

HUMAN RIGHTS IN VIETNAM

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN
RIGHTS AND INTERNATIONAL OPERATIONS

OF THE

COMMITTEE ON
INTERNATIONAL RELATIONS
HOUSE OF REPRESENTATIVES

ONE HUNDRED NINTH CONGRESS

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HUMAN RIGHTS IN VIETNAM

MONDAY, JUNE 20, 2005

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

The Subcommittee met, pursuant to notice, at 2:05 p.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee will come to order. Today, ladies and gentlemen, I want to welcome each and every one of you to this hearing to examine the Government of Vietnam's lack of respect for human rights and religious freedom.

Let me just say at the outset I remain deeply concerned about obtaining a full, thorough and responsible accounting of the remaining Americans missing in action from the conflict in Vietnam. As my colleagues know well, of the 2,583 POW/MIAs who were unaccounted for: Vietnam, 1,921; Laos, 569; Cambodia, 83; and China 10; just under 1,400 remain unaccounted for in Vietnam alone. While the joint POW/MIA accounting command normally conducts four joint field activities per year in Vietnam, I remain deeply concerned that the Government of Vietnam could be much more forthcoming and transparent in providing the fullest possible accounting. It is our sacred duty to the families of the missing that we never forget and never cease our pursuit until we achieve the fullest possible accounting of our MIAs.

This hearing takes place this afternoon in the context of an official visit this week by Prime Minister Phan Van Khai, designed to mark the 10 years of diplomatic relations between the United States and Vietnam. The visit is the highest level since the end of the Vietnam War. Prime Minister Khai will meet with President Bush and Secretary of Defense Donald Rumsfeld. The meeting will conclude with intelligence agreements on terrorism and transnational crime, as well as begin IMET military cooperation; he will meet with Microsoft Chairman Bill Gates, and then ring the bell on the floor of the New York Stock Exchange.

Vietnam hopes to gain United States support to join the World Trade Organization this year. Trade with the United States has exploded in the past decade from \$1.5 billion to \$6.4 billion in 2004. Vietnamese exports to the United States have also jumped from \$800 million in 2001 to \$5 billion last year. An outside observer looking at this activity would in all likelihood conclude that Vietnam is a close and political partner of the United States in Asia,

and that observer, if asked, would also likely deduce that in order to cooperate so closely, Vietnam must also share the core values of the United States that make our country great, values such as the promotion of democracy, respect for human rights and the protection of religious freedom, free speech and the rights of minorities.

A quick look at the State Department's annual *Human Rights Report* on Vietnam, however, reveals exactly the opposite. According to the 2004 report just released 3 months ago, and I quote it, the State Department says that:

“Vietnam is a one-party state, ruled and controlled by the Communist Party of Vietnam. . . . The Government's human rights record remained poor, and it continued to commit serious abuses. The Government continued to deny citizens the right to change their Government. Several sources reported that security forces shot, detained, beat, and were responsible for the disappearances of persons during the year. Police also reportedly sometimes beat suspects during arrests, detention, and interrogation. . . . The Government continued to hold political and religious prisoners. . . . The Government significantly restricted freedom of speech, freedom of the press, freedom of assembly, and freedom of association. . . . Security forces continued to enforce restrictions on public gatherings and travel in some parts of the country, particularly in the Central Highlands and the Northwest Highlands. The Government prohibited independent political, labor, and social organizations. . . . The Government restricted freedom of religion and prohibited the operation of unregistered religious organizations. Participants in unregistered organizations faced harassment as well as possible detention and imprisonment. The Government imposed limits on freedom of movement of some individuals whom it deemed a threat. . . . The Government did not permit human rights organizations to form or operate.”

Moreover in 2004, the State Department designated Vietnam as a “Country of Particular Concern,” or CPC, for its systematic, ongoing, egregious violations of religious freedom.

Congress also expressed its grave concern about the state of human rights in Vietnam. The House of Representatives has twice passed legislation, authored by me and co-sponsored by many of my colleagues on both sides of the aisle, called the Human Rights in Vietnam Act. H.R. 1587 passed the House 323 to 45 in a vote that took place in July 2004. A similar measure passed 410 to 1 in the House in 2001. Both measures call for limiting further increases of nonhumanitarian United States aid from being provided to Vietnam. In other words, we want the humanitarian aid to flow unfettered, but that other aid needs to be halted unless certain human rights provisions are met. It authorized funding to overcome the jamming of Radio Free Asia, which continues to be jammed significantly, and the funding of nongovernmental organizations which promote human rights and democratic change in Vietnam. Regrettably, both bills stalled in the Senate and have not been enacted into law. We will try again this year.

I regret that no one from the State Department was available today to explain the incongruity of the United States' support for

the Government of Vietnam, as expressed in our close and growing-ever-closer trade and military relations, and United States' concern for the appalling lack of respect for basic human rights of its citizens that the Vietnamese Government has consistently demonstrated.

The *Human Rights Report*, the *Report on International Religious Freedom*, the *Trafficking in Persons Report*, reports of leading international human rights organizations and countless witnesses, some of whose testimonies we will hear today, all testified that the Government of Vietnam has inflicted and continues to inflict terrible suffering on countless numbers of people. It is a regime that arrests and imprisons writers, scientists, academics, religious leaders and even veteran Communists in their own homes and lately in Internet cafes for speaking out for freedom and against corruption. In fact, this statement I am giving here today would easily fetch me a 15-year prison sentence replete with torture if I were a Vietnamese national or a member of the Parliament making these comments in Vietnam. It is a government that crushes thousands of Montagnard protesters, as they did in the Central Highlands during the Easter weekend in 2004, killing and beating many peaceful protestors.

The government has forcibly closed over 400 Christian churches in the Central Highlands, and the government continues to force tens of thousands of Christians to renounce their faith. I am happy to say that it is inspiring, but not unexpected, that many of these Christians have steadfastly resisted those pressures and refused to renounce their faith in Christ. One pastor estimated that 90 percent have refused to renounce their Christian faith despite government efforts to compel them to do so.

This is a government that has detained the leadership of the Unified Buddhist Church of Vietnam and continues to attempt to control the leadership of the Catholic Church. This is a government that imprisoned a Catholic priest by the name of Father Ly and originally gave him 15 years, lowered it to 10 in an act of so-called benevolence.

Father Ly was imprisoned in 2001 when he was arrested after submitting testimony to a hearing of the United States Commission on International Religious Freedom. We will be hearing from Nina Shea, the Vice Chair of that Commission. For simply submitting some testimony, Father Ly got 15 years in prison. I was the author of H. Con. Res. 378, which called for the immediate release of Father Ly and cleared the Congress overwhelmingly, 424 to 1, on May 12 of 2004; again, another bipartisan bill.

Thankfully Father Ly, along with Dr. Nguyen Dan Que, were released from prison early this year. This was, in all likelihood, due to the pressure from the United States and its CPC designation, but there are many others who still languish in prison. Their release was part of the process called for in the 1998 International Religious Freedom Act, which mandates that the U.S. Government engage in dialogue with severe violators of religious freedom to improve conditions or face Presidential actions, which could include sanctions or the withdrawal of non-humanitarian assistance.

The Vietnamese Government took some other positive steps in response to the CPC designation. These include a new law stream-

lining the application process for religious groups registered with the government, and Prime Ministerial directives which prohibit forced renunciations of faith and allow Protestant house churches in ethnic minority provinces to operate if they renounce connections to certain expatriate groups, particularly the Montagnard Foundation, which is based in the U.S.

In May, the State Department announced it had reached an agreement on religious freedom, although it is secret. Under the agreement, the Vietnamese Government committed to: (1) fully implement the new legislation on religious freedom—or so called—and render previous contradictory regulations obsolete; (2) instruct local authorities to strictly and completely adhere to the new legislation and ensure its compliance—Mrs. Helen Ngo in her testimony later will say that this law has actually given the local authorities more power to obstruct and to try to break up the free exercise of religious freedom at the local level. But the agreement also calls for the United States and Vietnam to: (3) facilitate the process by which religious congregations are able to open their houses of worship; and (4) to give special consideration to prisoners and cases of concern raised by the U.S. during the granting of prisoner amnesties.

Time will tell whether or not the government will respect this agreement and comply with its provisions, or whether there will be a return to business as usual once the spotlight is removed. But the agreement does show that the provisions of the International Religious Freedom Act seem to be helping to improve the respect for religious freedom at least in word, and remains to be shown whether or not it works in deed.

The more important point is that religious freedom is not a matter of compliance with an agreement, but an attitude of respect for citizens who choose to worship and peacefully practice their religious beliefs that extends from the highest government leaders to local authorities and the village police.

In recent interviews given prior to his visit to the United States, Prime Minister Khai stated, and I quote: “We have no prisoners of conscience in Vietnam.” And he declared that political reforms and economic reforms should be closely harmonized. That, my friends is unmitigated nonsense, especially the fact they are stating—or the assertion that there are no prisoners of conscience in Vietnam. His statement is typical of the attitude of the Government of Vietnam, which has scoffed at the Human Rights Act for Vietnam and dismissed charges of human rights abuses, pleading that tired mantra of interference in the internal affairs of their government, and that our struggle is some way related to the war in Vietnam. They say, “Vietnam is a country and not a war.” That is their protest, and I would say that is precisely the issue.

Today’s hearing is about the shameful human rights record of a country, more accurately of a government, and it is not about the war. And, of course, Vietnam is a country where millions of people yearn to be breathing free and to enjoy the blessings of liberty. We say, “Behave like an honorable government. Stop bringing dishonor and shame to your government by abusing your own people, and start abiding by internationally-recognized U.N. covenants that you have signed.”

When is enough, enough? Vietnam needs to come out of the dark ages of repression, brutality and abuse, and embrace freedom, the rule of law and respect for fundamental human rights. Vietnam needs to act like the strategic partner of the United States we would like it to be, treating its citizens—even those who disagree with government policies—with respect and dignity.

Human rights are central, are at the core of our relationship with governments and the people they purport to represent. The United States of America will not turn a blind eye to the oppression of a people, any people in any region of the world.

So I welcome our witnesses today and the valuable eyewitness testimony that they bring to the table, to the Congress, and by extension to the country and to the world, so that the world will get a true and accurate and complete picture of this government with whom we are growing ever closer.

[The prepared statement of Mr. Smith follows:]

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

The Committee will come to order. Today we are meeting to examine the government of Vietnam's respect for human rights and religious freedom.

But let me say at the outset that I remain deeply concerned about obtaining a full, thorough and responsible accounting of the remaining American MIAs from the Vietnam conflict. As my colleagues know well, of the 2, 583 POW/MIAs who were unaccounted for—Vietnam (1,921), Laos (569), Cambodia (83) and China (10)—just under 1,400 remain unaccounted for in Vietnam. While the joint POW/MIA accounting command normally conducts four joint field activities per year in Vietnam, I remain deeply concerned that the government of Vietnam could be more forthcoming and transparent in providing the fullest accounting. It is our sacred duty to the families of the missing that we never forget and never cease our pursuit until we achieve the fullest possible accounting of our MIAs.

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tinued to enforce restrictions on public gatherings and travel in some parts of the country, particularly in the Central Highlands and the Northwest Highlands. The Government prohibited independent political, labor, and social organizations. . . . The Government restricted freedom of religion and prohibited the operation of unregistered religious organizations. Participants in unregistered organizations faced harassment as well as possible detention and imprisonment. The Government imposed limits on freedom of movement of some individuals whom it deemed a threat. The Government did not permit human rights organizations to form or operate.”

Moreover, in September 2004, the State Department designated Vietnam as a “Country of Particular Concern” or “CPC” for its systematic, ongoing, egregious violations of religious freedom.

Congress has also expressed its grave concern about the state of human rights in Vietnam. The House of Representatives has twice passed legislation authored by me on human rights in Vietnam. HR 1587, The Vietnam Human Rights Act of 2004, passed the House by a 323–45 vote in July of 2004. A similar measure passed by a 410–1 landslide in the House in 2001. The measures called for limiting further increases of non-humanitarian U.S. aid from being provided to Vietnam if certain human rights provisions were not met, and authorized funding to overcome the jamming of Radio Free Asia and funding to support non-governmental organizations which promote human rights and democratic change in Vietnam. Regrettably, both bills stalled in Senate committees and have not been enacted into law.

I regret that no one from the State Department was available today to explain the incongruity of United States support for the government of Vietnam, as expressed in our close and growing-ever-closer trade and military relations, and U.S. concern for the appalling lack of respect for the basic human rights of its citizens that the Vietnamese government has consistently demonstrated.

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Thankfully Father Ly, along with Dr. Nguyen Dan Que, were released from prison earlier this year, in all likelihood due to the pressure from the United States with its CPC designation.

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in ethnic minority provinces to operate if they renounce connections to certain expatriate groups, particularly the Montagnard Foundation, which is based in the United States.

And in May, the State Department announced it had reached an agreement on religious freedom with Vietnam. Under the agreement, the Vietnamese government committed to:

- fully implement the new legislation on religious freedom and to render previous contradictory regulations obsolete;
- instruct local authorities to strictly and completely adhere to the new legislation and ensure their compliance;
- facilitate the process by which religious congregations are able to open houses of worship; and,
- give special consideration to prisoners and cases of concern raised by the United States during the granting of prisoner amnesties.

Time will tell whether the government will respect this agreement and comply with its provisions, or whether there will be a return to business as usual once the spotlight is removed. But the agreement does show that the provisions of the International Religious Freedom Act seem to be helping to improve the respect for religious freedom in some of the worst violator countries.

The more important point is that religious freedom is not a matter of compliance with an agreement, but an attitude of respect for citizens who choose to worship and peacefully practice their religious beliefs that extends from the highest government leaders down to local authorities and the village police.

In a recent interview given prior to his visit to the United States, Prime Minister Khai stated, “we have no prisoners of conscience in Vietnam,” and declared that “political reforms and economic reforms should be closely harmonized.”

His statement is typical of the attitude of the government of Vietnam, which has scoffed at the Vietnam Human Rights Act and dismissed charges of human rights abuses, pleading the tired mantra of interference in the internal affairs of their government and that our struggle is some way related to the war in Vietnam. They say, Vietnam is a country, not a war. That is their protest, and I would say that is precisely the issue.

Today’s hearing is about the shameful human rights record of a country, more accurately, of a government, and it is not about the war. And, of course, Vietnam is a country with millions of wonderful people who yearn to breathe free and to enjoy the blessings of liberty. We say, behave like an honorable government, stop bringing dishonor and shame to your government by abusing your own people and start abiding by internationally recognized U.N. covenants that you have signed.

When is enough, enough? Vietnam needs to come out of the dark ages of repression, brutality and abuse and embrace freedom, the rule of law, and respect for fundamental human rights. Vietnam needs to act like the strategic partner of the United States we would like it to be, treating its citizens, even those who disagree with government policies, with respect and dignity.

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

Mr. SMITH. I would like to yield to my good friend and colleague, Mr. Payne, for any opening comments he may have.

Mr. PAYNE. Thank you very much, Mr. Chairman, for calling this very important hearing of the Subcommittee on Africa, Global Human Rights and International Operations. I think the issue today is a very important issue. Of course, as we move forward in the world today, human rights and the behavior of governments must be paramount as we move through this new millennium.

April 30 marked the 30th year since the fall of Saigon. We may recall the history in Vietnam, the battles at Dien Bien Phu, which created the Geneva Accords, which partitioned North Vietnam and the French South Vietnam-administered zone. And we do remember that many of the problems that we have today, primarily

through many, many years, is because of the desire of colonized people to become free.

Especially after World War II, we found in Africa where countries were under the domination of Europeans that revolutions began—whether it was in Angola, the Congo, or in Mozambique—people were fighting for their independence to remove the colonial powers who had been in their countries for over 100 years.

And in the case of Vietnam, as you know, it was the National Liberation Front, the Viet Cong, who fought to liberate South Vietnam from the French. And we recall that during that struggle, the French withdrew, and the United States, without declaring war, continued to escalate our involvement in that country, not realizing that we were simply picking up the French's problem where they were attempting to hold onto their colonies.

What ensued, of course, was a terrible number of years where many, many American lives were lost and the country was really destroyed. The fact is that if we could have seen the difference between the National Liberation Front—the people who were fighting for their independence—from the colonial people, and the difference between the North Vietnamese—as a matter of fact, the National Liberation Front was very uncomfortable with the North Vietnamese because they felt they were dominated by China. And the VC fought against domination of the French and were also disturbed that the North Vietnamese were dominated by the People's Republic of China, and they did not want Vietnam to be controlled.

We know about the boat people that ended up in Thailand, where many Vietnamese boat people wandered around that region. In Thailand, you had Hmong tribes, people from Laos, and the boat people from Vietnam and the displaced Thais, and the Ching Mai region of Thailand was a very difficult place.

I recall this because at that time I was Chairman of a world refugee committee headquartered in Geneva, Switzerland, which had the responsibility of working with refugees. And as you know, people are not refugees in their own country. Therefore NGOs had to deal with the problem of Vietnam because you cannot be a refugee in your own country, and therefore, it restricts the United Nations from being involved with refugee work there.

And I happened to be in Vietnam after the withdrawal of the American troops, and I went up to Quang Tri Province, to Da Nang to the north, where we were trying to work with displaced people in getting agriculture working, and the myth was that the South Vietnamese military would withstand the VC and the North Vietnamese. And as we all know, at that time it was the lull before the storm. I was the only American in Vietnam at that time as the Chair of the Refugee Committee. I was not there for war-related issues. I was there for human rights, trying to help the displaced Vietnamese. But I left 1 week before the fall of Saigon.

I have watched Vietnam very closely for many years. I was very pleased when, under President Clinton, the relationship between Vietnam and the United States changed in the mid-1990s. Major strides, such as bilateral trade agreements of 2001 signed by President Bush, gave Vietnam conditional normal trade relations and have carried the normalization project further. The United States has become Vietnam's largest trading partner with \$6.4 billion

worth of trade last year alone. Coffee has become a major commodity and the exports in Vietnam. However, protests have been held around the country against the U.S. visit of Prime Minister Khai and his meeting with President Bush, which is to take place tomorrow.

Because of the human rights abuses which continue in Vietnam 30 years after the war, human rights should be heavily weighed in the decision to extend permanent normal trade relations to the country. I was one who opposed normal trade relations with the People's Republic of China. How can we have normal trade relations with a country under dictatorial regime, human rights, religious rights, racial rights, ethnic rights? However, there was a push for normal trade relations which we have with the People's Republic of China; which we should not have because we should have made it conditional on human rights advances. We continue to have policies against Cuba where they, too, have human rights problems, but we have normal relations with Pakistan, with China, with Vietnam.

And so one thing that is very consistent about U.S. policy is that it is inconsistent. It does not deal with each country as it should. If it is a policy of not recognizing a country that has human rights violations, just like we flew the Sudan's secret police to Washington, DC, while genocide is going on in Darfur, it is wrong. So we have to be consistent if we want to be respected.

And so as Vietnam seeks closer ties with the United States and membership in the World Trade Organization, it should be made clear that Vietnam must respect and uphold human rights. The crackdown on the protests by ethnic minorities, the Montagnards of the Highlands, the Hmong Hill people, Christian people of the Northwest Highlands, is unacceptable. All citizens of Vietnam should be able to express their opinions even if they are anti-government. The government must also allow freedom of worship and reopen churches that were closed out of religious discrimination.

For fiscal year 2005, United States assistance to Vietnam is expected to be around \$55 million, double the \$27 million that the United States provided in 2002. We have a responsibility to hold the Government of Vietnam accountable to human rights, particularly as aid and trade has been increased and normalization has been continually pushed.

Despite the results of an opinion poll in 1975—which reported that 50 percent of Americans were against the resettlement of Vietnam refugees, many of whom are here, or families of them—tens of thousands of Vietnamese have sought refuge in the United States since then. Those who have resettled here have enriched this great Nation with increased diversity of origin, ethnicity and perception. The Vietnamese immigrants that came to this country have worked hard and have built up the community and have stressed education, so many of the second generation and third generation are now outstanding professionals in our land. So the policy, even though the U.S. was primarily opposed to the citizens, it was a decision that was made in spite of that, where decisions should be made in spite of public opinion polls. In some instances, it takes courage.

Today, June 20, is recognized as World Refugee Day, designated by the United Nations High Commissioner for Refugees. This year's theme is courage. Courage is what we saw with the Vietnamese people who left there and even were brutalized by the Thai pirates as they were seeking freedom. This year's theme of courage, the focus, therefore, is on the great risk that people take when they leave their country of origin and the bravery it takes to seek refuge in another country. It is not easy to give up and leave one's home, one's country, one's way of life, one's language, one's relatives, even if that life was difficult and treacherous. So today on World Refugee Day, let us recognize the courage that refugees around the world show, and the way that the refugees from Vietnam in the 1970s and early 1980s showed, and have compassion for their situations as we strive to work with the international community to resolve the situations in their home countries which caused them to flee.

I also would like to comment briefly on the fact that I believe that our refugee courts are unfair. Many times refugees are sent back to the country of asylum, not treated fairly in these closed courts. And I am going to ask for a review of the manner in which the Department of Justice or Homeland Security or whoever's jurisdiction it is.

I had to wait almost an hour to get into a hearing of a person from Sudan who was going to be sent back—his parents had been killed—until I had to act very, very ugly to get into a court and a detention center in my district in Elizabeth, which is funded by this body. And so I am very upset but will take that up at another time.

Thank you, Chairman.

Mr. SMITH. Chairman Royce.

Mr. ROYCE. Thank you again, Chairman Smith, for calling this very timely and very important hearing on the situation of human rights in Vietnam. Tomorrow marks a very important day in United States-Vietnamese relations.

This January, President Bush laid out a bold vision for support of those seeking freedom and democracy around the world. Tomorrow's meeting is an important test for that vision. It has been a decade since President Clinton established formal diplomatic relations with Vietnam. Many proclaim progress in economic relations, yet Vietnam's economy is continually ranked mostly "unfree" by The Heritage Foundation's *Index of Economic Freedom*. As a matter of fact, if we look at the situation in Vietnam, we see that the Republic of Congo scores better than Vietnam in that *Index*.

It is interesting to note that Vietnamese, where they found freedom around the world, have done very well, whether that is in Europe or Australia or the United States—in southern California particularly. They have done well. Unfortunately, communism was not kind to the economy of Vietnam. As a matter of fact, after the fall of Saigon, many people perished. Many in the reeducation camps, many of the bourgeois, as they were called, and many of the business people were liquidated, and the economic reforms, which we have waited and hoped for, have yet to really take effect.

Significantly, progress on human rights in Vietnam has been stagnant. In some cases, frankly, it has taken a step backward.

Since the inception of its country rankings in 1999, Vietnam is continuously ranked “not free” by Freedom House.

The Chairman has laid out in great detail the lack of religious freedom in Vietnam. In addition, of particular concern to me is the control over the media that the Vietnamese Government has put in place. Newspapers, television and radio stations remain under strict government control, and as you know, this has expanded into control of the Internet. Young Vietnamese all over the world can go to chat rooms and discuss ideas, but not in Vietnam. In Vietnam they will be turned over to the government, the government monitors this, and they will serve long, long, long sentences in prison.

As long-time dissident Dr. Nguyen Dan Que has correctly stated: “The state hopes to clean the power by brainwashing the Vietnamese people through stringent censorship and through its absolutist control over what information the public can receive.” This is why I have authored legislation in the past that has become law to expand the broadcasting of Radio Free Asia into Vietnam, so people can actually learn what is going on in their country.

Radio Free Asia launched its Vietnamese service in January 1997. Vietnam has a history of heavily jamming RFA. They jammed it the first day of its broadcast. RFA employs almost triple the frequencies than it would to a nonjamming country in order to try to overcome the effects of that. I would like President Bush to ask Mr. Khai what news he is afraid of. What news he is afraid of having the Vietnamese people hear about what is going on in Vietnam? To my knowledge, no official complaint has been logged with the Vietnamese Government over the jamming of RFA.

Well, I feel for the consequences of people under communism around the world, and when governments fall, when people find they face the brunt of Marxism, the result is often the same: Hundreds of thousands of people perish. In this case some were able to escape, some of those designated as enemies of the people, and as I say, they have done quite successfully around the world. Where they have had access to freedom, they have done remarkably well, but they still worry about the conditions of their countrymen that they left behind. They worry about the conditions of their family members and whether anyone pays attention to how their liberties and rights are ground down and how they live in such abject poverty because of such wrongly headed government policies based on reactionary economic theory.

I just wanted to thank Chairman Smith for holding this hearing so we could perhaps examine a little bit the conditions of the lack of liberty. From my experience, the Vietnamese Government understands criticism. When I met with Thich Quang Do, who was under house arrest, and with Le Quang Nguyen in Saigon several years ago, I was immediately denounced by Hanoi just for listening to those religious leaders who were incarcerated. Well, the good Vietnamese Government should be able to take as good as it gives. The human rights situation in Vietnam is abysmal, as we will hear today, and I am glad we have this forum.

Chairman Smith, thank you.

Mr. SMITH. Thank you for your comments and your leadership. It is deeply appreciated and respected.

Mr. Fortenberry.

Mr. FORTENBERRY. Thank you, Mr. Chairman. I too, wish to show my appreciation for your willingness to hold this important hearing today.

I think we have here some good news and some bad news. The good news, of course, is that the United States and Vietnam are actively healing past wounds. Trade is somewhat opening, and active visitation to Vietnam is also allowed. However, Mr. Chairman, as you have rightly pointed out, the Government of Vietnam continues to fear freedom of religion, freedom of worship, and continues in repressive action against those who seek to exercise these and other fundamental human rights.

Mr. Chairman, I believe the United States seeks only one thing, and that is ongoing peace and friendship with the Government of Vietnam, but we ask the government to become a respected member of the world community and to promote and not deny fundamental rights of its own citizens.

Mr. Chairman, I would also be remiss if I did not point out that I have the great privilege and honor of being a representative of a great number of Vietnamese Americans, people who fled Vietnam by boats, who were imprisoned, tortured, made their way here to refugee camps and settled in the heart of America to start new lives, built wonderful families, and have made magnificent contributions to the well-being of our community and communities throughout America. I think this hearing actually honors them, but it also reminds us that there are many people back in Vietnam that we should not forget about.

Thank you, Mr. Chairman, for holding this hearing.

Mr. SMITH. Thank you very much.

I would just note, as other Members of the Committee know, Mr. Fortenberry is one of the rising stars on the International Relations Committee and has a deep commitment to human rights and in particular to Vietnam. So thank you for your comments.

Let me introduce Nina Shea, the Vice Chair of the U.S. Commission on International Religious Freedom, no stranger to this Committee nor to the Congress. Since 1999, Ms. Shea has served as a Commissioner on the U.S. Commission on International Religious Freedom. In 2003 and 2004, she was elected as Vice Chair of the Commission. She has been an international human rights lawyer for 25 years, and for 19 years has focused specifically on the issue of religious freedom and American foreign policy as the Director of the Center for Religious Freedom, a division of Freedom House.

She is a co-author of a newly released book on governance by extreme sharia, *Radical Islam's Rules*, that is published by Rowman and Littlefield, and is the author of a widely acclaimed book on anti-Christian persecution around the world entitled *In the Lion's Den*, published by Broadman and Holman.

It was a conference that brought Ms. Shea—organized under Freedom House auspices in January 1996 that brought 100 top Christian leaders together for the first time to address the issue of worldwide anti-Christian persecution. In 2001, she was appointed by President Bush to serve on the U.S. delegation to the U.N. Commission on Human Rights in Geneva. During the Clinton Administration, she also served on the Advisory Committee on Religious Freedom Abroad to the U.S. Secretary of State, and for a year as

the delegate to the U.N. Commission on Human Rights. And I would say when we were writing—and it was Congressman Frank Wolf's bill—the International Religious Freedom Act went through our Committee, my Subcommittee initially, Nina Shea was a major player in helping us devise the text and the language that went into that bill so it would be workable and responsible and responsive, and I want to thank her for that.

She has been a leader in the area of Sudan. When many people were turning a blind eye to the ongoing killing of some 2 million people, displacement of 4 million, Nina was out there pushing the previous and the current Administration to initiate a robust response. I want to thank her for her leadership there.

**STATEMENT OF MS. NINA SHEA, VICE CHAIR, U.S.
COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM**

Ms. SHEA. Thank you, Mr. Chairman and Members of the Committee. Let me begin by thanking you for holding this very important, timely hearing. It is an honor for me to be here. And, Mr. Chairman, it is a great joy to have someone as dedicated as you have been in the issue of human rights.

Prime Minister Phan Van Khai arrives in Washington today to hold an historic meeting with President Bush. It has been nearly 30 years since the end of the Vietnam War and 10 years since our two countries have normalized relations. Relations between our two countries have strengthened and improved in many important areas. Trade is up to almost \$7 billion a year, and Vietnam seems poised to enter the World Trade Organization. Military ties are growing as our naval ships now regularly visit Vietnamese ports. The United States is also popular with Vietnamese youth.

These are encouraging signs and ones that should be capitalized on. A secure and prosperous Southeast Asia is in the interest of both of our countries, but significant issues remain, particularly in the area of human rights, including religious freedom. More than any other issue, differences in human rights and religious freedom have the potential to inhibit the forward momentum in our bilateral relationship. Relations can never fully develop until the Government of Vietnam protects and promotes the fundamental right of all its citizens.

These concerns should not be swept aside during the Prime Minister's visit. It is crucial that the U.S. Government speaks with one strong voice that economic and security interests should not precede human rights. In his meeting with the Prime Minister, President Bush has the chance to explain why human rights are an important U.S. foreign policy concern and how progress on human rights is needed before there is full cooperation on other bilateral interests.

Mr. Chairman, the Government of Vietnam's human rights record remains poor, and freedoms of speech, assembly, association and religion continue to be significantly restricted. Though Vietnam is in some respects a less repressive society now than it was 10 or 15 years ago, we should not conclude that Vietnam's economic openness has led directly to political openness or greater respect for human rights. Our deepening economic and commercial relationship with Vietnam may encourage economic reform and

transparency, and it may draw Vietnam further into rules-based international trading systems, but the evidence suggests that it has not encouraged greater political freedom for Vietnam's citizens.

The human rights situation in Vietnam has not improved since passage of the Bilateral Trade Act of 2001. One has seen the brutal and ongoing suppression of Hmong in the northwest provinces for their Christian faith and the suppression of Montagnards who marched for land rights and religious freedom in April 2004; the jailing of Pham Song Hong and others for posting articles critical of the government on the Internet; the silencing and jailing of journalists for exposing corruption; and the mass arrest of Buddhist monks from the Unified Buddhist Church of Vietnam, despite promises by Prime Minister Khai that pressure on the group would cease.

Monk Thich Thien Minh, released in February after 26 years in prison, did not see many improvements in human rights and religious freedom. He said: "I have exchanged my small prison for a bigger one."

The lessons of recent history are quite clear. Economic freedom and political freedom cannot be separated. People want to experience the benefits of liberty undiluted, and governments who try to check this desire will find they are trying to hold back the rolling tide of the human spirit.

I am sure the other witnesses will discuss in more detail other human rights concerns, so with the remainder of my remarks, I would like to focus on religious freedom in Vietnam, and particularly on United States-Vietnam relations since Vietnam was designated by the Secretary of State as a Country of Particular Concern under the U.S. International Religious Freedom Act.

The Commission has followed events in Vietnam closely. Commissioners and staff have traveled to Vietnam, and we have established contact with religious leaders, scholars and human rights activists inside and outside of Vietnam.

Over the past 15 years, the Government of Vietnam has slowly carved a noticeable zone of toleration for government-approved religious practice; however, at the same time, it has actively repressed and targeted subversive religious activity it cannot control or that which refuses government oversight. Targeted in particular are leaders of the Unified Buddhist Church of Vietnam; ethnic minority Christians in the Central Highlands and northwest provinces; house church Protestants; and followers of religious minority groups such as the Hoa Hao and Cao Dai. This repression has not abated in the last year.

Since 2001, the Commission has recommended that Vietnam be designated as a Country of Particular Concern for ongoing, egregious and systematic abuses of religious freedom under the International Religious Freedom Act. The State Department followed our recommendation and designated Vietnam as a CPC in September of last year.

Since the CPC designation, the State Department and the Vietnamese Government have engaged on the issue of religious freedom. The Government of Vietnam has made gestures, including the release of several prominent dissidents, a directive to stop forcing Protestants to recant their faith, and another to streamline the ap-

plication process for religious groups registering with the government.

The State Department cited these actions as progress when it announced last month that it had reached an agreement with Vietnam to avoid more stringent actions, including economic sanctions for countries designated as a CPC. Though the agreement is secret, from public statements we know that, basically, Vietnam promised to implement its new laws, and the United States promised to consider removing the CPC designation.

We should not downplay the significance of this action, and Ambassador-at-Large for International Religious Freedom John Hanford should be commended for the time and effort he has invested in Vietnam. The agreement reached was the first such diplomatic agreement signed with a CPC country since the passage of the act in 1998. We should see this as evidence that both vigorous diplomatic action and the use of the CPC designation produced results that might lead to future improvements in religious freedom for Vietnam.

But, Mr. Chairman, the keywords are “might” and “future.” The actions taken only signal promises of improvements and not actual measurable progress. Promises do not mean progress, and these actions do not address the human rights violations that landed Vietnam on the CPC list in the first place. Religious prisoners remain behind bars, churches remain closed, and restrictions and harassment on all of Vietnam’s diverse religious communities continue.

There are a number of important religious freedom concerns that are not addressed by Vietnam’s recent action, and I would like to name a few. Leaders of the Unified Buddhist Church of Vietnam continue to be harassed and detained, and there is no legal framework for that church, the Hoa Hao, the Cao Dai, and others to register with the government and operate independently with leaders of their own choosing. There are an estimated 100 religious prisoners in jail or under some form of house arrest for religious activity, according to human rights groups. Actual numbers are difficult to obtain because of the lack of judicial transparency. And hundreds of churches, home worship centers and meeting places remain closed, and forced or coerced renunciations of faith continue in some parts of the country. The government continues to impose limits on the number of candidates allowed to study for Roman Catholic priesthood, controls the appointment and the promotion of Catholic clergy, and has seized church properties.

Troubling reports continue to arrive with new arrests and pressure on religious and ethnic minorities in Vietnam. Despite promises to ban forced renunciations of faith, evidence from the northwest provinces and Central Highlands suggesting that the Prime Minister’s “Instructions on Protestantism” are being used by security forces to compel ethnic minority Protestants to join the government-approved Protestant organization, give up their distinctive faith tradition or face criminal penalties.

