked by thugs on the street, police who were nearby reportedly failed to intervene—which affirms the common sense hypothesis that the unknown attackers are, in reality, government actors, either paid goons or police out of uniform.

While the trend-lines show a worsening situation, it should still be noted that none of this is new. Vietnam has unjustly imprisoned political prisoners for decades. Several of its current

political prisoners have been in detention, also for decades. And in some instances these prisoners have been denied proper medical care for deteriorating health conditions.

One of these is 66-year-old Nguyen Huu Cau, first detained in 1975, then rearrested in 1982 and held ever since. His health has reportedly deteriorated recently. One suggestion we have made to the Vietnamese government is that, even if they disagree with human rights groups about reversing their crackdowns, and repealing their draconian laws, they at least agree with us that very elderly or very sick prisoners need not suffer in detention when, whatever the merits of their supposed crimes, they can pose no threat—to the government, the party, or the people of Vietnam.

There are, of course, many other human rights issues to discuss with respect to Vietnam. Religious freedom. Administrative detention and forced labor for alleged drug users. Internet blocking and filtering, the fact that more websites are being blocked on Vietnam ISPs. Each of these issues is discussed in Human Right Watch's annual World Report 2013, the Vietnam Chapter, which I have included as an appendix to my testimony and which I submit for the record now.

I also submit a recent statement from Human Rights Watch on the occasion of the US-Vietnam human rights dialogue. As that statement makes clear, the focus now really needs to be on the Vietnamese government. This is something on which we and everyone in the U.S. government agrees, both in the State Department, at the White House, and on this subcommittee: that the spotlight is now on Vietnam, to give some kind of sign that it will address these issues, and not ignore them. And in this context, it is important that everyone stand together and insist that they do so, and explain to them that the U.S. relationship with Vietnam—which as a basic matter has improved in the past year years—will not continue to improve unless Vietnam's government undertakes serious reforms to address the human rights problems we've spoken about today.

I would be happy to take questions from the committee on the issues discussed in those documents or in my testimony today.

Thank you.

[Exhibits attached.]

**Exhibits:**

**Human Rights Watch**  
**World Report 2103 (excerpt)**  
**Vietnam Chapter**  
(current as of late 2012)

The Vietnam government systematically suppresses freedom of expression, association, and peaceful assembly, and persecutes those who question government policies, expose official corruption, or call for democratic alternatives to one-party rule. Police harass and intimidate activists and their family members. Authorities arbitrarily arrest activists, hold them incommunicado for long periods without access to legal counsel or family visits, subject them to torture, and prosecute them in politically pliant courts that mete out long prison sentences for violating vaguely worded national security laws.

In 2012, police used excessive force in response to public protests over evictions, confiscation of land, and police brutality.

Land confiscation continues to be a flashpoint issue, with local farmers and villagers facing unjust confiscation of their lands by government officials and private sector projects. Those who resist face abuses from local authorities.

Following a series of arrests of well-connected tycoons and managers of state-owned companies, the Party Central Committee held its sixth plenum in October. During the session, factions led by Prime Minister Nguyen Tan Dung and by Communist Party Secretary General Nguyen Phu Trong and President Truong Tan Sang vied for control of the state's political and economic machinery in a still ongoing power struggle. However, neither faction has voiced or otherwise demonstrated a commitment to protect human rights.

Vietnam has stated that it will seek a seat on the United Nations Human Rights Council (HRC) for the 2014-2016 term.

**Freedom of Expression, Assembly, and Information**

On the surface, private expression, public journalism, and even political speech in Vietnam show signs of enhanced freedom. This trend was especially evident in a surge of criticism of Prime Minister Nguyen Tan Dung during the course of the 6th Plenum of the Party Central Committee in October, and a high-profile call for his resignation issued from the floor of the

National Assembly in November. However, there continues to be a subcurrent of state-sponsored repression and persecution of individuals whose speech crosses boundaries and addresses sensitive issues such as criticizing the state's foreign policies in regards to China or questioning the monopoly power of the communist party.

The government does not allow independent or privately owned media outlets to operate, and exerts strict control over radio and TV stations, and publications. Criminal penalties apply to those who disseminate materials deemed to oppose the government, threaten national security, reveal state secrets, or promote "reactionary" ideas. The government blocks access to politically sensitive websites and requires internet cafe owners to monitor and store information about users' online activities.

In April, the government revealed a draft Decree on Management, Provision, and Use of Internet Services and Information on the Network. As drafted, the decree will outlaw posting internet content that opposes the Vietnam government, national security, public order, customs and traditions, national unity, offends the reputation of an individual or group, or transgresses a number of other ill-defined areas of concern. The decree would also require domestic and foreign companies to filter whatever content the government finds objectionable. The National Assembly had not yet begun considering the draft at this writing.

In September, Prime Minister Nguyen Tan Dung ordered the Ministry of Public Security to target blogs and websites not approved by the authorities, and to punish those who create them.

On August 5, authorities forcibly dispersed peaceful marchers in Hanoi protesting Chinese foreign policies on sovereignty over the Paracels and Spratly islands. Authorities temporarily detained more than 20 protesters for disrupting public order. Yet on the same day, authorities did not interfere with over 100 people on bicycles participating in Vietnam's first public demonstration for lesbian, gay, bisexual, and transgender (LGBT) rights.

#### **Repression of Rights Activists**

During 2012, the Vietnam government used vaguely defined articles in the penal code that criminalize exercise of civil and political rights to send at least 33 activists to prison and arrest at least another 34 political and religious advocates. At least 12 other rights campaigners detained in 2011 were still being held, awaiting trial at this writing.

Rights activists continue to suffer from intrusive police surveillance, interrogation, monetary fines, and restrictions on domestic and international travel. Police use temporary house arrest

to prevent them from participating in protests or attending trials of other bloggers and activists. In a number of instances in 2012, unidentified thugs have assaulted dissidents and police have done little or nothing to investigate.

In a prominent, internationally monitored trial that lasted only several hours on September 24, a court convicted the country's three most prominent dissident bloggers—Nguyen Van Hai (also known as Dieu Cay), Ta Phong Tan, and Phan Thanh Hai (also known as Anhbasg)—for violating article 88 of the penal code (conducting propaganda against the state). The court sentenced them to 12, 10, and 4 years in prison respectively. All are founding members of the Club for Free Journalists. United States President Barack Obama, US Secretary of State Hillary Clinton, and European Union High Representative Catherine Ashton have all raised concerns about their cases on different occasions during the year.

Authorities also widely used article 88 to silence other bloggers and rights activists. In October, musicians Tran Vu Anh Binh and Vo Minh Tri (also known as Viet Khang) were sentenced to a total of 10 years in prison for writing songs critical of the regime. In August, bloggers Dinh Dang Dinh and Le Thanh Tung were sentenced to six and five years in prison respectively. In June and July, labor rights activist Phan Ngoc Tuan in Ninh Thuan province and land rights activists Nguyen Kim Nhan, Dinh Van Nhuong, and Do Van Hoa in Bac Giang province were sentenced to a total of eighteen-and-a-half years in prison for conducting propaganda against the state for storing and distributing pro-democracy documents and leaflets. In March and May, five Catholic activists—Vo Thi Thu Thuy, Nguyen Van Thanh, Dau Van Duong, Tran Huu Duc, and Chu Manh Son—were jailed for a total of 17 years and 9 months for distributing pro-democracy leaflets, reduced to the total of 16 years and 3 months on appeal.

In March, the People's Court of Go Dau district in Tay Ninh province sentenced rights activists Ho Thi Hue and Nguyen Bich Thuy to three years each in prison for participating in protests against land confiscation in Tay Ninh province. Their sentences were reduced to two years each on appeal in August. In April and June, land right activists Nguyen Van Tu in Can Tho and Nguyen Van Tuan in Ba Ria-Vung Tau were sentenced to two and a half years and four years respectively in prison for “abusing rights to democracy and freedom to infringe upon the interests of the State.” Both were accused of helping local people file petitions against land confiscation. Nguyen Van Tuan's sentence was reduced to two years on appeal in August.

### **Freedom of Religion**

The government restricts religious freedom through legislation, registration requirements, and harassing and intimidating unsanctioned religious groups, including independent Protestant

home churches, and individuals and congregations of Hoa Hao Buddhists, Cao Dai, the Unified Buddhist Church of Vietnam, and Falun Gong.