On February 25th at 7 a.m., two police officers in Gai Lai Province summoned two men and a woman for interrogation. They were asked whether they followed Dega Christianity or the Christianity of Phan Van Khai. They were asked who in their village followed the religion that is political and where they worshiped and ordered

to cease following Dega Christianity. They did not agree to stop. The police hit one of the men with their fists and beat the second man until he lost consciousness. The three were released from detention the same day. They were warned they would be arrested if they were caught practicing their religion again.

From March 15 to 18, police surrounded many villages and communes also in Gai Lai Province. Officials called Montagnard representatives from villages in these communes for full-day meetings at the district headquarters where they were lectured by district authorities as well as police from Hanoi, most likely officials from the Ministry of Public Security, and warned not to follow Dega Christianity. In some cases they were forced to sign pledges agreeing to abandon Christianity and politics. Officials also conducted meetings in the villages during this time in which they instructed villagers not to hold religious gatherings.

The events also happened in the Central Highlands, but forced renunciations also continue among the Hmong in Vietnam's northwest. Police and security forces continue to summon Hmong Christian villagers to reeducation where they are told to give up their faith traditions and are harassed and beaten. And, Mr. Chairman, we have copies we would like to make available of police summonses to those Hmong Christians that were dated last month, May 8 and 9, after the agreement with the United States.

Mr. SMITH. Without objection, I would like to make those a part of the record.

[The information referred to was not received prior to printing.]

Ms. SHEA. The Commission has 21 of these police summonses.

Also security forces have arrested church leaders, destroyed church property and continue to harass followers of the Mennonite Church of Vietnam. I have a letter here from Truong Tri Hien, the acting secretary of the Mennonite Church, and Mr. Chairman, I would like to see if this could be entered in the record.

Mr. SMITH. No objection.

[The information referred to follows:]

TRANSLATION

VIETNAM MENNONITE CHURCH
CENTRAL CHURCH OFFICE
CS/1H Tran Nao, Phuong Binh Khanh, Quan 2, HCM.City
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Vietnam, 31 May 2005

Report on the oppression of Mennonite Christians in Vietnam
Based in the illustration of the main office and church of the Vietnamese Mennonite Church
(CS/1H Tran Nao, Binh Khanh Precinct, District 2, Ho Chi Minh City)
from June 8, 2004 through May 30, 2005

To:
Congressman Chris Smith
House of Representative
United States Congress
Washington, DC
USA

Dear Congressman Smith.

On behalf of the Executive Committee of the Vietnam Mennonite Church, we sincerely thank you for your concern for our church during the time of heavy oppression we have experienced in the past, and for giving us this opportunity to express to you our aspirations.

Dear sir, we believe that freedom of religious belief and practice is an inalienable right bestowed on humanity by the Creator God, a fundamental right guaranteed in international law, and one which the constitution of Vietnam accepts and affirms. In the recent past the government of Vietnam has announced a number of legislative measures relating to religion such as the Ordinance on Religion effective 15/11/2004, the Special Instructions Concernment Protestants of the Prime Minister dated 4/2/2005, and the Decree on Religion 22/2005/ND-CP dated 1/3/2005 concerning the implementation of the Ordinance.

With these legislative measure Vietnamese government authorities proclaim that religious communities in Vietnam will be free to express their religious beliefs. It is believed by some that Vietnam has made progress in the area of law so that there is now hope that religious freedom will be advanced in the future. And so, on 5/5/2005 the US and Vietnam signed an agreement on religious freedom after the US named Vietnam a "Country of Particular Concern". We earnestly hope that there will be new freedom in the practice of religion for Vietnam's various religious communities as a result of the new legislation promulgated. However, our experience in the Vietnam Mennonite Church so far indicates that these measure remain only promises, and in fact, the oppression and persecution of our Mennonite community has not subsided but is, in fact, increasing.

We would like to describe 77 separated actions against the head office and church of our Vietnam Mennonite Church during the past 12 months – beginning with the arrest and incarceration of our leader, the Rev. Nguyen Hong Quang, and five other workers of our Mennonite Church. We would like to particularly point out the various methods of harassment and oppression that have happened relentlessly and that have impinged on many areas of the lives of Christian believers; they are tantamount to forcing believers to give up their faith.

1. Following the arrest of Pastor Nguyen Hong Quang (8 June 2004) until the Ordinance on Religion implemented (15 November 2004).

1. On 8 June 2004 at 1520 hours the authorities arranged for land agents to "invite" Pastor Nguyen Hong Quang out to discuss a land matter involving building a path at Pastor Quang's house in An Khanh Precinct of District 2. When Pastor Quang arrived at the An Khanh area of District 2, dozens of security police surrounded him and forcefully arrested and handcuffed him at 1530 hours. At 1540 hours hundreds of security police surrounded and searched the Vietnam Mennonite Church Central Church Office and confiscated all the property, documents and materials in the office.
2. On 9 June 2004 and on 10 June 2004 the District 2 security police summoned Evangelist Le Thi Phu Dung (Mrs. Quang) to explain the "documents and materials" that the security police had confiscated from the home of Pastor Quang.
3. At 1900 hours the night of 9 June 2004 the authorities organized a community meeting to denounce Pastor Nguyen Hong Quang and the Mennonite Church. The authorities said that the Vietnam Mennonite Church is a operating illegally and is a reactionary group opposing the nation... and thus Pastor Nguyen Hong Quang had to be arrested.
4. On 10 June 2004 the Binh Khanh Precinct security police summoned the Mennonite workers and the university students temporarily residing at the Central Church office at C5/1H Tran Nao, requesting that they leave the place immediately, for the authorities said that the workers residing there were a threat to order and security. In reality these poor workers and students had temporarily resided at the Vietnam Mennonite Church Central office since 2000 and they had fully and legally registered as temporary residents according to the law.
5. On 11 June 2004 the Binh Khanh security police "invited" the workers and students a second time and demanded that they leave the Mennonite office.
6. At 2245 hours on 11 June 2004 the security police came and inspected the personnel register of the office and wrote citations against the poor workers and students temporarily residing at the church office.
7. At 18 June 2004 the Binh Khanh Precinct security police asked Mrs. Dung (wife of Pastor Quang) to disband the Mennonite Church, and not to allow the workers and poor students to stay at the church office.
8. On 21 June 2004 the Binh Khanh security police summoned Evangelist Nguyen Thanh Tam, officiating pastor of the District 2 Mennonite Church, to "explain the search of the church office" and to request the Mennonite Church in District 2 be disbanded.
9. At 2300 hours on 29 June 2004 the Binh Khanh Precinct security police showed community people the family register and urged area residents to examine the personnel register of the Church office and wrote a report.
10. On 30 June 2004 the District 2 security police arrested Ms. Le Thi Hong Lien, a children's teacher of the Mennonite Church, and at the same time searched her house and confiscated some children's materials.
11. On 13 July and 22 July 2004 the Binh Khanh security police asked Mr. Le Quang Du, the father of Ms. Le The Hong Lien, to go to their office to discuss the matter of security and order regarding meeting for prayer at the Mennonite Church. The authorities said that Mr. Du was an active worker and present at all the meetings.
12. On 19 July 2004 and 21 July 2004 the Binh Khanh security police asked Mrs. Dung (Mrs. Quang)

- to go to their office and ordered the expulsion of all university students staying at the Central Church office.
13. On 22 July 2004 the Binh Khanh Precinct security police inspected and wrote an order temporarily vacating the temporary residence permits. The security police fined each of four workers 50,000 dong (\$3.25 US).
 14. On 26 July 2004 the Ho Chi Minh City security police called together Evangelist Le Thi Phu Dung and Evangelist Nguyen Thanh Tam to break the seals on the property and materials confiscated from the Central Church Office the day Pastor Nguyen Hlong Quang was arrested, 8 June 2004. Missionary Truong Tri Hien was also called at this time but was absent.
 15. At 2300 hours on 27 July 2004 the precinct security police, city people's cell, and population control inspected the number of people and confiscated the People's Identity cards of 8 workers.
 16. On 28 July 2004 the District 2 security police invited in Mr. Vuong Cam, an elder in the Church, and forced him to promise that he would not go to pray at the Central Mennonite Church office. The result is that since then Mr. Vuong Cam seldom comes to the Church to pray. On 1400 hours on 28 July 2004 Mrs. Dung summoned to go to the precinct security police office regarding the temporary residence of the workers at the church office.
 17. On 30 July 2004 the Binh Khanh Precinct security police call together the workers and university students temporarily staying at the Mennonite Church office in District 2 and order them to leave the Church because their temporary residence there had expired. At the same time, the Binh Khanh security police contacted the precinct security police of the student's families requesting that they not issue temporary leave permissions for these students.
 18. At 2300 hours on 26 August 2004 the District 2 and Binh Khanh Precinct security police, city citizens cell, and civil defense inspected the church office and wrote up a report.
 19. From 10 June 2004 continuously to 30 August 2004 the middle of every night, dozens of Binh Khanh Precinct and District 2 security police and people's militia with guns, handcuffs, nightsticks, clubs and cameras inspected the temporary residing or temporary vacated Central Mennonite Church office, causing uncertainty and crisis for the church workers. Sometimes when they conducted their search they did not write up a report.
 20. At 2300 hours on 30 September 2004 the area security police, city citizens cell and the militia conducted an inspection of the church office and wrote up reports against seven (7) Mennonite workers of the Highlands minority people staying overnight at the church office.
 21. On 29 October 2004, 14 workers and university students temporarily residing at the Central Mennonite Church office received "announcements" ordering them out of the office.
 22. At 2300 hours on 3 November 2004 around 20 persons of the area and precinct security police, security forces of the city citizens' cell, and civil defense came to inspect the persons staying there, confiscated the ID cards and cited and fined 14 residents/workers.
 23. At 0040 hours on 5 November 2004 District 2 security with cameras, precinct security police and militia inspected the Church office. On the morning of 5 November 2004, 14 workers went to the precinct office for processing and heard a warning not to stay at the church office (and received citations fining them).
 24. On 10 November 2004 following the "temporary orders to vacate," Mrs. Dung went to the precinct office, and met Mr. Hien (local security policeman) about the "warning about the university students in the house" which had to end. There was an announcement that Mrs. Dung had to be present with the city people's cell to receive a formal "people's denunciation" for meetings creating insecurity and loss of public order in the community.
 25. On 10 November 2004 at 1900 hours the authorities called a meeting to denounce the Mennonite

Church, saying: "Pastor Quang and Mrs. Dung caused noise, insecurity and disorder, and proposed that the Church sign be removed. If Mrs. Dung deliberately acted inappropriately, they proposed that she be expelled from the area and criminally prosecuted." This was an action to terrorize the spirits and morale of Mrs. Dung and the Mennonite workers before the court trial of Pastor Nguyen Hong Quang and the Mennonite Evangelists on 12 November 2004.

26. The night of 11 November 2004 more than 10 persons from the various branches of the Binh Khanh Precinct entered the house but did not meet Mrs. Dung; they only met Mrs. Dung's mother to "work over" Mrs. Dung to follow the "people's wishes" of the city people's cell on 10 November 2004.
27. On 12 November 2004 the Ho Chi Minh City court tried the case of Pastor Nguyen Hong Quang and the five other Mennonite evangelists.
28. On the morning of 13 November 2004 various branches (precinct vice chair, People's Committee, Fatherland Front, Youth League, Senior Citizens Association, Women's Union, Veterans Association, Justice, and precinct security police) came to the Church office to communicate the "will of the people expressed in the city citizens cell meeting." A signed legal announcement (15 November 2004) proposed that the Church sign be removed, and implementation of the order not to have temporary residents or to have illegal religious activities. Mr. Nguyen Van Hai, the Binh Khanh Precinct chair, signed a decision to establish a special task force cell of 16 representatives of the various local branches made up of *the chair of the precinct People's Committee, the head of the precinct security police, and two precinct police officers, the precinct brigade leader, assistant precinct brigade leader, chair of the precinct Fatherland Front, chair of the Veterans Association, chair of the precinct Woman's Union, precinct League Secretary, precinct chair of the inspection committee, precinct justice cadre, cell head and a member of the city order cell, head of the city administrative committee, head of the city citizens cell.* The responsibility of this task force is to monitor the movement toward resolution of the matter of illegal religious meetings at the C5/1H Tran Nao house.
29. On the night of 13 November 2004 area security police and city citizens cell came and met Mrs. Dung to present the precinct "announcement" that the illegal meetings "had to cease as of 14 November 2004."
30. During the time between 8 June 2004 to 14 November 2004 the Binh Khanh Precinct security police often summoned Mennonite believers to go to the police station for investigation, terrorizing and demanding that they sever ties with the Mennonite Church. Various public media (press, television) under State direction launched slanderous propaganda against Pastor Nguyen Hong Quang and the Vietnam Mennonite Church.

2. From the Implementation of the Ordinance on Religion (15 November 2004) to the Prime Minister's Instructions 01 /2005/CT-TTg (4 February 2005)

31. At 0045 hours on 16 November 2004 the area and precinct security police, District 2 security forces, city citizens cell and civil defense came to inspect the household members. More than 30 government employees came bringing video cameras to film the household inspection at the church office and wrote up a report; only 10 workers were temporarily staying there.
32. At 1500 hours on 16 November 2004, Mrs. Pastor Quang followed the "invitation" of the Binh Khanh People's Committee and went to the precinct office to meet Mrs. Pham Thi Sang (vice chair of the precinct People's Committee), Mr. Tran Duc Hien (area security police), Mrs. Nguyen Thi Hang (justice cadre), Mr. Nguyen Van Rai (head of the Binh Khanh Precinct security police),

Mrs. Nguyen Ngoc Thu (representative of the District 2 People's Committee), Mr. Nguyen Anh Kha (from the Party Committee). Minutes were drawn up. The main point: "The house at C5/1H is a private house, not a place of worship. The Mennonite denomination has not yet been registered so the meetings are illegal according to the religious ordinance just implemented. If there is deliberate violation, the authorities will take measures to resolve the matter--from campaigning to ordering the local area off limits with trespassers fined. The locals are able to take stronger measures, but not quite whatever they wish."

33. On the morning of 19 November 2004, the workers residing at the Church office were asked to come to the precinct to receive the fine citations (in duplicate). The workers who would pay the fine would get their ID cards back and would have to pledge not to live at the C5/1H house again. The workers were asked to pay 3 levels of fines depending on the number of times they had been issued citations (60,000; 100,000; or 200,000 dong--\$4.00, \$6.50 or \$13.00 US).
34. On the morning of 20 November 2004, the Binh Khanh special action cell including Pham Thi Sang, Nguyen Van Rai, Le Quang Dinh (head of the city security in Binh Khanh precinct) Mr. Tran Duc Hien, Mr. Nguyen Van Tho (area 1 administrative committee head) Le De (Chair of the Fatherland Front), Dong Xuan Vuong (precinct People's Committee inspector), Pham van Thi (chair of the Veterans Association), Pham van Sang (chair of the Farmer's Association), Nguyen Thi Mui (assistant city people's cell), with the Binh Khanh Precinct security police, District security forces, militia (nearly 50 people) brought video cameras to videotape and bullhorns ordering the dissolution of the believer's prayer meetings. .
35. The night of 21 November 2004 the Binh Khanh Precinct special action cell (the above group, but with a larger force of nearly one hundred persons) wrote up an order against Mrs. Dung, Evangelist Tam, Evangelist Hung, and Pastor Tuan An. The security police cut all the electricity to the Church to force the believers to stop praying. Security police with bullhorns shouted into the ears of the praying people forcing them to stop praying. Security police officers having alcohol on their breath entered and grabbed the believers, with two police escorting each believer from the Church.
36. At 1400 hours on 23 November 2004 Mrs. Dung was asked to go meet Mrs. Sang, the vice chair of the Binh Khanh Precinct, about the matter of illegal meetings. At 2340 hours on 23 November 2004 around 10 members of the authorities representing the precinct security police, the District security forces, the city, and the civil defense came to inspect the household residents of the Church office and made a report.
37. On the morning of 26 November 2004 Mrs. Dung went to the precinct to arrange for "temporary residents." Of the 14 workers who had received the expulsion orders on 29 October 2004, 11 workers had been evicted. The security police said that requests for Three (3) female students to stay could be submitted and they would consider, but Mrs. Dung had to guarantee for these three.
38. On 27 November 2004 at 0900 hours 16 believers met for prayer and fasting. At 1100 hours authorities entered the Church and forced the believers to break up their prayer meeting, and inspected ID cards. Believers who did not have their cards were escorted to the precinct for questioning. The security police wrote an order against Mrs. Dung and Evangelist Nguyen Thanh Tam. Dr. Nguyen Thi Hong specifically was forcibly removed and escorted to the precinct security police office and held until 1700 hours. The security police fined two believers who could not produce ID cards, each 60,000 dong (\$4.00).
39. On 28 November 2004 at 1900 hours around 30 believers had just begun worshipping the Lord when more than 50 security police entered and wrote up a citation about the meeting. Those who did not have ID cards were ordered to the precinct. At 2320 hours the same day, precinct security police, district security forces, civil defense and city citizens cell came and inspected the household register of the Church office and made a report. The police fined six (6) believers who could not produce their ID cards 60,000 dong (\$4.00 US)

40. On 29 November 2004 Pastor Toan Ai and Evangelist Hung were asked to go to the Binh Khanh precinct office regarding the 21 November 2004 meeting. After this Mrs. Dung and Evangelist Tam were asked to go to the precinct to meet with the special task force (to resolve the matter of the C5/1H Tran Nao property). This included Mr. Nguyen Van Hai (precinct chair), Mr. Hien (area security police), Mrs. Hang (justice), Mrs. Thu (District 2 Fatherland Front) with the objective of "requesting the dissolution of the Church." The Binh Khanh Precinct People's Committee posted an announcement forbidding meeting within the confines of the Church office. The precinct People's Committee also set up a loud speaker in front of the Church and for three continuous days from 10 to 12 December 2004 from 0700 to 0730 hours the announcement of the precinct People's Committee was read twice ten minutes apart stating that "the Church is not permitted to meet, the C5/1H Tran Nao house is not a place of worship, and they are misusing religion to violate laws. . . people should not for any temporary material advantage listen to the Mennonite Church seduction."
41. The morning of 1 December 2004 a force of around 50 persons from the People's Committee, precinct security police, District 2 security forces, and civil defense entered and broke up the prayer meeting of 35 believers at the Church when they were fasting and praying three days monthly for the Mennonite Church. Believers without ID cards were escorted to the precinct, made to prepare their vitae and write a statement promising that they would not go to the C5/1H house again. The security police cited Mrs. Dung and Pastor Hoang van Phung for meeting illegally.
42. At 0800 hours on 2 December 2004 when the Church continued its second day of fasting and prayer, Evangelist Le Thi Phu Dung and Pastor Hoang Van Phung were asked to go to the precinct for processing. When Mrs. Dung received the citation with an administrative fine, the precinct security police asked her to hurry home because the special action cell was writing up a report at her house. When she reached the house, Mrs. Dung saw the security police, district security and the civil defense forces attempting to break up the prayer meeting. When the Church sang songs to honor the Lord, the security police and civil defense forces used bullhorns to sing "flying, I am flying"... and "there's a yellow butterfly" to drown out the Church singing. The security police gave the second administrative citation of the day to Mrs. Dung and summoned all 27 believers to the precinct security police headquarters for processing. After that when Mrs. Dung was at the Church office alone, some people gathered at the office to curse the Church with obscenities. One neighbor from the house adjoining the Church who stood up and supported Mrs. Dung was threatened by the security police and ordered arrested and taken to the precinct, and a youth who spoke in defense of Mrs. Dung was also beaten by the large extremist crowd. The extremist "people" broke down the wooden sign of the Vietnam Mennonite Church office. The representative authorities witnessed all this but did not intervene. Some of the believers detained at the precinct security police saw certain persons coming to the precinct happily relating how they had participated in the tearing down and breaking up the Church sign. They said: "Let's go in and get our payment and go home early!" These people are from the local bad elements. The last believers were not released until 2000 hours. One of the workers was Mr. Nguyen Hieu Nghia who was prosecuted with Pastor Nguyen Hong Quang and was sentenced to nine months imprisonment and was just released at 1100 hours on 2 December 2004. Mr. Nghia and Mrs. Duong Thi Phung, Mr. Nghia's mother, were staying at Mrs. Dung's house waiting to meet Evangelist Nguyen Thanh Nhan who was to be released the morning of 3 December 2004 after nine months imprisonment. At 2100 hours the security police entered the Church and forced worker Nguyen Hieu Nghia and Mrs. Duong Thi Phung, his mother, to immediately leave Mrs. Dung's house.
43. At 2315 hours on 5 December 2004 the area and precinct security police, the District 2 security, city citizens cell, and civil defense personnel inspected the household residents and made a report
44. The morning of 6 December 2004 Mrs. Dung was asked to go to the precinct People's Committee

for processing with Mr. De (Chair of the Fatherland Front) and Mr. Hien (area security police) about the matter of "illegal religious meetings." The security police said: "You must cease meeting. The people said that you still met on Sunday evening, 5 December 2004. If you violate deliberately, there will be harsher measures."

45. On the morning of 9 December 2004 around six (6) believers came to visit Mrs. Dung and then practiced Christmas music. At 1200 hours, noon, when Mrs. Dung and the believers were eating lunch, more than 50 representatives of the authorities from all branches of security police, People's Committee, Fatherland Front, militia, and District 2 security with cameras, nightsticks and sticks burst in and issued a citation for an illegal meeting. The security police also searched the adjacent houses because they said the believers could flee there. At 1430 hours Mrs. Dung was asked by the District 2 security (Mr. Nam) and processed under the guise of "security and order" at the precinct security police and asked to stop the Church meetings.
46. At 0900 hours on 17 December 2004 Evangelist Le Thi Phu Dung was asked to go to the Binh Khanh Precinct People's Committee to "discuss the security and order situation" and asked to stop the Church meetings.
47. On 20 December 2004 Evangelist Nguyen Thanh Tam and Evangelist Le Thi Phu Dung received an announcement from the Binh Khanh precinct asking that they cease the Church meetings.
48. At 0800 hours on 22 December 2004 Evangelist Le Thi Phu Dung was asked to go to the Binh Khanh precinct People's Committee to "meet to discuss area order and security" and requested to stop the Church meetings. As on previous times the People's Committee said that "the people in the area accuse your meetings of destroying local security and order and the people are impatient to have this resolved."
49. On 06 January 2005 Evangelist Le Thi Phu Dung received an order to dismantle part of the Church office which the authorities said Pastor Nguyen Hong Quang had illegally built.
50. On 16 December 2005 when 14 believers were meeting to worship the Lord, security police forces broke up the prayer meeting and wrote a report. Worker Le Quang Du who used a bicycle to travel back and forth also had his bicycle confiscated.
51. At 1400 hours on 18 January 2005 Evangelist Le Thi Phu Dung was asked to meet Mr. Le De, vice chair of the Binh Khanh Precinct to process "illegal meetings."
52. On 20 January 2005 both Evangelist Le Thi Phu Dung and Evangelist Nguyen Thanh Tam received a notice to pay a 600,000 dong (\$40.00 US) administrative fine. Both Evangelist Dung and Evangelist Tam felt the fine unjust, the amount very high, and since they did not have the money did not pay the fine.
53. On 20 January 2005 the District 2 Mennonite Church Youth met at the Karaoke cabaret in District 2's Binh An Precinct to sing hymns of praise to God and were broken up by the Binh An Precinct authorities. The security police forced the owner to immediately disperse the believers. The security police asked Evangelist Nguyen Thanh Nhan to examine the matter of the group meeting. Evangelist Nhan had his ID card confiscated for no reason, but did not accept the receipt. But the following day Evangelist Nhan contacted them to demand the ID card be returned but police did not return it. After this every time he meets, Evangelist Nhan is asked by security police to show his ID card, and since he cannot produce his ID card, he is forced to go to the precinct and is temporarily administratively detained and fined for the offense of not producing his ID card. .
54. On 26 January 2005 the People's Committee of Binh Khanh Precinct resumed the program of daily slanderously announcing the Vietnam Mennonite Church was "misusing religion to engage in illegal activities, people should not for any temporary material advantage listen to the Mennonite Church seduction.
55. At 2320 hours on 01 February 2005 the precinct and District 2 security police came to check

household residents at the Church office and prepared a report.

**3. After promulgating the Prime Minister's Instructions on Protestants
01/2005/CT-TTg of 4 February 2005**

56. On 27 February 2005 at 1900 hours when 23 believers were praying at the Mennonite Church headquarters, a local force of 50 authorities belonging to security police, security, People's Committee, and Women's Union burst in shouting and swearing, breaking up the meeting and forcefully escorting the believers to the Binh Khanh Precinct headquarters in District 2. The Mennonite believers were escorted like criminals, with two members of the authorities leading one believer to the vehicle to take them to the precinct. The security police held 19 believers for questioning until 0300 hours on the morning of 28 February 2005, and police ordered the believers not to go to the Mennonite Church headquarters in District 2 to worship the Lord. When Mrs. Dung referred to the Instructions 01/CT-TTg, Mr. Hien of the area security police announced: "The security police follow the National Assembly Religion Ordinance; the instructions of the Prime Minister are beneath the Ordinance. Perhaps the Prime Minister's instructions can be applied in other places, but they specifically do not apply at the C5/1H address in Binh Khanh Precinct. We security police have orders from above to disperse and to not allow the District 2 Mennonite believers to worship the Lord because the Mennonite church has not yet been recognized."
57. On 5 March 2005 the Vietnam Mennonite Church officially sent an appeal to the Prime Minister and other top authorities recounting the past persecution and religious suppression and requested procedural directions for the Mennonite Church to register religious activities with the local government according to the instructions 01/CT-TTg of 4 February 2004.
58. On 08 March 2005 a Binh Khanh Precinct security police force of more than 20 persons burst in dispersing the prayer meeting of around 30 women Mennonite church workers who had a prayer meeting commemorating International Women's Day at the Mennonite Church headquarters in District 2 of Ho Chi Minh City. Disregarding International Women's Day, disregarding a proposal of the women to wait 30 minutes to close the prayer meeting and deal with the authorities later, disregarding the law, the security police force dispersed the women, not permitting them to pray. At the same time the police forcefully led away to the police headquarters 10 male church workers who had come to cook food and serve the women on International Women's Day; they were held from 1100 hours until 1700 hours when they were released. The security police wrote up the numbers of the motorcycles at the Church office. The police fined both Pastor Nguyen Cong Chinh and Evangelist Nguyen Thanh Nhan 60,000 dong (\$4.00) each because they could not produce their ID cards.
59. At 0800 hours on 22 March 2004 Mrs. Dung was asked to go to the precinct security police to process with Mr. Nam of District 2 security branch "some related work."
60. At 0800 hours on 28 March 2005 Mrs. Dung was asked to go to the "city management team of District 2" regarding the matter of "illegal building construction." The authorities said that the Mennonite office building construction that Pastor Nguyen Hong Quang did in 2002 was illegally built.
61. On 10 April 2005 Mrs. Dung received an announcement to implement the binding decision of the District 2 People's Committee determining that the "illegally build construction" had to be voluntarily dismantled by 11 April 2005.
62. On 11 April 2005 Mrs. Dung was summoned to go to the Binh Khanh People's Committee to meet Mr. Thang (District 2 security). Mr. Thang said the letter that Mrs. Dung wrote asking Evangelical believers to fast and pray for the court appeal of Pastor Nguyen Hong Quang 12 April

2005 was action inciting believers to go and cause disturbance at the court.

63. On 12 April 2005 the Ho Chi Minh City superior court heard the appeal of Pastor Nguyen Hong Quang and Evangelist Pham Ngoc Thach, but Mrs. Dung (Pastor Quang's wife) and Mr. Thach's family were not invited to the appeal hearing.
64. On 23 April 2005 when 11 Mennonite believers were praying at the District 2 Mennonite Church headquarters, security police forces and Binh Khanh precinct authorities of more than 20 people burst in, wrote a report, and dispersed the meeting. At the same time they terrorized the believers by writing the vehicle registration numbers, checking ID cards, recording residence addresses so local jurisdictions would put pressure on the believers, threatening the believers and ordering them not to come again to the Church to pray.
65. On 25 April 2005 Evangelist Le Thi Phu Dung and Evangelist Lam Thi Tuyen Anh were summoned to the Binh Khanh Precinct People's Committee about illegal meetings.
66. At 1400 hours on 29 April 2005 Evangelist Le Thi Phu Dung was asked to meet with the precinct security police to process illegal meetings. Mr. Hien, the area security policeman, forced Mrs. Dung to sign a statement not to meet but she did not agree to this.
67. On 1 May 2005 when 15 believers were meeting to pray, around 40 persons from the security police and the precinct authorities, some with alcohol breath, burst into the church and forcibly broke up the prayer meeting and escorted the believers to the police headquarters like criminals. The believers were held at the precinct from 2000 hours until 2230 hours. Ms. Le Thi Hong Lien, a Church worker just released from prison on amnesty orders of the state chairman, who was still weak and whose mental health was not yet stabilized, also had come to the Church for prayer, and was also forcefully led away even though her father, Mr. Le Quang Du, asked the security police on humanitarian grounds to process her at the Church, but they ignored this. Mrs. Le Thi Phuoc Hien, Mrs. Dung's mother who had three days vacation and had come to visit Mrs. Dung and her grandchildren, was also led away by 4 or 5 of the authorities to a vehicle and taken to the police post like a criminal.
68. On 4 May 2005 Evangelist Le Thi Phu Dung was asked to go to the People's Committee to meet Nguyen Van Hai (chair) and Mr. Le De (vice chair) to be processed for illegal meetings.
69. On 5 May 2005 Mr. Nguyen Van Hai, chair of the Binh Khanh precinct People's Committee, released bulletin No. 47/TB-UB dated 5 May 2005 stating that [persons in] the Mennonite Church are reactionaries who misuse religion to conduct illegal religious activities. The precinct People's Committee will attach a screened bulletin board opposite the Mennonite Church office solely to post this bulletin. Beginning on 5 May 2005 the Binh Khanh Precinct will resume their loudspeaker announcements every morning slandering the Mennonite Church before the people.
70. On 8 May 2005 when 15 believers were meeting, around 30 security police and Binh Khanh Precinct authorities again burst in and broke up the meeting and escorted the believers to the police headquarters and kept them from 2000 hours until past 2230 hours before releasing them.
71. At 0800 hours on 10 May 2005 Mrs. Dung was asked to go the precinct security police to process the matter of illegal meetings.
72. On 15 May 2005 around 30 personnel from the authorities and security police, some with strong alcohol breath, forcefully broke up the prayer meeting of 18 believers at the Church headquarters. The police arrested 16 believers and took them to the precinct. Many of the believers were held from 2010 hours until 0245 hours the next morning, 16 May 2005. One of these arrested was Ms. Le Thi Hong Lien whose health is weak from prison abuse. She was held until 0100 hours, and was so exhausted that she nearly fainted; only after pleas from her family she was released. There were 3 children also held; one of these was released to their family around 0030 hours, but the other 2 were held until 0300 hours in the morning. The security police terrorized their spirits,

threatened them, and forced the believers to promise not to pray at the Church.

73. On 16 May 2005 the Vietnam Mennonite Church officially sent a second appeal to the Prime Minister and other top authorities, requesting that the Church be given procedural direction to register religious activities with the local authorities according to the Instructions 01/CT-TTg of 4 February 2005
74. On 22 May 2005 at 1900 hours, 19 believers were praying at the District 2 Church. At 1940 hours more than 30 security police ordered the prayer to stop and they forcibly dispersed the prayer meeting, marching 18 believers to the police station. They were released at 2230 hours.
75. On 23 May 2005 from 0800 hours to 1100 hours Evangelist Le Thi Phu Dung and the Executive Committee of the Central Office of the Vietnam Mennonite Church met with the Ho Chi Minh City Bureau of Religious Affairs to request procedural direction to register the activities according to the Prime Minister's 4 February 2005 Instructions, but the Committee of Religious Affairs did not give directions for registering; on the contrary, they requested that the Church disband.
76. On 29 May 2005 at 2025 hours when 18 believers met to pray at the District 2 Church, security police forcibly broke in, disbursed the meeting and escorted 15 believers to the precinct police headquarters, among them 4 children. The police forced the believers to sign papers that they had violated the law and promise that they would not come to pray at the Church. The security police video-taped each believer being processed. The last believer was not released until 0200 hours the next morning, 30 May 2005.
77. At 0830 hours on 30 May 2005 Evangelist Le Thi Phu Dung was asked to go to the Binh Khanh Precinct People's Committee. Mr. Le De, Le Quang Dinh (two vice chairs) forced Mrs. Dung to "promise to disband the Church; if the church continued meeting, there would be arrests."

4. Summary:

In reviewing these events we can see clearly that the Vietnam Mennonite Church has suffered repression by various methods. This repression and persecution has been systematic and continuous. Government authorities of Binh Khanh Precinct also formed a special task force composed of representatives of the local civic organizations to be involved in writing up charges and determining penalties for the "illegal" religious activities of our church office. Government authorities publicly repress our church organization by slandering, charging, arresting and incarcerating a number of church leaders with the aim of terrorizing the morale of Christian believers and eliminating all activities of the church by removing our leaders. The public security police continually follow and lay traps to try those pastors you work zealously for their church and take them to court with the outcome already decided in advance in order to "legalize" their illegal actions and the incarceration of our leaders. After they arrest and put away the church leaders, they relentlessly increase their harassment, giving the church people a very hard time. Besides their very public and open persecution of our church, there are many other, more indirect and subtle methods of persecution used against our church, such as:

1. **Using physical force to break up the prayer meetings of our church.** Every time Christians gather to pray at our church, the public security police come to break up our meeting and escort the participants to the precinct office for administrative reasons and try to make them sign an agreement not to come to our church to pray. The reason the police come to do this is because, they say, is that "the neighbors are denouncing you, they are very angry because you are disturbing public peace and order". In fact our recent meetings are composed of 15 - 20 people meeting in a large room, quietly praying, studying the Bible with each other, and sometimes enjoying refreshments together, and even so they break up our meetings. The police and officials usually outnumber the worshipers two to one! They holler loudly at us and use bullhorns over our ears to order us to stop praying quietly, and use physical force,

two or three officials dragging one Christian believer to the precinct station for temporary administrative arrest. On behalf of our church, Evangelist Le Thi Phu Dung, asked the government officials to how the church was accused by the neighbors of “denouncing you, becoming very angry with us, and accusing you of disturbing public peace and order”. Who is accusing us? Do you have some written complaints against us? If there are such accusations, please give them to us so that our church can go to these neighbors and explain and find out what is going on. But the government authorities fall silent and give no answer, saying they cannot say anything because of the privacy rights of the individual complainers. Government authorities take advantage by using “administrative matters” in order to bring up “a number of related issues”, namely our religious practices. Every time Christians meet for prayer and worship, local officials write up charges, break up the meetings, haul them to the local police station and hold them on administrative matters, often until 3:00 o’clock in the morning. And during the interviews with the Christians they always utter loud threats. And there are also times when officials reek of alcohol, hollering and pushing at the Christians when the “interview” them. It is precisely these oppressive actions of the officials which disturbs public peace and order and which makes the neighbors upset! When a neighbor dares to raise a voice to support us Mennonite Christians, they also come under threat.

2. **Using administrative paperwork to cause hardship to individual Christians in attempt to get Christians to give up their faith.** Government officials constantly demand to check on residence papers to frighten and intimidate Christians, and also to expel our Christians workers from where they are living working. And for those Christians who come to the city for a job, or to study, the police in the city coordinate with the police in the home areas of these Christians to deny them the common temporary residence papers and then use this as a reason to expel them from the city. They also pressure owners of guesthouse not to let Christians live in their establishments. The public security police use the excuse of checking official residence papers, and if anyone then produces them they are illegally confiscated without being issued a receipt. The when the Christians request their all-important ID papers be returned, they are told the police have not taken any papers. Then on the next occasion, when the police come to break up a prayer meeting they again demand the official residence paper. People who cannot produce them because their papers were previously confiscated are hauled to the police station and are fined 60,000 to 600,000 VN dong (\$ 4 to \$ 40). At any time of day or night, public security police can demand Christians produce their official residence papers, and catch them for this or other excuses and fine them heavily so that they have no money and no longer take the risk of going to our church again. Police are always writing down the plate numbers of Christians’ vehicles to scare and threaten them. Police demand to come onto the private property of the church or somewhere elsewhere and there examine the papers of motor vehicles even though they are not being used on a public road - using every possible means to harass. Local officials coordinate with the transportation police to get them to seize the motorbikes of Christians so they will be afraid to go to the church to pray and worship. When oppressing the church, the police are careful not to say they are acting because the church has not got permission to operate. And when the church tries to find out exactly how to register its activities, officials are willfully unhelpful and won’t give guidance on the procedure, and will not give permissions. And so the public security police continually demand permission papers for the church to meet, but on the side of the local officials they create an endless list of excuses not to give permission.
3. **Inciting the people to hate the Mennonite community:** The authorities organize meetings to denounce the Church leader, Pastor Nguyen Hong Quang, and the Vietnam Mennonite Church as well as the North American Vietnamese Mennonite Fellowship. The authorities having gotten some “citizens” to stand in front of the church and announce that it is forbidden to come to this place to pray. Officials read on a loudspeaker in the neighborhood the names

of Christians who dare to come for worship and prayer and urge citizens to remind and warn them not to. Government officials order citizens to have nothing to do with the Mennonite church, which, they call a group that operates illegally. And the authorities even incited undesirable elements in the area to attack Christians and also to destroy the church signboard.

4. **Using ploys to terrorize the morale of the believers:** The security police regularly come to the believers' houses or ask them to go to the police station to threaten them and forbid them to come to the Church to pray. The security police continue to regularly inspect the Church office in the middle of the night to check the household registry - which causes believers to lose sleep and become emotionally upset. The authorities also continuously ask Mrs. Dung and the believers for processing papers for residing temporarily, meeting illegally, security and order violations, and illegal construction. Authorities from the various government branches in turn ask Mrs. Dung and the believers to go for processing; sometimes it is the precinct People's Committee, sometimes the security police, sometimes the district security, sometimes the district People's Committee, sometimes the special action cell... Each time they are asked to go this way, the authorities drag out the processing for a long time. They make the believers sit and wait and wait. If the believers ask to go home, they do not permit this. Only when the believers are tired and exhausted do they begin the processing. Then they scream at, threaten and force the believers to promise not to come to the Church to pray. Whenever the believers come to the Church to pray, reports are written up against them and they are detained under administrative charges often until 0300 hours in the morning before they are permitted to go home. The authorities often inspect the household registry at night, and during days the various branches take turns continually asking the believers to go for processing. After many days of this, the believers are tired and exhausted and emotionally drained. On the days immediately preceding and following the trial (12 November 2004) and the appeal hearing (12 April 2005) for Pastor Nguyen Hong Quang and others, the security police and authorities continuously threatened and made things extraordinarily difficult for Mrs. Dung and the believers.
5. **Use the mass media to propagandize to distort and slander, and to isolate the church from its community.** After Pastor Quang was arrested, the newspapers and television in concert launched a salvo of slanderous charges against the person and pastoral position of Pastor Quang, accusing him of immorality and violating laws, and accusing the Vietnam Mennonite Church and the North American Vietnamese Mennonite Fellowship of being reactionary groups in religious disguise. Specifically, national VTV3 channel seen countrywide, broadcast a news report on 1 July 2004 of slander and distortion against the Reverend Nguyen Hong Quang and the Mennonite community. Various official State newspapers, such as Nhan Dan (Peoples' Daily), Lao Dong (The Worker), Quan Doi (Army), Cong An (Public Security), and An Ninh The Gioi (World Security), and Thanh Nien (Youth) newspapers all ran articles misrepresenting and slandering the Rev. Nguyen Hong Quang and also the Vietnam Mennonite Church.

Dear sir, we have just listed the facts about the incidents that have happened to our Mennonite headquarters and church in District 2 of HCM City, a location where we carried on church affairs for the entire country and also our international relations. In the confines of this report we are unable to describe the many hardship that other Mennonite believers in remote parts of the country are forced to suffer.

Our Vietnam Mennonite Church wants nothing more than to freely express and practice our religious faith and for all the types of oppression listed above to stop. Specifically, we call on the government of Vietnam to:

- 1) Release from prison the Rev. Nguyen Hong Quang and Evangelist Pham Ngoc Thach.
- 2) Cease breaking up our meetings, cease all arresting and holding of our people, harassing, oppressing, threatening, terrorizing Mennonite believers in relation to their religious faith, and to cease propagandizing and mobilizing our neighbors against us, and to cease using the mass media to slander religion.
- 3) Return all the property of the Vietnam Mennonite Church which authorities have confiscated.
- 4) Allow the Vietnam Mennonite Church to carry on religious activities in a normal manner, the same way that people carry on other activities in conformance with the civil code and require no special administrative approvals. Stop the system of having to ask permission for everything in the area of religion.
- 5) Have a method of taking care of local officials who oppress religion.
- 6) Create a special task force in the office of the Prime Minister to respond to the silent appeals which various religious groups feel obliged to address to the Prime Minister when all other methods fail. In the recent past concerning two separate petitions from the Vietnam Mennonite Church, the way was left open for local officials to continue to oppress the Mennonite Church.

Dear sir!

We respectfully hope that you will continue to keep us in mind, and that you will use all the means at your disposal to raise your voice to support and help the religious communities in Vietnam in general and the Mennonite Church of Vietnam in particular.

Respectfully submitted,

Evangelist Truong Tri Hien
Acting General Secretary of the Vietnam Mennonite Church

cc:
Senator Sam Brownback
United States Senate
United States Congress
Washington, DC
USA

Ms. SHEA. The letter documents in great detail the arrests and harassment faced by his religious community over the past 18 months. It is a sad and telling testimonial to the continued pressure that religious groups face in Vietnam. He wants the Commission to give the letter to the Committee and distribute it to those concerned about religious freedom in Vietnam. Pastor Hien is taking a great risk compiling and sending this letter, and he knows it. We are told that he is in hiding in a third country. He is awaiting an interview with the Department of Homeland Security so he can come to the United States and meet with you, Mr. Chairman, in person, an issue that was addressed by Mr. Payne.

It is obvious to me that the situation in Vietnam can be summed up as repression as usual. Though promises of future improvement are encouraging, we should not reward Vietnam too quickly by lifting the CPC designation. We know that human rights remain a problem for United States-Vietnam relations, but the question that always rises is: What can we do about it?

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

We have made specific recommendations for congressional and administrative action in the areas of public diplomacy, economic development, education, good governance and rule-of-law programs for Vietnam. I will append them to my remarks for the record. If the Government of Vietnam were to take further steps to honor its international commitments and improve its respect for human rights, United States-Vietnam relations will improve for the long term and serve as a basis for a strong and healthy relationship built on mutual interests, the rule of law and the non-negotiable demand of human dignity.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Shea follows:]

PREPARED STATEMENT OF MS. NINA SHEA, VICE CHAIR, U.S. COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

A STRATEGIC OPPORTUNITY: HUMAN RIGHTS & THE PRIME MINISTER'S VISIT

Mr. Chairman and Members of the Committee let me begin by thanking you for holding this important and timely hearing. It is an honor for me to be here.

Prime Minister Phan Van Khai arrives in Washington today to hold a historic meeting with President Bush. It has been thirty years since the end of the Vietnam War and ten years since our two countries have normalized relations.

Relations between our two countries have strengthened and improved in many important areas. Trade is up to almost \$7 billion a year and Vietnam seems poised to enter the World Trade Organization (WTO). Military ties are growing as our naval ships now regularly visit Vietnamese ports. The U.S. is also popular with Vietnamese youth.

These are encouraging signs and ones that should be capitalized on. A secure and prosperous Southeast Asia is in the interest of both our countries.

But significant issues remain, particularly in the area of human rights, including religious freedom. More than any other issue, differences over human rights and religious freedom have the potential to inhibit the forward momentum in our bilateral relationship. Relations can never fully develop until the Government of Vietnam protects and promotes the fundamental human rights of all its citizens.

These concerns should not be swept aside during the Prime Minister's visit. It is crucial that the U.S. Government speaks with one strong voice that economic and security interests should not precede human rights.

In his meeting with the Prime Minister, President Bush has the chance to explain why human rights are an important U.S. foreign policy concern and how progress on human rights is needed before there is full cooperation on other bilateral interests.

HUMAN RIGHTS AND FREEDOM IN VIETNAM: THE CURRENT STATE OF AFFAIRS

Mr. Chairman, the Government of Vietnam's human rights record remains poor and freedoms of speech, assembly, association and religion continue to be significantly restricted. Though Vietnam is in some respects a less repressive society now than it was ten or fifteen years ago, we should not conclude that Vietnam's economic openness has led directly to political openness or greater respect for human rights.

Our deepening economic and commercial relationship with Vietnam may encourage economic reform and transparency and it may draw Vietnam further into a rules-based international trading system, but the evidence suggests that it has not encouraged greater political freedom for Vietnamese citizens.

The human rights situation in Vietnam has not improved since passage of the Bilateral Trade Act of 2001. One has seen the brutal and ongoing suppression of ethnic Montagnards who marched for land rights and religious freedom in April of 2004, the jailing of Pham Song Hong and others for posting articles critical of the government on the Internet, the silencing and jailing of journalists for exposing corruption, and the mass arrests of Buddhist monks from the Unified Buddhist Church of Vietnam (UBCV), despite promises by Prime Minister Khai that pressure on the group would cease. UBCV monk Thich Thien Minh, released in February after sixteen years in prison, did not see many improvements in human rights and religious freedom. He said, "I have exchanged my small prison for a bigger one."

The lessons of recent history are quite clear-economic freedom and political freedom cannot be separated. People want to experience the benefits of liberty undiluted and governments who try to check this desire will find they are trying to hold back the rolling tide of the human spirit.

I am sure that the other panelists today will discuss in more detail other human rights concerns. So, with the remainder of my remarks, I would like to focus on religious freedom in Vietnam and particularly on U.S.-Vietnam relations since Vietnam was designated, by the Secretary of State, as a country of particular concern.

VIETNAM AS COUNTRY OF PARTICULAR CONCERN (CPC): EVIDENCE THAT INTERNATIONAL RELIGIOUS FREEDOM ACT (IRFA) WORKS

The Commission has followed events in Vietnam closely. Commissioners and staff have traveled to Vietnam and we have established contact with religious leaders, scholars, and human rights activists inside and outside of Vietnam.

Over the past fifteen years, the government of Vietnam has slowly carved out a noticeable "zone of toleration" for government approved religious practice. However, at the same time, it has actively repressed, and targeted as subversive, religious activity it cannot control or that which refuses government oversight. Targeted in particular are leaders of the Unified Buddhist Church of Vietnam (UBCV), ethnic minority Christians in the Central Highlands and northwest provinces, "house-church" Protestants, and followers of religious minority groups such as the Hoa Hao and Cao Dai. This repression has not abated in the last year.

Since 2001, the Commission recommended that Vietnam be designated as a country of particular concern (CPC) for ongoing, egregious, and systematic abuses of religious freedom under the International Religious Freedom Act of 1998. The State Department followed our recommendation and designated Vietnam as a CPC in September of last year.

Since the CPC designation, the State Department and the Vietnamese government have engaged on the issue of religious freedom. The government of Vietnam has made some gestures, including the release of several prominent dissidents, a directive to stop forcing Protestants to recant their faith, and another to streamline the application process for religious groups registering with the government.

The State Department cited these actions as progress when it announced last month that it had reached an "agreement" with Vietnam to avoid more stringent

actions, including economic sanctions, for countries designated as a CPC. Though the agreement is secret, from public statements we know that basically Vietnam promised to implement its new laws and the U.S. promised to consider removing the CPC designation.

We should not downplay the significance of this action and Ambassador-At-Large for International Religious Freedom John Hanford should be commended for the time and effort he has invested in Vietnam. The agreement reached was the first such diplomatic agreement signed with a CPC country since the passage of IRFA in 1998. We should see this as evidence that both vigorous diplomatic action and the use of the CPC designation produced results that might lead to future improvements in religious freedom in Vietnam.

But, Mr. Chairman, the key words here are “might” and “future.” The actions taken only signal promises of improvement and not actual measurable progress. Promises do not mean progress. And, these actions do not address the human rights violations that landed Vietnam on the CPC list in the first place.

Religious prisoners remain behind bars, churches remain closed, and restrictions and harassment on all of Vietnam’s diverse religious communities continue.

DON’T LIFT THE CPC DESIGNATION WITHOUT CONCRETE RESULTS

There are a number of important religious freedom concerns that are not addressed by Vietnam’s recent action, including:

- Leaders of the Unified Buddhist Church of Vietnam (UBCV) continue to be harassed and detained, and there is no legal framework for the UBCV, the Hoa Hao, Cao Dai, and others to register with the government and operate independently with leaders of their own choosing;
- There are an estimated 100 religious prisoners in jail or under some form of house arrest for religious activity, according to human rights groups, although actual numbers are difficult to obtain because of the lack of judicial transparency;
- And hundreds of churches, home worship centers, and meeting places remain closed, and forced or coerced renunciations of faith continue in some parts of the country.
- The government continues to impose limits on the number of candidates allowed to study for Roman Catholic priesthood, controls the appointment and promotion of Catholic clergy, and has seized church properties.

Troubling reports continue to arrive of new arrests and pressure on religious and ethnic minorities in Vietnam.

- Despite promises to ban forced renunciations of faith, evidence from the Central Highlands suggesting that the Prime Minister’s “Instructions on Protestantism” is being used by security forces to compel ethnic minority Protestants to join the government-approved Protestant organization, give up their distinctive faith tradition, or face criminal penalties.
 - On February 25 at 7 a.m., two police officers from Ia To commune, Ia Grai District, Gai Lai Province summoned two men and a woman for interrogation. They were asked whether they followed Dega Christianity or the “Christianity of [Prime Minister] Phan Van Khai”. They were asked who in their village followed “the religion that is political” and where they worshiped, and ordered to cease following Dega Christianity. They did not agree to stop. The police hit one of the men with their fists and beat the second man until he lost consciousness. The three were released from detention the same day. They were warned that they would be arrested if they were caught practicing their religion again.
 - From March 15–18, police surrounded many villages in Ia Hru, Ia Ko, and Ia Pet communes in Gai Lai provinces. Officials called Montagnard representatives from villages in these communes for full day meetings at the district headquarters in Cu Se, where they were lectured by district authorities as well as “police from Hanoi” (most likely officials from the Ministry of Public Security) and warned not to follow “Dega Christianity”. In some cases they were forced to sign pledges agreeing to abandon Christianity and politics. Officials also conducted meetings in the villages during this time in which they instructed villagers not to hold religious gatherings.
 - The events above happened in the Central Highlands, but forced renunciations also continue among the Hmong in Vietnam’s northwest prov-

inces. Police and security forces continue to summon Hmong Christian villagers to “re-education” where they are told to give up their faith traditions, are harassed, beaten and sometimes forced to drink wine.

— Mr. Chairman, the Commission has 21 of these police summons, most dated less than one month ago, in Pu Nhi Commune, Dien Bein Dong District, Dien Bien Province. I have a copy of the summons for the Committee.

- Also, Mr. Chairman, security forces have arrested church leaders, destroyed church property, and continue to harass followers of the Mennonite Church of Vietnam.

Mr. Chairman, I have a letter here from Truong Tri Hien, the Acting Secretary of the Mennonite Church of Vietnam. The letter documents, in great detail the arrests and harassment faced by his religious community over the past eighteen months. It is a sad and telling testimonial to the continued pressure that religious groups face in Vietnam. He wants the Commission to give the letter to the Committee and distribute it to those concerned about religious freedom in Vietnam.

Pastor Hien is taking a great risk compiling and sending this letter and he knows it. We are told that he is in hiding in a third country. He is awaiting an interview with the Department of Homeland Security so he can come to the United States and meet with you, Mr. Chairman, in person.

It is obvious to me that the situation in Vietnam can be summed up as “repression as usual.” Though promises of future improvement are encouraging, we should not reward Vietnam too quickly by lifting the CPC designation.

POLICY RECOMMENDATIONS:

We know that human rights remain a problem for U.S.-Vietnam relations. But the question that always arises is what can we do about it?

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

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

I will append them to my remarks for the record.

CONCLUSION:

If the Government of Vietnam were to take further steps to honor its international commitments and improve its respect for human rights, U.S.-Vietnam relations will improve for the long term and serve as the basis for a strong and healthy relationship built on mutual interests, the rule of law, and the “non-negotiable demand of human dignity.”

Thank you Mr. Chairman and I welcome your questions.

The U.S. Commission on International Religious Freedom was created by the International Religious Freedom Act of 1998 to monitor the status of freedom of thought, conscience, and religion or belief abroad, as defined in the Universal Declaration of Human Rights and related international instruments, and to give independent policy recommendations to the President, Secretary of State, and Congress.

Mr. SMITH. Thank you very much for your testimony and for the extraordinary work you have done over these many years.

We have a very, very distinguished group of panelists in panel two, and just to pull some of their statements and get your reaction to them. Helen Ngo, who is the Chairperson of the Committee for Religious Freedom in Vietnam, makes the point that the ordinance on belief and religion and the instructions on the implementation of that ordinance, which the Department of State has praised as an improvement, is actually a step backwards, and she quotes two priests who have been put under detention who have said, and I quote them:

“These two documents practically give the local authorities full control of all religious activities. Local government officials can do whatever they want, causing unaccountable obstacles to the appointment of clergy members, to the registration of seminarians, to the organization of religious activities and to the demand for return of confiscated church properties.”

She also points out in her testimony, and this is a very disturbing trend, that one pastor, Pastor Truong of the Baptist General Conference, has actually been sent to a psychiatric facility. And if you believe in God and not in communism, you must be—as she points out—insane. That is reminiscent of the Soviet Union and the use of their psychiatric hospitals as a means of dissent-busting and to hurt the religious believers in the Soviet Union. And we are seeing that same disgusting human rights abuse acted out in Vietnam today.

While you are responding, Dr. Thang of S.O.S. Boat People, makes a point that there is less freedom, more persecution in today’s Vietnam than 10 years ago. And he, too, points out that there has been increased use of torture, including physical and psychiatric torture. More dissidents and religious leaders have been arrested and detained. And he points out that since April 1997, with the issuance of decree number 31/CP, authorizing administrative detention without charge or trial, that there are now hundreds of Vietnamese citizens subjected to this form of persecution; again, this psychiatric use of torture.

Let me finally just point out as well that Minky Worden of Human Rights Watch makes a point, and I think it needs to be stressed here, despite the CPC agreement with the United States and Vietnam, she points out that there has been no let up in the practice of authorities forcing minority Christians to recant their faith. She makes a strong plea to the President, as Mr. Royce did earlier, as we are all doing from this platform today, to raise these issues and to do so robustly. The President has a golden opportunity to say we are serious about religious freedom. It is not an asterisk somewhere on a sheet of talking points. It is a main central tenet between United States and Vietnamese relations.

And finally, again talking about that ordinance, Ms. Worden points out on page 4 of her testimony that local officials are using the new religious regulations issued earlier this year as grounds to arrest minority Christians suspected of belonging to Christian groups that operated independently of the government.

So all of this fanfare that somehow religious freedom is advancing, the evidence on the ground, according to very reputable human rights organizations and individuals, is that it is going in the opposite direction. How do you respond?

Ms. SHEA. Mr. Chairman, the Vietnamese Government has been absolutely ruthless in trying to control religion or stamp it out, either one. And we have also received letters showing that this is going on, and it is going on basically up into the present, even past the agreement of May 5th that the Government of Vietnam signed with the United States on religious freedom issues.

We also have observed that the Instructions on Protestantism have resulted in people being forced to join the government-controlled church to recant their faith and membership in independent

associations. I would like to point out also that the majority of Protestants are in these tribal areas, either in the northwest provinces or the Central Highlands; that one of our—also the Government of Vietnam will sometimes respond by saying, “Oh, this is happening at the local level, and it is not us and not government policy.” But on May 16th, Pastor Wen, the President of the legally recognized Evangelical Church of Vietnam in the north, wrote to the Vietnamese Bureau of Religious Affairs noting that none of the petitions of these grievances “have been investigated or answered,” and they still haven’t.

So at the national level, they know about it and know that the torture is going on. Just in April, land was seized from 12 families in the tribal areas. And because they—and the officials told them this—because they believe in the Christian God. And the police demanded that they sign an agreement recanting their faith, and officials beat one of them and beat the second and bound him with wire, beat him a second time and bound him with wire and left him in the sun. And then they harassed his 70-year-old mother.

So it is continuing right up to the current time, and certainly our interest, our mutual interest, in liberalizing religious freedom and human rights have lagged far behind—progress has lagged far behind our other interests in trade and security.

Mr. SMITH. Vo Van Ai, who is the overseas spokesman of the Unified Buddhist Church of Vietnam and Director of the International Buddhist Information Bureau and will be testifying shortly, points out, as do the other bits of testimony from many of our witnesses, that in Vietnam no opposition views are tolerated, but then he points out that the State Department believes in Vietnam’s goodwill. But Vietnam is a past master in the art of false pleasures. Prime Minister Khai himself is a symbol of the broken promises of Hanoi’s regime. He is a man who received a dissident Buddhist patriarch for talks in Hanoi in April 2003, raising great hopes of a dialogue on tolerance. He is also the man who just months later launched the most brutal clapdown on the UBCV, arresting both of those individuals and nine Buddhist leaders in October 2003.

And I am fearful that this visit here—and I would call on our friends in the press to be much more vigilant to what is really going on on the ground with regards to believers of various faiths and denominations, and not buy into all the gestures of kindness and the smiles and opening of the stock market, and look at what is going on with real people in terms of torture, persecution and the like.

And finally, if you could comment on that, this idea that a grand deception is about to be perpetrated on the American people, and everyone will say, “Aren’t things so nice now with Vietnam,” when for Vietnamese who are believers in the Unified Baptist Church or some Christian churches like the Protestants find themselves persecuted.

We will have a witness, a Montagnard refugee in North Carolina, talk about all of the hurdles with regard to families being reunified, that the government is not allowing daughters and the sons and the wives or husbands to be repatriated with their family

members living here in the U.S., and that is a serious, egregious breach of international human rights law and refugee law.

Ms. SHEA. I noticed today that the Deputy Prime Minister has called for cooperative ventures with the United States to promote the exchange of visits by Administration representatives, the National Assembly and congressional delegations; upgrade dialogues on issues of mutual interest; and effectively implement agreements signed by the two countries. That is what he said. And I think we should take him up on this and establish a regular system for monitoring these agreements. We need to have access on a continual basis to these areas and to these people, to the brave monks of the Independent Buddhist Church—the one monk has just been released after 26 years in prison, and even now he is getting threats. His cell phone is shut off or jammed, and he can't freely exercise his human rights.

So we need to insist that there be transparency, that there be access, that there be freedom to meet with these heroic religious leaders of all faiths.

Mr. SMITH. Thank you.

Mr. Payne.

Mr. PAYNE. Thank you very much. Thank you for your testimony, Ms. Shea. It is good to see you again.

You were talking about behavior. And as you know, in September the Government of Vietnam was declared a CPC for its ongoing violations of human rights and religious freedom. But recently, as we note, an agreement was reached between the Vietnam Government and the United States regarding what Vietnam needs to do to get off the CPC list and avoid sanctions.

In your opinion, what should be done to ensure that Vietnam makes tangible progress toward religious freedom? In the aftermath of this agreement, how do you see us being able to monitor it? How do you see us being able to see whether there has been any real steps made on the agreement recently accorded by the United States and Vietnam?

Ms. SHEA. Well, I think that we need to really have access to areas in Vietnam that have been cut off, either periodically or continuously, and access to people. And if we can't have access, then I think that we should assume that the reports we are hearing are true about their persecution, that we can assume the worst.

And the Commission has in that case recommended some sanctions. One is to apply a section of the Religious Freedom Act to deny visas to those officials, including party heads at the Presidential levels, who are responsible for these religious persecutions. So that is one of our recommendations. And another is that a portion of funds be used to support those who are trying to improve human rights, such as nongovernmental actors.

So we need to be prepared to implement some—not just incentives, but some sanctions if the government doesn't give us access to implement—to monitor to see if they are implementing the agreement that they arrived at in May. We cannot take them at their word, we know that. We are getting too many reports with evidence that their agreement has already been broken in the last month.

Mr. PAYNE. Well, sort of in the same vein, we know that it is more difficult to get information from the Central Highlands and the northwestern part of Vietnam, and that is where the Montagnards and the Hmong people are being mistreated. Do you think that we should accept this business of it is difficult to get accurate information, or do you recommend any steps, I guess similar to what you said previously about trying to have greater access, but do you think that that should also—some concrete steps should be made since it is more difficult in those more remote parts of the country?

Ms. SHEA. I am very troubled by that. We must insist on getting access to those areas, not just in the periodic sense, making one trip every 6 months. We should have continual access for journalists, for human rights activists, for tourists, co-religionist, for anybody who wants to hold meetings. And again, if we don't get access, then it is extremely—they have something to hide.

And I am also troubled by the fact that the May 5th agreement itself is secret, so we really don't know what the terms of that agreement are with any certainty. And we have gotten hints of what is in that, and it seems that those terms have been broken and there is just no real good faith on the part of the government in abiding by them.

Mr. SMITH. Would my friend yield? I would just make the point to my colleagues, and you might want to respond to this as well. Several months ago I met with a *Time Magazine* correspondent who got into the Central Highlands and made a rather lengthy, hands on, eyeball view of what was going on there. But he made the point that the people in the Central Highlands, the Montagnards, were extremely reluctant to talk to him and that when he would enter a village some of the women would indicate that they felt they could not speak without fear of retaliation. Even with that, though, he was able to put together a story, some of which never made it into the pages of *Time* because it was cut. That just painted a terrible, despicable picture of repression.

I thank my friend for yielding.

Mr. PAYNE. Thank you very much. And I think we really need to follow up on that.

Just a last question, since we have some others. With regard to the Catholic Church, do you know what the status of the church's attempt is to regain confiscated church property? And also, how does the government seek to control the church on selection and training of seminarians?

Ms. SHEA. The Commission has called for an independent review panel to be set up to review claims of properties confiscated after 1975. And there is a precedent for that kind of panel in Eastern Europe. So there is expertise that can be drawn on.

There are quiet negotiations going on between the government and the Catholic Church, I understand, but to what—I don't think there has been a lot coming out of it. And ordinations—restrictions on ordinations is one of the ways that the government has consistently tried to control and limit the practice of Catholicism.

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

Mr. SMITH. Chairman Royce.

Mr. ROYCE. Thank you. Thank you very much. Well, let me just begin by commending your efforts.

One of the things I wanted to ask you about was how much support you are able to get on the part of human rights groups worldwide for your efforts? I know that Lynn Stewart—who is a spokesperson for the Center for Constitutional Rights and an attorney there and for the National Lawyers Guild, along with some other prominent organizations that work in this area—has a different viewpoint. I think one of the issues is: How do you build support for understanding of what people inside Vietnam face? Because there are attitudes that sort of run counter to your perceptions about the situation in Vietnam.

As a matter of fact, Lynn Stewart, who has spoken at law schools from Seattle to St. Paul and was the final keynote speaker at the National Lawyers Guild's 2003 conference, was asked in *Monthly Review* to imagine that she was part of a revolutionary government that had liberated its people from the horrors of capitalism, and if she herself were to become part of such a government, the interviewer wanted to know, was there a point at which she would think that monitoring and controlling the counter-revolutionary adversaries of that government was acceptable? Her answer was: "I don't have any problem with Mao or Stalin or the Vietnamese leaders, or certainly Fidel, locking up people they see as dangerous because so often dissidence has been used by the greater powers to undermine a people's revolution."

You know, we have the Center for Constitutional Rights and the National Lawyers Guilds and other groups that are interested and focused on human rights, but when it comes to the specifics of human rights in a country where people are under Marxism, there is this tendency on their part to stand by and say, "Well, wait a minute, I now see this from the opposite perspective, I am not going to be part of an effort to try to elevate or get information out about these conditions," is the way I perceive it. And I wanted to ask you about efforts to energize organizations across the spectrum about the situation in Vietnam, because my concern is with attitudes like Lynn Stewart's speaking on the campuses and across the country to organizations. It tends to put us in a defensive position when we are trying to advance the cause for human rights in Vietnam.

Ms. SHEA. Well, first of all, I just want to say I do have a problem with putting people in prison for their religious beliefs, and I am a firm—and the Commission works on the basis of its firm support for article 18 and the Universal Declaration for Human Rights. We believe it is a fundamental universal right for all people, including the Vietnamese people, including the tribal people in the Highlands and the Buddhist monks. So people's revolutions have trampled on individual rights, and Vietnam is no exception in that regard.

We have plenty of, as many of you have pointed out, many people from Vietnam have come to this country seeking freedom and they enrich our country and we are lucky to have them, but they were forced out because of persecution and other human rights problems, violations.

How do we get our message out? Well, we have a Web site. We issue press releases periodically on Vietnam. We have quite a few from just this year. We travel to Vietnam, and we hold hearings on Vietnam. So we try through a variety of means to get our perspective out on this, and again, using international human rights agreements, agreements that Vietnam plays lip service to.

Mr. ROYCE. The Prime Minister may want to talk about catfish this week, we want to talk about religious oppression. Let me ask you: How do you get the word out to people inside Vietnam? When I was there talking with dissidents and talking with those who had been arrested, I took note of the fact that the government is so oppressive that they shut down any voices that make suggestions for any kind of reforms, including people within their Politburo. How do you think most Vietnamese get their information, and what can we do to make certain that there is a free flow of information to people inside Vietnam?

Ms. SHEA. Well, you know, some of it is word-of-mouth, some is through the Internet or through radio. It is tough when the government jams Radio Free Asia. And that has got to be one of our top priorities, getting cooperation on that. If we have agreements on a range of issues and security and economics, it seems like we have close enough and warm enough relations that we should be able to get that in return.

You know, I think that the chance of getting the word out is better than it has ever been, given the range of options, the new options. Even some of our religious leaders have cell phones. So it is possible. The government makes it difficult, but it is possible and we should demand greater accuracy.

Mr. ROYCE. How would you judge the progress on human rights in Vietnam over the last decade, given the moves that it has made now on Internet freedom and—

Ms. SHEA. Well, we are looking at, pretty exclusively, religious freedom and we have not seen tremendous progress in the last 10 years. Maybe 15 years ago we saw progress, but since then it has been a fairly steady—

Mr. ROYCE. Things have stagnated.

Ms. SHEA. Stagnated, yes.

Mr. ROYCE. All right. Well, thank you.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much.

Mr. Fortenberry.

Mr. FORTENBERRY. Yes. Thank you very much for testifying before us today.

One of the delicate balances here, and elsewhere obviously, is to out of necessity point out the difficulties that oppressed peoples are having, particularly within, underneath the auspices of a Government like Vietnam's, without making their situation potentially worse.

Do you believe that outside pressure has been effective or is an effective mechanism to help potentially move forward on the issue of religious and human rights freedoms in the country? In other words, that delicate balance there, I think, is important for us to always be sensitive to, because you obviously don't want to make the situation worse for those who may be experiencing this oppres-

sion while we go about the fundamental business of trying to change the conditions so that, ultimately, these people can exercise their religious freedoms and other human rights effectively. Can you respond to that?

Ms. SHEA. Well, yes. I think there is a balance to be made. And I think that those already in prison can only be helped by mentioning their names and trying to bring pressure for their release. And maybe Father Ly is a case in point there, he was sentenced, as the Chairman said, to 15 years, and he is now out of prison because of what Congress has done and what the Commission has done and other human rights groups have done to keep his name out there.

We routinely protect our sources when they are inside Vietnam and they are not in prison and they are trying to get out the word that someone is being tortured or imprisoned or had their properties confiscated or a situation is going on. So we try to protect those people.

Mr. FORTENBERRY. I guess more precisely the question is: Are we at a tipping point where more hearings such as this, more outside pressure, more information about these types of abuses can actually bring about true reforms and protect the best interests of those who are in these difficult circumstances?

Ms. SHEA. I think that the Vietnam Government needs to know that the American people care deeply about human rights and individual freedom and religious freedom for the Vietnamese people. And congressional hearings help tremendously in that regard, and you should continue them. And I congratulate you, again, for holding this hearing today. It is so important, especially at the time of the Prime Minister's visit.

And there are Vietnamese private radio stations also broadcasting into Vietnam. There are Christian stations broadcasting into Vietnam. It gives tremendous hope to these people, moral support that they are not forgotten, or that the only thing that is important is the deal with Microsoft or another company. So I think this is a very important hearing today.

And the Vietnamese people—I have met with the Foreign Minister in the past, in my capacity in the Commission, and they acknowledge that religious freedom—“We know it is important to the American public, we know it is important because of your unique history.” They have told me that. So I think it would be disastrous if we let down our guard or if we stopped talking about it.

Mr. FORTENBERRY. Well, thank you so much for your good work in this area, and particularly for pointing out earlier that the economic progress alone is only a portion of the package, and coupling progress in the area of human rights and protecting the basic human dignity and freedom of peoples not only in Vietnam, but everywhere, is essential to be linked. I think it is a very important message that you made earlier, and I appreciate your good work.

Ms. SHEA. Thank you.