Religious groups must register with the government and conduct their operations under the direction of government-controlled management boards. The authorities do generally allow government-affiliated churches and pagodas to hold worship services. However, local authorities routinely harass and intimidate religious communities, especially unregistered ones, when they take up politically disfavored issues including land rights and freedom of expression; when they are were popular among groups that the government considers to be potentially disaffected, such as ethnic minorities with a history of resistance against central rule and assimilation policies; or when they simply refuse to conform to state-sanctioned religious organization.

In February and March, Phu Yen province police arrested at least 18 members of a Buddhism-based religious group that refers to itself as the Council for Public Law and Affairs of Bia Mountain. They face charges under penal code article 79 for “activities aiming to overthrow the people’s administration.” At this writing, the 18 members of the group were in police detention in Phu Yen province, awaiting trial.

In Gia Lai province in March, Pastor Nguyen Cong Chinh was sentenced to 11 years in prison for “undermining national unity” in violation of article 87 of the penal code. The same month, eight ethnic Hmong Protestant activists from Muong Nhe district in Dien Bien were each given sentences of between two to two-and-a-half years in jail for “disrupting security” after they participated in a mass protest in Muong Nhe in May 2011.

In April and June, three other Protestant activists, Kpuil Mel, Kpuil LỄ, and Nay Y Nga, were sentenced to a total of 22 years in prison for transgressing article 87. All three were accused of practicing Dega Protestantism, which is outlawed by the state.

In May, three ethnic Montagnard activists, Runh, Jonh, and Byuk, were arrested in Gia Lai for being affiliated with the unregistered Ha Mon Catholic group and charged with “undermining national unity” according to article 87.

Police in An Giang prevented members of the unregistered Pure Hoa Hao Buddhist Association from gathering to commemorate key events, including the anniversary of the disappearance of the group’s founder Huynh Phu So. Hoa Hao activist Bui Van Tham was sentenced to 30 months in prison for “resisting officials in the performance of official duties.”

In June and July, local authorities sought to prevent Catholic priests from performing masses at the private homes of Catholic followers in Con Cuong and Quy Chau districts in Nghe An province. In both areas, local Catholics have filed multiple requests to authorities to form and register new parishes without success.

### **Criminal Justice System**

Police brutality, including torture in detention and fatal beatings, continued to be reported in all regions of the country in 2012. At least 15 people died in police custody in the first 9 months of the year, according to state-controlled media.

Vietnamese courts lack independence since they are firmly controlled by the government and the Vietnam Communist party, and trials of political and religious dissidents fail to meet international fair trial standards. Police intimidate, and in some cases detain, family members and friends who try to attend trials or publicly display dissenting views during court proceedings.

Vietnamese law continues to authorize arbitrary “administrative detention” without trial. Under Ordinance 44 (2002) and Decree 76 (2003) persons deemed threats to national security or public order can be placed under house arrest, involuntarily committed to mental health institutions, or detained at “re-education” centers.

In June, the National Assembly passed the Law on Handling of Administrative Violations that will finally halt the practice of sending sex workers to administrative detention in the so-called “05 centers” where they often suffer abuse. Human rights observers welcome this rare example of a concrete and positive institutional reform.

The policy of detention of drug users, however, remained unchanged. The mainstay of Vietnam’s approach to drug treatment remains detention in government centers where detainees are subjected to so-called “labor therapy.” Some 123 centers across the country hold around 40,000 people, including children as young as 12 years old. Their detention is not subject to any form of due process or judicial oversight and routinely lasts as long as four years. Infringement of center rules—including the work requirement—is punished by beatings with truncheons, shocks with electrical batons, and imprisonment in disciplinary rooms where detainees are deprived of food and water. Former detainees report that authorities forced them to work in cashew processing and other forms of agricultural production, including potato or coffee farming, construction work, and garment manufacturing and other forms of manufacturing.

**Key International Actors**

Vietnam's complicated relationship with China plays a key role in domestic and foreign affairs. Hanoi pledges friendship with China, but domestically must respond to criticism that it fails to counter China's aggressive behavior in the disputed Spratly and Paracel Islands.

Internationally, the government has increased cooperation with the US, the EU, Russia, India, Japan, and neighboring Association of Southeast Asian Nations (ASEAN) to counter-weight to China's growing influence.

The EU and Vietnam launched negotiations on a comprehensive free trade agreement in June. Two rounds of the EU-Vietnam human rights dialogue took place in January and October.

The relationship between Vietnam and the US continues to grow. The US is Vietnam's largest export market, and the June visit of US Defense Secretary Leon Panetta symbolized the growing ties between the two countries' militaries. The US and Vietnam are also negotiating a Trans-Pacific Partnership free trade agreement. However, during a July visit to Vietnam, Secretary of State Hillary Clinton publicly raised serious concerns about Vietnam's poor human rights record, and US policy makers indicated that failure to improve human rights could impose limits on the closeness of the relationship between the two governments.

Starting in 2013, Le Luong Minh, Vietnam's deputy foreign minister, will start his five-year term as secretary-general of ASEAN, greatly increasing Vietnam's influence in this regional bloc.

**For Immediate Release**

**Vietnam: Rights Dialogue Should Produce Concrete Steps**  
*Time for Government to Begin Delivering on Human Rights*

(Washington, DC, April 10, 2013) – The Vietnamese government should use the opportunity of the upcoming US-Vietnam Human Rights Dialogue to release political prisoners and make commitments to end the persecution of bloggers, land rights activists, and other peaceful critics, Human Rights Watch said today. The 17<sup>th</sup> US-Vietnam Human Rights dialogue will take place in Hanoi beginning on April 12, 2013.

“The Vietnamese government has produced an avalanche of political show trials as it tries to keep a lid on growing dissent,” said [Brad Adams](#), Asia director of Human Rights Watch. “The US should use this opportunity to make it clear that Vietnam needs to engage in serious reforms to improve the rights situation, or there will be severe consequences, including damage to relations with the US.”

According to the United States, the purpose of human rights dialogues is to produce concrete results to narrow the differences between international human rights standards and human rights policies and practices in [Vietnam](#). Human Rights Watch said that the US should make clear that if Vietnam wants to be considered a responsible international partner, it should make strong advances in meeting its international human rights obligations immediately. Vietnam is bidding for a seat on the UN Human Rights Council and will inevitably face greater scrutiny of its record at the Council’s Universal Periodic Review process.

Human Rights Watch pointed to the large and growing number of criminal convictions of peaceful protesters by Vietnam. In 2012, at least 40 people are known to have been convicted and sentenced to prison in trials that did not meet international due process and fair trials standards. Alarming, at least 40 more people were convicted in political trials in just the first six weeks of 2013.

“Last year was a terrible year for dissidents, who were imprisoned in large numbers,” Adams said. “Yet just as many activists were imprisoned after political trials in the first two months of 2013 than in the entire year of 2012. The Vietnamese government needs to realize it cannot solve the country’s huge social and political problems by throwing all its critics in jail.”

In recent months there has been an official campaign to suppress critical comments about the process of amending Vietnam’s constitution. This campaign appears to have been a factor in the arrest on December 27, 2012, of human rights-defending lawyer Le Quoc Quan and in official harassment and intimidation during February and March 2013 against critics like the journalist Nguyen Dac Kien, and Buddhist activist Le Cong Cau. Anonymous thugs threw rotten fish heads and fish intestines at the house of 2012 Hellman/Hammett prize winner, writer Huynh Ngoc Tuan. On April 8 and April 9, bloggers Bui Thi Minh Hang and Nguyen Chi Duc were attacked while police failed to intervene.

Vietnam has held some political prisoners for decades. In some instances these prisoners have been denied proper medical care for deteriorating health conditions. One of these is 66-year-old Nguyen Huu Cau, first detained in 1975, then rearrested in 1982 and held ever since. His health has reportedly deteriorated recently.

As a first urgent and humanitarian step, Human Rights Watch urged Vietnam to grant medical parole to all political prisoners and detainees who, like Nguyen Huu Cau, have serious health problems, followed by expeditious independent and impartial review of their cases to ascertain those who should be unconditionally and permanently released because they have been held solely for peaceful exercise of their fundamental human rights.

Those who appear to be in that category include: Nguyen Huu Cau, Tran Huynh Duy Thuc, Ho Duc Hoa, Dang Xuan Dieu, Le Van Son, Nguyen Van Hai, Mai Thi Dung, Nguyen Cong Chinh, Pham Thi Phuong, Ta Phong Tan, Nguyen Hoang Quoc Hung, Nguyen Van Ly, Nguyen Dang Minh Man, Tran Thi Thuy, Phung Lam, Do Thi Minh Hanh, Doan Huy Chuong, Cu Huy Ha Vu, Nguyen Tien Trung, Pham Van Thong, Nguyen Ngoc Cuong, Dinh Dang Dinh, Nguyen Xuan Nghia, Tran Vu Anh Binh, Nguyen Kim Nhan, Ho Thi Bich Khuong, Le Thanh Tung, Phan Ngoc Tuan, Vi Duc Hoi, Nguyen Van Lia, Vo Minh Tri, Le Quoc Quan – and many others.