Mr. SMITH. Thank you very much, Mr. Fortenberry.

Let me just ask one final small series of questions. Ms. Shea, do you see any parallels between the Government of Vietnam's repression, the way it handles religious freedom and China's repressive

approach? And what are the implications of our policy toward both of these countries?

Secondly, you mentioned sanctions. Like you, I and others in Congress have been calling for the designation of CPC for Vietnam for years, and finally, as we all know, it has finally gotten that designation because of its ongoing egregious abuses. What sanctions do you believe ought to be imposed if this so-called agreement deteriorates or is less than implemented? And do you support the approach that we have put into our Vietnam Human Rights Act, which we will shortly be reintroducing? As you know, one of its key features is to limit non-humanitarian foreign aid to a certain year—2004 was one of them, this year might be 2005. But the idea is that we say this but no more as a clear shot that we mean business?

Ms. SHEA. We do—I see a parallel between Vietnamese repression and Chinese. And, in fact, they are moving even closer in that direction with the trying to corral all people of faith into government-controlled institutions. It is very similar. There may be a little bit more latitude for the Catholic Church than there is in China, but certainly for some of the other faiths, that is what is going on, the government-controlled churches and Buddhists and other churches.

The CPC policy, you know, the CPC status is a very short list, and these are the world's worst persecutors of religious freedom. It is egregious, ongoing, systematic persecution, and that is very significant to land on that list. And the State Department has made some agreement that they thought they made progress last month. It doesn't appear to be that way. And then the Government of Vietnam plays this cat and mouse game where it won't even give us access to find out independently whether, in fact, it has abided by the terms of this agreement.

So as I said, I think that there should be—we are recommending, the Commission is recommending that if—unless this access is given and we are able to verify for ourselves, independently, that there has been reforms in religious freedom, then there should be visas denied, for example, to the government officials who are—some of whom are probably being feted at this very moment in Washington, who are responsible for religious persecution. And then the Commission has also called for that some of this non-humanitarian aid be redirected to help nongovernmental human rights monitors. And we have supported the Vietnam Human Rights Act, which you play such a prominent role in trying to get through Congress. And I think that is what we have to look for again.

Mr. SMITH. Ms. Shea, thank you so much for your testimony and again for the great work of the Commission.

I would like to now welcome our second panel, but before doing so, as they are making their way to the witness table, I would point out to my friends and colleagues on the Committee that we have received several testimonies from courageous advocates from inside of Vietnam who have sent for inclusion in the record, and without objection each of their statements will be included in the record. I would just note that if there is any retaliation against these individuals, I can assure you this Committee will make a major Fed-

eral case out of it. These individuals have gone on record, we did not solicit these; they want their views, their opinions, their hopes and their aspirations known to the world. And the government, if it has any civilized backbone within it, hopefully will not retaliate against them. And if they do, I can assure you it will figure prominently in our realizations with Vietnam because this is our hearing and they have every right to submit this testimony.

We all remember what happened to Father Ly when he submitted testimony to the International Commission on Religious Freedom, the U.S. Commission, he got 15 years for that. So with some trepidation, though at their insistence, we will include these testimonies from Mr. Vo Van Thanh Liem, who was a Hoa Hao Buddhist; Mr. Tran Huu Duyen, also a Hoa Hao Buddhist and former prisoner of conscience. We have a statement from Father Peter Nguyen and Father Peter Phan, Catholic priests in the archdiocese of Hue. We have a statement from Reverend Tran Mai, General Director of the Inter-Evangelistic Movement of Vietnam; we have a statement from the Reverend Pham Dinh Nhan of the Vietnamese Evangelical Fellowship. We have a statement from Mr. Bui Thien Hue from the Hoa Hao Buddhists, a former religious prisoner. We have a statement from Father Chan Tin, a Catholic priest from Ho Chi Minh City; and also a statement from the Reverend Tring Tri Huen, Acting General Secretary of the Vietnam Mennonite Church. And without objection, their statements will be made a part of the record.

[The information referred to follows:]

TESTIMONY BY MR. VO VAN THANH LIEM, QUANG MINH TU HOA HAO BUDDHIST TEMPLE, HOA HAO BUDDHIST, FORMER PRISONER OF CONSCIENCE

Distinguished Members of Congress,
The Honorable Dr. Condoleeza Rice—Secretary of the United States of America
How long must the people of Vietnam and Hoa Hao Buddhists wait for “FREEDOM”?

Even after being designated by the U.S. as a “Country of Particular Concern,” the government of Vietnam has continued its religious oppression, specifically against Hoa Hao Buddhism.

- On 25 February 2005, the police incarcerated and fined Tran Van Hoang and Tran Van Thang because they were making tapes preaching Hoa Hao Buddhism.
- On 1 May 2005, during a home gathering celebration to commemorate the founding of Hoa Hao Buddhism, the local police invaded Phan Van Cu’s home, destroyed the altar, beat Tran Thanh Giang (an attendee) and robbed from Phan Van Cu 8 millions dong (Vietnamese currency unit.)
- On the same day, the police cut down a banner from the gate of our Quang Minh Tu temple. The banner was created to celebrate the founding of Hoa Hao Buddhism.
- On 14 May 2005, the police forbid Muoi O (in the town of Sadec) from conducting his father’s death anniversary because he intended to discuss Hoa Hao Buddhism teaching at the event.
- Most recently, on 3 June 2005, during the first anniversary ceremony of the passing of Mr. Ha Hai—a former religious prisoner—the local and regional police surrounded and harassed the event attendees. This oppression led many Hoa Hao Buddhists to protest via hunger-strike and threat of self-immolation.

It is apparent that “Freedom of Religion” in Vietnam has not improved. All recently released Hoa Hao Buddhist prisoners and highly-regarded people in our religious community are being followed and harassed.

Although the government of Vietnam has established a Central Hoa Hao Buddhist Church, most of the leaders of this Church are communist party members. They are

not true Hoa Hao Buddhists; they only become Hoa Hao Buddhists to control the operation of the Church.

The government of Vietnam frequently signs declarations stating that there is “Freedom of Religion” in Vietnam. They do so to satisfy the inquiries and to speed up the signing of bilateral and multilateral economic agreements. However, their modus operandi is to disregard the signed documents and continue with the oppression. The rule-of-law does not exist in Vietnam.

For instance, as reported on Radio Free Asia, the wife of pastor Nguyen Hong Quang was confronted by the police on the rights to worshipping at home. She stated: “Prime Minister Phan Van Khai just signed a decree giving us freedom of religion; the ink has not yet dried; why are you harassing me?”—the local police answered: “In Vietnam, the constitution—created by the communist part—is the highest law of the land ; the prime minister has no say in such matter.”

Hence, I would not be surprised if the government of Vietnam will also disregard any signed agreements resulting from Prime Minister Phan Van Khai’s upcoming meeting with President George W. Bush—especially if these agreements interfere with their authoritarian policy.

According to the constitution of the Social Republic of Vietnam:

- Article 2: “. . . (people are to) live and work according to Constitution and the Law . . .”
- Article 70: “. . . places of worship, religious beliefs are protected by the law . . .”

Hoa Hao Buddhism was founded by prophet Huynh in 1939. Ho Chi Minh brought communism from the Soviet Union into Vietnam and declared Independence on February 9, 1945. Not until April 30, 1975 did communism spread to South Vietnam. Hence, Hoa Hao Buddhism existed in Vietnam 35 years before communism.

Yet, once the communists took over South Vietnam, they dissolved the Hoa Hao Buddhist Church and confiscated all church properties.

With the ongoing violations of religious rights in Vietnam, we have no where to turn to. Knowing that Prime Minister Phan Van Khai is visiting the U.S., I respectfully request:

1. The United States Commission on International Religious Freedom to urge President Bush to include “Freedom of Religion” as a topic of discussion with the prime minister.
2. A U.S. representative to read to the prime minister the definition of “Freedom of Religion” and to explore ways to prevent the Vietnamese government from further breaking their promises on freedom of religion in Vietnam. If possible, please consider all measures needed to gauge the commitment from the Vietnamese government.
3. To point out to Prime Minister Khai that he is responsible for the poor religious environment in Vietnam.
4. The overseas Vietnamese community to greet Prime Minister Khai with questions on human rights and democracy in Vietnam.

I also ask the overseas Hoa Hao Buddhists to campaign with the U.S. government and the European Union to point out the illegitimacy of the Central Hoa Hao Buddhist Church in Vietnam.

Please accept my appreciation for your advocacy for democracy, human rights and freedom of religion in Vietnam.

An Giang—June 9th, 2005

TESTIMONY BY MR. TRAN HUU DUYN, HOA HAO BUDDHIST, FORMER PRISONER OF CONSCIENCE

Distinguished Members of Congress,

I am 86 years old (I was born in 1920), and given that I do not have much time left on this earth, I have no use for fame nor wealth. My life, from the zealous youth to the days serving the Prophet Huynh Phu So, has been up and down like the fate of my country and my religion. After spending a total of close to 30 years in prison, being incarcerated by multiple regimes, I am no different from the patriots of my generation in feeling the sorrow and the shame of not realizing our dream—the dream of living in a prosperous country, where the people not only live comfortably, but can also freely practice their religions.

I am aware that the prime minister of Vietnam, Mr. Phan Van Khai, will visit the U.S. at the end of June this year. During this visit, the prime minister will have

a chance to meet President George W. Bush and I hope that the discussion will also include such topics as human rights, freedom of religion, and democracy in Vietnam.

As a Hoa Hao Buddhist, a former prisoner of conscience, and an activist for freedom of religion and democracy in Vietnam, I am pleased that such event will take place. I hope that at the conclusion of these meetings the U.S. and Vietnam will open a new page of history. I hope the Vietnamese government will take steps to dismantle its constitution and the authoritarian policy so that Vietnam can quickly join the democracies around the World.

The Vietnamese history has spanned more than four thousands years of building and defending the country against the invasion of the Chinese, the colonization of the French and the meaningless civil war of ideology. The war has ended, but it left its marks in each one of us. There are still preconceptions, prejudices, and even hatred among a few people and organizations

However, I think that it's time to put aside our differences and prejudices so that we can discuss and find an effective and optimal way to bring Vietnam forward. We need to come together with Love because only love can help people find true happiness. Only Love can enable understanding and harmonization. And only Love can bring Vietnam and its people to everlasting peace and prosperity.

To that end, Vietnam needs true freedom of religion, human rights, and democracy.

I completely agree with the former prime minister Vo Van Kiet (in his interview with the Weekly International paper) that it is time to reconcile and consider new opportunities. And I fully support the "9-Point Roadmap to Democratize Vietnam" from Dr. Nguyen Dan Que. I believe that this roadmap will clear many issues between Vietnam and the World, particularly between Vietnam, the U.S. and the E.U. I believe that this roadmap will bring Vietnam true democracy.

I am hopeful, very hopeful for a brighter Vietnam.

Saigon—June 5th, 2005

NINE-POINT ROADMAP TO DEMOCRATIZE VIETNAM—DR. NGUYEN DAN QUE

1. The government of Vietnam needs to stop the interference and jamming of the Radio Free Asia's frequencies. RFA should be allowed to freely transmit in Vietnam.
2. The government of Vietnam needs to respect freedom of the press (newspaper, radio, television.) People should be free to use any kind of media to express their opinions.
3. The government of Vietnam needs to release all religious and political prisoners. The International Red Cross should be allowed to visit and inspect all prisons in Vietnam.
4. The government of Vietnam needs to completely comply with the United Nation's principle on freedom of religion. All religions in Vietnam will need to be treated equally.
5. The government of Vietnam needs to abolish article 9 of the Constitution, which gives the communist party the sole right to govern the country. The government of Vietnam also needs to abolish decree 31/CP which allows to government of the Socialist Republic of Vietnam to detain dissidents from 6 months to 2 years without trial.
6. The government of Vietnam and the Communist Party need to respect human rights, civic rights, and property rights of all Vietnamese.
7. There need to be a separation of the communist party and governmental agencies at all level.
8. The Vietnamese Congress should have the authority to arrange for free, fair, and multi-party elections.
9. The new administration, created from the free and fair election and completely separated from the communist party, under the oversee of the international community will vote to form the legislative branch of the new Congress.

WEEKLY INTERNATIONAL INTERVIEW WITH VIETNAMESE FORMER PRIME MINISTER VO VAN KIET (EXCERPT)

Q: It has been close to 30 years since the fall of Saigon. You are one of the very few people left who participated in that resistance, what are your thoughts on this event?

VVK: My thoughts are quite simple. The goal here is not to have leaders grow up during war time like us. The war has past for 30 years. We've handed over the lead-

ership to the next generation. In other words, I wish the war to belong to the past. A past that needs to be "closed."

Q: Is it true that to "close" the past is easier said than done?

VVK: It's not impossible. "Peace loving" and "Forgiveness" are intrinsic Vietnamese values. Usually, Vietnamese only resist against invaders. After 30 years, I think the people from both sides can recognize that we are no longer influenced by outsiders. Hence, we can come together to rebuild. Vietnam will further develop when all Vietnamese, regardless of where they are, belong to a harmonize society.

Q: As you look back, are you pleased with our accomplishment during the last 30 years?

VVK: We can all be pleased with the unification, our resolution to overcome poverty and join the rest of the World. In retrospect, I think we've missed many good opportunities. If we were to change earlier, then we would not have to pay dearly for the period from 1975 to 1985.

TESTIMONY BY REV. NGUYEN HUU GIAI AND REV. PHAN VAN LOI

Honorable Congressmen,

We, Rev. Peter Nguyen Huu Giai and Rev. Peter Phan Van Loi, who are fighting for the freedom of religion at the Archdiocese of Hue, Vietnam, would like first to express our deepest regards toward all of you, especially since you have graciously given us the opportunity to present the general situation of Catholicism in Vietnam, with special emphasis on Hue.

The news has recently caught up with us that the US government had reached an agreement on Freedom of Religion with the Communist Vietnam. We have learned that forty-five US Senators and Congressmen had written to President George W. Bush to present the current state of human rights and freedom of religion in Vietnam, and to petition President Bush to press Vietnam's Prime Minister for genuine solutions. That was an excellent and timely initiative to help our people. We could never express enough gratitude for your initiative.

Nonetheless, we would like to express the following opinions.

- (1) At the very moment the Agreement was being signed, and right up to the present time, the Hanoi regime has continued to suppress religion and limit human rights, exactly as asserted in your joint letter to the President. We are suffering from the consequences of the Ordinance on Belief and Religion and the Instructions on the implementation of this ordinance. These two documents practically give the local authorities full control of all religious activities. Local government officials now can do whatever they want, causing uncountable obstacles to the appointment of clergy members, to the registration of seminarians, to the organization of religious activities, and to the demand for the return of confiscated church properties. The communist government continues to misappropriate 102 of the 107 hectares from the ascetic convent of Thien-An, 17 of 23 hectares from the Holy Land of La Vang, 1700 square meters from the Order of Our Redeemer, 200 square meters from the Order of Our Lady of the Visitations, and it still pursues its policies of robbing land from the diocese of Ke-Sung. Just a few salient facts about our Archdiocese: at the beginning of May 2005, during a public meeting with the residents of Khe-Sanh, Cam-Lo, a Party secretary delegated to province Quang-Tri, who is also a member of the National Assembly, did not hesitate to threaten the faithful in these words: "To belong to a religion is to follow the enemy, to belong to a religion is to be against the Communist Party, and to belong to a religion means turning his back to the nation!"

This incident shows once more that the Vietnamese government signs international agreements that they do not intend to honor: from the Geneva Accord of 1954 to the Paris Peace Treaty of 1973, from the Universal Declaration of Human Rights of 1948 to the International Covenant on Civil and Political Rights of 1976. Therefore, in our opinion, the recent agreement with the United States on Freedom of Religion is yet another premeditated move, a tactic of Communist Vietnam to escape from the CPC designation and to create an advantageous platform for Vietnam's Prime Minister during his trip to the United States. As soon as these two objectives are achieved, Communist Vietnam will suppress human rights and religious freedom even more forcefully rather than address these two prerequisites

for democracy because absolutism, one-party rule, and dictatorship form the core of Communism.

- (2) In our opinion, to address the problem at its root cause, the Vietnamese government must immediately repeal the Ordinance on Belief and Religion and the accompanying Instructions. President Thomas Jefferson of your country championed the separation of Church and State. Accordingly, (a) the State shall not found a government-controlled Church in order to take away the legal status of pre-existing non-governmental religious institutions, violating the right to establish religions and churches that belong solely to the citizens (Establishment Clause); (b) the State shall not interfere, control or oversee any Church in her regular religious activities; Churches should have full autonomy to function and to proselytize (Free Exercise Clause). Both clauses in your own Constitution should make it obvious to you how arbitrary, unlawful and harmful the Ordinance on Belief and Religion that the Hanoi regime has imposed upon us is.

In the long term, we, and all people who fight for political and religious freedoms in Vietnam, insist that the 4th clause in the Constitution of the Socialist Republic of Vietnam be repealed once and for all. It allows the Communist Party to be the only party ruling Vietnam, socialism to be the only ideology guiding the nation, and Marxism-Leninism to control the thoughts and feelings of all Vietnamese citizens. Such totalitarianism precludes all genuine solutions to human rights, religious, social, political, cultural and ethical problems facing Vietnam. It also precludes any US foreign policy (military cooperation, aid, commerce, expansion of democracy, etc.) towards Vietnam from being effective and from benefiting the Vietnamese people. On the contrary, US foreign policy will only be taken advantage of by Communist Party to consolidate its own power and interests at the expense of the Vietnamese people.

Thank you for your time and consideration. May God bless America and you all.
Hue, June 13, 2005

TESTIMONY BY THE REV. TRAN MAI, GENERAL DIRECTOR OF THE INTER-EVANGELISTIC
MOVEMENT OF VIETNAM—IEMVN

REPRESSION OF THE PROTESTANT CHURCH IN VIETNAM

FOLLOWING THE PROMULGATION OF THE ORDINANCE ON RELIGION (NOVEMBER 15,
2004), AND THE AGREEMENT BETWEEN THE USA AND VIETNAM REGARDING RELI-
GIOUS FREEDOM (MAY 5, 2005)

I. SOME EXAMPLES OF REPRESSION:

A. *In the North*

1. *Dien Bien Province*

This is a report of Pastor Thao Chu Gai (born 1964) of the Vietnam Bible Church in Pu Nhi Commune, Dien Bien Dong District (DBDD) with 140 Hmong families.

"In 12/2004 a police officer of DBDD in Dien Dien Province named Sinh A Sinh, and the chief of police in Ph Nhi Commune, a Mr. Vu Nhat Chau, and the chairman of Pu Nhi Commune, Mr. Sung Chu Mua and the chairman of DBDD along with 14 police officers arrested us and tried to make us deny our faith and build a spirit altar, worship the spirits and drink liquor. We refused.

"After that the police summoned one family at a time and tried to make us deny our faith, and because we would not comply they swore at us and beat us many times. Because of the severe beatings five families agreed to deny Christianity, build a spirit altar and worship spirits.

Also in 12/2004, a Fatherland Front cadre of DBDD named Thoa Mua Xa with two police officers named Cu Li Va and Mua A Kha came to my house (Thao Chu Gia) and ordered me to go and get all the believers to come to my house. And then they used pepper spray to spray us all in the face, adults and children, and ran off.

A month later in 1/2005 police and officials again came to our houses and tried to force us to abandon our faith. When we did not agree they fined each of us 500,000 VN dong. They took our money but refused to give us any kind of papers to acknowledge it. When we ask for a receipt the police just shouted at us. Those who did not pay a fines were threatened with expulsion from their village. The chairman and secretary of Pu Nhi Commune, Messrs. Sung Cha Mua, Cu Tru Tu and Sinh A Sinh and many other cadres came to my house to invite my family to the District office

on 29/4/2005 and tried to force us to give up our faith. We refused to deny the Lord Jesus. That afternoon they captured my wife and took her to the maternity clinic even though she was not sick. Someone inserted their hand into my wife's vagina in order 'to see if she was pregnant'. From that time until now my wife suffers from severe pain in her vagina region.

On 7/5/2005 DBDD police arrested me and my younger brother, Thao A Di, tied us up and locked us up at the commune office. We were able to escape and fled to Hanoi to escape danger. At the present time authorities are searching diligently for us to imprison us because we refuse to deny our faith as ordered by the security police."

Pastor Vua Sau Dia, is of Luong Tha Village, Pan-Ham Commune, Muong Lay District, Dien Bien Province. Mr. Dia went to Hanoi to study the Word of God. On his return district police arrested him and locked him up for three days. They interrogated him from 30/6/2005 through 1/6/2005.

Police officers, and district and provincial government officials are spreading the word that Dien Province will completely eradicate Christianity from Vietnam.

2. Lai Chau Province:

From March 2005 until June 2005, police continually went to a church in Muong Te District, Lai Chau Province. They ordered all Christians who were meeting to return to their homes and then set fire to the building that served as the Christians' meeting place.

3. Son La Province:

On March 3, 2005 police and government officials cooperated with the army to arrest two evangelists, Tran Gia Trung and Dao Van Thanh. They confiscated 400,000 VN dong without giving a receipt and also 14 Hmong-language Bibles. The two evangelists were locked up overnight at Moc Chau in Son La Province.

4. Quang Ninh Province

In 2003 police incited a crowd to attack a pastor named Tu Nhat of Duong Hoa District. They stabbed him through the lung. He went for examination to the Hoa Lau Hospital in Hanoi and it appears he will suffer permanent effects from his wound until he is old. Police of Duong Hoa District have announced that in no way will any Christian organization ever carry on activities there. From then until now officials have fiercely opposed any Christian activity in this area. Congregations in this area have had to flee to meet elsewhere. Some groups of IEMVN went to Hanoi and sought shelter under the umbrella of the Evangelical Church of Vietnam (North) and found it. ECVN (N) Pastor Au Quang Vinh promised to protect them, but during May and June of this year, authorities broke up meetings both of the groups that identified with the ECVN (N) or various house churches. And so the congregations here are discouraged and have to flee in confusion, meeting in the bush or in someone's kitchen shelter.

From 8/2003 until 4/2004 Pastor Dao Van Thanh went to Saigon to study the Bible, and after that returned. Police confiscated his personal papers and removed his name from his family's official residence paper. This means that Pastor Thanh cannot leave his house and cannot apply for any kind of a job. To put it another way he has lost the rights of a citizen to live where he likes, to travel around freely, and he is unable to apply for any official government documents, such as a driver's license.

Pastors and evangelists (in this province) who move out to do their ministry are followed, harassed, hindered and threatened. Bad elements in society are given license to beat them to the point of serious injury.

5. Hai Phong City

From the time the IEMVN church was established in Kien Thuy District of Hai Phong in 1992 until today, police have visited the homes of individual Christian families to urge and threaten and terrorize families to give up their religion, and have prevented people from meeting freely. At present Christians still have to move from one house to the next to try to find a place to worship. Some groups even have to meet in a public park pretending they are homeless people so they can meet each other.

Note:

- Police are authorized to take up residence in the very homes of Christians in minority villages in order to prevent them from meeting for worship and also to arrest any ethnic Vietnamese church workers who might come for religious purposes.

- Government authorities play a trick saying people must abandon “Vang Chu” and say they are not saying people must give up Christianity. This is just cleverly playing with words—a deception of atheistic communist authorities. “Vang Chu” is the Hmong name for God and for Jesus Christ, and does not refer to any other spirit.

B. Central Vietnam

1. The Kor Ethnic Minority

Here is a report of Pastor Ho Van Loc (Born 1946) concerning Christian believers in Tra Bong District of Quang Ngai Province.

“Police plunder, oppress, trample on the rights of those of the Christian religion. They force Christians to do labour without remuneration for various cadres.

Police have called us to their post many times to interrogate us to try to find out who is bringing the Christian Gospel to us and threatened us saying—if we won’t give up our faith they will imprison and fine us heavily. Because we will not give up our religion, the police force us to go up into the forest everyday and each cut two cubic metres of wood for them. In eight days one person has to cut 16 cubic metres of wood. And after that they forced us to cut grass for the commune.

The chairman of the commune, Mr. Ut Tan, and a commune police officer, Mr. Huynh, and the commune secretary, Mr. Cuong, and the head of the Fatherland Front, Mr. Dai, came to my house (pastor Ho Van Loc’s) and made me contribute 40 large cans of rice and 4 chickens. After that they took me to a public denunciation meeting with about 100 people accusing me of preaching religion illegally. They have also confiscated my fields and have not returned anything—simply because I believe in Jesus Christ. Government officials say that to follow Jesus Christ is to follow the American religion and so they won’t give me my land back. They mock us saying, ‘Since you follow an American religion, let the Americans look after you, and if you follow the Lord, let the Lord look after you’. They also stole one of our cows that was two months pregnant and took it to the house of a policeman, butchered and ate it. Government officials say, “the (new) Ordinance on Religion is only for the Evangelical Church of Vietnam, and not for those who don’t follow that group. They say, “In this place I am the Law, the law is me.”

2. The Hre Ethnic Minority

Following is a report made by the victims Dinh Van Bon, Dinh Mong, Dinh Thi Tham, Dinh Troan, Dinh Yen Thi, Dinh Van Nghi, Dinh Rap, Dinh Thi Viet, Dinh Nga, Dinh Hong Phe, Dinh Xuan Toa, Dinh Van Tau, Dinh Thi Hang, and Dinh Thi Trai, of Son Linh Commune, Son Ha District Quang Ngai Province.

“At Christmas of 2004, a large force of Son Ha District officials burst into a house and arrested all who were meeting for a Christmas service and dragged us to the district offices where they beat us savagely and then fined each of us between 500,000 and 1,000,000 VN dong. They also confiscated some motorbikes even though they were properly registered. They said because we were meeting illegally, the commune had the right to take and keep our motorbikes.

“Government authorities explained that the police did not act according to the Ordinance on Religion but only according to the Prime Minister’s instructions. They spoke with us very rudely and contrary to the law. This is a province well-known for its attempts to get rid of Christianity during the last 30 years. But because these authorities are far from a big city, they believe no one really knows what is going on, and no one would dare to intervene, and no one would dare report anything because if they did the local authorities would be quite free to come down on them very hard. The level of oppression at the present time must be considered to be very serious.”

C. In the South

On 30/4/2005 many member of the Stieng ethnic minority in Binh Phuoc Province sent a petition to Prime Minister Phan Van Khai concerning the confiscation of their land by government authorities and the destruction of their cashew plantations. They were driven out of their homes and small plantations so that government officials could take their land. Currently they have no house to live in. The church began writing up petitions to the Prime Minister about this matter in January 2005 but until now, June 2005, nothing has been done about it. Government officials give as their reason that the are protecting the forest, but the land is not forest, but rather fields that belong to the minority villagers. Officials of Binh Phuoc Province along with the police, people’s committee, and state farms, the army, and the forestry department openly cut the forest and together have also taken large areas of land during the last seven years—land that was being cultivated by local

villagers. It is only because they are Christian believers that their lands and houses are being seized.

The names of some of the Stieng believers who are victims are: Dieu Hiep, Dieu Nhon, Dieu Loi, Dieu Han, Dieu Deo, Dieu Dong, Dieu Ngoc, Dieu Rung, Dieu Ngoi, Dieu Giai, Dieu Phuoc, and Dieu Thang. Government officials who are involved in the illegal confiscation of land of the Stieng peoples are: Bui Thanh Ky, Dang Dinh Loc, Nguyen Van Dinh (a policeman of Phuoc Long District) Nguyen Nghi, Ke Hoang Dong, Nguyen Hong Bac, Nguyen Thanks Giang, Phan Trung Nguyen, Pham Minh Tai (vice-director of the district radio station), Le Quang Minh, Huynh Van Buu, Vo Tri An, Hoang Xuan Luong (vice-chairman of Phuoc Long District) and Truon Duy Dieu (Chairman of Phuoc Long District).

II. OBSERVATIONS AND RECOMMENDATIONS

Vietnamese government officials continue to operate by two conflicting polices. Internationally they cleverly report on what is called freedom, democracy and equality, but with their own citizens they continue to rule with the gun, the dagger, the pen, and the law of the Mafia, and by the new prisons just recently built. In Vietnam the legal system only serves those who hold power, and does not protect victims. If anyone raises their voice to support democracy and human rights in Vietnam they will immediately be slandered, arrested and incarcerated.

Human rights are trampled under many guises in Vietnam. But still, many free countries refuse to connect their aid to progress in the area of human rights.

In Vietnam there are two kinds of prisons. There are the small prisons for special prisoners, especially those who have dared to speak up against the evils of the Vietnamese communists, and there is the much larger prison to for all who are citizens of Vietnam. In this prison, people are deprived of the right's of citizenship, the right to pursue happiness, the right to exist, the right to speak what is on one's conscience, and of justice and ideas.

In looking at Vietnam today one will see not a few Protestant and Catholic churches, and temples and pagodas restored and nicely painted. And also, today, many thousands of believers in remote areas—areas where foreign reporters are unable to go, areas of heavy repression, areas where people can be expelled from their own villages, areas where one's land and house can be confiscated, and areas where people are forced to work like draft animals, areas where people are fined, their personal papers and possessions seized without any evidence (given by the State) to prove such evil acts.

I recommend those who travel to Vietnam and those who serve as diplomats should go to remote villages to see the sport of "eradicating religion" being played by the Communist Party of Vietnam. They could then see the security police and soldiers playing their special role of "living among the citizens who believe in God, sleeping in the house of Christians citizens, spying on citizens who believe in God—how completely strange! In a country that is at peace already the army is still scattered through hamlets and villages. Why? Because of the Protestant faith, because of Jesus Christ, that's why—Because the government wants to obstruct and eliminate the Protestant faith. I respectfully recommend that those foreign officials who have responsibility for human rights not only with meet those who advocate persecution and slander religion, but they should meet directly those who have been and are still being oppressed because of religion in order to try to understand and listen intently to their testimony. Specifically we recommend the following:

1. Go to the area of Dak Nong, Dak Kia, Buon Ma Thuot, to meet the Hmong Christians who fled there in order to escape vicious campaigns against religion in the Northwest Provinces implemented by government authorities. Go to the remote villages in Dien Bien, Lao Cai, Quang Ninh, along the Laos-Vietnam border, to witness for yourselves the schemes to get rid of the Protestant religion that the authorities are attempting to implement, and see how they use the idea of restoring traditional culture as a method, a slogan under which to impede citizens who follow the Protestant faith. Go to Bu Dang and Bu Dop in Phuoc Long District, to interact with Protestant believers who have had government authorities use bulldozers, tractors with ploughs, saws and hammers to destroy the fruit tree plantation of those who believe in Jesus Christ. Go and meet war veterans who served in Uncle Ho's army, but when they became Christians believers, had their medals confiscated and their veteran's benefits terminated. None of the international foreign aid given for poverty alleviation and for disaster relief, for droughts and floods in Vietnam, will find its way into the hands of a Protestant believer. It has been this way for many years and continues—anyone who follows the Protestant faith will lose their rights. Go to meet those students

who have been expelled from school because they believe in Jesus Christ. Anyone who buys land, or a house, or tries to cultivate a field will have a very hard time getting local officials to sign papers if they are a Christian believer.

2. Go to a bookstore and see how few Christian books are published compared to other kinds of books. Examine the 600 or so newspapers that are published in Vietnam and see how many you can find any that will write a word in support of people being oppressed because of religion.
3. Go to the hotels in Saigon and Hanoi and see how many will sign a contract with a Christian group to hold a major meeting. No hotel will dare because the government has issued instruction saying that any hotel which signs a contract with a Protestant Christian group will lose its business license. So where is freedom of religion?
4. Go to meet the leaders of the various house church organizations in Vietnam to listen intently to hear of the hardships and obstructions they have regularly encountered and still experience. Not a small number have had their passports seized, or are denied personal ID's and the family residence paper, and so on. Security police are still staked out in front of the homes of the house church leaders who are on some list of people the government considers dangerous. Those who visit the house church leaders regularly have their license plate number recorded. Those who come for a meeting at the home of house church leader often can't park their motorbikes in the public parking lots because police forbid the attendants from issuing a receipt to Christians. And there are many more manifestations whereby Christians are frightened and which demonstrate clearly that Christians are seriously and cunningly discriminated against by descendants of Uncle Ho and the relatives of Marx and Lenin. We pastors of the house church movement continually live in tension and fear not knowing when we might be put in prison. Government officials are always telling one house church leader or another that they are going to arrest some leader in order to sow division and suspicion among us. A main objective of the government now is the various leaders of the house churches. This is what religious freedom in Vietnam means.

III. CONCLUSION

I conclude that the Ordinance on Religion and the Instructions signed by the Prime Minister are "*old wine in new skins*". The new legislation still retains the essence of oppressing religion. The government has officially announced that: *The government will only recognize a few religious denominations*. So what does this mean for those who will not be recognized? It means plainly that these organizations will be outside the law. Today they may meet for worship, tomorrow not. Today they are released, tomorrow they may not be. How is it different for these organizations than being a fish on a chopping block? How is this different than being a fish in a pond that can be killed at any time. And so countries around the world should be very careful before going along with such illogical and immoral policies. You simply cannot require that every religious organization has to wait 20—30 years before allowed it to operate normally.

I believe that the people of Vietnam must have the right to choose a faith according to the longing of their heart. However, today over 80 million people in Vietnam are still being guided to believe the things that the Communist Party believes, to do the things the Communist Party orders, and to say the things the Communist Party teaches. The Communist party still considers itself to be the parents of the Vietnamese people.

I call on people of morality and conscience to stand up and speak out. I call for help to all people who love and want to help the people of Vietnam to recover their freedoms, to live and to enjoy the happiness that God grants his creation, but which the communists steal.

TESTIMONY BY REV. PHAM DINH NHAN, CHAIRMAN, VIETNAMESE EVANGELICAL FELLOWSHIP, HO CHI MINH CITY, VIETNAM

Mr. Chairman and Members of the Subcommittee,

Thank you for accepting my testimony.

I am Pastor Pham Dinh Nhan, President of the Vietnam Evangelical Fellowship. In 1975, I was fifteen years old. At that time, my father was the administrator of Ban Me Thuoc Evangelical church. Communist government officials planted flyers with dissenting views towards the government into the church yard, using them as

a pretext to arrest my father. The church was closed. My pregnant mother and five siblings had no shelter, no food and my family became homeless.

Due to having no shelter, all of my family had no household registration. After 20 years of pleading, the Saigon city police gave my parents household registration. Because I had been a leader of the House Church network not recognized by the government and I had been the president of the Vietnam Evangelical Fellowship which contains 30 different denominations, the police did not give me household registration.

To this day I do not have household registration or citizenship identification card and this has hampered me in my traveling even inside Vietnam. I may not own a car or a house.