Human Rights Watch called on the Vietnamese government to use the current process of amending the constitution to initiate an urgent program of legal reform aimed at:

- Amending or repealing legal provisions that effectively criminalize peaceful dissent, freedom of expression, and labor organizing;
- Removing all legal hindrances to independent religious organizations to freely conduct peaceful religious activities;
- Dropping plans for implementing the current “Decree on the Management, Provision, and Use of Internet Services and Information on the Network” and removing filtering, surveillance, and other restrictions on internet usage;
- Abolishing all legal justifications for forced labor and detention without trial for so-called “labor therapy” in cases of drug use or other purposes; and
- Dropping all provisions that make possible land confiscation without due process, just compensation, and independent and impartial means of review.

“For far too long, Vietnam’s government has been given an easy ride on human rights, with the result that the Vietnamese people have suffered increasing abuses,” said Adams. “The roadmap to reform is obvious, but it requires the Vietnamese Communist Party to tolerate dissent and accept the right of people to advocate different views.

For more Human Rights Watch reporting on Vietnam, please visit:

<http://www.hrw.org/asia/vietnam>

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Mr. SMITH. Thank you very much, Mr. Sifton, for your testimony and for very concrete recommendations to the committee, to the White House, to State, and to Congress at large as to how we should proceed. I do hope your organization and you will look at our Vietnam Human Rights Act again, because we do have a very strong provision dealing with using our voice and vote at the Human Rights Council.

And I think your point about marshaling other countries to join us is good, as Congressman Cao pointed out so well, this is the worst violator of human rights, and maybe there are others that are equal to, but in Southeast Asia. And again, the Human Rights Council has not distinguished itself as to membership. There are rogue nations that sit in good standing on it, and I think that brings nothing but dishonor to the process. And we need the Human Rights Council to be as faithful to promoting human rights, and who sits on it makes all the difference in the world. So excellent point by you.

Let me just ask if I could, Ms. Danh, if I could begin with you. With regards to your sister who is in hiding in Saigon, you mentioned, next week, I will begin the process this week, but I will ask to meet with the Ambassador of Vietnam to specifically raise the issues raised by this panel, but to ask that your sister be protected, that the trafficker as you pointed out is in pursuit of her. She is in hiding. And a country that is a Tier II country, which Vietnam is, and that means that our Government has suggested that they have taken action to meet the minimum standards prescribed in the Trafficking Victims Protection Act, it would be unconscionable for the government, once apprised of this situation, especially officially, to then look away and look askance and allow your sister to be further victimized.

And I would say, you mentioned that the Russians on March 5th mounted a raid to rescue the victims, 14 of them at the time. However, 2 hours before the raid a phone call from the Vietnamese Embassy in Moscow tipped off Madam Thuy An. She immediately moved the victims to another location. The Russian police only found an empty apartment. I have recently met, we have met, several of us, with the Russian Ambassador to talk about adoptions and human trafficking. I will convey to him our gratitude that the Russian police did mount such an effort to liberate these Vietnamese women and to ask that additional actions be taken to provide protection for them.

Ms. BASS. Will the gentleman yield?

Mr. SMITH. I will yield.

Ms. BASS. I would, first of all, like to join you—

Mr. SMITH. Yes.

Ms. BASS [continuing]. In that meeting.

Mr. SMITH. Oh, good.

Ms. BASS. But also I believe that Ms. Danh mentioned that there were eight other women, and I think that we should pursue them as well.

Mr. SMITH. Yes, exactly. And that is what we will do with the Russians as well as with the Vietnamese Ambassador. Why is it that it is okay for a government to allow its women to be raped, exploited and abused in another country? Where is the national in-

terest that Vietnamese young women are being so cruelly exploited? They ought to be leaving no stone unturned to protect them. But when, as you said, there are people from the Embassy itself exploiting these women that probably tells the story. So we will follow up on that with the Ambassador, and I hope he sees clear to meet with myself and Ms. Bass and Mr. Meadows and others who might want to join us for that meeting.

Let me ask you just a few other questions. If you want to respond please do, but Mr. Tran, thank you again for your testimony and for reminding us of the ongoing cruelty that has been committed against the parishioners and that you, yourself, have suffered so. If you and perhaps others could speak to the UNHCR. I have raised with High Commissioner Guterres on several occasions the unavailability of UNHCR personnel to assist Montagnard and others who seek protection and are given obstacles that are just insurmountable—where is your passport? They have a well-founded fear of persecution. They are being persecuted and yet they are left to drift. I am a great fan of the UNHCR. I have been to refugee camps all over the world. They are good people, but they have not stepped up to the plate, in my opinion, to meet their obligations here. So if you could maybe speak to the UNHCR problem.

And again we will ask, this committee will ask that High Commissioner for Refugees, Guterres, appear before the committee. We have jurisdiction over the U.N. in this committee as well. And as we have done in the past, he will come in an official briefing because U.N. personnel are not allowed to testify in an official hearing, but frankly it is a distinction without a difference. He will sit here and we will ask very courteous, but very real, questions of him. So if you could elaborate, if you will, on the UNHCR problems that you have encountered.

Ms. BUONYA. I am not exactly sure why all these cases have been denied. I just have heard from other people, for example, that some of the officers are cutting people off during questioning. I know with the Montagnard situation it may be a translation problem also. A lot of Montagnards don't speak fluent Vietnamese, which that could also be an issue. I have also heard from someone who works with Hmong National Development, for example, these victims will have scars on their bodies and they won't even get a chance to show the evidence of the torture, of the beatings, of their persecution.

And also with the problem of the passports, this is after people have been in hiding, for this recent case, I mean it has been over a year, and then to finally go through the whole process the whole time being in hiding, and then at the end of the line they are saying, we need a passport, which they don't have and in which they have to go get from the Vietnamese police. I mean how do you ask people who are already in fear to then go get a passport from the Vietnamese police? So I am not exactly sure what the right solution would be, but I just know right now the mechanisms in place are not working.

Mr. THANG. Yes, if I may. We have lawyers in Bangkok right now. We have a legal team in Bangkok to help about 900 Vietnamese asylum seekers. And there are some systemic issues. One is that the UNHCR doesn't allow any legal representation, so these

asylum seekers go into the interview and they don't know how to articulate their claims and they are not allowed to have anyone to come with them. And second, it looks like there is a policy of not allowing Montagnard and Hmong to be even registered for an interview with the UNHCR. Also they don't want to see more Montagnard. It is an implicit policy they don't see any Montagnard.

I would like to bring to your attention that at least right now there are four cases, three Montagnard and one Khmer Krom, who have been denied refugee status by the UNHCR. They have been told that they could return to Vietnam in safety, and they did return to Vietnam and they were captured and tortured and imprisoned. And they are trying to go to Vietnam to visit them but they were denied access. And four of them made it out of Vietnam and they are now in Thailand.

Mr. SMITH. Okay. If you could, Dr. Thang, provide additional information for the record that would be very helpful.

Mr. THANG. Yes, thank you.

Mr. SMITH. Just let me point out to my colleagues and to our witnesses, we have had hearings on North Korea, and I have also met with High Commissioner Guterres on North Korean women who are trafficked into China, once they made it across the border thinking they had escaped to relative freedom, and then were trafficked and sexually abused. The Chinese Government sends them back sometimes, and when they send them back they go to prison. They are tortured. Some of them are executed. And we heard from witnesses tell firsthand knowledge of that happening. It is a gross violation, sending someone back when you have basic information that they will be so hurt. And China has signed the Convention Relating to the Status of Refugees. They are in violation of it and the UNHCR and others have failed to take action. So the importance of these agencies is to take action when it is profoundly inconvenient because they are all about protection, and that is what we will at least admonish the High Commissioner to do with regards to these individuals.

Let me ask you finally, Mr. Tran, and then I will go to some of the others, after my colleagues. What has been the response of the U.S. Department of State, as well as the U.S. Trade Representative, to what has happened to your parish and the abuse that has been visited upon the parishioners including yourself?

Mr. TRAN. No, I have not heard anything from the State Department or other agencies from the U.S. Government about intervention and help for the parish.