My wife and my two children have 2nd class household registration but my children still face restrictions on where they can go to school.

Below is my summary description of the situation of Protestant Churches in Vietnam.

Immediately after April 30, 1975, most of the churches, bible schools, and other facilities of Protestant Christian communities were closed one after another. Before 1975 there were 21 Protestant denominations in South Vietnam; after 1975 there are only 4 left. The largest of them, the Evangelical Church of Vietnam (ECVN), has nearly 300 churches which were closed. As for the Christian Mission (Giao phai Co Doc Truyen Giao), which had 72 churches and 18 charitable facilities, there are only 3 churches left. The Christian Resurrection (Giao phai Co Doc Phuc Lam) which had a few dozen churches before has 2 left. The Baptist Church has only one left out of the dozens it had before. About 20 other Protestant denominations including the Assembly of God/Pentecostal (Ngu Tuan), the Presbyterian (Truong Lao), the Christian Church of Vietnam, and the Church of Christ were nearly wiped out completely. Hundreds of pastors and missionaries were sent to concentration and "rehabilitation" camps.

The government tries to supervise all the activities and the development of the Protestant churches. For example, in some places, pastors must submit the contents of their sermons for screening before preaching to their congregations. Churches with a growing number of members are subject to attention and would inevitably be closed in one way or another. For example, the An Dong church in Saigon was closed in 1983. The Tran Cao Van church at District 1, Ho Chi Minh City was also closed in 1983. The Tuy Ly Vuong Church at District 8, Ho Chi Minh City, in 1988, etc.

The plan to control the Protestant churches and other churches is made clear through legal documents such as Regulations N°69/HDBT promulgated by the Council of Ministries on March 21, 1991, Regulations 26/1999/ND-CP by the Government on April 19, 1999, and most recently the Ordinance on Belief and Religion N°21/2004-UBTVQH11 by the Standing Committee of the National Assembly on June 18, 2004.

The contents of these documents center around the following points which are directed towards the control the development of religion adherents and to supervise their activities:

1. *"All religious activities must be performed at places of worship,"* whereas for Protestant churches, most places of worship have been closed; few are left.
2. *"Only religious officials are permitted to hold religious activities such as carrying out religious ceremonies and gathering for prayer,"* whereas most of Protestant ministers are not recognized by the authorities and constantly harassed.

Recently, under the pressures from the international community, especially from the US Government, Prime Minister Phan-Van-Khai has issued Directives 01/2005, which create the conditions for Protestant churches to register their religious activities. However, there have been many signs showing that this document is aimed at dealing with the international community rather than reflecting a real change in policy, for the central government has played the role of being ignorant, letting local authorities continue to Oppress Protestant groups. For example:

- Two missionaries, Nguyen-Van-Cam and Bui-Van-Dien, who are members of the Vietnam Church of the Entire Gospel (Hoi Thanh Phuc Am Toan Ven Viet Nam), were physically assaulted on May 14, 2005 by hoodlums hired by the authorities at the commune of Tay An, District of Tien Hai, Province of Thai Binh,
- A group of Protestants who belonged to the Methodist Evangelical Church of Vietnam (Hoi Thanh Tin Lanh Giam Ly Viet Nam) the village of Da Du, commune of Xuan Lanh, District of Dong Xuan, Province of Phu Yen, registered

with the commune authorities according to Regulations (Directing the Execution of the Ordinance on Beliefs and Religions) 22/2005/ND-CP signed by Prime Minister Phan-Van-Khai on March 1, 2005. The authorities of the commune of Xuan Lanh flatly refused their registration and prohibited their religious activities by means of Decree 06/TB-UB (enclosed).

- Policemen have taken the minutes of the “violations” of a group of Protestants who belong to the Church of the Nazarenes at the commune of Phu Ly, District of Vinh Cuu, Province of Dong Nai, and almost every week. For 8 months, from October 1, 2004 to June 5, 2005, they have taken the minutes of the prayer meetings of these Christians, dismissed them, and fined them 19 times.

In addition, several Protestant ministers are still detained, such as Pastor Nguyen-Hong-Quang and Missionary Pham-Ngoc-Thach. As for Pastor Than-Van-Truong, he is not only detained but his also been admitted to a mental hospital at Bien Hoa without proof of my mental disorder.

The government continues to interfere with the activities of the Protestant churches. For example, three times it disapproved the pastoral appointment of Pastor Vo-Dong-Thu, who is the administrator of the evangelical church of Thach My, District of Don Duong, Province of Lam Dong, by the southern Evangelical Church of Vietnam. The last time Pastor Thu’s appointment was denied without any explanation was June 17, 2005.

Many leaders of house churches are denied passports, such as General Administrator of the Assembly of God Church Pastor Duong-Thanh-Lam, Pastor Bui-Thanh-Se, etc.

Mr. Chairman and Members of the Subcommittee,

Although we have voiced our concerns in different ways to the government of Vietnam at multiple levels for many times, the petitions of millions of Protestant Christians in Vietnam for freedom of religion and freedom to practice religious belief have not been met yet.

Once again, we ask the Government of Vietnam:

- To return freedom to all pastors, missionaries, and lay leaders who are still detained.
- To return to religious organizations those places of worship which have been forced to be deserted or seized for other uses.
- To recognize those religious organizations which have operated legitimately at private houses and to permit house churches to build or rent facilities for their religious activities.

Your concern and your efforts are appreciated

TESTIMONY BY MR. BUI THIEN HUE, HOA HAO BUDDHIST, FORMER RELIGIOUS PRISONER

Distinguished Members of Congress,

I would like to thank you for giving me the opportunity to submit a written statement on the current situation of Hoa Hao Buddhists in Vietnam.

It is close to ten years since U.S. and Vietnam normalize the relationship between the two countries. I vividly remember watching President Clinton on television as he stated that normalization with Vietnam will help bringing democracy to the country. President Clinton also stated that the free exercise of religion is a primary right for citizens of all nations. This right has been called the first freedom, where people are free to practice their beliefs without fear of oppression.

In 1997, during her visit to Vietnam former Secretary of State Madeleine Albright confirmed that religious freedom is one of the primary conditions in the U.S. foreign policy.

On October 1998, both the House and the Senate passed H.R.2431—The International Religious Freedom Act of 1998—and established the U.S. Commission on International Religious Freedom to monitor the status of freedom of thought, conscience, and religious belief in the world as defined in the Universal Declaration of Human Rights.

Since the fall of communism in Eastern Europe and the Soviet Union, Vietnam has no choice but to accept the normalization roadmap with the U.S. The end of the U.S. embargo also marked the closing of a chapter in history—a task long overdue. To further speed up the normalization, former ambassador “Pete” Peterson hastily reported to the U.S. State Department that the human and religious rights conditions in Vietnam were improving. It is no doubt that this unfounded optimism

had greatly contributed to the degradation of human, religious and democratic conditions in Vietnam.

The State Departments has finally recognized the reality and hence on September 15, 2004 designated Vietnam as one of the “Countries of Particular Concern.”

Hoa Hao Buddhism has been oppressed for the past 30 years. The Church is being controlled by senior communist party members who assume its leadership without the consent of the disciples. Church properties were confiscated and members harassed.

Most recently, on 25 February 2005, Tran Van Hoang—a Hoa Hao Buddhist—received a 9-month prison sentence and fined 20 million dong (Vietnamese currency) for making copies of preaching tapes. His brother, Tran Van Thang, received a 6-month prison sentence and was fined 10 million dong.

I, myself, was first put under house arrest for 24 months. My mother soon fell critically ill and I had to leave the house to take care of her. For this violation of the 31/CP Decree on administrative detention, I was given another 36-month sentence. My brother has been harassed by the local police.

For all former religious prisoners, life has been an uphill struggle due to constant harassment and intimidation by the authority.

Most recently, on 3 June 2005, during the first anniversary ceremony of the passing of Mr. Ha Hai—a former religious prisoner—more than 200 local and regional police surrounded and harassed the event attendees. They seriously injured Ton Giao Vo Van Buu. This oppression led many Hoa Hao Buddhists to protest via hunger-strike and threat of self-immolation.

Distinguished Members of Congress,

The above events clearly show that religious freedom has not improved in Vietnam. I respectfully request the U.S. Congress, the State Department, and the U.S. Commission on International Religious Freedom (USCIRF) to:

1. Keep Vietnam as one of the Countries of Particular Concern and use all means to pressure the Vietnamese government for true religious freedom.
2. Closely monitor and report all religious violations and harassment on Hoa Hao Buddhists to the world community.
3. Urge the government of Vietnam to allow Hoa Hao Buddhists to choose their own leaders, and to return all confiscated Church properties. All proceedings should be observed by USCIRF or international representatives.

Please accept my appreciation for your contribution to bringing democracy, human rights and freedom of religion to Vietnam.

An Giang—June 4th, 2005

PREPARED STATEMENT OF FATHER CHAN TIN IN VIETNAM

Dear Chairman Smith and distinguished members of Congress:

My name is Chan Tin, a Catholic priest in Vietnam. I would like to present to you several suggestions on the occasion of the visit of Prime Minister Phan Van Khai to your country. I hope that this visit provides a chance for you to demand that the Vietnamese government truly respect basic human rights, especially the right of religious worship, as a non-negotiable (sine qua non) condition for the United States and Vietnam to have normal diplomatic relations. Currently, Communist Vietnam still oppresses organized religion and limits the religious freedom of the people in many ways.

On behalf of the Vietnamese people, especially followers of religions in Vietnam, I sincerely appreciate your efforts to pressure the Vietnamese government to respect the basic rights that Vietnamese people rightfully deserve. In the past decade, and especially since the United States placed Vietnam on the list of Countries of Particular Concern, the Vietnamese government has rolled back step by step its oppression when encountered by your humane advocacy. Truly, Communist Vietnam has had to loosen control of religious worship day by day.

But these acts of loosening control are merely a method to deal with international pressure, especially from the United States Congress and European Parliament. But in reality, the Vietnamese government does not truly want religions in Vietnam to be freed. Therefore, the Vietnamese government tries to lie to the international community by allowing religious freedom on the superficial level that the international community can observe. In depth, the government still tries to limit religious freedom and is ready to oppress, arrest, create difficulties to religions not willing to accept its control. The cases of the Mennonite Church, Christian House Churches, especially in the Central Highlands, are the specific examples of oppression.

Currently, the status of religious freedom in Vietnam is only at the superficial level, there is no real religious freedom at all. We can use this example to illustrate this current status: there are two eggs, one is real, and the other was emptied of its internal content. Examined only by the eye, everyone would see the two eggs are the same. But one would find the egg that was emptied of its content when held in the hand because it is lighter than the other egg many times.

Surely, when foreigners come to Vietnam, they see many churches and temples built nicely, followers packing Sunday service, Buddhists crowding temples on holidays, seminaries welcoming new students, lectures at temples filled with attendees, many apostolical communities functioning actively and so you would think that Vietnam has religious freedom. You may not know that in isolated locations such as the Central Highlands, Son La, Lai Chau in the northwest, and even in large cities such as Saigon and Hue, the public security often come to dismiss religious ceremonies organized by followers of religions not sanctioned by the government. Not only stopping these religious activities, the public police also report on, harass, interrogate, and sometimes event arrest, imprison, and torture the followers. If these followers do not have means to alert the world, then these injustices are met with silence and become forgotten. Time and government cover-up of oppression are similar to ocean waves that clear away the marks on the sand, making the sand look as if nothing had happened prior to the waves.

Relying on superficial signs to conclude that Vietnam has religious freedom means that one is fooled by the Vietnamese government because such freedom only exists on the superficial level without any substance. Religion is the substance, not the superficial activities on the outside. Therefore, religious freedom means not only permission to organize religious activities on the surface, but at its essence the freedom to operate autonomously, select and train clergy accordingly. Such requirements are basic elements of religious freedom that the religions in Vietnam do not have.

The development of a community depends greatly on its leaders. An incompetent and immoral leader not only will not help the community to advance, but also can lead that community to decline and corruption. Therefore, countries, organizations (religious, political, cultural, economic) all view that selecting the leaders is vital. This story illustrates such philosophy:

A Thai citizen and a Vietnamese citizen talk to each other:

Thai citizen: *I admire your country because its has many heroes.*

Vietnamese citizen: *Does your country have many heroes?*

Thai citizen: *Unfortunately, my country has few heroes.*

Vietnamese citizen: *How strange! My country has many heroes but it is so poor and backward. Your country does not have heroes but is developed and wealthy?*

Thai citizen: *Oh on the other hand, my country has great leaders.*

Surely, having one great leader is better and more beneficial to the country than having many heroes or excellent individuals put together. Its goes the same for the religions in Vietnam and organizations within those religions. The religions and religious organizations need leaders with high moral standing, willing to sacrifice self for others, courage to defend the sacred rights of religions, sound leadership that leads to growth and development of the religion.

But the Vietnamese government always interferes with the internal affairs of religions. The skilled and high moral leaders that we select are never approved by the government. They would only approve those whom they can control, manipulate, who willingly abide by their demands, or who lacking virtue seek personal advancement and favors at the cost of sacrificing the religion's rights for favors from the ruling party. Therefore, the religions of my country are delayed, the spiritual life of the followers are not going into depth but stay put at the superficial level.

If any religion insists that it must have its worthy leaders chosen by the followers, instead of being approved by the government, then that leader will be isolated, detained, harassed, not allowed to travel or conduct any activities. Venerable Thich Huyen Quang, Venerable Thich Quang Do of the Unified Buddhist Church of Vietnam, and Mr. Le Quang Liem of the Hoa Hao Buddhist Church are classic examples of this reality. In the past, Archbishop Nguyen Kim Dien refused to be subject to government control and was thus harassed and poisoned to death when he was admitted to a government hospital.

In order to prepare future leaders according to the government's direction—which is often contrary to the direction of the religions—the government only allows churches to admit young men into seminary after carefully reviewing their personal histories. Therefore, the government has the ability to install its agents to cause disruption from the inside. These people can be spies for the government for they hold positions of power within the churches while being under-cover government cadres. If a country were to be filled with spies from a foreign nation, what would happen

to such a country? It is the same for religions, especially when the Vietnamese government's policy is to destroy religions like other communist regimes around the world attempted before. Everyone knows this as a fact.

I am extremely concerned that the government knows that it cannot destroy religion, so it is trying to turn religion into a tool for the government. Any religion that refuses to change to fit the government's view is immediately oppressed and harassed. When government cadres under the cover of religion reach a critical mass within the internal structure of the religions, and these double agents are presented with favorable conditions by the government to hold important positions in the churches, then their plan is successful. If there is nothing to stop them, then they will be successful in short time. By then the religions—that are already corrupted from the core—will be freed completely. At that time, the communist government of Vietnam will be known as having respect for religious freedom. But by then there will be no authentic religions anymore. The religions in existence will be in name only as they will be front organizations for the Communist Party.

Currently, the voices of advocates for religious freedom such as myself have no effect with the communist government because we are simply voices of conscience without ability to pressure the government. A dictatorial government that tries to hang on to power such as the communist Vietnamese government would only step back when encountering significant and concrete pressure. Therefore, only a great power like the United States Congress can force them to change. Faced with the possibility of religions in Vietnam being gradually corrupted so that in the near future there would be no authentic religions, I sincerely send to you an S.O.S message.

Please take an active role in helping us. I believe that this is a most beautiful act that you can do for our country. Our religions, while presenting a festive look from the outside, are being changed at the foundation into tools for an authoritarian ruling party. Please rescue us! We are helpless!

Following are suggestions I would like to propose to you on the occasion of Prime Minister Phan Van Khai's visit to your country:

- 1) The most important suggestion is to demand the Vietnamese government to allow religions to operate independently, free to organize internally, free to train and appoint clergy. This means:
 - a. Eliminating laws that mandate young men who want to apply for admission to seminary to be screened and approved by the government. The government cannot interfere with training, and the government cannot force clergymen to study communist ideology in seminary curriculums.
 - b. Allowing the religious institutions to freely appoint clergy based on their own standards and needs of the higher leaders and the clergymen educators.
 - c. For the Roman Catholic Church, allowing the Vatican to appoint cardinals and bishops according to the Church's needs.
- 2) Let all religions function freely without having to apply for permits for assembly for worship at church, temple, or private residence.
 - a. Completely cease all acts by the public security of stopping religious activities, and reporting on the activities as if law violations had occurred.
 - b. Cease all harassment, mandatory interrogations at police stations, arrest, imprisonment of religious leaders for practicing their faith.
- 3) Release all religious leaders currently imprisoned or under house arrest so that they can freely practice their faith according to their religious functions. Specifically, Venerable Thich Huyen Quang, Venerable Thich Quang Do, and Father Phan Van Loi.
- 4) Let all religions freely print, publish, and distribute books, magazines, religious journals according to their needs.
- 5) Let all religions freely open schools from the first grade to university level to educate the youths as other countries around the world have been doing.
- 6) Cease all acts of encroaching and stealing property and land owned by religions. Return all property, land, other possessions belonging to the religions that the government has confiscated.

On behalf of members of different faiths in Vietnam, I sincerely thank you for what you have done and will be doing to help religions in our countries to truly enjoy freedom so that religions can contribute in the process of rebuilding Vietnam, especially in the area of morality and spirituality which are declining rapidly in our homeland.

May God bless you for all your beautiful work.

Mr. SMITH. I would like to now ask if panel two would make its way to the witness table, beginning first with Minky Worden, the Media Director of Human Rights Watch. Ms. Worden is responsible for overseeing communications, including television, radio and Web for the largest U.S.-based human rights organization.

From 1992 to 1998, Ms. Worden worked in Asia as the chief of staff and spokesman for Hong Kong Democratic Party Chairman Martin Lee, and that is where I first met her, at dinner with Martin Lee and her in Hong Kong. In that post, she was responsible for Op-Ed writing, press and government relations, including coordinating the party's handling of the 1997 handover from Britain to China, and liaison with 5,000 visiting journalists.

From 1989 to 1992, she worked at the Department of Justice in Washington, DC, as a speechwriter for the Attorney General, and in the Executive Office for U.S. Attorneys.

Ms. Worden edited a new book on global torture practices entitled *Torture*, to be published by New Press and released in October 2005.

We will then hear from Dr. Nguyen Thang. Dr. Thang is the Executive Director of Boat People S.O.S. He arrived in the United States in 1979 as a refugee from Vietnam. In 1980 Dr. Thang founded the Vietnamese Student Association at Northern Virginia College. In 1989, he joined Boat People S.O.S. and served as the director for its private refugee sponsorship program. In 1991, he became Executive Director of Boat People S.O.S. Also in 1991, he co-founded and served as the first Chairman of the Legal Assistance for Vietnamese Asylum Seekers, or LAVAS. In 1996, he was elected to the Board of Representatives of the Vietnamese Community of Washington, DC, Maryland, and Virginia, and selected to be its President.

Dr. Thang has attended many international meetings and conferences on refugees, and has testified numerous times before Congress. Since 1995, he has assisted in the lawsuit filed by LAVAS against the Department of State on the latter's discriminatory practices in immigrant visa processing. This lawsuit helped hundreds of Vietnamese reunite with their loved ones in the United States.

In late 1997, Dr. Thang was invited to participate in a congressional staff delegation to Vietnam. This delegation monitored the conditions of repatriated boat people. His recent trip and follow-up reports were submitted to Members of Congress and the Department of State.

Dr. Thang is the author of several articles, such as for the *Washington Post*, *San Jose Mercury News* and *Wall Street Journal*, articles that have featured his writings. He has also been featured on U.S. and international programs, such as *Night Line* and *Voice of America*. He was named the Washingtonian Magazine's Washingtonian of the Year.

He also, I would just finally say, helped us on this Committee when there was a serious problem when the Comprehensive Plan of Action was closing and there was an attempt to send back to Vietnam some 40,000 people who were languishing in the camps all over southeastern Asia, including the Philippines and Thailand.

At his request, I made a trip to High Island and then held four hearings looking at the issue of the boat people and whether or not they would get a welcome that would be something less than that, they might be sent to new economic zones or would be retaliated against. As a result of those four hearings, I offered an amendment on the Floor that stopped U.S. funding from being used for forced repatriation, and that led directly to the issuance or the establishment of the Rover program, which has brought something on the order of 18,000 to 19,000 people.

Dr. Thang is the one who provided our Committee with the insight and the expertise to know what was going on on the ground, and for that I am very, very grateful.

We will then hear from Helen Ngo, who is the Chair for the Committee for Religious Freedom in Vietnam. In 1998, Ms. Ngo co-founded the Committee for Religious Freedom in Vietnam, and has served as its Chairperson. She produces a weekly radio program to promote human rights and religious freedom. It is broadcast throughout the United States, and to Australia, Europe and Vietnam. She maintains contact with and supports many of the persecuted religious leaders in Vietnam and in the past has donated tens of thousands of dollars to the boat people in refugee camps and has raised money to help flood victims in Vietnam.

We will then hear from Vo Van Ai, who is President of the Vietnam Committee on Human Rights. Born in central Vietnam in 1938, Vo Van Ai was first arrested at the age of 11 for his activities in the Vietnamese Resistance Movement for Independence. He is currently Founder and President of Que Me: the Action for Democracy in Vietnam, and Editor of *Que Me*, a Vietnamese-language magazine on democracy, religious freedom, human rights and culture published in Paris since 1976.

He is also Founder and President of the Vietnam Committee on Human Rights, a Paris-based monitor organization, also established in 1976, and Vice President for Asia of the Paris-based International Federation of Human Rights.

Vo Van Ai is also Director of the International Buddhist Information Bureau and oversees spokesmen of the Unified Buddhist Church of Vietnam. At the end of the Vietnam War in 1975, he continued to monitor human rights abuses and violations of religious freedom in Vietnam, and he played a key role in calling world attention to the plague of prisoners of conscience and drew up the first maps of reeducation camps in the North and the South.

In 1978, he helped launch the first rescue ship to save boat people in the South China Sea. Mr. Vo Van Ai makes regular reports to the U.N. Commission on Human Rights in Geneva on the status of religious freedom there and has contributed to several key international studies on religion, such as, and I quote it, *Freedom of Religion and Belief: A World Report* which was published in 1997; and *Religious Freedom in the World: A Global Report on Freedom and Persecution*.

We will then hear from Y-Khim Nie, Executive Director of the Montagnard Human Rights Organization. He is the Executive Director, as I said, based in Raleigh, North Carolina. He is a Montagnard of the Ede tribal group, and was born on June 16,

1978 in Vietnam. He participated in the February 2001 protest, and was subsequently forced to escape into the jungle of Cambodia.

After hiding in the jungle for several weeks, he and others managed to get to Cambodia to meet with UNHCR officials. He arrived in the United States on April 21, 2001, and was resettled by the voluntary agency, Catholic Social Services, in Charlotte. His wife and children have been approved by the USCIS for legal immigration from Vietnam, but the Vietnamese Government refuses to issue passports for his family. He has already received his green card and is eager to become an American citizen.

Mr. Nie has previously testified at the White House and the U.S. Department of State in April 2005.

If we could begin first with Ms. Worden, and then each of our distinguished witnesses, please take your time and present your testimonies.

**STATEMENT OF MS. MINKY WORDEN, MEDIA DIRECTOR,
HUMAN RIGHTS WATCH**

Ms. WORDEN. Thank you, Mr. Chairman. Human Rights Watch appreciates the opportunity to testify today on the human rights situation in Vietnam, and we would especially like to thank you, Chairman Smith, for your long efforts to promote human rights and freedom around the world.

With this week's historic United States visit of Vietnamese Prime Minister Phan Van Khai, the Administration has the unique opportunity to press Vietnam to improve its dismal human rights record.

Human Rights Watch welcomes today's hearings and the strong bipartisan congressional consensus to improve basic rights and freedoms in Vietnam. During, and most importantly after, the visit of Vietnam's Prime Minister, United States Government and business leaders should use their leverage to encourage Hanoi to repeal the country's most repressive policies.

Human Rights Watch believes that the following human rights concerns should top the bilateral agenda for President Bush and Prime Minister Phan Van Khai, but also for anyone meeting the Prime Minister and his delegation, which is reported to be about 200 people strong.

The top human rights concerns are press freedom and controls over the Internet, religious freedom, the repression of dissidents, arbitrary arrests, mistreatment and torture, and the need to release political and religious prisoners.

On March 27, 2002, police arrested a 34-year-old doctor and businessman named Pham Hong Son. His crime, he had translated an article from the Web site of the U.S. Embassy in Vietnam. The article was titled, "What is Democracy?" He sent that article to friends and senior Vietnamese Government officials. Moreover, he had sent an open letter to the Secretary General of the Vietnamese Communist Party arguing that Vietnam was ripe for democracy.

Pham Hong Son was charged with espionage by the Vietnamese Government, which accused him of "collecting and dispatching news and documents for a foreign country to be used against the socialist state of Vietnam." After a half day closed trial in Hanoi in June 2003, Pham Hong Son was sentenced to 13 years imprisonment. International reporters and diplomatic observers were barred

from attending his trial and appeal, where his sentence was ultimately reduced from 13 to 5 years, plus an additional 3 years of house arrest.

Pham Hong Son's case is a good illustration of the current human rights situation in Vietnam and of the urgent need for United States officials meeting Prime Minister Phan Van Khai to press for human rights improvements.

Yes, Vietnam has taken positive steps in recent years to liberalize the economy, including the signing of a landmark trade agreement with the United States, and for many ordinary citizens from Vietnam, there have clearly been areas of gradual improvement. Restrictions on everyday life for most citizens have eased noticeably as the market economy has taken hold. Travel within Vietnam is easier, surveillance through the country's extensive network of monitors has become less intrusive.

But the progress on the economic front has largely not been accompanied by human rights improvements. Instead, hundreds of dissidents have been jailed on criminal charges simply for advocating democratic reforms, practicing their religion, or using the Internet to disseminate proposals for human rights and religious freedom.

As a party to the International Covenant on Civil and Political Rights, Vietnam is obligated to uphold fundamental rights, including freedom of religion and freedom of expression. These rights are especially important as the country struggles with corruption, the implementation of economic reforms, and problems concerning ethnic minorities.

Today, there is no freedom of the press in Vietnam; there are no independent, privately-run media. Domestic papers, television and radio stations remain under strict government control. Foreign journalists are required to obtain authorization from the Foreign Ministry for all travel outside Hanoi. Although journalists are occasionally able to report on corruption by government officials, direct criticism of the Communist Party is forbidden.

Government critics, including prominent writers, and former Communist Party veterans, are effectively silenced and isolated from the outside world by having their telephone lines cut or tapped, police stationed in front of their homes, or by being placed under surveillance and house arrest.

As an avenue of expression, the government also strictly bans the use of the Internet to oppose the government or "disturb national security and social order."

Hanoi blocks Web sites considered objectionable or politically sensitive. In 2004, the Ministry of Public Security created a new office to monitor the Internet for criminal content, a measure that appears to be aimed in part at intimidating people from circulating any information that authorities could deem to be a state secret or otherwise unauthorized.

As far as religious freedom goes, followers of religions not recognized by the government are routinely persecuted. Security officials disperse their religious gatherings, confiscate religious literature, summon religious leaders for interrogation, and force believers to recant. Targeted in particular are members of the Unified Buddhist Church of Vietnam, Mennonites, Cao Dai followers, Hoa Hao Bud-

dhists, ethnic minority Christians, including Hmong Christians and Montagnards from the Central Highlands.

For example, in the Central Highlands the government has increased its persecution of Montagnards, particularly those thought to be following Dega Protestantism. This is a form of evangelical Christianity banned by the Vietnamese Government, which links it to the Montagnard movement for the return of ancestral lands, religious freedom and self-rule.

For any interested members or the public, Human Rights Watch has done an entire book-length study on the situation for Montagnards and the religious repression.

Since 2001, some 200 Montagnard Christians, not only Dega church activists, but pastors, house church leaders, and Bible teachers as well, have been arrested and sentenced to prison terms of up to 13 years. Many were imprisoned on charges that they are violent separatists using their religions to “sow divisions among the people and undermine state and party unity.” Others have been arrested for trying to flee to Cambodia to seek asylum there, and this is something that we have thoroughly documented in recent briefing papers that I have also made available.

Human Rights Watch would like to say that there is no evidence that the Dega church movement has ever advocated violence. By arresting and imprisoning people for their religious beliefs and peaceful expression of their views, Vietnam is in violation of its obligations under International Human Rights Law.

As Ms. Shea has pointed out, in 2004 the United States designated Vietnam as a Country of Particular Concern for its violations of religious freedom. U.S. and international pressure has resulted in a number of prisoner releases this year and the passage of legislation ostensibly aimed at loosening requirements for Christian churches to register, and banning forced recantations of faith. However, much more remains to be done to address Vietnam’s repressive policies.

According to recent eyewitness accounts obtained by Human Rights Watch, local authorities in the Central Highlands have used the new regulations as grounds to arrest Montagnards accused of belonging to independent Christian groups.

I must point out that we are receiving a steady stream of reports of forced renunciation ceremonies, which ironically appear to be occurring with greater frequency since the passage of the Prime Minister’s directive banning such practices.

Today, hundreds of religious and political prisoners remain behind bars. Vietnam continues to violate the basic rights of individuals and groups that the government considers to be subversive. Police officers routinely arrest and detain suspects without written warrants, and authorities regularly hold suspects in detention for more than a year before they are formally charged or tried.

Prison conditions in Vietnam are extremely harsh and fall far short of international standards. Human Rights Watch received reports of solitary confinements of detainees in cramped, dark, unsanitary cells, lack of access to medical care, and of police beating and kicking and using electric shock batons on detainees.

Political trials are closed to the public and the international press corps and often the families of the detainees themselves. De-

defendants do not have access to independent legal counsel. More than 100 death sentences were issued in 2004.

What can the U.S. do? President Bush has raised expectations with his global call for democracy and more open societies. The visit of Prime Minister Phan Van Khai this week represents an important test of the President's willingness to press countries such as Vietnam to uphold basic rights and freedoms. We hope that President Bush will ask the Prime Minister to release or exonerate all people imprisoned, detained, or placed under house arrest because of their nonviolent political or religious beliefs.

We are also disappointed that the State Department could not send a representative to your hearing today. It is vital that the future bilateral relationship is built on a willingness to point out perfectly obvious violations of basic rights and freedoms of Vietnam.

We encourage you, Members of Congress, to continue your interest in rights conditions in Vietnam. We urge you to visit Vietnam and to urge human rights concerns with leading government officials. Please continue speaking out on behalf of human rights through resolutions and letters to Hanoi, and urge the Administration to strongly defend the rights of those who are detained, harassed or put under house arrest for peacefully expressing their views.

Members should press for Vietnam to invite the U.N. Special Rapporteur on Religious Intolerance, the U.N. Working Group on Arbitrary Detention, and the U.N. Special Rapporteur on Torture to visit Vietnam to investigate human rights violations.

Finally, it has been reported that the Prime Minister is meeting with a number of leading businesses while in the U.S., including CEOs of Microsoft, Boeing, Gap and Nike. Human Rights Watch hopes that United States companies doing business in Vietnam will recognize their own manifest self-interest in helping to develop the rule of law and protections for basic rights and freedoms.

In particular, we hope the companies helping to develop the Internet in Vietnam will protest to Vietnamese authorities the detention of individuals using the Web in ways the government finds politically sensitive or embarrassing to the state and party.

It is true the Internet is emerging as an increasingly useful vehicle for self-expression, free expression in Vietnam, but as Dr. Pham Hong Son and too many others have learned, those who try to exercise their basic rights and freedoms in Vietnam today risk repression.

We hope President Bush and other leaders who meet with the Vietnamese delegation will press for fundamental reforms as well as the release of Dr. Pham Hong Son and the other very brave Vietnamese who are today putting everything on the line to fight for their basic rights.

[The prepared statement of Ms. Worden follows:]

PREPARED STATEMENT OF MS. MINKY WORDEN, MEDIA DIRECTOR, HUMAN RIGHTS WATCH

Human Rights Watch appreciates the opportunity to testify today on the human rights situation in Vietnam. With this week's historic visit to the U.S. of Vietnamese Prime Minister Phan Van Khai—the first such visit since the end of the war thirty years ago—the Administration has a unique opportunity to vigorously press Viet-

nam to improve its dismal human rights record. Religious freedom, repression of dissidents, and the release of political and religious prisoners should top the agenda.

As a party to the International Covenant on Civil and Political Rights (ICCPR), Vietnam is obligated to respect and uphold fundamental human rights. These rights are especially important now as the country struggles with issues of corruption, the future development and implementation of economic and political policies, and problems concerning ethnic minorities, good governance, and the rule of law.

Highly publicized steps taken by Vietnam during recent years to liberalize the economy, including the signing of a landmark trade agreement with the United States, have not been accompanied by rights improvements. Hundreds of dissidents have been jailed on criminal charges simply for advocating democratic reforms or using the Internet to disseminate proposals for human rights and religious freedom.

Other government critics—including prominent writers and former communist party veterans—are effectively silenced and isolated from the outside world by having their telephone lines cut or tapped, police stationed in front of their homes, or being placed under surveillance and house arrest.

Followers of religions not officially recognized by the government are routinely persecuted. Security officials disperse their religious gatherings, confiscate religious literature, and summon religious leaders to police stations for interrogation. Targeted in particular are members of the Unified Buddhist Church of Vietnam, Mennonites, Cao Dai followers, Hoa Hao Buddhists, and ethnic minority Christians in the northern and central highlands.

In 2004, the U.S. designated Vietnam as a Country of Particular Concern for its violations of religious freedom. International pressure has resulted in a number of prisoner releases this year and the passage of legislation ostensibly aimed at loosening requirements for Christian churches to register with the government.

Much more remains to be done, however, to address Vietnam's repressive policies. Hundreds of religious and political prisoners remain behind bars—the vast majority of whom are Montagnard Christians imprisoned since unrest broke out in the Central Highlands in 2001. There has been no let-up in the practice of authorities forcing minority Christians to recant their faith.

At the same time, for many ordinary citizens of Vietnam there have clearly been areas of gradual improvement in recent years, particularly in the economic sector. Restrictions on everyday life for most citizens have eased noticeably as the market economy has taken hold. Travel within Vietnam is easier. Surveillance of ordinary citizens through the country's extensive network of monitors has become less intrusive. But despite these advances, Vietnam continues to violate the basic rights of individuals and groups that the government considers to be "subversive."

Human Rights Watch welcomes today's hearings and the strong bipartisan Congressional interest in promoting basic rights and freedoms in Vietnam. During—and after—the visit of Vietnam's prime minister, U.S. government and business leaders should use their leverage to encourage Hanoi to repeal repressive policies.