Mr. CAO. Mr. Chairman, if I may.

Mr. SMITH. Yes.

Mr. CAO. Yes, even when I was in the U.S. House, I brought up the issue directly with the Department of State and also through the U.S. Embassy in Vietnam. And I was received with somewhat of a lukewarm answer that they are looking into the problem, they are looking into the issue, but nothing was done. No utterances from the Department of State to condemn the actions of the Vietnamese Government in that parish of Con Dau, along with the other locations, as well as other religious groups that were being persecuted by the Vietnamese Government. And this has traditionally been, I guess, the practice of the Department of State to deal

with these many issues with a blind eye or simply to utter rhetoric without taking any action whatsoever.

And in my own opinion, if we continue to act in this way then we are simply in complicit with these despicable acts because we are supporting a government to stay in power, a government that continues to persecute its people, a government that continues to torture religious leaders, a government that continues to make false arrests and to detain citizens without the due process of law. And again I would urge you, Mr. Chairman, along with members of the subcommittee, to bring this very issue to the State Department to ask them to take action, to ask them to sit down with us and other members of the community who are knowledgeable about the Vietnamese Government, who are knowledgeable about the Vietnamese culture, to consult with us on how to dialogue with the Vietnamese Government. That is all we ask.

Mr. SMITH. Thank you.

Mr. Ai, if you could tell us, in your testimony you mentioned Ordinance 44 which authorizes detention of dissidents in labor camps and psychiatric prison. Is Ordinance 44 being used today?

Mr. CAO. Vietnam use Ordinance 44 along with other colorful ordinances, and again because they do not abide by the rule of law it is difficult for us to even comprehend what basis they are using to arrest dissidents as well as individuals who speak out against the government. And then if we were to look at their actions in Con Dau along with other parishes, even though when I spoke with the Department of State with the U.S. Embassy in Vietnam, again at that time it was Ambassador Michael Michalak who was in Hanoi. His response was that these are just simply land disputes. They are simply land disputes between individuals.

And again this is just a simple excuse for them to overlook the question, to overlook the problem, and to proceed on with possibly economic conversations are what you have between Vietnam and the U.S. Government. Vietnam's intention, Vietnam's intention in taking land from religious institutions, in taking land from religious communities, their intention is to suppress religious freedom. That is their intention. And these disputes are not simply property disputes between land owners or what have you.

Mr. SMITH. Thank you.

Mr. Ai, did you want to answer that please?

Mr. AI. Yes, I would like to talk something about the Ordinance of 44. Many people forget that in Vietnam there are not only the prison as such but the Ordinance 44, all popular home that would just become a prison, like is the case of Thich Quang Do. He is now in his own pagoda as a prison. And Ordinance 44 can arrest or send the people under house arrest, for all the policeman in the town, in the countryside, they can do that and they don't need to deal with any due process law. And more than that they can send people into labor camp or psychiatric hospital. It is like in the Soviet Union. It is horrible. And now there are three blogger are arrested under the Ordinance 44 and sent to the psychiatric, the hospital, psychiatric one.

And especially the case of Thich Quang Do. Thich Quang Do do not be treated before the process of law. And they hear that policeman say that you are now under arrest and house arrest. And

since 10 year he is now a prisoner under house arrest. So I think that many time we ask in the council in Geneva, Human Rights Council, to abolish the Ordinance 44, but until now they didn't do anything for the Ordinance 44. So I would like to ask you to press Vietnam in order to abolish the Ordinance 44.

Mr. SMITH. Thank you, Mr. Ai.

Mr. Ai. Thank you.

Mr. SMITH. When I did meet with The Venerable Thich Quang Do in his pagoda I will never forget how impressed I was, and I know others who have met with him, with his incredible peace and a sense of strength and resolve. But he told me that if he walked out the door with me it would be a matter of seconds that security apparatus personnel and secret police would swarm and push him back and hit him right back into the pagoda. That is how ubiquitous the secret police is.

Ms. Bass?

Ms. BASS. Thank you. Once again, thank you all for your testimony today. And in particular I want to express my gratitude to your willingness to share what I know are very painful stories, situations and memories of abuse. I just have a couple of questions, because I wasn't sure I understood what was the important thing to happen. For example, I know the U.S. is getting ready to have this dialogue. It seems as though I heard two different opinions as to whether or not you feel the dialogues are useful and are important. I believe I heard, and it might have been from Mr. Ai that he said that he felt that the dialogues could be used as a shield.

So I don't know. If there is a difference of opinion that is fine. I just wanted to understand what you thought about the dialogue with the U.S. Should they be stopped? Should they continue?

Mr. Ai. No, I think that we must have a dialogue. I agree with having to dialogue in order to talk and to change. As I talked in my remark, the human right dialogue is only relevant if it leads to concrete progress. But I saw since a many year the human right dialogue between Vietnam and United States, between Vietnam and Australia, and between Vietnam and many country in Europe that didn't conduct to any change on human right in Vietnam. I think that Vietnam has a two-track political. One track for international. That mean they show for every people that Vietnam respect human right, respect democracy, and sometime like the secretary general of the Communist Party would say that the democracy in Vietnam is a thousand more democracy in the Western country. It is a democracy of one party. It is 1,000 times more than you know democracy in the Western country?

And so for the international they use the dialogue of human rights as a shield to say that yes, the fact that they dialogue with United States prove that they respect human rights. But too many year to this dialogue between United States and Vietnam, what can change in Vietnam? No, everything is the same. And they try, and the two-track policy as I say, the policy inside of Vietnam is to repress people, an oppression of religion, the bloggers, the netizen and so on. Many netizen and blogger, they try to aspire about the human right, about the democracy and even that they are accused for 20 years under prison, like the case of Khai Thuy as we have heard last time.

So I think that of course we need the human right dialogue but we hope that United States set a benchmark and a time frame for improvement, resolve that Vietnam change on the human right.

Ms. BASS. I also wanted to ask in terms of the religious prosecution, is it of all religions or is a particular religion singled out, religion perhaps that Chairman Royce was talking about? Is religion just an excuse for political persecution?

Mr. CAO. Again, Ranking Member Bass, the Communist Government of Vietnam persecutes all religion across the board, and more particularly they target those groups of people that do not have a voice, the Montagnards, the other minorities, other groups in Vietnam. But there has been some progress made on the issue of religious freedom in Vietnam recently when many of the religious leaders demanding changes to the Vietnamese Constitution, asking that power belong to the people, asking that land belong to the people and not to the government.

And I want to again briefly address your previous question concerning dialogue. We have been having dialogue with Vietnam for the past 38 years. And in the last several years our dialogue with Vietnam has not been followed up with action, and Vietnam, they recognize that. They recognize that when we approach them and talk to them about human rights, about religious freedom, they are simply empty words. Because why, because no actions have been taken by the U.S. Government to challenge Vietnam on their violations of human rights and religious freedom.

Ms. BASS. Thank you.

Mr. CAO. And therefore I would ask the Congress to take actions now to back up our dialogue with action to show Vietnam that these are no longer empty words.

Ms. BASS. Thank you. I appreciate that.

Ms. DANH, and please forgive me if I am mispronouncing your names. But I think you were saying something about that the State Department was helpful at some point in the release of your sister, and if that is the case, if that is what you said, what did they do?

Ms. DANH. That was thanks to the intervention of Congressman Al Green, who is a representative in Houston, and because of that the U.S. State Department has passed information about the victims to the Russian police.

Ms. BASS. I see. So he did a phone call or a letter or something?

Ms. DANH. Yes.

Ms. BASS. And so was that when you said that the Russians were tipped off? I remembered you described an incident where they were tipped off so that the woman who was in charge of the brothel was able to—

Ms. DANH. That is right. Just before the Russian police undertook the raid, the Vietnamese Embassy, someone there called Ms. Thuy An, that is the brothel's owner, to tip her off. And she moved all the victims immediately and therefore when the Russian police made the raid there was no one left in the apartment.

Ms. BASS. Okay, thank you very much.

Mr. MEADOWS. Thank you, Mr. Chairman, and thank each of you for your testimony today. Congressman Cao, thank you for coming in, and I have a couple of questions for you. Given that you were talking about the backsliding of Vietnam and the government, and

yet here they are trying to be recognized by the international community for their improvements in human rights. Can you explain, I guess, the repression that we are seeing, but yet where they are going with this in trying to be recognized from an international standpoint?