President Bush has raised expectations with his call for democracy and more open societies around the world. The visit of Prime Minister Phan Van Khai is an important test of the Administration's willingness to press countries such as Vietnam to uphold basic rights and freedoms. We hope that President Bush will ask the prime minister to release and exonerate all people imprisoned, detained or placed under house arrest because of their non-violent political or religious beliefs and practices.

We also hope that members of Congress will continue their interest in rights conditions in Vietnam. We urge you to visit Vietnam and raise human rights concerns with leading government officials, to continue to speak out on behalf of human rights through resolutions and letters to Hanoi, and to urge the Administration to strongly defend the rights of those who are detained, harassed, or put under house arrest for peacefully expressing their views. We support assistance for basic rule of law reform in Vietnam, including reform of criminal and national security laws.

Human Rights Watch also hopes that U.S. companies helping to develop the Internet in Vietnam will protest to Vietnamese authorities the detention of individuals using the web in ways the government finds politically sensitive or embarrassing to the state and party. The Internet is emerging as an increasingly useful vehicle for free expression in Vietnam. American companies should make it clear that protecting the right to free expression online is as important as protecting intellectual property rights.

KEY HUMAN RIGHTS ISSUES IN VIETNAM

In our testimony today, Human Rights Watch would like to describe the key human rights problems in Vietnam and present our recommendations to Congress.

Controls over Freedom of Expression and the Internet

There is no independent, privately-run media in Vietnam. Domestic newspapers, television and radio stations remain under strict government control. Foreign media representatives are required to obtain authorization from the Foreign Ministry for all travel outside Hanoi.

Although journalists are occasionally able to report on corruption by government officials, direct criticism of the Party is forbidden.

In an example of criminal prosecutions of journalists, in January 2005 Nguyen Thi Lan Anh, a reporter for the *Tuoi Tre* (Youth) newspaper was indicted in January 2005 on charges of “appropriating state secrets” after publishing investigatory articles about a drug company’s monopoly of the market.

The government maintains strict control over access to the Internet. It blocks websites considered objectionable or politically sensitive and strictly bans the use of the Internet to oppose the government, “disturb” national security and social order, or offend the “traditional national way of life.”

Decision 71, issued by the Ministry of Public Security in January 2004, requires Internet users at public cafés to provide personal information before logging on and has increased the pressure on Internet café owners to monitor customers’ email messages and block access to banned websites.

In 2004 the Ministry of Public Security created a new office to monitor the Internet for “criminal” content, a measure that appears to be aimed in part at intimidating people from circulating any information that authorities could deem to be a “state secret” or otherwise unauthorized.

In an example of official control of cyberspace, in April 2004 the government closed down Vietnam International News 24-Hour, an unlicensed website that had reprinted a BBC article about Easter demonstrations by Montagnards in the Central Highlands.

Arrests of Democracy Activists and “Cyber-Dissidents”

Several dissidents and democracy activists have been arrested and tried during the last several years on criminal charges—including espionage and other vaguely worded crimes against “national security”—for disseminating peaceful criticism of the government or calling for multi-party reforms in written statements or through the Internet.

In a recent case, authorities harassed, detained, and interrogated dissident Do Nam Hai, who has called for multi-party reform and criticized the government in articles posted on the Internet and in open letters to the Central Committee of the Communist Party of Vietnam. After being interviewed by Radio Free Asia in October 2004, police searched his home, confiscated his computer, and then reportedly erased the contents of the hard drive.

Legislation remains in force authorizing the government to detain without trial for up to two years anyone suspected of “threatening national security” without meaningful judicial review.

Cyber-dissidents who have been sentenced to prison on criminal charges include Pham Hong Son, currently serving five years’ imprisonment on espionage charges after he wrote and disseminated articles about democracy and communicated by e-mail with “political opportunists” in Vietnam and abroad; Nguyen Khac Toan, arrested in an Internet café and sentenced in 2002 to twelve years’ imprisonment for having “vilified and denigrated Party and state officials, sending emails providing information to certain exiled Vietnamese reactionaries in France”; and Nguyen Vu Binh, a journalist who was sentenced to seven years’ imprisonment after he criticized the government in an article distributed over the Internet.

Violations of the Right to Freedom of Religion

The government seeks to exercise control over virtually every aspect of religion, from ordination of Catholic clergy to prohibition of flood relief efforts by the non-sanctioned Buddhist organization, the Unified Buddhist Church of Vietnam.

Despite the recent high-profile prisoner releases and new directives on religion, the government continues to arrest and imprison ethnic minority Christians in the northwestern provinces and Central Highlands and pressure them to recant their faith and cease all political or religious activities in public self-criticism sessions or by signing written pledges.

In an ironic twist, local officials are using the new religious regulations issued earlier this year as grounds to arrest minority Christians suspected of belonging to Christian groups that operate independently of the government.

Ethnic Hmong Christians in the northwest provinces have been beaten, detained, and pressured by local authorities to renounce their religion and cease religious gatherings. Human Rights Watch has received credible reports of the beating deaths

in 2002 and 2003 of two Hmong Christians by authorities who were pressuring them to abandon their faith. Recently the military presence in several villages in Lai Chau has increased, causing more than 100 Hmong Christian families to flee from their homes.

In the Central Highlands, the government has increased its persecution of members of ethnic minorities (collectively known as Montagnards), particularly those thought to be following “Dega Protestantism.” This is a form of evangelical Christianity, banned by the Vietnamese government, which links it to the Montagnard movement for return of ancestral lands, religious freedom, and self-rule. Since 2001, when thousands of Montagnards first joined widespread protests for land rights and religious freedom, the government has launched an official campaign to eradicate “Dega Protestantism.”

Since 2001 close to 200 Montagnard Christians—not only Dega church activists, but pastors, house church leaders, and Bible teachers as well—have been arrested and sentenced to prison terms of up to thirteen years. Many have been imprisoned on charges that they are violent separatists using their religion to “sow divisions among the people” and “undermine state and party unity.” There is no evidence that the Dega church movement has ever advocated violence. By arresting and imprisoning people for their religious beliefs and peaceful expression of their views, Vietnam is in violation of the International Convention on Civil and Political Rights, to which it is a party.

According to recent eyewitness accounts obtained by Human Rights Watch, local authorities in the Central Highlands have used the new regulation as grounds to arrest Montagnards suspected of belonging to Christian groups that operate independently. In addition, we are receiving a steady stream of reports of forced renunciation ceremonies, which actually seem to be occurring with greater frequency since the passage of directives banning such practices.

For example, in mid-June police and soldiers went to many villages in Bo Ngong commune, Cu Se district of Gia Lai province, where they forced Montagnard villagers to join the government-sanctioned Evangelical Church of Vietnam. During the same time period, authorities in Ia Piar commune, Ayun Pah district, Gia Lai forced Montagnard Christians to sign pledges renouncing their faith. Those who didn’t know how to sign were forced to fingerprint the pledges. We have received dozens of reports like these since March of this year.

Members of the Mennonite Church have also come under fire recently, in part because of the outspoken and at times confrontational style of Rev. Nguyen Hong Quang, the activist leader of the Mennonite Church in Vietnam. In 2004 Rev. Quang and five other Mennonites were arrested on charges of resisting police officers after a scuffle broke out in March 2004 with undercover policemen who had been monitoring their Ho Chi Minh City church. Quang and Evangelist Pham Ngoc Thach are currently serving three and two year sentences respectively. Ms. Le Thi Hong Lien was amnestied because of international pressure at the end of April, 2005 two months before the end of her one-year sentence. She had been sent to the Bien Hoa Mental Hospital at the end of February, having suffered a mental breakdown due to physical and mental abuse in prison. The remaining three—all of whom were beaten in custody—were released after serving their sentences.

Mennonites in other parts of the country have also encountered difficulties. On two separate occasions during 2004, officials in Kontum province bulldozed a Mennonite chapel that doubled as the home and office of Pastor Nguyen Cong Chinh, superintendent of the Mennonite churches in the Central Highlands. In September and October 2004, police pressured Mennonites in Kontum and Gia Lai provinces to sign forms renouncing their religion.

While one monk from the banned Unified Buddhist Church of Vietnam (UBCV), Thich Thien Mien, was included in the Lunar New Year prisoner amnesty, the government continues to persecute UBCV members and withhold any recognition of this group, once the largest organization of the majority religion in the country. In 2003, four UBCV monks were formally sentenced without trial to two years’ administrative detention. Many other UBCV members remain confined without charges to their pagodas, which are under strict police surveillance. Their phone lines are cut or monitored and movement in and out of the pagodas is restricted. The UBCV’s Supreme Patriarch, Thich Huyen Quang and its second-ranking leader, Thich Quang Do have been confined to their monasteries for years, effectively living under “pagoda arrest”.

Members of the Hoa Hao sect of Buddhism have also been subject to police surveillance and several Hoa Hao members remain in prison. The sect was granted official status in May 1999, although government appointees dominate an eleven-member Hoa Hao Buddhism Representative Committee established at that time.

Although relations between Vietnam and the Vatican have improved in recent years, the government continues to restrict the number of Catholic parishes, require prospective seminarians to obtain government permission before entering the seminary, and maintain defacto veto power over Roman Catholic ordinations and appointments.

At least three Catholics—members of the Congregation of the Mother Co-Redemptrix—continue to serve twenty year prison sentences imposed in 1987 for conducting training courses and distributing religious books without government permission. They were convicted of security offenses, including “conducting propaganda to oppose the socialist regime,” “undermining the policy of unity,” and “disruption of public security.”

Arbitrary Arrest, Mistreatment and Torture, and Unfair Trials

Police officers routinely arrest and detain suspects without written warrants, and authorities regularly hold suspects in detention for more than a year before they are formally charged or tried.

Prison conditions in Vietnam are extremely harsh and fall far short of international standards. Human Rights Watch has received reports of solitary confinement of detainees in cramped, dark, unsanitary cells; lack of access to medical care; and of police beating, kicking, and using electric shock batons on detainees.

Political trials are closed to the international press corps, the public, and often the families of the detainees themselves. Defendants do not have access to independent legal counsel. More than one hundred death sentences were issued in 2004, with twenty-nine crimes considered capital offenses under the penal code, including murder, armed robbery, drug trafficking, many economic crimes, and some sex offenses.

RECOMMENDATIONS:

During his meeting with Prime Minister Phan Van Khai, U.S. President George W. Bush should press Vietnam to take the following steps:

1. Immediately release or exonerate all people imprisoned, detained, or placed under house arrest (so-called “administrative detention”) because of their non-violent political or religious beliefs and practices. Cease surveillance and harassment of dissidents including those released from prison or detention.
2. Take urgent measures to end torture and other mistreatment of detainees. Investigate reports of torture and prosecute those responsible.
3. End the practice of detaining and prosecuting Vietnamese in secret, and in particular make public the names of all persons held for political and related activities.
4. Allow independent religious organizations to freely conduct religious activities and govern themselves. Recognize the legitimate status of churches and denominations that do not choose to join one of the officially-authorized religious organizations whose governing boards are under the control of the government. Allow these religious organizations to independently register with the government.
5. Urge the Vietnamese government to end its censorship and control over the domestic media, including the Internet and electronic communications. Authorize the publication of independent, privately-run newspapers and magazines.
6. Investigate reports of torture and beatings, including beating deaths, of ethnic minority Christians in both the northwestern provinces and the Central Highlands, and bring those responsible to justice. Cease the repression of ethnic minority Protestants, including bans on religious gatherings and other meetings, pressure to renounce one’s faith, and abusive police surveillance of religious leaders.
7. Address the grievances of the indigenous minorities (Montagnards) of the Central Highlands, including land confiscation, repression of religious freedom, lack of educational opportunities, pressure to join family planning programs, and restriction of freedom of assembly, association, and of movement.
8. Ensure that all domestic legislation is brought in conformity Vietnam’s obligations under international human rights law, such as the International Covenant on Civil and Political Rights. Amend provisions in domestic law that criminalizes dissent and certain religious activities on the basis of im-

precisely defined “national security” crimes. Specifically, amend or repeal Vietnam’s Criminal Code to bring it into conformity with international standards. Eliminate ambiguities in the Criminal Code’s section on crimes against national security, to ensure that these laws cannot be applied against those who have exercised their basic right to freedom of expression.

9. Achieve greater transparency and accountability in the criminal justice system and work towards the establishment of an independent and impartial judiciary. Give advance notification of trial dates and allow international observers and independent monitors access to trials and to persons in pre-trial or administrative detention and in prison.
10. Repeal the 1997 Administrative Detention Directive 31/CP, which authorizes detention without trial for up to two years for individuals deemed to have violated national security laws. The government should ensure that all detainees receive a fair trial within a reasonable time as required under international law.
11. Permit outside experts, including those from the United Nations and independent international human rights organizations, to have access to dissidents and religious followers in Vietnam, including members of denominations not officially recognized by the government.
12. Invite the U.N. Special Rapporteur on Religious Intolerance, the U.N. Working Group on Arbitrary Detention, and the U.N. Special Rapporteur on Torture to visit Vietnam to investigate human rights violations. UN officials should be allowed unrestricted access to the central and northern highlands and allowed to visit police stations, district and provincial jails, military-operated detention centers in border areas, as well as prisons such as Ba Sao prison, where many political prisoners are currently held.

Mr. SMITH. Ms. Worden, thank you very much for your very comprehensive testimony and for your tremendous work on behalf of suffering people.

I would like to now ask Ms. Helen Ngo if she would proceed.

**STATEMENT OF MS. HELEN NGO, CHAIRWOMAN, COMMITTEE
FOR RELIGIOUS FREEDOM IN VIETNAM**

Ms. NGO. Mr. Chairman, Members of the Subcommittee. My name is Helen Ngo, and I am the Chairwoman of the Committee for Religious Freedom based in Bethesda, Maryland. Thank you very much for the opportunity to be here.

I will not mention the problems concerning religious freedom in Vietnam on a large scale. The fact that Vietnam is a Country of Particular Concern can speak for itself. I will only discuss two lives affected by these problems, but the conditions of these lives symbolizes the suffering of all religious Vietnamese citizens. The following is part of the Catholic priest, Phan Van Loi testimony:

“I am Catholic priest, Peter Phan Van Loi. I reside at 1646 Tran Phu Street, Hue, Vietnam. I would like to tell you about my miserable life after 1975. In early 1978, applying the 297 CP law, the Vietnamese Government forced me and 17 out of 48 members out of our seminary who the government thought would not obey what they wanted them to do. I have to stay with my parents but I still kept my goal to become a Catholic priest.

“In May 1981, I went to Giang Xa parish, North Vietnam, where the Archbishop Nguyen Kim Dien was under house arrest. The Archbishop later on became the Cardinal and now he is deceased. He ordained me quickly 4 months later. I participated in a satirical play which attacks the government’s suppression of religious believers. The government arrested me and four other seminarians who were involved. I was in jail for

4 years. When the sentence was nearly satisfied, the Communists discovered that I had been ordained and they put me in jail for 3 more years.

“When I was released from prison, they forced me to stay home with my parents and banned me from leading in church. Therefore, I practiced my teaching for the seminary or conducting mass services secretly.

“In 1998, the government searched my house. They could not find any secret documents, but they still took away my computer, my books, and all my writings for church. In early 2001, the special police order me to be at their offices to be questioned for 1 month. After I refused to come, they put me under house arrest, they cut my phone line, and they destroyed my cell phone SIM card. I am still under house arrest.

“In January 2004, they threatened me with death by gunfire to stay inside. I am now living with my 80-year-old parents and a 40-year-old sister who nobody dared to give a job to.”

Happily, he also believe that the religious freedom situation is split. He had this to say about it:

“For the last few months the government promised the U.S. Government they would improve religious freedom. In reality, the situation has become worse. For example, ordinations in the 30 oppressed groups were rampant for Federal Government, we thought the knee on religious applied at the worst. These conditions activity was controlled by the local government whose members were greedy and corrupt. Therefore, people needed—had to find the authorities if they wanted these rights to be granted.”

And here, the following is a part of Pastor Nguyen Huu Giai’s testimony:

“I am Pastor Nguyen of the Vietnam Fellowship. In 1975 I was 15 years old at that time. My father was the administrator of Binh Mai Tur Evangelical Church. Communist Government officers planted fliers which contained the dissenting views toward the government into the church yard, using them as a pretext to arrest my father. The church was closed. My mother and five siblings had no shelter and no food. My family was forced to wander. All my family had no household registration.

“After 20 years of waiting for it, the secret police gave my parents the registration. Because I had been a leader of the house church network not recognized by the government and I had been the President of Vietnam Evangelical Fellowship, the police did not grant me household registration. I still do not have household registration or citizenship identification card. This has hampered me from traveling, even in Vietnam. I am also unable to own a car or a house. My wife and my two children have a second-class household registration, but that still means my children have restrictions on where they can go to school and on their education in general.”

Dear Sirs and Madams, I have just shared the lives of two Catholic religious followers. This is not unique to these two men. Many people in Vietnam live in misery every day. Reverend

Nguyen has said the pain of my life reflects the pain of the millions of people in Vietnam who have suffered.

With my testimony, I am including Father Nguyen Giai's and Father Phan Van Loi testimonies, Pastor Pham Dinh Nhan's testimony and the Committee for Religious Freedom in Vietnam.

It is 2 o'clock a.m. in Vietnam right now, but many of the religious leaders and believers are praying for the success of this hearing.

Once again thank you very much for the opportunity to be a voice for those who cannot be here today.

[The prepared statement of Ms. Ngo follows:]

PREPARED STATEMENT OF MS. HELEN NGO, CHAIRWOMAN, COMMITTEE FOR
RELIGIOUS FREEDOM IN VIETNAM

Mr. Chairman and Members of the Subcommittee,
Thank you very much for the opportunity to be here.

My name is Helen Ngo, and I am Chairwoman of the Committee for Religious Freedom in Vietnam, based in Bethesda, Maryland.

I will not discuss the overall condition of religious freedom in Vietnam. The fact that Vietnam is a country of particular concern speaks for itself. I will bring to your attention a number of typical cases which show that the situation has not improved despite Prime Minister Khai's promises to the US government.

Last month our committee brought to the attention of the Department of State the case of Pastor Than Van Truong of the Baptist General Conference house church organization. In 2003 when he attempted to visit his sick mother in the North, he was arrested for breaking the administrative detention order. He was subsequently sent to a mental hospital and was administered psychotic medications; the hospital's psychiatrist deemed that Pastor Truong's faith in God instead of Communism must be a symptom of insanity. I had hoped that Prime Minister Khai would set him free as a gesture of good will to President Bush. This did not happen.

The recently issued Ordinance on Belief and Religion and the Instructions on the implementation of this ordinance, which our Department of State praised as a major improvement, is actually a step backward. According to Fathers Nguyen Huu Giai and Phan Van Loi, whose written statements have been submitted to you, "*These two documents practically give the local authorities full control of all religious activities. Local government officials now can do whatever they want, causing uncountable obstacles to the appointment of clergy members, to the registration of seminarians, to the organization of religious activities, and to the demand for the return of confiscated church properties.*" Both Catholic priests are under house arrest.

Bui Thien Hue, a Hoa Hao Buddhist deported from Cambodia with the acquiescence of the United Nations High Commissioner for Refugees, reported that "*I, myself, was first put under house arrest for 24 months. My mother soon fell critically ill and I had to leave the house to take care of her. For this violation of 31/CP decree on administrative detention, I was given another 36-month sentence. My brother has been harassed by the local police.*" He too is still under house arrest.

Pastor Pham Dinh Nhan, President of the Vietnam Evangelical Fellowship, himself denied household registration or citizenship identification for the past 30 years, has this to say about the situation in Vietnam after the US reached an agreement with Vietnam last month on religious freedom.

"Recently, under the pressure from the international community, especially from the US Government, Prime Minister Phan Van Khai has issued Directives 01/2005, which create the conditions for Protestant churches to register their religious activities. However, there have been many signs showing that this document is aimed at dealing with the international community rather than reflecting a real change in policy, for the central government has played the role of being ignorant, letting local authorities continue to oppress Protestant groups. . . . For the last few months, the government promised to the US that they would improve religious freedom. In reality, the situation is becoming worse. . . . As a matter of fact, just this Sunday night, June 19th, 2005, there were 16 believers who were at Pastor Nguyen Hong Quang's house. The police came and ordered them to disperse; the police also filed a report on them."

There are more testimonies submitted to you from people in Vietnam. They are themselves victims of religious persecution and are in a better position than anyone of us, including our Department of State, to judge whether there the decrees, direc-

tives, instructions and promises issued by Prime Minister Khai are of any significance.

Mr. Chairman and Subcommittee members,

Collectively religious leaders and practitioners in Vietnam believe that the US should keep Vietnam as a Country of Particular Concern, closely monitor and report all incidents of religious violations and harassment, and use all means to pressure the Vietnamese government to:

- stop the use of torture in both its physical and psychiatric forms;
- repeal Decree 31/CP on administrative detention;
- return all confiscated church properties;
- release all pastors, missionaries, and lay leaders who are still detained;
- allow the Hoa Hao Buddhist Church to choose their own leaders;
- allow Hoa Hao Buddhists and House Church Christians to conduct religious activities at home;
- recognize those religious organizations which have operated legitimately at private houses and permit house churches to build or rent facilities for their religious activities;
- return to religious organizations places of worship that have been forced to be deserted or seized for other uses;
- prosecute all government officials who violate religious freedom; and
- create a special task force in the office of the Prime Minister to respond to complaints against local government officials who commit acts of religious persecution.

It is 2AM in Vietnam now, but many religious leaders and believers are praying for the success of this hearing.

Once again thank you very much for giving me this opportunity to be a voice for those who cannot be here today.

PREPARED STATEMENT OF THE COMMITTEE FOR RELIGIOUS FREEDOM IN VIETNAM,
BETHESDA, MD

Mr. Chairman and Members of the Subcommittee,

I will not discuss the overall condition of religious freedom in Vietnam. The fact that Vietnam is a country of particular concern speaks for itself. I will bring to your attention a number of typical cases which show that the situation has not improved despite Prime Minister Khai's promises to the US government.

Last month our committee brought to the attention of the Department of State the case of Pastor Than Van Truong of the Baptist General Conference house church organization. In 2003 when he attempted to visit his sick mother in the North, he was arrested for breaking the administrative detention order. He was subsequently sent to a mental hospital and was administered psychotic medications; the hospital's psychiatrist deemed that Pastor Truong's faith in God instead of Communism must be a symptom of insanity. I had hoped that Prime Minister Khai would set him free as a gesture of good will to President Bush. This did not happen.

The recently issued Ordinance on Belief and Religion and the Instructions on the implementation of this ordinance, which our Department of State praised as a major improvement, is actually a step backward. According to Fathers Nguyen Huu Gai and Phan Van Loi, whose written statements have been submitted to you, "*These two documents practically give the local authorities full control of all religious activities. Local government officials now can do whatever they want, causing uncountable obstacles to the appointment of clergy members, to the registration of seminarians, to the organization of religious activities, and to the demand for the return of confiscated church properties.*" Both Catholic priests are under house arrest.

Bui Thien Hue, a Hoa Hao Buddhist deported from Cambodia with the acquiescence of the United Nations High Commissioner for Refugees, reported that "*I, myself, was first put under house arrest for 24 months. My mother soon fell critically ill and I had to leave the house to take care of her. For this violation of 31/CP decree on administrative detention, I was given another 36-month sentence. My brother has been harassed by the local police.*" He too is still under house arrest.

Pastor Pham Dinh Nhan, President of the Vietnam Evangelical Fellowship, himself denied household registration or citizenship identification for the past 30 years, has this to say about the situation in Vietnam after the US reached an agreement with Vietnam last month on religious freedom:

“Recently, under the pressure from the international community, especially from the US Government, Prime Minister Phan Van Khai has issued Directives 01/2005, which create the conditions for Protestant churches to register their religious activities. However, there have been many signs showing that this document is aimed at dealing with the international community rather than reflecting a real change in policy, for the central government has played the role of being ignorant, letting local authorities continue to oppress Protestant groups . . . For the last few months, the government promised to the US that they would improve religious freedom. In reality, the situation is becoming worse . . . As a matter of fact, just this Sunday night, June 19th, 2005, there were 16 believers who were at Pastor Nguyen Hong Quang’s house. The police came and ordered them to disperse; the police also filed a report on them.”

There are more testimonies submitted to you from people in Vietnam. They are themselves victims of religious persecution and are in a better position than anyone of us, including our Department of State, to judge whether the decrees, directives, instructions and promises issued by Prime Minister Khai are of any significance.

Mr. Chairman and Subcommittee members,

Collectively religious leaders and practitioners in Vietnam believe that the US should keep Vietnam as a Country of Particular Concern, closely monitor and report all incidents of religious violations and harassment, and use all means to pressure the Vietnamese government to:

- stop the use of torture in both its physical and psychiatric forms;
- repeal Decree 31/CP on administrative detention;
- return all confiscated church properties;
- release all pastors, missionaries, and lay leaders who are still detained;
- allow the Hoa Hao Buddhist Church to choose their own leaders;
- allow Hoa Hao Buddhists and House Church Christians to conduct religious activities at home;
- recognize those religious organizations which have operated legitimately at private houses and permit house churches to build or rent facilities for their religious activities;
- return to religious organizations places of worship that have been forced to be deserted or seized for other uses;
- prosecute all government officials who violate religious freedom; and
- create a special task force in the office of the Prime Minister to respond to complaints against local government officials who commit acts of religious persecution.

Mr. SMITH. Ms. Ngo, thank you for being the voice for those who cannot be here today. You have been outspoken for years, and this Committee has benefited greatly, as well as those who are suffering, so thank you.

Dr. Thang.

**STATEMENT OF NGUYEN THANG, PH.D., EXECUTIVE
DIRECTOR, BOAT PEOPLE S.O.S.**

Mr. THANG. Mr. Chairman, and distinguished Members of the Subcommittee. Prime Minister Phan Van Khai is in town. He will meet with President Bush tomorrow to seek accession into the World Trade Organization. He will attempt to convince the President that Vietnam is now a market economy and therefore should be exempted from the Jackson-Vanik Amendment. He aims for permanent normal trade relation status.

Today is also World Refugee Day, as the Congressman from New Jersey just mentioned, and thereby at this hearing I would like to remind Members of the Committee of the thousands of persecuted victims left without protection in Vietnam and in neighboring countries.

After 30 years and much talk about reconciliation and openness, the Vietnamese Government continues to deny basic freedoms, continues to persecute those who exercise their rights, and continues

to severely restrict the roles and activities of the independent churches.

I would like to talk about the other aspects of human rights issues, and that is the protection of refugees, the protection of specific victims.

The year 1997 witnessed the return of the hard-line Communists. There is less freedom now and more persecution today than 10 years ago. I was in Vietnam at the time when there was change of the guard. I was, at that time, staff delegation with chief counsel, now Ambassador. At the time there was a statement by a political member which concisely describes the policy of the government. In his words: "We have opened our doors and windows because we need to breathe. However, we have to stop the flies from coming in."

That summarized the policy of the Vietnamese Government since then. So on the one hand it opened up the economy, but on the other hand the government and the party are consciously oppressive and persecute dissidents even further, and therefore even in today's Vietnam there are more dissident and religious leaders who are in detention.

In April 1997, as part of that coming back of the hard-line Communists, the government issued decree number 31/CP, authorizing administrative detention without charges or trial. I estimate there must be around a few hundred Vietnamese citizens under administrative detention at this moment. And I have been working on several of those cases. I have been working with the Department of State and your office, Mr. Chairman, to track some of those people out of Vietnam, without much success so far.

With all of that, it is very troubling that the Comprehensive Plan of Action practically closed down any route of escape for victims inside Vietnam to the free world, the United States. With very few exceptions, the only way out for Vietnamese living inside of Vietnam now is through the Orderly Departure Program, or ODP, which requires government approval, and that is an irony. Many victims of persecution have been blocked access to ODP in many different ways.

The Vietnamese Government has denied passports even to those who have been found to be refugees by the United States. Let's take the case of Pastor Nyugen Lap Ma of the Christian Missionary Alliance, who has spent the past 23 years under house arrest. He has not been issued a passport for refugee resettlement under the U.S. Priority One In-Country Refugee Program even though the U.S. has already accepted him as a refugee. He is one of the similar cases I continue to work on.

Rampant corruption is another barrier to U.S. refugee programs. An ordinary citizen would have to pay up to thousands of dollars to corrupt officials, and they don't have that money. Therefore, Amerasians—these are children of United States servicemen—thousands of them are still left in Vietnam to suffer just because they are children of American citizens.

For the past 4 years, Vietnam has not acted on its promise to collaborate with the United States in reopening the Humanitarian Operation program for reeducation camp survivors. In 1994, the Clinton Administration decided single handedly to close down reg-

istration for this program, leaving behind thousands of former allies to suffer in Vietnam. In 2001, the Bush Administration decided to reopen the HO program. However, since then, Vietnam has reneged repeatedly on its promise to cooperate. I had hoped that the prime minister would announce the reopening of this program before his arrival in the U.S., but this did not happen.

I am concerned for the safety of persecuted victims who successfully escaped to neighboring countries; and this involves hundreds of Montagnard in Cambodia, for instance. Some of them have refused resettlement, even though they have been recognized as refugees; and they also refused repatriation. There is a need to protect them.

There is a case of Mr. Bui Thien Hue—actually, his testimony has been submitted. Mr. Bui Thien Hue is a Hoa Hao Buddhist. He escaped to Cambodia and was placed under administrative detention. He escaped to Cambodia successfully, but the office of the United Nations High Commissioner for Refugees pushed him to camp, and then the forces sent him back to Vietnam where he had to serve 36 months of sentence in prison because of his escape from administrative detention and then from Vietnam.

Clearly, Vietnam is far from being in compliance with the free and open emigration requirement of the Jackson-Vanik amendment. I would like to stress the point, with increased persecution in Vietnam, with the closing down of the escape routes for victims, now the ODP and through the ODP, the refugee programs from the U.S. Government is the only way for them to get out of Vietnam and therefore is a need to secure their escape, their legal way to depart from Vietnam.

Human trafficking is another case of concern. A major source of trafficking in persons, Vietnam each year exports tens of thousands men, women and children to sweatshops and to the sex industry in Cambodia, China, Hong Kong, Macau, Taiwan, Malaysia, the Czech Republic and Japan. Yet Vietnam continues to refuse to pay \$3.5 million in damages to 321 victims of the Daewoosa American Samoa case as ruled by the High Court of American Samoa.

In 1999, I worked on this case under the Victims of Trafficking Protection Act. Between 1999 and 2001, Vietnam exported over 300 Vietnamese and Chinese workers to American Samoa where they suffered tremendous torture in the hands of an owner of a government factory; and that is Daewoosa American Samoa factory. Vietnam has failed to prosecute the highest-ranking government official who was behind the trafficking incident. He is the deputy director of Labor Export Management at the Department of Labor. Yet the Department of State took Vietnam off the watchlist in this year's *Trafficking in Persons Report*.

Prime Minister Khai is going to visit with President Bush; and as his visit offers unique opportunities for cooperation between the two countries, I would like to offer the following recommendations:

At meetings with the Prime Minister over the next few days, the President and Members of Congress should call on him to announce the reopening of the HO program and also the issuance of passports to individuals of interest to the United States. He should also be reminded to pay restitution to the Daewoosa American

Samoa victims. It is a mere \$3.5 million, considering the billions of dollars in trade surplus between Vietnam and the United States.

The Department of State should report to Congress the number of ODP cases without passports, the number of refugees demanded bribes by government officials, and the amount they have to pay to those corrupt officials.

The United States should expeditiously process all Priority One cases, including those under administrative detention.

Congress should extend the Davis Amendment, formerly known as the McCain Amendment, to admit children of former political prisoners in anticipation of the reopening of the HO program.

The Department of State should initiate a special effort to seek out Amerasians who have been excluded from U.S. resettlements because of corruption.

I would like to also draw your attention to three groups outside of Vietnam, but the situations are related to the refugee issues—relating to Vietnam refugee issues.

First of all, the Montagnard I just mentioned. They need protection.

Two, there are about 17,000 Amerasians resettled under the Amerasians Homecoming Act of 1998 who continue to suffer the consequences of past persecution. These are children of American citizens. They were denied education, and therefore they are illiterate in their own native language. Many of them have tried repeatedly but have failed the U.S. citizenship exam.

Last month, Congresswoman Zoe Lofgren of California introduced the Amerasians Naturalization Act that call on all Members of Congress to support this legislation as it will bring justice to these victims of war, persecution and neglect.

Finally, I call on the Administration to process the 2,000 Vietnamese former boat people still left in the Philippines for refugee admission expeditiously and generously. This will bring the 30-year Vietnamese boat people saga to a truly humane and fair closure.

I would like to thank you, Mr. Chairman, for convening this very important and timely hearing as our Government maintains dialogue with Mr. Khai and his team from Vietnam. It is critical of Congress to hear the voice of the persecuted victims who are in Vietnam.

[The prepared statement of Mr. Thang follows:]

PREPARED STATEMENT OF NGUYEN THANG, PH.D., EXECUTIVE DIRECTOR, BOAT PEOPLE S.O.S.

Mr. Chairman and distinguished members of the Subcommittee,

Today marks the first US visit by a Vietnamese prime minister since the war ended 30 years ago. Prime Minister Phan Van Khai will meet with President Bush tomorrow to seek US support for Vietnam's accession to the World Trade Organization. He will attempt to convince the President that Vietnam is a market economy and therefore should be exempted from the Jackson-Vanik Amendment. He aims for permanent normal trade relation status.

At this hearing I would like to remind the Subcommittee of the thousands of persecuted victims left without protection in Vietnam and in neighboring countries. After 30 years and much talk about reconciliation and openness, the Vietnamese government continues to deny basic freedoms, persecute those who exercise their rights, and severely restrict the roles and activities of the independent Churches.

The year 1997 witnessed the return of the hard-line communists. There is less freedom and more persecution in today's Vietnam than ten years ago. There has been increased use of torture, including physical and psychiatric torture. More dis-

sidents and religious leaders have been arrested and detained. April 1997 the government issued Decree No. 31/CP authorizing administrative detention without charges or trial. I estimate that hundreds of Vietnamese citizens are currently subjected to this form of persecution.

With the closure of the Comprehensive Plan of Action in 1996, escape from Vietnam was also closed. With few exceptions, the only way out of Vietnam is through the Orderly Departure Program (ODP) which requires government approval. Many victims of persecution have been blocked access to ODP, in many different ways.

The Vietnamese government has denied passport even to those who have been found to be refugees by the United States. Pastor Nguyen Lap Ma of the Christian Missionary Alliance, who has spent the past 23 years under house arrest, has not been issued a passport for refugee resettlement under the US Priority One In-Country Refugee Program. He is among the many similar cases I have been working on.

Rampant corruption is another barrier to US refugee programs. Thousands of former US allies and Amerasians—children fathered by US servicemen during the war—are still in Vietnam because they cannot afford the thousands of dollars demanded by corrupt officials.

For the past four years Vietnam has not acted on its promise to collaborate with the United States in re-opening the Humanitarian Operation program for re-education camp survivors. Many survivors did not survive the long wait.

I am concerned for the safety of persecuted victims who successfully escaped to neighboring countries. Many Montagnard refugees have been deported to Vietnam, which paid thousands of dollars per deportee. In the case of Bui Van Hue, a Hoa Hao Buddhist, the office of the United Nations High Commissioner for Refugees facilitated his forced repatriation without considering his refugee claims. He was sentenced to 36 months in prison for having fled to Cambodia.

Vietnam is far from being in compliance with the free and open emigration requirement of the Jackson-Vanik Amendment.

Human trafficking is another area of concern. A major source of trafficking in persons, Vietnam each year exports tens of thousand men, women and children to sweatshops and the sex industry in Cambodia, China, Hong Kong, Ma Cau, Taiwan, Malaysia, and the Czech Republic. Vietnam refuses to pay \$3.5 million in damages to 321 victims in the Daewoosa American Samoa case as ruled by the High Court of American Samoa. Vietnam has failed to prosecute the Deputy Director of Labour Export Management at the Department of the Labour, War Invalids and Social Affairs Ministry, who was behind this trafficking incident. Yet, the Department of State took Vietnam off the Watch List in this year's Trafficking in Persons report.

As the Prime Minister Khai's visit offers new opportunities for cooperation between the two countries, I would like to offer the following recommendations.

- (1) At meetings with Prime Minister Khai over the next few days, the President and members of Congress should call on him to announce the re-opening of the Humanitarian Operation program and the issuance of passports to all individuals of interest to the United States. He should also be reminded to pay restitution to the Daewoosa American Samoa victims.
- (2) The Department of State should report to Congress the number of ODP cases without passport, the number of refugees demanded bribes by government officials, and the amount they had to pay.
- (3) The United States should expeditiously process all Priority One cases, including those under administrative detention.
- (4) Congress should extend the Davis Amendment, formerly known as the McCain Amendment, to admit children of former political prisoners, in anticipation of the re-opening of the Humanitarian Operation program.
- (5) The Department of State should initiate a special effort to seek out Amerasians being excluded from US resettlement program because of corruption.

While not exactly related to Vietnam's current policy, the following two issues are of humanitarian concern and warrant the attention of the US Congress.

Some 17,000 Amerasians, resettled under the Amerasians Homecoming Act, continue to suffer the consequences of past persecution. Denied education in Communist Vietnam for being children of American citizens, they are illiterate in their native language. Many of them have repeatedly failed the US citizenship exam. Last month Congresswoman Zoe Lofgren introduced the Amerasians Naturalization Act. I call on all members of Congress to support this legislation as it will bring justice to these victims of war, persecution, and neglect.

Finally, I call on the Administration to process the 2,000 Vietnamese former boat people in the Philippines for refugee admission, expeditiously and generously. This

will bring the 30-year Vietnamese boat people saga to a truly humane and fair closure.

Mr. SMITH. Thank you very much for your service and your testimony and for your message.

Mr. Vo Van Ai, if you could proceed.

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

Mr. AI. Thank you, Honorable Chairman and distinguished Members of Congress. Thank you for giving me here this opportunity to testify on behalf of the Unified Buddhist Church of Vietnam.

The very fact that this hearing takes place today, just as Vietnamese Prime Minister Phan Van Khai visits the United States, is a great tribute to American democracy. This could not happen in most countries around the globe and most certainly not in Vietnam.

Criticism is forbidden in Vietnam, as I have learned by experience. When I was just 13, I was arrested and tortured for engaging in the movement for independence against French colonialists, then driven into exile. I, like many others, have paid a heavy price for my democratic ideal.

Today, Premier Phan Van Khai comes to seek improved trade and security relations with the United States. Vietnam badly wants to be removed from the blacklist of CPC. Last month, the State Department signed an agreement with Vietnam to refrain from punitive action if Vietnam fulfilled its commitment to improve religious rights.

The State Department believed in Vietnam goodwill, but Vietnam is a past master in the art of deception, and Phan Van Khai is a symbol of Hanoi's broken promises. He is the man who received dissident Buddhist Patriarch Thich Huyen Quang in Hanoi in April, 2003, raising great hope of dialogue. He is also the man who, just months later, launched a most brutal clamp-down on the UBCV.

As the committee's party said in its report, Vietnam's aim is not to promote religious freedom but to increase the state management of religious affairs. Just as Vietnam is opening its economy to a free market with socialist orientation, it is aiming to create religion with socialist orientation under strictest state control.

As this hearing takes place, Vietnam is stepping up religious repression. In May, security police raided monks from Nguyen Thieu Monastery where the Patriarch Thich Huyen Quang is currently under detention. They also made a death threat against the leaders Thich Huyen Quang and Thich Quang Doe warning to execute them if they continued to criticize the Communist Party. During the celebration of Vesak, the birth of Buddha in May this year, security police harassed and terrorized Buddhists all over the country and forbade them to circulate messages by UBCV leaders.

After more than 25 years in detention, Vietnam's two most prominent Buddhist dissidents, Patriarch Thich Huyen Quang and Thich Quang Do, are still imprisoned in their monastery and are in very poor health. In February, the government intensified control on Thich Quang Do after he launched a landmark appeal for pluralism and democracy which received unprecedented support

from dissidents from all over on diverse political opinions inside and outside of Vietnam.

Mr. Chairman, I submit the full text of this letter for entry in the hearing record.

[The information referred to was not received prior to printing.]

Mr. AI. Police refuse to let foreign journalists interview Thich Quang Do during the 30 anniversary of the end of the Vietnam War in April. Thich Quang Do is held in complete isolation, and police have set up a jamming device outside his monastery which blocks all cell phones.

Hanoi is using new strategy to suppress UBCV. Over the past month, Communist Party officials have visited senior UBCV monks, promising that Vietnam will re-establish UBCV legal status on condition that Thich Quang Do and Patriarch Quang are excluded. By eliminating these two prominent dissidents from its leadership, Hanoi plans to transform the UBCV into a second state-sponsored Buddhist church, empty of its independent spirit and its commitment to democracy and human rights.

Vietnam claims credit for releasing religious prisoners, but many continue to suffer severe restrictions on their freedom. Thich Thien Minh, released in February after 26 years in prison, has received a death threat and been harassed. Just a few days ago, on June 17, a senior security official warned him that he must leave the Buddhist order.

Religious repression is inscribed in Vietnamese law. Vietnam has adopted new ordinance on belief and religions, which they claim is a sign of progress. In fact, the ordinance placed tighter controls on religious freedom, and it is totally incompatible with international human rights norm.

Particularly disturbing is the ordinance's definition on religion, an organization of people who follow rites and tenets that do not go against the nation's fine customs and traditions and national interests. Under the provision, religion can only exist if it complies with state interests. So it is a Communist state who decides which religions are legitimate and which should be banned.

I have obtained a secret Communist Party document which gives clear evidence of Hanoi's repressive policies. Published by the Institute of Public Security Science in Hanoi, with a print of 1 million copies, it gave a Communist Government plan to eliminate independent religions. An instruction manual on religious persecution, the document instructs security police how to promote Buddhism with socialist orientation.

There can be no religious freedom until the Communist party radically changes its policy and it is a true process of democratization. I call on President Bush and Congress to urge Vietnam to hold a national referendum on democracy in Vietnam.

In a recent interview in the *Washington Post*, Prime Minister Khai said: "People in Vietnam have the highest power to determine the destiny of their country." A national referendum organized under U.N. supervision would be the best way to ensure that all Vietnamese have the right to participate in determining their own destiny and shaping the political development of Vietnam. I urge the Administration to have Vietnam remain on a list of CPCs until tangible progress has been made, and set up a monitoring mecha-

nism to ensure its agreement with the State Department is respected.

As a first step, Vietnam should release Patriarch Thich Huyen Quang and Thich Quang Do and legalize the UBCV. Normal trade relations status with Vietnam should be renewed annually and not granted on a permanent basis. This gives the Congress an opportunity to seriously review Vietnam human rights and keep Vietnam under pressure to respect human rights.

Promoting human rights and democracy in Vietnam should be an integral part of United States-Vietnam relations. I warmly welcome legislation introduced by Congressman Chris Smith to support democracy promotion in Vietnam.

I urge President Bush to propose benchmarks for improvement in his talks with Prime Minister Khai. They should include releasing all religious and political prisoners, UBCV leaders, cyber-dissidents and all Montagnard Christians detained for their peaceful activities; authorizing the publication of an independent newspaper as a forum for democratic debate and the creation of a free trade union and independent NGOs.

Thank you for your attention.

[The prepared statement of Mr. Ai follows:]

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

Honorable Chairman,
Distinguished Members of Congress,

I would like to thank you for giving me this opportunity to testify on behalf of the Unified Buddhist Church of Vietnam at this important Hearing in Congress. The very fact that this Hearing takes place today, just as Vietnamese Prime Minister Phan Van Khai makes his first visit to the United States, is a great tribute to American democracy. At the same time, the voice of the rulers and those of the victims can be heard by your government and people. This could not happen in most countries around the globe—and most certainly not in Vietnam.

In Vietnam, no opposition views are tolerated, as I have learned through my own harsh experience. Arrested and tortured at the age of 13 for engaging in the resistance movement for independence from colonialism, I was driven into exile by successive political regimes. Like so many Vietnamese, I have paid a heavy price for my democratic ideals. It is therefore a great privilege to speak before Congress for all those whose voice is stifled in Vietnam.

Today, relations between the United States and Vietnam are at a crucial point. Premier Phan Van Khai comes to seek improved trade and security relations, and to achieve this, he must remove all obstacles obstructing this path. One paramount obstacle is religious freedom, notably Vietnam's designation by the State Department in September 2004 as a "country of particular concern". Vietnam is desperate to be removed from the black-list of the world's worst religious freedom violators, and has made several gestures and promises of reform. On the basis of these promises, on May 5th 2005, the State Department signed an agreement with Vietnam—the first agreement ever signed with a CPC country since the adoption of the 1998 International Religious Freedom Act—pledging to refrain from punitive actions if Vietnam fulfils its commitment to improve religious rights.

The State Department believed in Vietnam's good will. But Vietnam is a past master in the art of false pledges—indeed, Phan Van Khai himself is a symbol of the broken promises of Hanoi's regime. He is the man who received dissident Buddhist Patriarch Thich Huyen Quang for talks in Hanoi in April 2003, raising great hopes of dialogue and tolerance. He is also the man who, just months later, launched a most brutal clamp-down on the UBCV, arresting Thich Huyen Quang, Thich Quang Do and nine other Buddhist leaders in October 2003.

It was in that cynical spirit that, at the same time Hanoi's leaders signed this agreement with the United States, they cynically stepped up repression against independent religions, notably against Vietnam's largest religious community, the Buddhists, and their traditional, independent organization, the Unified Buddhist Church of Vietnam (UBCV).

These acts of religious repression—perpetrated on a daily basis by political and religious cadres of the Vietnamese Communist Party (VCP)—demonstrate that, just as Vietnam is opening its economy to a “free market with socialist orientations”, it is similarly aiming to create “religions with socialist orientations” under strict VCP control. Indeed, as the Political Report of the VCP’s Seventh Plenum in January 2003 clearly stated, the communist party’s objective is not to improve religious freedom but to “increase state management of religious affairs” in Vietnam.

A brief review of recent events reveals the ongoing persecution against the Unified Buddhist Church and other non-recognised in Vietnam today:

- In late May 2005, Security Police entered **Nguyen Thieu Monastery** in Binh Dinh, where UBCV Patriarch **Thich Huyen Quang** is currently under detention, and summoned several young monks for interrogation. The monks were separated and taken to different Police stations, where they were treated aggressively and subjected to intense psychological pressure. Security Police accused the monks of circulating Messages issued by the UBCV Patriarch Thich Huyen Quang and his Deputy Venerable Thich Quang Do on the Vesak, anniversary of Buddha’s Birth, and greeting cards with the name of the banned UBCV. They threatened to have the monks expelled from Nguyen Thieu Monastery if they did not immediately cease all contacts with the UBCV and join the State-sponsored Vietnam Buddhist Church.

These threats follow the expulsion last year of several monks from Nguyen Thieu Monastery because of their support for UBCV Patriarch Thich Huyen Quang during the government crackdown in October 2003. The monks were placed on a “black-list” of citizens forbidden to leave the country, and were unable to attend studies overseas, even though they had valid visas.
- During these interrogations, Security Police made death threats against the UBCV leadership. The monks of Nguyen Thieu monastery were warned that if Patriarch **Thich Huyen Quang** and **Thich Quang Do** continued to oppose the government and Communist Party, they would be executed.
- During the traditional celebrations of the Vesak (Buddha’s Birthday) in April and May 2005, UBCV Buddhists all over the country were harassed and prevented from holding celebrations. Venerable **Thich Duc Chon**, from Gia Lam Pagoda in Saigon was summoned by Security Police and given strict warnings not to circulate or read out to Buddhist followers the Vesak Messages by UBCV Patriarch Thich Huyen Quang and Venerable Thich Quang Do. In Danang, Venerable **Thich Thanh Quang**, Superior monk of the Giac Minh Pagoda and other members of the UBCV’s Quang Nam-Danang Provincial Board were interrogated and harassed by Security Police, who forced them to sign papers renouncing their adherence to the UBCV and ordered Thich Thanh Quang not to read out the Vesak Messages by the UBCV leaders. Thich Thanh Quang refused to comply with these orders, and Giac Minh Pagoda has been under close Police surveillance since then. UBCV Pagodas in Hue, Quang Tri, Khanh Hoa and many other provinces were subjected to a similar ban. This unlawful prohibition of circulation of the Vesak Message not only violates religious freedom, but also contravenes a centuries-old tradition in Vietnam.
- Throughout the year, Security Police and local party officials systematically disrupted UBCV gatherings and intimidated Buddhist followers. On May 23rd 2005 in Tinh Dong village, Quang Nam Province, **Nguyen Su Nen**, a leader of the UBCV Buddhist Youth Movement, was beaten and his wife harassed because he refused to let the funeral of his father, a respected Buddhist elder, be presided by monks from the State-sponsored Vietnam Buddhist Church (VBC). When he invited a UBCV senior monk to lead the prayers, local officials seized the microphone and shouted: “*The UBCV does not exist. There is only the Vietnam Buddhist Church !*”. Local Party officials completely disrupted the funeral, harassed participants and eventually forced them to disperse, warning that any “outsiders” who spent the night in the village risked immediate arrest. The following day, the local authorities came to interrogate Nguyen Su Nen, warning him that the UBCV is an “*illegal organisation*”.
- After more than 25 years under detention, UBCV Patriarch **Thich Huyen Quang** and his Deputy **Thich Quang Do** are still prisoners in the Nguyen Thieu Monastery (Binh Dinh) and the Thanh Minh Zen Monastery (Saigon) without any justification or charge. Both monks are in very poor health as a result of prolonged isolation and harsh detention conditions. In October 2003, they were arrested in a brutal government clamp-down on the UBCV

and placed under “administrative detention”. Although no formal charges were laid, Foreign Ministry spokesman Le Dung declared that they were under “*investigation for possessing State secrets*”. Thich Huyen Quang and Thich Quang Do both wrote to the government protesting their arbitrary detention and calling for the right to a fair trial, but they have received no reply.

- In February this year, **Thich Quang Do** launched a “New Year’s Letter” with a vibrant appeal to Vietnamese intellectuals from all religious and political currents to rally together in a common effort for pluralism and democracy in Vietnam. He stressed that only a peaceful process of democratisation and a multi-party system could help bring Vietnam out of poverty and repression. Thich Quang Do’s appeal received overwhelming support from prominent dissidents inside Vietnam such as Communist Party veteran Hoang Minh Chinh, writer Hoang Tien, Roman Catholic priests Father Pham Van Loi, Chan Tin, and Nguyen Huu Giai, Hoa Hao Buddhists, and writers, artists and intellectuals from all over Vietnam and the Vietnamese Diaspora (*I submit the full text of this letter for entry in the Hearing record*). Whilst many dissidents have launched democracy appeals in the past, this was the first time in Vietnam that such a proposal has won such a wide and enthusiastic consensus of support.

Hanoi responded by stepping up controls on Thich Quang Do. Security Police banned all visits to the UBCV Deputy, and set up jamming device outside the **Thanh Minh Zen Monastery**, which blocks the use of cell phones. Requests by international media correspondents (such as the German press agency DPA) to interview Thich Quang Do during the 30th Anniversary of the end of the Vietnam War in April 2005 were refused by the authorities on the grounds that Thich Quang Do was “*under investigation for possessing state secrets*”. This charge contradicts repeated statements by Vietnam that “*Thich Quang Do and Thich Huyen Quang are completely free*”.

- On **30th March 2005**, Thich Quang Do recorded a video message for the United Nations Human Rights Commission calling for international support for a peaceful process of democratisation in Vietnam. Security Police seized the tape and arrested UBCV monk **Thich Vien Phuong** who filmed the Message. Thanks to courageous Buddhist activists, an audio tape was finally smuggled out and made public at the UN Human Rights Commission in Geneva.
- To avoid US sanctions under CPC, Vietnam is enacting subtle, underhand strategies to “settle the UBCV problem”. Having failed to eliminate it by force, Hanoi is attempting to “neutralize” the UBCV by creating divisions within its leadership, and undermining the movement from within. Over the past months, Communist Party officials have discretely visited senior UBCV monks, **promising that Vietnam will re-establish the UBCV’s legal status on condition that Thich Quang Do and Patriarch Thich Huyen Quang are excluded from the process**. By eliminating these two prominent dissidents from its leadership, Hanoi plans to transform the UBCV into a “State-sponsored Buddhist Church No 2”, emptied of its independent spirit and of its commitment to democracy and human rights. The UBCV would thus retrieve its legitimate status, but be reduced to a kind of “*Buddhism with socialist orientations*”, a political tool of the Communist Party of Vietnam.
- Vietnam claims credit for releasing religious prisoners, but many suffer severe restrictions on their freedom after their release. UBCV monk **Thich Thien Minh**, released in a government amnesty on 2nd February 2005 after 26 years in re-education camp, has been subjected to constant harassments and police surveillance. “*I have exchanged my small prison for a bigger one,*” he said. In March, Thich Thien Minh received death threats from Security Police demanding he end all contact with human rights organizations, stop sending petitions overseas (including to the US Commission on International Religious Freedom). They also threatened to murder members of his family. Security agents have jammed his mobile phone and confiscated all his correspondence. Thich Thien Minh told my committee that many religious prisoners are still detained in **Z30 A Camp in Xuan Loc, Dong Nai Province**, where he spent many years of his life. Many of these prisoners are old and sick—one has gone mad from ill-treatment, others are over 80 years old, yet they are still forced to perform hard labour and deprived of medical care.

The case of **Thich Thien Minh** reveals a new aspect of Vietnam’s sophisticated methods of religious repression. Just a few days ago, on **June 17th**,

he received a visit from a senior Security agent, Lieutenant-colonel Dai, who told him he must either leave the Buddhist orders at once, or beginning his training all over again (needless to say, in the State-sponsored VBC, not the UBCV). Lieutenant-colonel Dai, who had been sent by the Communist Party to study at an Advanced School of Buddhism for three years—this is unheard of for a Communist cadre in Vietnam—said that Thich Thien Minh was no longer qualified to be a monk, because he had spent 26 years in a labour camp, and had not followed the summer retreats and meditation periods obligatory to a monk's vocation. Thich Thien Minh rejected these arguments, saying he had remained celibate in prison for 26 years and meditated whilst performing hard labour. Thien Thien Minh is currently obliged to live at his brother's home in Bac Lieu Province (southern Vietnam), since the authorities confiscated his Pagoda on his arrest in 1979. He has written two letters of complaint to the Vietnamese authorities asking them to return his pagoda, but he has never received any reply. He has not been issued with a residence permit since his release, and has to apply for a temporary permit every month. In Vietnam, the residence permit is an obligatory aspect of citizenship rights. It must be produced on every occasion (travel, studies, work, etc) and those without a permit are considered as "illegal citizens" and liable to arrest at any moment.

- Religious repression in Vietnam extends not only to Buddhists, but also to Protestants, Mennonites, Catholics, Hoa Hao Buddhists, Cao Dai and Khmer Krom Buddhists etc. Hmong Christians have been murdered. Christian Montagnards returning to Vietnam after escaping persecution in Cambodia face ill-treatment and arrest, despite Hanoi's pledge to protect their security and prohibit all retribution. In violation of the "*Memorandum of Understanding*" signed with the UN High Commissioner for Refugees, Vietnam refuses internal observers access to the Central Highlands to monitor the situation of Montagnard returnees.
- Not only religious freedom, but also basic human rights such as freedom of speech, opinion and the press are also suppressed, despite Vietnam's obligations as a state party to the UN International Covenant on Civil and Political Rights. Vietnam's 600+ newspapers are all state-controlled, and all independent expression is denied. Vietnam claims to uphold press freedom, but when it hosted the Asia-Europe (ASEM) Summit Meeting in Hanoi in October 2004, it banned the domestic and foreign press from attending the ASEM People's Forum, including a workshop on "*Democracy and the Media*". In Vietnam today, there are no free trade unions, no independent NGOs, no civil society movements, no independent judiciary. Citizens who suffer abuses have no way to seek remedy, and live in a climate of fear.
- Violations of human rights and religious freedom are not isolated phenomena, nor the result of zeal by local officials. They stem from a deliberate policy of repression orchestrated at the highest echelons of the Vietnamese Communist Party (VCP) and the state. Increasingly, on the pretext of building the rule of law, the Vietnamese government is adopting extensive legislation that codifies these repressive and arbitrary practices in order to protect the ruling VCP minority and exclude all divergent political or religious views.

Indeed, alongside its use of repression, Vietnam is **using the law** to stifle criticism and dissent. With funding from international donors, including the United States, Vietnam has embarked on a 10-year **Legal System Development Strategy**, which it is using to impose the **rule by law**—not the **rule of law**—and reinforce political control. Under Vietnam's "national security" laws, citizens may be detained under "administrative detention" without trial (Decree 31/CP); cyber-dissidents face the death penalty for "espionage" simply for circulating peaceful opposition views (Article 80 of the Vietnamese Criminal Code); peaceful protests outside public buildings may be punished by arrest (Decree 38/ND-CP, March 2005).
- Religious freedom is restricted by a whole arsenal of legislation. Most recent is the "*Ordinance on Beliefs and Religions*" (21/2004/PL-UBTVQH11), which came into effect on 15th November 2004. Vietnam claims that the Ordinance guarantees religious freedom, and is using it as a pretext to demand Vietnam's removal from the list of CPCs. In fact, this Ordinance is totally incompatible with international human rights standards, and it places tighter controls on religious freedom in Vietnam. Under the Ordinance, religious education must be subordinated to the "patriotic" dictates of the Communist Party; worship may only be carried out in approved religious establishments; it is forbidden to "abuse" religious freedom to contravene prevailing Com-

munist Party policies (article 8§2). Religious activities deemed to “violate national security . . . negatively affect the unity of the people or the nation’s fine cultural traditions” are banned (article 15).

- The “Instructions for Implementing the New Ordinance on Belief and Religions” (22/2005/ND-CP, 1st March 2005) reinforce these restrictions, strictly forbidding “abuse of the right to freedom of religious belief and religion to undermine peace, independence and national unity . . . to disseminate information against the State’s prevailing laws and policies; to sow division among the people, ethnic groups, and religions; to cause public disorder; to do harm to other people’s lives, health, dignity, honor” (Article 2).
- Particularly disturbing is the Ordinance’s definition of “religion” (“an organization of people who follow rites and tenets that do not go against the nation’s fine customs and traditions . . . and national interests”). Under these provisions, religions can only exist if they comply with state interests, so it is the communist State who decides which religions are “legitimate” and which should be banned. This is clearly the Communist Party’s interpretation, as we can see from an editorial on the official radio “Voice of Vietnam” regarding Protestantism: “Religions with legitimacy will be accepted by society and protected by law. Whereas organizations that claim to be religions but in fact lead people into darkness . . . should be called heresies . . . According to the provisions of the Ordinance on Beliefs and Religions, religions such as Degar Protestantism should not be considered as legitimate and should be outlawed”. The “Vang Chu” religion followed by ethnic communities in the North and Degar Protestantism in the Central Highlands are nothing but heretical beliefs” which “should be considered evil and unlawful, and be eliminated” (Voice of Vietnam, 10 August 2004).
- Vietnam new religious legislation aims to give a “veneer of respectability” to its religious policies. But behind this facade is a decades-old policy of repression, systematically planned and methodically implemented at all levels in Vietnam, which aims to crush all independent movements and place religions under the Communist Party’s control.
- The most conclusive evidence of Vietnam’s repressive religious policies is 602-page **Secret Communist Party document**, of which my Committee has obtained a copy that reveals a concerted and on-going campaign to eliminate all independent religious movements, in particular the Unified Buddhist Church of Vietnam.

This secret document, entitled “*On Religions and the Struggle against Activities Exploiting Religion—Internal Document for Study and Circulation in the People’s Security Services*” is published by the Institute of Public Security Science in Hanoi with a print-run of **1 million copies** (all numbered to trace back eventual “leaks”). A veritable instruction manual on religious persecution, it is distributed to “all top-level Security cadres, ranking officers, police, research cadres and instructors directly or indirectly participating in the struggle against religions”.

The document gives detailed directives on the policies and plans of the Communist Party and the Ministry of Public Security to eradicate “hostile forces and reactionaries who exploit religion”—i.e. all “non-recognized religions” that refuse Communist Party control. It orders Security Police and Party agents to ruthlessly combat all those who “seek to exploit religion as a tool of their policies of “peaceful evolution” in order to oppose our socialist regime”.

The Unified Buddhist Church of Vietnam (UBCV) is identified as a crucial actor in this plot and is accused of “advocating human rights, political pluralism and the multi-party system in order to create social instability and rebellion”. The document gives clear instructions to Party cadres and Security agents at every level to “oppose, repress, isolate and divide” UBCV leaders and members, to promote only State-sponsored “Buddhism with socialist orientations”, and to make concerted efforts to “wipe out the [UBCV] once and for all.”

The document also gives instructions to train “special agents” for infiltration into the UBCV, not only to report on UBCV activities, but also to create schisms and dissent within its ranks. The “special agents” would not only carry out intelligence activities within the UBCV in Vietnam, but would extend these activities to the Buddhist community overseas. “We urge the Politburo to coordinate activities between the VCP’s Departments of propaganda and mobilization, interior affairs, foreign affairs, religious affairs and overseas Vietnamese to work together on this policy”. By infiltrating and creating

divisions within the Buddhist community overseas, the “special agents” would seek to weaken the international pro-UBCV lobby, thus enabling the Communist Party to “*take pre-emptive action to prevent Western countries from making human rights investigations*” or seeking to “*visit dissident religious personalities*” in Vietnam.

- Vietnam is actively putting these directives into practice: several thousand “*special agents*” disguised as monks have been infiltrated into UBCV pagodas in Vietnam where they keep permanent surveillance on all the activities of the monks and followers, and several “so-called Buddhist” web-sites operated by Hanoi’s special agents publish slanderous articles against prominent UBCV leaders and supporters in the aim of stirring up public opinion against the UBCV and creating divisions between Buddhists at home and abroad.

There can be no religious freedom until these policies have been repealed, and until the VCP ceases to impose a political and ideological monopoly on the people of Vietnam. Indeed, as Venerable Thich Quang Do said in his “New Year’s Letter”, the basic prerequisites for religious freedom are pluralism and democracy, for “*the UBCV and other non-recognized religions will never be free from religious repression until a democratic process is under way*”.

Religious freedom is the key to peace and stability, especially in Asia, with its diversity of great religions such as Buddhism, Hinduism, Confucianism, Taoism, Islam . . . It is especially important in Vietnam, where religious forces, especially Buddhism, have always played an active in defending the people’s freedoms and rights. Buddhism is a religion of peace, tolerance and compassion, but it has vast human resources and is strongly committed to its people’s welfare. By repressing Buddhism and all other “non-recognized” religions, Hanoi’s leaders are crushing Vietnam’s sole civil society movements and stifling the people’s development for generations to come.

Hanoi’s promises of religious freedom are meaningless if Vietnam is not prepared to take one basic step—the **re-establishment of the UBCV’s legitimate status. This is a fundamental pre-requisite, and it is a test of Vietnam’s good will.** The UBCV must have full religious freedom, independent of the Communist Party and its “mass organizations” body, the Vietnam Fatherland Front. And needless to say, it must have the right to choose its own leaders, including Thich Huyen Quang and Thich Quang Do without any interference by the state.

CONCLUSION :

Vietnam has opened its markets with the policy of “doi moi”—economic liberalization under authoritarian control—but it remains one of the most politically closed societies in the world. It is anxious to integrate the international community, but it is trying to do this whilst maintaining its people under totalitarian control.

Prime Minister Phan Van Khai’s visit provides a crucial opportunity to insist that improved relations with the United States depend on concrete improvements in religious freedom and human rights. I urge Members of Congress to make public statements during the Prime Ministers’ visit, in order to impress upon Vietnam at every possible opportunity that the respect of human rights and religious freedoms is the foundation of US-Vietnam bilateral relations.

- I call specifically on the administration to maintain Vietnam on the list of “countries of particular concern” until tangible, measurable progress has been made, specifically the release of UBCV Patriarch Thich Huyen Quang and his Deputy Thich Quang Do, and the re-establishment of the UBCV’s legal status;
- monitoring mechanisms should be set up to assess implementation of the May 5th Agreement with the State Department to ensure that Vietnam fulfills its promises and resolves other serious concerns. The agreement be rescinded if these pledges are not effectively fulfilled;
- Normal Trade Relations’ status with Vietnam should be renewed **annually** under the terms of the Jackson-Vanick Amendment and not granted on a permanent basis. This gives an opportunity for Members of Congress to seriously review Vietnam’s human rights record keep Vietnam constantly under pressure to respect human rights.
- promoting human rights and democracy in Vietnam should be inscribed in legislation regarding the US-Vietnam trade relationship. In the absence of a “human rights clause” in the Bilateral Trade Agreement, legislation should be passed that links human rights and democracy provisions to bilateral relations. I strongly support the provisions in the State Department’s budget

authored by Congressman Chris Smith to support democracy promotion in Vietnam;

- the United States should take a stronger public stand on human rights and religious freedom in Vietnam in public forums such as the United Nations. Despite the flagrant violations of key UN human rights treaties such as the International Covenant on Civil and Political Rights to which it is a state party, Vietnam routinely escapes public condemnation.

I also call on President Bush to propose **specific benchmarks** for improvement in human rights and religious freedom in his talks with Prime Minister Phan Van Khai tomorrow and call for a true process of democratization in Vietnam. Specifically, he should urge Vietnam to :

- release all those in prison or under house arrest for their nonviolent religious and political convictions, including UBCV Patriarch Thich Huyen Quang, the Very Venerable Thich Quang Do and the nine UBCV leaders, cyber-dissidents Pham Hong Son, Nguyen Khac Toan, Nguyen Vu Binh, Pastor Nguyen Hong Quang and all Montagnard Christians detained their peaceful activities;
- re-establish the legitimate status of the banned Unified Buddhist Church of Vietnam—as a first and foremost step towards religious freedom—as well as that of other non-recognized religions. Full freedom of religious activity must be guaranteed so they can contribute to the social and spiritual welfare of the Vietnamese people;
- authorize the publication of private newspapers and media as a podium for democratic debate ; authorize the creation of independent associations such as free trade unions and non-governmental organizations to foster the emergence of a vibrant and dynamic civil society in Vietnam;
- foster development of the rule law by rescinding all legislation that restricts the exercise of human rights and religious freedom, including Decree 31/CP on “administrative detention”, Decree 38/2005/ND-CP on banning demonstrations; bring “national security” legislation into line with the Johannesburg principles and the UN International Covenant on Civil and Political Rights as recommended by the UN Human Rights Committee in July 2002; ensure that all laws adopted under the **Legal System Development Strategy** comply with international human rights standards ;
- abrogate Article 4 of the Vietnamese Constitution on the mastery of the Communist Party so that all religious and political families may equally participate in reconstructing a democratic and prosperous Vietnam;
- allow a visit by the UN Representative on Human Rights Defenders and the UN Rapporteur on Freedom of Expression, as well as follow-up visits by the UN Special Rapporteur on Religious Freedom and the UN Working Group on Arbitrary Detention to monitor the situation of human rights defenders and prisoners of conscience in Vietnam.

Mr. SMITH. Thank you very much for the detail of your testimony. It is very, very helpful.

I think one of the points you made, which I think could easily vex policymakers here in Washington, is when you pointed out—and we will get into this a little bit further—how sophisticated methods of religious repression are replacing some of the more blunt instruments that have been used in the past. And the point of settling the UBCV problem, and how they are going about it in order to garner elimination of CPC status while simultaneously using newer and more sophisticated methods of repression needs to be heard by the White House, by the State Department and by Congress. Thank you so much for that.

Mr. Nie.

**STATEMENT OF MR. Y-KHIM NIE, EXECUTIVE DIRECTOR,
MONTAGNARD HUMAN RIGHTS ORGANIZATION**

Mr. NIE. [The following testimony was delivered through an interpreter.] Thank you. My name is Alex. I will read Mr. Y-Khim Nie's statement.

Testimony of Y-Khim Nie, Montagnard Refugee in North Carolina. Committee on International Relations. Hearing on Religious Persecution, Human Rights Violation, Family Reunification, June 20, 2005.

The honorable Chris Smith, Chairman of Subcommittee on Africa, Global Human Rights and International Operations.

Ladies and gentlemen, my name is Y-Khim Nie. I am a Montagnard refugee. I fled into Cambodia in 2001 for safety and escaped because of the crackdown against our Montagnard people. I came to North Carolina on April 21, 2001. I represent all the Montagnards living in North Carolina who are trying to get their families out of Vietnam.

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

We need help from the United States Government immediately. The Vietnamese authorities have refused to issue passports for many of our Montagnard families.

On February 2003, I filled out form I-730 to sponsor my family in Vietnam.

In August 2003, I received the approval notice from INS in the United States and the U.S. Consulate in Vietnam. The local Vietnamese officials in Buon Ma Thuot called my wife to get their passports. She and her children went to the local office asking for their passport but the Vietnamese officers refused. She kept asking and the police officer did not give any reason.