Mr. CAO. Congressman, again I do not understand the irony in all of this. I simply, at least this is a personal opinion of mine, I simply believe that their actions, at least the actions that they are taking, are simply steps for them to sidetrack the fact that their record say very clearly that they have been backsliding in the past several years since 2007. And again, the actions taken by the Vietnamese Government is another explicit message that at least the words that are uttered by us and by other international communities, when they are not followed by actions, are simply empty words, and therefore the actions that they have taken clearly shows that they do not take our words into much consideration whatsoever.

Mr. MEADOWS. So your compelling message today would be that if we are going to make a statement we need to have teeth and action behind that statement, not just simply rhetoric that plays well in the media.

Mr. CAO. That is absolutely correct. Historically, at least in the past 4 or 5 years, at least the administration has spoken of Vietnam human rights violations, but at the same time they are sitting down with Vietnam at the table talking about the TPP, talking about GSP, talking about other economic and other benefits. When we send a mixed message like that it is extremely difficult not only for us as a government but for other organizations such as Boat People SOS to make a push to Vietnam to make those changes that are required before they get the benefits of GSP, before they get the benefits of TPP.

Mr. MEADOWS. Okay. And the chairman in this very room, just a couple of days ago we had a hearing that highlighted some of the human rights violations with regards to China. And part of that testimony talked about the fact that what we needed to do is not have a human rights dialogue that is separate than some of the other dialogue that is going on whether it be military, whether it be economic, whether it be other trade, that it needs to be all-inclusive. Would you agree that that would be the most pragmatic approach and most meaningful approach with regards to Vietnam?

Mr. CAO. I absolutely agree. Because when we look at the history of our country, this great nation was founded on the principles of religious freedom, on the principles of the freedom of expression and individual rights. And if we were to neglect those principles that make our country great, in dealing with other countries, then we ourselves are acting in a hypocrisy. We ourselves are acting in a way that encourages other countries to be involved in wrongdoings. So I absolutely agree with Chairman Smith that when we speak with Vietnam on the issues of economic trade, on the issues of military exercises that we must demand that they improve their human rights and religious freedom records.

Mr. MEADOWS. And so having been a Member of Congress, and having the power to vote and knowing that TPP is coming up and that dialogue is real today, would it be your recommendation to

other Members of Congress, of a body that you have been a Member of, to encourage them not to ratify that unless this human rights violation is not only addressed but addressed in a real and meaningful way?

Mr. CAO. That is absolutely correct. I highly recommend that the U.S. Congress would not ratify Vietnam's entrance into TPP, would not ratify any actions taken by the administration to grant Vietnam GSP until some of these issues are concretely corrected by the Vietnamese Government.

Mr. MEADOWS. Okay, and let me follow up on that because I believe in your testimony you encouraged Congress to pass human rights legislation specifically with regards to Vietnam. Is the Government of Vietnam sensitive to the actions we would take here in Congress with respect to human rights or is it do they kind of just not pay attention?

Mr. CAO. Of course the Vietnamese Government, like other authoritarian regimes, they recognize the acts of Congress, and over the past years, even though we have passed the Vietnam Human Rights Act through the House but eventually it got stuck in the Senate, the passage of the Vietnam Human Rights Act through the House speaks very loudly of where we are as a government. That we are willing to challenge the Vietnamese Government on their human rights records, on their religious freedom records.

But I believe that this is the right time for us to take further steps to not only pass the Vietnam Human Rights Act and the Vietnam Sanctions Act through the House, but to make a concerted effort to get it through the Senate and get them signed by the President. And if you were to look at the explicit language of those two acts, the language allows the President after he signs those acts into law to provide waivers when he deems fit. So it is not, these acts are not somehow bound the President in any way, but at least when necessary it give the President teeth to force Vietnam to make these changes.

So again I urge the U.S. Congress to present the Vietnam Human Rights Act, to present the Vietnam Sanctions Act, to pass it through the House, to pass it through to the President, to pass it through the Senate, and to get the President to sign these two acts into law.

Mr. MEADOWS. And one last follow-up, Mr. Chairman, if I may. If with the tier ranking that has been changed by the State Department, obviously to show improved status with regards to human rights, do you think that that sends conflicting messages in terms of where we are as a nation? And not to condemn the State Department, I know they are well meaning, but does it send the wrong message?

Mr. CAO. Again, I absolutely agree with you that when we utter phrases, when we utter words challenging Vietnam on human rights but at the same time move them out of the list of Countries of Particular Concern, again we are sending Vietnam mixed messages that what we are saying are simply empty words. And they fully recognize that. And I again urge the U.S. Government to put Vietnam back on the list of Countries of Particular Concern to make sure that Vietnam knows that our words are no longer empty

words and that we are now willing to take action to demand changes in Vietnam.

Mr. MEADOWS. Okay. Ms. Danh, thank you for your testimony. It touches my heart. My daughter Haley who is 19 years old brought the human trafficking dilemma, horrific actions across this nation, to my attention 3 or 4 years ago. You today have brought it home when you said that these victims, look at them as your own daughters. And that is what we must do as a people. We must not look at it as some horrific tragedy, an action that is taking place far, far away. We must look at it as if it were our own daughters. And so I thank you for sharing your story.

I want to go on a little, but ask you specifically with regards to this action, would you see with the State Department changing this tier ranking and the complicity that we have seen with regards to Vietnam Government, do you think that that is creating an environment where the international community is saying we will turn a blind eye to these awful sex trafficking, human trafficking efforts?

Ms. DANH. Yes, the U.S. Government should put more pressure on the Vietnamese Government so that they will truly protect the victims. And I would like to point out in these pictures here they are not just teenagers, but that is one of them who is 16. And this is a 16-year-old minor among the victims, and the other are 19 to 20 or 21 years old.

Mr. MEADOWS. And my last question, do you think your sister's story and the story of these 15 people is truly a unique story, or would you say that there are many other Vietnamese women who are being victimized even now?

Ms. DANH. It is not just my sister. It is not just these 15. There are a lot of other young Vietnamese women in the same situation in Russia.

Mr. MEADOWS. Well, I thank each one of you for your testimony. I have to speak on the House floor in just a few minutes and so my leaving is not an indication of anything other than a great desire to say thank you for being here today. And with that I yield back to the chairman.

Mr. SMITH. Thank you very much for your robust participation and your deep and abiding concern for human rights in Vietnam.

Is there anything our distinguished witnesses would like to say before we close? Yes, Mr. Ai?

Mr. AI. I would like to have the last word. So I hope so much that the Congress will adopt the Vietnam Human Rights acts, because I have the feeling that the United States support human rights already for 3 million Communist Party but not for 87 million Vietnamese people, and I hope so much that you can work in order to redesignate Vietnam on the CPC. Thank you, Mr. Chairman.

Mr. SMITH. Mr. Sifton?

Mr. SIFTON. I would just add that on the issue of this dialogue being useful or not it might be important to add one word of elucidation. I think it wouldn't be correct to assume that the U.S. Government doesn't raise human rights issues outside of this dialogue. I think they do, and I think Ambassador David Shear does do that quite a bit and he encourages the U.S. Trade Representative to do it. I know the Pentagon does it in the context of the conversations

they have. The question is do they do it enough, and what should they do if Vietnam doesn't improve? And I think that is the big question that we still haven't settled. It is a very difficult question, the effort to convince and pressure and inveigh and dialogue with the Government of Vietnam involves some really complex dynamics.

So all I would say the only glimmer of hope, I think, is the party doesn't want to relinquish power but nor does it want to lose power and be swept aside. And they are worried about wild cat strikes and land uprisings and their international standards and their economic situation especially given last year. And so there are things they may want to do, but those are decisions they need to make, the Government of Vietnam. They can be pressured, they can be convinced, they can be inveighed, they can be tricked even perhaps, but it is not just simply a matter of bashing them over the head. But I think there are some opportunities there.

And then as last on the Human Rights Council, it goes without saying that the State Department and the White House will oppose Vietnam as a member of HRC. What I really think might be useful would be for Members of Congress to pressure the State Department not just to do that but to really rally the rest of the Council. Argentina, Brazil, India, The Philippines, Indonesia, Malaysia, all the other members who would sort of be on the fence to say you guys have got to stand up with us as well. That is a very important—

Mr. SMITH. Thank you so much, Mr. Sifton.

Mr. Tran?

Mr. TRAN. I would like to add one point relating to the relationship, the close relationship between the police and the thugs. Recently at Con Dau Parish just last December, there was a case of a family of they refused to sign the paperwork to relocate, so they dug in. And then the police surrounded the village, blocked the village letting no one leave, and they escorted the thugs in. And they surrounded the house while the thugs broke into the house and beat up the couple, and the wife pass out. And that shows that there is a close relationship between the police and the thugs. Out of fear they just fled to Thailand to seek refuge protection but they are still without status. Oh, and the Vietnamese authorities even threatened that if they got caught and recaptured they would be eliminated.

Mr. SMITH. Yes?

Ms. BUONYA. I do have one last thing to add. In your continued dialogue with Vietnam I just wanted you to, I guess, remind the Communist government that yes, everything is similar in terms of religious persecution between the Vietnamese and the indigenous people, but I feel like when it comes to the Montagnards, the Hmong, the Khmer Krom, the Cham it is even worse. And one reason is because of the allying with the U.S. Government during the Vietnam War, and also because they were already suppressed populations. And on top of being persecuted for their religion and because of their ethnicity, there is also lots of, I guess you could say, problems with land confiscation, so now they are losing their homeland. And just to keep that in mind with your dialogue that you are all here in unity, but at the same time the indigenous people

face a little bit different situation than the majority of the Vietnamese do.

Mr. SMITH. And just for clarification, the forced renunciations of faith—

Ms. BUONYA. Right.

Mr. SMITH [continuing]. They continue?

Ms. BUONYA. They do still continue, yes.

Mr. SMITH. Are they widespread?

Ms. BUONYA. From what I have heard they are widespread. Like I said, two regions that I mentioned earlier, Pleiku and Buon Ma Thuot were one of the major ones because there, there is constant police surveillance. So it is like the people, they are scared to do anything. They are just being watched all the time.

Mr. SMITH. Because one of the preconditions for removal from CPC some years back was the Ambassador-at-Large had what he thought were deliverables as he described it, and one of them was to completely end the forced renunciations of faith. CPC was eliminated for Vietnam and yet the forced renunciations and other repression against all other faiths continue as well.

Ms. BUONYA. Still continue.

Mr. SMITH. Okay, thank you. Anybody else? I want to thank you for your testimony, your very, very timely and very comprehensive recommendations to the subcommittee, for your valued efforts on behalf of human rights, and for those who have suffered personally, thank you for your willingness to share that with us. It will mobilize and not just inform, but mobilize this committee to do even more. So thank you very much. The hearing is adjourned.

[Whereupon, at 12:17 p.m., the subcommittee was adjourned.]

# A P P E N D I X



MATERIAL SUBMITTED FOR THE HEARING RECORD

**SUBCOMMITTEE HEARING NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128

**Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations**  
**Christopher H. Smith (R-NJ), Chairman**

April 10, 2013

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at [www.foreignaffairs.house.gov](http://www.foreignaffairs.house.gov)):

**DATE:** Thursday, April 11, 2013

**TIME:** 10:00 a.m.

**SUBJECT:** Highlighting Vietnamese Government Human Rights Violations in Advance of the U.S.-Vietnam Dialogue

**WITNESSES:** The Honorable Anh "Joseph" Cao  
Former Member of Congress

Mr. Vo Van Ai  
President  
Vietnam Committee on Human Rights and Que Me: Action for Democracy in Vietnam

Ms. Anna Buonya  
Spokesperson  
Montagnard Human Rights Organization

Ms. Hui Danh  
Sister of a victim of human trafficking

Mr. Tien Tran  
Victim of religious persecution at the Con Dau Parish

Mr. John Sifton  
Advocacy Director for Asia  
Human Rights Watch

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *Africa, Global Health, Global Human Rights, and International Organizations* HEARING

Day Thursday Date April 11, 2013 Room 2172 Rayburn HOB

Starting Time 10:00 a.m. Ending Time 12:17 p.m.

Recesses 0 ( \_\_\_ to \_\_\_ ) ( \_\_\_ to \_\_\_ )

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

TITLE OF HEARING:

*Highlighting Vietnamese Government Human Rights Violations in Advance of the U.S.-Vietnam Dialogue*

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Mark Meadows, Rep. Karen Bass

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an \* if they are not members of full committee.)

Rep. Ed Royce, Rep. Alan Lowenthal

HEARING WITNESSES: Same as meeting notice attached? Yes  No   
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

Photographs submitted by Ms. Buonya  
Excerpt from a statement on persecution of Hmong Christians in Vietnam submitted by Rep. Smith

TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or  
TIME ADJOURNED 12:17 p.m.

  
Subcommittee Staff Director

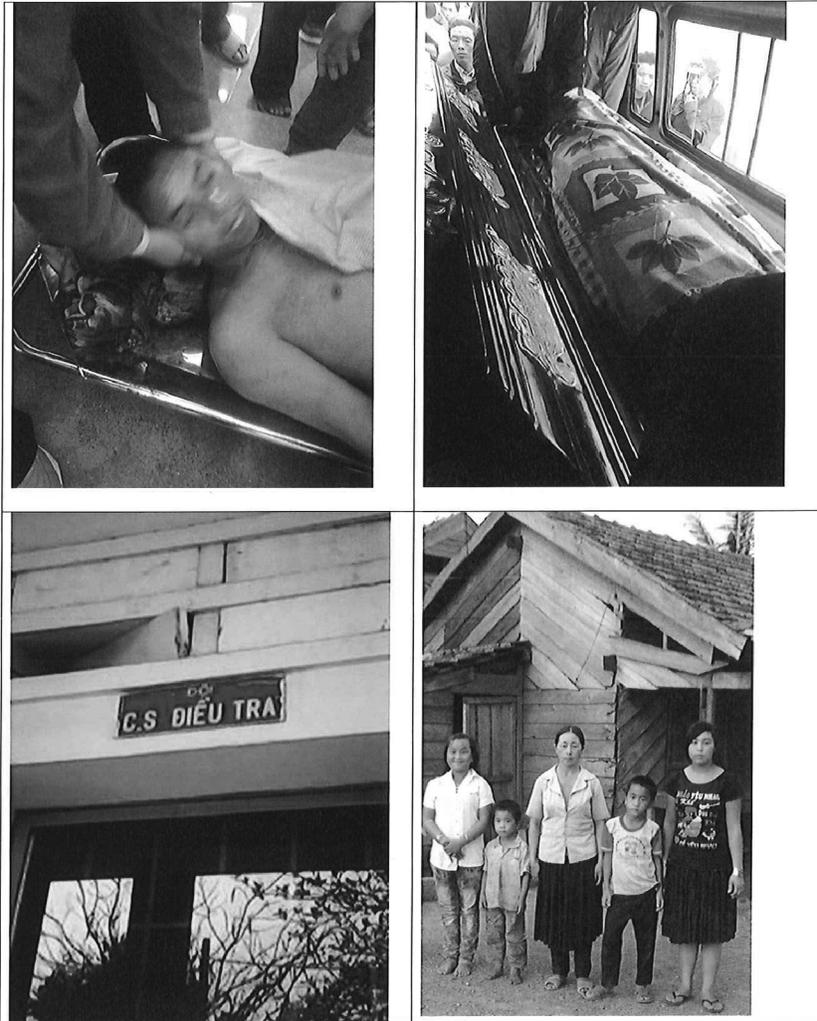
MATERIAL SUBMITTED FOR THE RECORD BY MS. ANNA BUONYA, SPOKESPERSON,  
MONTAGNARD HUMAN RIGHTS ORGANIZATION

*Sanh No Yang, a Hmong Christian from Thon Mong Phong, Xa Cu Pui, Huyen Kala Bong, Dak Lak Province. He participated in the May 2011 gathering in Muong Nhe, Dien Bien Province of thousands of fellow Hmong Christians. He escaped the police crackdown and went into hiding near his home village. On December 12, 2011 the local police zeroed in to his hiding place. As he attempted to escape, he was shot dead.*

*(Information compiled by BPSOS)*



Hoang Van Ngai, Hmong Deacon at the Bui Tre Protestant Church in Dak Nong, Vietnam, was tortured to death at the police station on March 17, 2013: (1) bruises all over his face, head, neck and chest; (2) his corpse ready for burial; (3) the police station where he was held and tortured to death; (4) his surviving family members. (Compiled by BPSOS)



MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,  
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-  
NATIONAL ORGANIZATIONS

STATEMENT OF  
BOAT PEOPLE SOS (BPSOS) and HMONG NATIONAL DEVELOPMENT, INC. (HND)  
On The  
PERSECUTION OF HMONG PROTESTANTS IN VIETNAM

At the hearing on “Highlighting Vietnamese Government Human Rights Violations in  
Advance of the U.S.-Vietnam Dialogue”

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, D.C. 20515-0128

April 11, 2013

**I. Human Rights Violations in Vietnam**

Vietnam’s poor record on human rights is well-documented. The Vietnamese Communist Party (VCP) has a long history of brutally suppressing dissent in order to preserve its own power in this one-party, authoritarian state. Despite a rapid growth in the relationship between Vietnam and the United States in recent years, Vietnam has failed to make progress with respect to greater protection of human rights. In fact, the 2012 U.S. Commission on International Religious Freedom (USCIRF) Annual Report states that Vietnam’s overall human rights record has actually been steadily deteriorating over the past several years. The report states that “... the government has moved decisively to repress any perceived challenges to its authority, tightening controls on freedom of expression, association, and assembly.” The Report goes on to state that “[d]uring 2011 alone, the government sentenced at least 33 peaceful dissidents including political reform advocates, free speech and democracy activists, and those protesting religious freedom restrictions.”

The Vietnamese government uses a system of surveillance and censorship to suppress political and religious dissenters. The authorities use “household registration” (*ho khau*) -- essentially an internal passport -- and a block warden system to oversee those whom they suspect of being involved in political or religious dissent. Police-administered *ho khau* are required in order for people to be considered legal residents of a locality and to legally find work, obtain access to public services, travel or relocate within Vietnam, and rent or own a home. According to the U.S. State Department, the government “continue[s] to open and censor targeted persons’ mail; confiscate packages and letters; and monitor telephone conversations, e-mail, text messages, and fax transmissions.” During 2011 “[t]he government cut the telephone lines and interrupted the

cell phone and Internet service of a number of political activists and their family members.” (United States Department of State, Country Reports on Human Rights Practices for 2011, Vietnam report.)

Vietnamese law also restricts freedom of movement. All citizens are required to inform the local police when changing their residence or staying overnight at any location outside their own homes. Police brutality and torture of detainees is common throughout the nation. As reported by Human Rights Watch (HRW), “Police frequently torture suspects to elicit confessions and, in several cases, have responded to public protests over evictions, confiscation of land, and police brutality with excessive use of force.” (HRW World Report, 2012.)

These human rights abuses are endemic throughout Vietnam, but are often specifically targeted towards the ethnic minorities that live in Vietnam’s remote provinces, such as the Hmong. While Vietnamese laws formally prohibit all forms of discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities continues to be manifested from the national to the provincial level. (See, eg, HRW, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” 2011; HRW, “On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta,” 2009.) Although the U.S. State Department reports do mention the discrimination that these ethnic minorities suffer throughout the country, they fail to adequately reflect the severity and scope of the torture and persecution that the Hmong and other ethnic minorities such as the Montagnards and Khmer Krom face, especially when it comes to religious persecution.

## **II. Vietnam’s Restrictions on Religious Freedom**

Vietnamese law requires all religious organizations to be registered and subsequently approved by the government. Participating in independent religious organizations is viewed as challenging the authority of the government. Even in the cases of government approved religious organizations, legal protections “are both vague and subject to arbitrary or discriminatory interpretations based on political factors; and new converts to some Protestant and Buddhist communities face discrimination, intimidation, and heavy pressure to renounce their faith.” (USCIRF Annual Report, 2011.)

On the individual level, believers who are members of unrecognized religions “continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy.” (USCIRF Annual Report, 2012.)

In September 2004, the “Secretary of State designated Vietnam as a ‘Country of Particular Concern’ under the International Religious Freedom Act for particularly severe violations of religious freedom.” Among the most important reasons for this designation was the harsh treatment often meted out to Protestants, particularly those who are members of ethnic minority groups. “The U.S. Ambassador and other U.S. officials, including the Ambassador at Large for

Religious Freedom, raised concerns about the repression of Protestantism in the Central and Northwest Highlands, detention and arrest of religious figures, and other restrictions on religious freedom with government cabinet ministers up to the level of Deputy Prime Minister, CPV leaders, provincial officials, and others,” but serious violations of religious freedom, particularly against Hmong and other ethnic minority Protestants, continued. (U.S. State Department, International Religious Freedom Report [hereinafter IRFR], 2004.)

In 2006, this designation was lifted due to some progress made by the Vietnamese government with respect to religious freedoms. However, this “progress,” including increased registration of church groups, largely occurred in the more densely populated urban areas where changes can be easily monitored, and was not enacted equally throughout the country. Specifically, these improvements were not implemented in the more remote provinces in the highlands, where many ethnic minorities including the Hmong reside, and where access by outsiders is severely restricted.

USCIRF’s Annual Report for 2011 states that any improvements with respect to religious freedom “often depended on geographic area, ethnicity, relationships with local or provincial officials, or perceived ‘political’ activity... There continues to be active suppression of independent religious activity, especially among ethnic minority populations and religious groups or individuals perceived as posing a political challenge to government authority.” Rather than seeing any improvement, Vietnam’s record on religious freedom for its ethnic minorities has seen a steady decline in the years since the CPC designation was lifted in 2006. USCIRF stated in its 2011 Annual Report that, since 2007, Vietnam has “moved decisively to repress any perceived challenges to its authority, tightening controls on freedom of expression, association, and assembly... independent religious leaders, and religious freedom advocates were arrested, placed under home detention or surveillance, threatened, intimidated, and harassed.”

Any religious activity by ethnic minorities is viewed as inextricably linked to political dissidence, leaving people of faith vulnerable to arrest and prosecution for their presumed opposition of the Communist government. Conditions continue to deteriorate, and USCIRF states in its most recent 2012 Annual Report that “[t]he government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress individuals and groups viewed as challenging its authority.” Based on its “systematic, ongoing, and egregious violations,” the USCIRF recommended that Vietnam again be designated as a “country of particular concern” in 2012.

#### **A. Hmong Protestants in Vietnam**

The Hmong residing in Vietnam’s remote Northwest Highlands have been converting to Christianity in large numbers since the late 1980s. According to the U.S. State Department’s International Religious Freedom Report for 2011, the number of Protestants in Vietnam ranged

from approximately 1%-2% of the population. Approximately two-thirds of these Protestants are ethnic minorities living in the Northwest Highlands, including the Hmong. (U.S. State Department IRFR, 2011.)

Basic legal rights “of ethnic minority Protestants in northern Vietnam have been impaired by the refusal of the competent authorities to issue them identity cards that recognize their religious affiliation. Without proper recognition of their Protestant status, they are left in an indeterminate and vulnerable position: either they have no identity card, or the fact that they are identified as subscribing to no religion may be used to prevent their attendance at churches.” (USCIRF Annual Report, 2011.)

The Vietnamese government has viewed the spread of Christianity among its ethnic minorities as a threat, due to its perception of Christianity as an “American” religion in direct conflict with Communism and loyalty to the Communist government. USCIRF notes in its 2012 Annual Report that “new converts to ethnic-minority Protestantism... face discrimination, intimidation, and pressure to renounce their faith. This tactic seems to be a policy developed and condoned by central government authorities and carried out in the provinces.” For groups such as the Hmong, which has unique historic ties to the U.S., this conversion to Christianity is viewed with particular hostility.

The growth of Protestantism in the Northern Highlands, which is largely shielded from foreign scrutiny, is viewed by the Vietnamese government as a potential threat to national security. “In many provinces, Protestant churches were required to submit lists of all worshippers as part of the registration process, although the legal framework on religion does not require this information. This practice appeared to be widespread.” (U.S. State Department IRFR, 2010.) These lists, many Hmong believe, have assisted the government to identify, monitor, and arrest those who are perceived as opponents of the government.

Provincial officials in the remote highlands often fail to follow the 2004 Ordinance on Religion and Belief, which outlines the parameters of authorized practice of religion, and instead follow their own special rules intended to clamp down on religious activity. USCIRF’s 2012 Annual Report states, “Contrary to the [2004 Ordinance on Religion and Belief’s] provisions, local officials have told religious groups and visiting USCIRF delegations that the Ordinance’s provisions do not apply in their provinces. In the northwest provinces, there remain hundreds of applications for legal registration that have not been acted upon by government officials.”

Rather than implement the Ordinance in ethnic minority areas, the central government has instead “issued a training manual on religious groups in the northwest provinces that counsels restricting rather than advancing religious freedom.” (USCIRF Annual Report, 2012.) The handbook outlined guidelines for “provincial officials in the northwest provinces on how to manage and control religious practice among ethnic minorities ... [The 2006 handbook] indicates

that the Vietnamese government continues to control and manage religious growth, label anyone spreading Christianity in the northwest provinces as a national security threat, and use unspecified tactics to . . . persuade new converts to renounce their beliefs.” (USCIRF Annual Report, 2011.)

As a result of many criticisms from the international community, two revisions of the handbook have been released since 2007. “Neither, however, offers much improvement on the original.” (USCIRF Annual Report, 2011.) These new versions continued to include language which instructed provincial officials to “control and manage existing religious practice through law, halt ‘enemy forces’ from ‘abusing religion’ to undermine the Vietnamese state, and overcome the extraordinary . . . growth of Protestantism.” (USCIRF Annual Report, 2011.)

The 2007 revised version also states that local officials must try to ‘solve the root cause’ of Protestant growth by, ‘mobilizing’ ethnic groups to ‘preserve their own beautiful religious traditions . . . .’” (USCIRF Annual Report, 2011.) Specifically, the handbook calls on local officials to “encourage the return to traditional beliefs” -- essentially condoning forced renunciation of faith -- despite the Prime Minister’s Instruction No. 1 and Decree 22, both passed in 2005, which outlaw such practices. The handbook illustrates Vietnam’s official government policy of religious repression of Hmong Protestants and its view of the Protestants as a political threat to be eliminated.

#### **1. Religious Persecution of Hmong Protestants in Vietnam**

Vietnamese government officials have been employing numerous means of religious persecution in an attempt to suppress the spread of Christianity among the Hmong and punish those who refuse to renounce their faith.

- **Lack of Bibles and Religious Education**

Hmong Protestants seeking to register their churches have been told they need a recognized minister in order to register, though when some obtain the necessary certification as ministers, local authorities do not recognize their certification.

According to the USCIRF 2011 Annual Report, one of the methods the government has used to repress the growth of Protestantism among ethnic Hmong is to deny or delay the publication of Bibles published in modern Romanized Hmong. Hmong who are caught with Bibles printed in Hmong have been subjected to beatings, fines, and detention. As noted by the USCIRF, “[I]n March 2011, in Dien Bien province, a Hmong Protestant leader was briefly detained and the Bibles he was carrying were confiscated. He was warned to not transport ‘illegal materials.’” (USCIRF Annual Report, 2011.)

- **Church Registration Issues**

Hmong Protestants are often subjected to more severe constraints on the practice of their religion than are imposed on other ethnic groups, with the government accepting very few of the 671 registration applications submitted by Hmong church groups since 2005. (Boat People SOS, [BPSOS], "Persecution of Hmong Christians and the Muong Nhe Incident," January 24, 2012. 2006.)

"[U]nlike in some parts of the Central Highlands, the government has moved very slowly to extend legal recognition to Hmong Protestant churches. The number of legally-recognized churches and meeting points has reached 100 in the past year, but an estimated 1,000 religious groups are seeking affiliation with the ECVN. Hundreds of applications for legal recognition have been declined or ignored, despite provisions in the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner." (USCIRF Annual Report, 2011.)

▪ **Forced Renunciation of Faith**

The practice of forced renunciation of faith, although formally banned by Decree 22 in 2005, persists at both the local and provincial levels with at least tacit support from the central government's religious regulators. Reports of forced renunciation of faith "are not isolated cases, but are sanctioned by central government authorities to thwart both the growth of Protestantism in the northwest provinces and independent religious activity in the Central Highlands." (USCIRF Annual Report, 2011.) In particular, "local authorities are pressuring Hmong Protestants to recant their religious practices and return to traditional practices." (U.S. State Department IRFR, 2010.)

The State Department's Religious Freedom report for 2010 describes one example of forced renunciation: "In the Ho Kaw Village of the Dien Bien Province in 2009, district officials pressured 10 Christian families to recant their faith." Among them were "[t]hree ethnic Protestant H'mongs, Sung Cua Po, Sung A Sinh, and Hang A Xa, who refused to renounce Christianity [and] were allegedly detained, handcuffed, and beaten by police in order to force them to renounce their faith. Following the beatings, most Christians in the village stopped practicing their religion under pressure from local officials and family members. . . . After additional police threats, Po signed a renunciation of Christianity. In March, Po and his family fled his home after continued abuse from authorities and family members, and have not been seen since that time." (U.S. State Department IRFR, 2010.)

In 2010 and 2011 there were multiple instances in which local officials in Dien Bien forced Hmong Protestants to renounce their faith through methods such as fines, beatings, threats of property confiscation and expulsion, and even death threats: As noted by USCIRF in its 2011 Annual Report:

- “In June 2010, several Hmong Protestants from Trung Phu village, Na Son Commune, Dien Bien Dong district, Dien Bien province were threatened with death and beaten severely unless they renounced their faith . . . .”
- “In June 2010, 25 individuals from Ban Xa Li #1, Xa Xa Tong, Iluyen Muang Dien Bien Dong, Dien Bien province were threatened with confiscation of property and beatings unless they gave up Protestantism. The leader of the local congregation was driven from his home and relocated to another village. Authorities continue to harass and intimidate the villagers.”
- “In March 2011, 21 people belonging to an unrecognized Protestant church in Pha Khau Village, Phinh Giang Commune, Dien Bien Dong district, Dien Bien Province, were threatened with property confiscation and forced relocation unless they stopped meeting to worship. The individuals refused and authorities continue to harass and intimidate them.”
- “[I]n March 2011, Hmong Protestants leaders who started an unrecognized congregation in Ha Tam village, Muong Ba commune, Tua Chua district, Dien Bien province were detained and interrogated by local authorities. They subsequently were expelled from the district. The ‘new’ converts in Ha Tam village were threatened and ordered to renounce their faith.” (USCIRF Annual Report, 2011.)

The persecution of Hmong Protestants is not a new phenomenon, with many incidents taking place in Dien Bien province in 2006 and 2007, as reported by USCIRF in its 2008 Annual Report:

- “In Dien Bien province, Muong Lay district, Cha Cang commune, local authorities encouraged Hmong clan leaders to pressure local Protestant families to cease practicing their faith, including by forcing some families to construct traditional altars in their homes and/or to sign formal documents renouncing their beliefs.”
- “In Dien Bien province, East Dien Bien district, police broke up a house church meeting, banned worshippers from gathering, confiscated religious material, fined followers, forced some to cut wood, and visited the homes of church members to pressure them to abandon their faith.”
- “Religious leaders in the northwest provinces and central coast region, including leaders and followers from the Inter-Evangelistic Movement Bible Church, also reported that they were being denounced as “enemies of the state” for “believing in an American religion,” and were forced to pay fines.”

- “In January 2007, security officials threatened to freeze the bank account of a Protestant leader in Muong Khong district, Dien Bien province unless he either left the district or renounced his faith.”
- “Members of one house church Protestant group in the northwest provinces report that police actively broke up meetings of worshippers and authorities refused to register their meeting areas. Members of this group reported that they were forced to ‘meet secretly at night, in the fields’ in order to worship and that police actively pressured them to abandon their religion and return to ‘traditional beliefs.’ There are no reports that any security officials have been punished for these actions, despite the fact that they have been technically illegal since the February 2005 decree.”
- “In Muong Nhe district, Dien Bien province, a house church deacon was detained after he returned from Hanoi carrying church documents and applications for registration. Since that time, there are reports that a special task force of security personnel has been living in the district to monitor the activities of Hmong Protestants there.”
- “Police have threatened to charge the village chief of Muong Nhe district, Dien Bien province with national security crimes for sending researchers documents about government attempts to ‘prohibit Christian practice’ in the northwest provinces.”
- “In 2006, Protestants in Muong Lay district, Dien Bien province, were forced by police to construct traditional animistic altars in their homes and sign documents renouncing Protestantism.” (USCIRF Annual Report, 2008.)

Local authorities sometimes use “contract thugs” to harass, threaten, or beat Hmong Protestant religious leaders. (USCIRF Annual Report, 2011; and U.S. Department of State, Country Reports on Human Rights Practices for 2011, Vietnam Report.) Other methods of repression used in the Northern Highlands include “forcing church gatherings to cease, closing house churches, and confiscating property.” (USCIRF Annual Report, 2011.)

Hmong Protestants are unable to contact foreign governments or international organizations for assistance because any “foreign relations of religious organizations, and particularly human rights defenders within such organizations, are the focus of particular suspicion.” (Christian Solidarity Worldwide [CSW], Analysis of White Paper on Religion – Vietnam, 2007.) Moreover, diplomats and foreign journalists must obtain official permission in order to visit the Northern and Central Highlands regions of Vietnam, and when visits are authorized, they are heavily monitored. This enforced isolation means that very little information can leave these regions without passing through the strict censorship of the central government.