On October 13, 2003, the local police arrested my wife and put her in jail because they suspected her hiding her uncle, who the police were looking for. The other reason is that the police were angry because I participated in a demonstration in 2001. After they arrested my wife, the police also arrested her uncle. The police shot him, broke his leg and put him in a big bag, beat him like animal and then sentenced him to 10 years in prison in Hanoi.

The police released my wife on October 23, 2003, after 10 days in jail. Even though they released her, my family is followed by the police every day. My wife cannot freely go to the farm, to market, even go to visit our neighborhood without permission by the police.

On March 24, 2004, my wife received a letter from David Rockey at the U.S. Consulate in Ho Chi Minh City to introduce my wife to go to the Exit Permit office in Daklak city to get her passport again. On April 8, 2004, my wife went to the local Exit Permit office to ask for the passport. However, the police said, "We cannot issue the passport to you because your husband is against our government and illegally crossed the Cambodia border to become a refugee in the United States." Another reason is because the situation

in Daklak area was not stable. The police also promised many times, tomorrow, next month. My wife went back and forth many times. Finally, she got nothing.

On December 19, 2004, the police arrested my wife again and jailed her 5 days in Buon Don District because I had called her from the U.S. and asked her about her passport. The police warned my wife not to call me and to not say anything about the passport.

On March 3, 2005, my wife, my father and my brother went to the Exit Permit office of Daklak province to ask for her passport, but the police officer said, "We are busy now, please come back on March 9, 2005. We will help you."

On March 9, 2005, my wife, father and brother went back to the office as they promised. Again, they said, "We are waiting order from our government, and you have to wait for a while and then come back."

On March 14, 2005, because my wife felt so tired, she cannot go back again. My father and my brother went back to the office. The police officer said, "Why did you come to our office every day? We have told you that we are not ready yet. You have to wait and keep waiting." Their faces were very angry.

On June 5, 2005, the police told my wife and all the families who have husbands in the U.S. that "First, if your husband sponsored your family, you have to show us all your husband's documents; second, you cannot meet and say anything to any foreigners who come to your village unless we first allow you to talk."

Mr. Chairman, we came here today to tell you the truth about the Montagnard family situation and how the Vietnamese Government treated the Montagnard people. We are treated like enemies in our homeland. We pay a high price for a life of survival, a life with no freedom. We pray that the Hanoi Government will someday have compassion and hear our voice of suffering.

Why can't we have rights to live as human beings? Why we cannot worship our Christian faith freely? Why cannot we receive humanitarian aid? Why can't we have the same opportunities in education and development as Vietnamese people can? Why cannot we get our family out of Vietnam?

The Montagnards are severely punished not for violating the law but for being indigenous people persecuted for their Christian faith and political views.

I ask the U.S. Government to bring my Montagnard family to the United States. I know that the Hanoi Government is intentionally blocking all the Montagnard wives and children from leaving Vietnam. I am sure that they have planned how to create a difficult situation for the Montagnard family, especially in Daklak province.

The Hanoi regime and the local government hate Montagnards. Human rights abuses are never-ending. It has been this way throughout the Montagnard history. We are asking the United States Government to put pressure on the Vietnamese Government. We want them to stop threatening and harming our families. We know for sure that the Hanoi Government will never allow our family to leave unless there is pressure from the United States Government.

We sincerely hope that you will hear our true voice. The United States is our hope for our families and our people in the Central

Highlands. I am here today to ask the United States Government to help our family leave Vietnam as soon as possible. The longer they stay in Vietnam, the greater the danger they will face.

Thank you for the privilege of my presentation today. God bless you, and God bless America.

[The prepared statement of Mr. Nie follows:]

PREPARED STATEMENT OF MR. Y-KHIM NIE, EXECUTIVE DIRECTOR, MONTAGNARD
HUMAN RIGHTS ORGANIZATION

The Honorable Chris Smith,
Chairman
Ladies and Gentlemen,

My name is Y-Khim Nie. I am a Montagnard refugee. I fled into Cambodia in 2001 for safety because of the crackdown against our Montagnard people. I came to North Carolina on April 21, 2001 and speak for all the Montagnards living in North Carolina who are trying to get their families out of Vietnam.

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

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On August 2003, I received the approval notice from INS in the US and the US Consulate in Vietnam. The local Vietnamese officials in Buon Ma Thuot called my wife, **H'Mri Buon Krong**, and our children to get their passports. She and our children went to the local office asking for their passports but the Vietnamese officers refused to hand them out. She kept asking and the police officers did not give any reasons for their refusal.

On October 13, 2003, the local police arrested my wife, **H'Mri Buon Krong**, and put her in jail because they suspected her for hiding her uncle, who the police were looking for. The other reason was that the police were angry because I participated in the 2001 demonstration. After they arrested my wife, the police also arrested her uncle, **Y-Hoang Buon Krong**. The police shot him, broke his leg, and put him in a big bag, beat him like an animal and then sentenced him to 10 years in prison in Hanoi.

The police released my wife, **H'Mri**, on October 23, 2003 after 10 days in jail. Even though they released her, my family was shadowed by the police every day. My wife cannot freely go to the farm, to market, or even visit our neighborhoods without permission by police.

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On December 19, 2004, the police arrested my wife again and jailed her for 5 days in Buon Don District because I had called and asked her about the passport. The police warned my wife not to call me and not to say anything about the passport.

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On March 9, 2005, my wife, my father and brother went back to the office as they promised. Again they said; **"we are waiting order from our government and you have to wait for a while and then come back."**

On March 14, 2005, because my wife felt so tired, she cannot go back again. My father and my brother went back to the office; the police officer said **"why did you come to our office every day? We have told you that we are not ready yet. You have to wait and keep waiting."** The police was angry.

On June 5, 2005, the police told my wife and all women that have husband in US that **"First**, if your husband sponsored your family, you have to show us all your husband documents. **Second**, you cannot meet and say anything to any foreigners who come to your village unless we first allow you to talk."

Mr. Chairman, we come here today to tell you the truth about the Montagnard family situation and how the Vietnamese government has treated the Montagnard people. We are treated like enemies in our homeland. We pay high price for a life of survival and a life with no freedom. We pray that the Hanoi government will someday have compassion and hear our true voice of suffering:

Why can't we have rights to live as human being? Why we cannot worship our Christian faith freely? Why can we not receive humanitarian aid? Why can we not have the same opportunities in education and development as Vietnamese people can? Why can we not get our family out of Vietnam?

The Montagnard are severely punished not for violating the law, but for being indigenous people, persecuted for their Christian faith and political views.

I ask the U.S. government to bring our Montagnard families to U.S. I know that the Hanoi government is intentionally blocking our wives and children from leaving Vietnam. I am sure that they have planned how to create a difficult situation for the Montagnard families, especially in DakLak Province.

The Hanoi regime and their local governments hate the Montagnards. Human Rights abuses are never-ending. It has been this way since 1975.

We are asking the United States government to put pressure on the Vietnamese government. We want them to stop threatening and harming our families.

We know for sure that the Hanoi government will never allow our families to leave, unless there is pressure from the United States government.

We sincerely hope that you will hear our true voice. The United States is our hope for our families and our people in the Central Highlands. I am here today to ask the United States government to help our families leave Vietnam as soon as possible. The longer they stay in Vietnam, the greater the danger they will face.

Thank you for the privilege of presenting today. May God bless you and bless America.

Mr. SMITH. Thank you for your testimony.

I think all of us who have families—and that probably is most of us if not all of us in this room—cannot begin to fathom how difficult it must be to be without your family. And I hope that President Bush, as Ms. Worden said in her statement, will use this opportunity in meeting with Prime Minister Khai, while he has to engage in a certain number of diplomatic pleasantries, will get down to business. This is a test of his call for freedom and his call for human rights all over the world.

Just because we have this robust trading relationship with Vietnam, that cannot be done absent human rights reform which have not been—they have not occurred in the way that some who pushed the bilateral trade agreement thought they would. Many of us said you can make the trains run on time, as other dictatorships have done so well in many years previous, while simultaneously repressing your people.

Our best to your family, and we hope that you will be reunited sooner rather than later.

Dr. Thang, does your view of what is happening in Vietnam comport with what Mr. Nie said? He made the point he is asking the U.S. Government to bring his Montagnard family and others as well to the United States and that the Hanoi Government is intentionally blocking all Montagnard wives and children from leaving Vietnam.

The question also arises, Jackson-Vanik speaks specifically to the right to immigrate; and to think that we would move in the opposite direction, to rendering it null and void vis-a-vis Vietnam is absurd in light of the fact that families are being precluded the opportunity to leave. Again, looking back at the Soviet Union, it was

Jackson-Vanik and the denial of the right of individuals, especially Soviet Jews, to leave that maintained our very position that Jackson-Vanik will remain in force. Because you are denying that right, the right of an exit visa to those individuals. Dr. Thang.

Mr. THANG. Yes, Mr. Chairman. I have the privilege to go down to North Carolina several times. We have a branch office in Raleigh to work with the Montagnard human rights organization down there to help with the submission of I-730, and that is the application with the CIS to bring over here family members as refugees. I can assert to the fact that Vietnam has not issued visas and passports, especially to the wives of Montagnard refugees who have settled in North Carolina.

I have had many meetings with the Department of State and to no avail. The Department of State has worked very forcefully on this issue, but there has not been any breakthrough.

I would like to point out that this is not just a limited problem, limited to the Montagnard. As mentioned to you before, we have been working with the Department of State on a number of Priority One cases. Seven cases have been accepted for refugee resettlement, and none of them have received a passport to leave Vietnam, including the pastor. He needs medical attention and care. So that is the case in Vietnam.

As a matter of fact, all of the witnesses from Vietnam who have been invited who received a letter of invitation to come here, none of them has a passport to leave Vietnam.

Ms. WORDEN. I would like to actually add, as part of this process, the United States should really turn up the heat on Cambodia. Because part of the problem has been a lot of the Montagnards are leaving and seeking refugee status in Cambodia, and Cambodia has not been honoring its obligation under the 1951 Geneva Convention relating to the status of refugees, not to return refugees to a place where their lives are under threat. We have an entire briefing paper on this.

One of the trends we have documented is that the Cambodian Government is returning people to Vietnam. Once they get there, they are hauled in by authorities. We have a number of cases of Vietnamese authorities intimidating them and their families and trying to pump them for information about the entire Montagnard community, trying to get them to turn evidence against their fellow Montagnards.

This is one case that jumped out at me. A man said, "They threatened my wife. They said, 'Your husband is a traitor because he crossed the border to Cambodia. You still work on the church committee and practice your religion. That is why we are detaining you.'"

We have seen a consistent pattern of once those who have sought refugee status are forcibly returned by Cambodia to Vietnam, they are then put under house arrest. They are detained and interrogated and lives made a living hell.

Mr. SMITH. Your point about turning people one against the other and using that tactic of intimidation was spoken about by Mr. Vo Van Ai with regards to the Buddhist church and the attempt to isolate and neutralize the UBCV by creating divisions

within its leadership, and that is seen as a more sophisticated way of trying to crush the Buddhist church.

Let me ask you, you make a point in your testimony about a document called "On Religions and the Struggle Against Activities Exploiting Religion—Internal Document for Study and Circulation in the People's Security Services." You point out 1 million copies all numbered to trace back eventual leaks. When was that document promulgated? Is it recent? Is it still being used? And could you expand upon its contents?

Mr. AI. It seems to be a directive as to how to repress. This document is really secret. It is an instruction manual for the police, for the Communist cadre who work beside the Buddhists, just to instruct them how to diminish all religion.

As you know, in Vietnam there is no opposition. All nationalist parties were destroyed by the control of the police in Vietnam. So there is no opposition. And there—only the mass of the big religion in Vietnam like Catholic, Buddhist, Protestant and so on. That is the reason why the Communist Party and the state fear the mass of the population in Vietnam. The Communist Party, they have 2½ million members; and the whole population in Vietnam is 81 million people. They are Buddhists, Catholic and so on. So this is the reason why the Communists fear so much the mass population who did not accept the regime, and they ask for the change of the democracy in Vietnam. That is the reason why I ask for a referendum, the way in order to express the aspiration of the Vietnamese population.

You know that Vietnam is using the law in order to suppress all opposition. It tries to stifle criticism and dissidents with funding from international donors. Vietnam has embarked on a 10-year legal system diplomatic strategy which it is using to impose the rule by law and not the rule of law and reinforce political control. Peaceful protests outside public buildings may be punished by CP on March this year.

So that is kind of using the law to oppress people of Vietnam in order to divide the religions in Vietnam. It is not only in Vietnam but also outside of Vietnam.

Mr. SMITH. You call this an instruction manual on religious persecution. Is this still in force today? Is this a recently published document? You say it is distributed to all top-level security cadres, ranking officers, police research cadres and instructors directly or indirectly participating, which is what you were saying a moment ago, but is it still in force today? Still being used today?

Mr. AI. Of course, the document continues to instruct the police in Vietnam in order to push down all the religions in Vietnam. That is why we try to reveal here about such a document; and that contradicts what the Prime Minister Khai declared, there is no conflict about religion in Vietnam. There is no religious prisoners in Vietnam.

Mr. SMITH. Do the other panelists concur with that, with the secret document?

Mr. THANG. I have heard of the secret document. But what I would like to point out here is that, with the official document, and that is the ordinance on religious belief and to ensuring instruction on how to implement that document, it is a move by the Viet-

namese Government to eradicate responsibility and control and accountability at the local level. It is much harder for the international community to monitor. It is very, very difficult for us out here to truly know what is happening at the ground level.

Just yesterday evening, on Sunday evening, a group of 16 Mennonites gathered at the house of an imprisoned pastor for a prayer service. The police broke in, and they took note of the names, and we don't know what happened to them afterwards.

Just this morning, I received news from Vietnam that in a province the security police moved in and surrounded the houses of all key Buddhist leaders to prevent them from joining an anniversary celebration of the founder of that church; and there was an incident of beating by the police of one of the Buddhist monks.

So things are going on at an unrelenting pace.

Mr. SMITH. If you could provide us a copy of that, and we will have it translated if it is in Vietnamese. Can we get that?

This is the first of a series of hearings on Vietnam. Our next hearing will invite the State Department, and we will ask them very specific questions in this department and the whole host of issues that you have raised. So I would appreciate it if we could get that.

Mr. AI. I did not understand about the date, but they print this document at the end of 1990. But they reprint every year, and right now I will get a copy for you.

Ms. WORDEN. The other area to press the State Department on is directives that the State Department has taken to indicate progress, that evidence from the ground suggests in fact are the opposite and particularly government directives that have, in fact, made life more difficult for Dega Protestants. The Prime Minister's own directive about forced renunciation ceremonies, which it seems now is causing more forced renunciation ceremonies, rather than fewer.

Mr. SMITH. Could you expand a little bit for the Committee what those forced renunciation ceremonies look like? And you mentioned there has been no letup in the practice in your testimony.

Ms. WORDEN. It is all part of the government's effort to turn the heat on any people who are trying to practice their religion. It is a regular feature, including it is part of a whole process that includes police interrogation, detention. It is really intended to create a climate of intimidation. And, of course, for everyone who is forced to recant, it also creates a climate of intimidation for everyone else who may fear a similar circumstance.

Mr. THANG. I would like to point out the fine print of that document. The ordinance on religious belief make it very clear that only registered religious institutions, that is, those who are registered with the government, may have the freedom to conduct a certain level of religious activities; and that would preclude and exclude, for instance, the Buddhists. They practice their religion at home, and that would exclude the house church movements like the Mennonites. So it is making life a lot more difficult for those churches.

Mr. SMITH. That clearly is a message that needs to get out.

I looked at the ordinance. We began looking at it last year, knowing it was going into effect in November, and saying this is anything but religious freedom. This is a manual for proscribing reli-

gious freedom and will lead to more intolerance, and that indeed seems to be what is happening on the ground.

Let me ask you a couple of final questions.

Again, I am glad you have raised the issue that this is a test for the President, as you pointed out in your testimony on page two, Ms. Worden. That visiting Prime Minister Khai is an important test of the Administration's willingness to press countries such as Vietnam to uphold basic rights and freedoms. The words are nice, but we need deeds, real deeds, tangible deeds. And all of you, as witnesses to the ongoing crackdown on religious liberty and human rights in Vietnam, are saying, we have not seen the deeds; and I hope that that message is broadcast by the President.

Also, Dr. Thang, you measured the HO program. We will raise that with the State Department when they make their way up here.

But also the issue of Radio Free Asia. Gwen Ha, who is the broadcaster who I hope will be broadcasting the proceedings of today's hearing, is likely to have her broadcasts jammed. What she says will get to other places that aren't jammed that Radio Free Asia is able to broadcast to, but the part of it that goes to Vietnam will be aggressively jammed.

The President should raise that as well. If it is such a friendly atmosphere now, why are these important pieces of information being denied to the people of Vietnam?

One last point I would ask our friend from Human Rights Watch. You make, as one of your calls, that the Special Rapporteur on Religious Intolerance, the U.N. Working Group on Arbitrary Detention, and the U.N. Rapporteur on Torture be invited. I would echo that and say you might want to elaborate on it.

I met with Manfred Nowak in Geneva, a very competent Rapporteur on Torture. He doesn't get to where he wants to go; and while we are pressing for U.N. reform, is that the rapporteur system, while you have good people ready to go at a moment's notice to do their work, don't get the terms of reference that they need. So when they go to places, are very often—there is a sense that there will be retaliation against those who speak out.

I think that you make a very good call that there be an engagement.

Ms. WORDEN. Just the history of the various special rapporteur's work in countries like Vietnam and countries like China and regimes that have actually had something of a political transition like Turkey. It was really the scrutiny of the practices of torture or the abuses of religious freedom that in some ways the rapporteur can open doors that are harder to shut afterwards. Even when government officials don't let them see everything that they want to see, it is often a very good first step.

The important thing, of course, is also that the rapporteur speak candidly and very frankly about what they have seen. That creates a process that usually takes time, but that, over time, when there is a frank dialogue on the abuses that are happening on the ground, there is the likelihood of progress for the future.

I would like to say, finally, that the Prime Minister's visit is a good thing. Because it has in a way helped focus America and

helped focus Washington and helped focus the business community on the human rights abuses and the conditions inside Vietnam.

The critical thing is, after the Prime Minister and his massive delegation go home, the spotlight has to be kept on Vietnam. Too many of these abuses have been happening behind the curtain a very long time. I am delighted to hear there will be future hearings. We owe it to the people of Vietnam that we keep the spotlight on the human rights situation there.

Mr. SMITH. Mr. Payne.

Mr. PAYNE. Thank you very much, all of the witnesses, for your testimony.

I wonder, Mr. Ai, in your opinion, why is it that the Unified Buddhist Church and its members are being harassed as opposed to some of the other Buddhists that are not harassed as much? Is it that you think the government wants to have a state-run Buddhist church or why?

Mr. AI. The tradition of Buddhism in Vietnam, we are engaged in the social activity for the people for 2,000 years. That is when Buddhists have been introduced into Vietnam. So since 2,000 years they struggled always for the population, for the social justice. That is the reason why they cannot keep silent before, you know, the Communist regime, which suppresses the whole population in Vietnam; and they must raise their voice for the aspiration of the population for human rights, for freedom, religious freedom and for democracy. So that is the reason why they are suppressed by the Communist Government.

Mr. PAYNE. I wonder if—Mrs. Ngo, you talked about in the past, I wonder what impact has consideration of the Vietnam Human Rights Act and Congress had on the Government of Vietnam? And in your opinion, what impact has it had on democracy advocates and dissidents? Do you think that the Vietnam Human Rights Act has put pressure on the government? I understand that the CPC agreement was announced on May 5 but is not being released yet, and I wonder if you might comment on that.

Ms. NGO. I am Vietnamese, so I know what route they take. The Vietnamese Government never voluntarily improves human rights and religious freedom in Vietnam. Because if they have human rights, maybe the higher official cannot have—get everything they want.

With the CPC, we know right now we don't get a lot of things from it. But I believe if we keep pressure—and to me, usually, the American Government, you are so nice and have never patience enough. For negotiation, we know sometimes, most of the time, the Vietnamese only want to push. When you want to work, you want to be fair, and maybe you will think you have five, they have five. But the Vietnamese is very level to negotiate. They only want—whenever you talk five, they want six. Sometimes you are impatient about it. Even you say, okay, they will give like seven.

So I can like—right now, even the Vietnam Human Rights Act passed the House twice, have not been passed in the Senate, but we really have to work hard on it. I do believe the Vietnam Human Rights Act will improve and will have religious freedom and human rights be better in Vietnam.

Mr. PAYNE. Ms. Worden, regarding the freedom of information, numerous arrests have taken place at Internet cafes of persons who have sought to talk about democracy or criticize regime. How long will the regime be able to control access to the Internet and what role can the Internet play in promoting democracy in your opinion?

Ms. WORDEN. Maybe a better question—I think there was a lot of talk several years ago about how countries like China and Vietnam could not long keep up their repressive policies when the Internet was in use. But I think such countries have actually proven rather impervious to the Internet, and one of the challenges is that repressive governments are also using new technologies for surveillance. They are using new technologies.

That is why I think we see so many Internet—we call them cyber dissidents. Human Rights Watch campaigned on our Web site about cyber dissidents. One of the reason we see so many of these, not just in Vietnam but around the world, is because the governments are using these new technologies for their old, repressive ways.

I think in particular the business community has a real interest in the free flow of information. Businesses should find it very difficult to operate in a place where they can't do due diligence. They need the free flow of financial information and political information as well.

So, as I said before, it is in the interest of the business community to push for this, but I think relying on the Internet itself to overturn a repressive government is not realistic. It is going to require a lot of external pressure, including from those companies. And let us say that Microsoft and Intel are both doing deals with the delegation while they are here. So they should—as United States companies value the free flow of information and take advantage of the free flow of information everywhere around the world, they should do everything they can to push their interlocutors in the Vietnamese Government to create more space for the public in Vietnam and for those who wish to express their views on the Web.

Mr. PAYNE. I think we can do more. I think that Vietnam is a country worth working with.

As I indicated, I had a strong interest long before getting into government as a refugee worker and Chair of a refugee committee in Europe in the sixties and seventies. The people are gentle, hard working, family centered, artistic. So rather than have sanctions to slow down or prevent development which then helps to eliminate poverty and move forward, I would hope that there is some way that we can have the business giants, as you have mentioned, in their dealings—for example, in South Africa, we had the Sullivan principles back in the eighties. That was the beginning of trying to impact on the apartheid government that companies doing business in South Africa had to have policies that were separate and different from the government. And in the north of Ireland, northern Ireland, we had the McBride principles that said Protestants that were discriminating against Catholics in northern Ireland had to abide by—it was the business sector who put it in. And the Sullivan principles dealt with business. The McBride principles dealt with business.

Even in Singapore, in Malaysia, it was a business decision that in the expansion of the economy in Malaysia in the late sixties, early seventies, the Chinese and most of the top jobs that the business community had to then make a way for ethnic Malaysians to be included in the hierarchy of the government which they had been excluded from in their own country.

So there are ways—and it has been done in the past. There are a lot of—even in the United States. It was President Kennedy in 1963 who had something called Plans for Progress where he called all of the top corporations in the United States together in 1963 and said that none of you have African Americans working with you. Why don't you open up your door and see if you can bring in people?

So I think that businesses—and businesses did in 1963, 1964— even before legislation started, companies, big insurance companies, banks that had totally excluded minorities opened up the door and found there were many, many qualified people because they were social workers or teachers or anything other than in the business community.

So I do believe that the power of the dollar and the purse strings can be very, very—it could have a very strong impact, and that is something we should follow.

Ms. WORDEN. I wanted to add, I was in Vietnam in 1992 before the lifting of the United States embargo. I visited the people in Vietnamese boat camps in Hong Kong in the 1990s, and unquestionably the general situation for ordinary Vietnamese has improved. However, human rights and a robust business relationship are not mutually exclusive. In fact, the rule of law in human rights is the ultimate foundation for the best business relationships you are going to have. So we are really encouraging people to constructively engage with the Vietnamese Government to point out that these things are in the interest of the Vietnamese Government and people and in the interest of United States companies doing business there.

Mr. PAYNE. As I indicated earlier, the Vietnamese people fought against colonial domination from the Chinese and from the French years ago. So that same spirit—when you didn't want to have imposing upon you restrictions and views from those who hampered your development should be the same spirit that they should have so their own people can be free from this government which becomes repressive at times.

Mr. SMITH. Just to clarify for the record, the Vietnam Human Rights Act would only limit foreign aid for non-humanitarian efforts. So humanitarian—whether it be HIV/AIDS recently announced, or it was recently announced by Ambassador Tobias that we would open up an HIV/AIDS program. That is totally untouched. Any kind of humanitarian assistance is totally unfettered and can continue to flow.

What we are trying to get at is, by freezing other foreign aid, which is what I would think is our prerogative, and demanding that there be demonstrable progress in human rights—and would point out as well that Vietnam continues to be a tier 2 country. In other words, it has a significant problem in human trafficking and not just in sex trafficking but also in economic trafficking. They

were the first country to be sanctioned with regards to the Trafficking Victims Protection Act of 2000, which I was the prime sponsor of; and they have refused to pay the \$3.5 million to the 321 victims of the American Samoa case, as Dr. Thang pointed out in his testimony.

We were faced with this rule of law, even when it comes to business issues, they are looking askance when it comes to that. We have focused in this Committee in the past on how miserable those slave-like conditions were for those Vietnamese nationals who were being exploited in American Samoa. To make matters even worse, the Deputy Director of Labor didn't get demoted or prosecuted; she got a raise. And that is unconscionable in my view.

When it comes to everyday trade, sweatshops are a form of human rights abuse; and, regrettably, Vietnam is engaged in that as well.

Mr. SMITH. Chairman Royce.

Mr. ROYCE. A couple of questions I wanted to ask, and one has to do with Unified Buddhist Church of Vietnam.

When I was in Vietnam, the Venerable Thich Quang Do and Le Quang Liem were telling me that what the Communist Party had done was to take the books of the Buddhist text and then rewrote them, and they were left with maybe 30 percent, 40 percent of the original text, but there were all types of things that had been taken out because the attempt was to convert the religion into a state religion by changing the meaning of religion, by changing what it was about, and, at the same time, by arresting those priests and monks and holding them in the jail. I was going to ask you the question, with regard to the Unified Buddhist Church of Vietnam, how many members of the leadership are under detention or house arrest? I don't know. Mr. Ai, if you would know.

Mr. AI. You know that since 5 or 6 years the Communist Government changed their tactic. Before they arrest many monk and Hmong and Buddhist followers, but it seems as they see the international opinion observe both human rights and religious freedom in Vietnam, then they stop to arrest or to send them before the trial, because they think that by that way they move so much the international opinion. So that is the reason why since 1997, the 31/CP was signed, that means administration detention without trial from 6 months to 2 years.

So the case of Thich Huyen Quang and Thich Quang Do, they are now detention in their pagoda, and they are not in prison. So we must see the—

Mr. ROYCE. They are in detention so that they can't speak to any of the followers or—

Mr. AI. Yes, that is right. They cannot travel. They cannot go, you know, to see people or to receive people who come—

Mr. ROYCE. Well, in the one case I saw where one had violated his detention, he did travel, and he was beaten very severely.

Mr. AI. Yes. It seems that 2 years is more difficult years.

Mr. ROYCE. Right. Right.

To what extent does the panel here agree or disagree with the thought that outside pressure has been necessary in order to secure progress and religious freedom in Vietnam? I take it there is a concurrence on that point.

Mr. THANG. Yes. Congressman Royce, we have seen evidence of pressure work, as in the case of Father Ly, for instance. He was released. He was initially sentenced to 15 years, and then it was reduced, and then he was released recently. And then another person was recently released, and thanks in no small part to your persistence. Pressure does work to some extent.

I would like to address along that line a question that the Chairman asked Commissioner Shea—

Mr. ROYCE. Before you do that, let me ask a question of Ms. Worden. That is whether or not the Bush Administration plans to restart bilateral human rights dialogue between the United States and Vietnam. That was suspended in 2002. Let me get your thoughts on that, if I could.

Ms. WORDEN. Well, I will actually try to answer both of your questions, and the short answer to your first question is yes, pressure works. It has resulted in releases of individual dissidents. But the overall trend is not good, so obviously a lot more needs to be done. But obviously keep up the pressure, and, in fact, intensify it.

To the second question, human rights—yes, restarting a human rights dialogue would be a positive step forward, but again, it has to be meaningful. This is not just meeting for the sake of meeting. There really need to be—in the long testimony that is available here, I have a very specific set of a dozen benchmarks, and these would be the top priorities for Human Rights Watch.

So really, there need to be very concrete goals set, and furthermore a timetable, because the Vietnamese Government is very good at dragging things out. So the dialogue could be going on for a very long time without actually achieving anything. So that would be—our recommendation would be you need very concrete benchmarks, and a timetable for achieving them.

Mr. ROYCE. I want to commend the Human Rights Watch organization throughout the years for your good efforts.

I wanted to ask Ms. Helen Ngo a question. That goes to the Country of Particular Concern Agreement that was struck with Vietnam and why that has not been released. That was announced back in May, I think May 5th, and we haven't seen that agreement. Do you happen to know offhand why we don't know the details on that yet?

Ms. NGO. Congressman Royce, yesterday a religious leader called me on his phone and talking to me about he feel the progress after the CPC, but he think the progress is too little, and we need more pressure in order to have the CPCs stay on for a while before everything falls.

Mr. ROYCE. Yes. And I take it if you were advising President Bush as far as issues raised with Mr. Khai, would you agree with Ms. Worden's list of—is that 13 or 15 items that I saw there, as far as the top priority to be raised with the Prime Minister?

Ms. NGO. Yes. Actually, I agree with her because I think, like, there is some benchmarks should be done before we have the relationship; to me, economic is not good enough. If there is no human rights, the money we have for Vietnam goes to the highest rank officer of the Communist, not for the people. So to me, human rights is a must.

In that country, in order to make it improve for the people, even they have a good life, I mean, food or something like that, but I think the most I talk to the people, I work there, they think freedom of speech, freedom of religion and freedom of some basic rights is the most they want. If they do have it, it can make their life better, and they will work well in order to make the country stronger and richer.

Mr. ROYCE. Thank you, Mrs. Ngo.

Maybe we could just end my questioning by asking Ms. Worden to summarize her 13 or 15 points—it is in your written testimony.

Ms. WORDEN. It is in the written testimony.

Mr. ROYCE. Go ahead and summarize those, and then we will go to Dr. Thang, because he wanted to make a point.

Ms. WORDEN. Well, they are actually quite—it is a dozen points, but they go to change in government policy to allow press freedom, and to dispense with the controls that they have over the Internet—

Mr. ROYCE. That is point number one.

Ms. WORDEN. To allow religious freedom; to cease the repression of dissidents; to stop arbitrary arrests, mistreatment and torture; to end the unfair trials; the need to release immediately all of the political and religious prisoners, hundreds of them, who are currently under arrest for peacefully expressing their religious or political views.

And I would say if you were to ask what is the most important, that is a very good place to start. Start by releasing those people who are in prison now, many of them for more than a dozen years.

Mr. ROYCE. Thank you.

Mr. PAYNE. If the gentleman would yield on that.

Mr. ROYCE. I will.

Mr. PAYNE. Ms. Worden, I assume you have the names of people, where they are. You know, one thing that worked very effectively when this government was negotiating with the PRC, that lists were given to the Government of the People's Republic of China. And to be very truthful, there was a lot of attention given to those lists, individual responses about individuals. And, in fact, many of the dissidents were released. I know Members of Congress who gave names to the government in those specific—in many cases. And so I agree with you.

And Mr. Royce's question about the dozen or so, that if we start with a series of names of specific people, hand it over to them, and then ask for a response in 30 days or something, when will they be released, that would be a very specific action.

The other thing would be, you know, better press, open up the Internet. But the specificity of those names and of people directly, I think, might be the next thing.

I yield back. Thank you, Mr. Royce.

Mr. ROYCE. I thank Mr. Payne for his point. I think it is correct, and it is a good initiative. It is one that we did deploy. I gave a list of names in China of media personalities that have been held incommunicado, and other human rights protesters who have been arrested, and brought it up with Ly Pang as well. Over time we were able to get some of those individuals released. I think it is important that we move and lay down, as you say—use the leverage

we to have to lay down a list of items that we feel this Administration should be working on as it dialogues with the Government of Vietnam.

I am going to let Dr. Thang finish the point he was making. Thank you again, Mr. Chairman.

Mr. THANG. Outside pressure, especially from the U.S., can make a difference, can be effective if it is strategic and sustained.

I would like to propose a three-step strategy right here. First of all, we need to monitor and enforce the agreement that Vietnam just concluded with the U.S. Government; for instance, submitting a list of very specific names and see whether they have released any. So those are very specific benchmarks.

Enforcement, for instance, section 604 of the International Religious Freedom Act, put ban and through the U.S. for those who commit egregious acts of religious persecution. And we should have a mechanism to monitor that and document that.

I have worked on this and slowly have collected a list of names with incidents, with evidence, pointing to their persecution of religions, and that could be traced all the way up to Mr. Phan Van Khai. And if we follow the spirit of the law, then ironically Mr. Khai should not have been issued visa to enter the U.S. today.

Mr. ROYCE. On what specifics?

Mr. THANG. For instance, there have been many petitions from persecuted victims sent to Mr. Khai directly, repeatedly. So we are pretty sure that we was aware of all those acts of his local government officials. However, he tolerated those acts of persecution. And we have petitions, and we have copies of those petitions. So that is the first part, largely enforcement.

Two is access. I totally endorse Commissioner Shea's proposal here, but it should be two ways. Not only we should send people to Vietnam and demand access to other regions like Central Highlands where people who are being detained under house arrest or temple arrest, but we should also invite those dissidents and religious leaders and human rights and democracy activists to come to the United States under U.S. exchange programs.

And third, put democracy aid instead of just non-humanitarian aid or the government aid. We should give more money to people on the ground so that they can build civil society. And the focus should be of all the freedoms we want to fight for. The freedom of association is the key because that is the foundation of civil society. Vietnam will allow people to assemble, like a crowd at a Sunday mass, for instance, as reported by several casual tourists, or even by our diplomats, as sign of open mass, but that is not true. They don't allow two persons to get together to plan and to come to action.

They didn't arrest Father Ly when he criticized the government, but they arrested him when he started to meet with other religious leaders. They didn't arrest Venerable Thich Quang Do and Thich Huyen Quang until they met and worked together on a joint plan of action. So really, the focus on freedom of association in Vietnam.

Mr. ROYCE. Thank you, sir.

Mr. SMITH. I just have two final questions, and any of my colleagues, if they have any further questions.

Dr. Thang, how many people are being kept from coming to the United States by the Government of Vietnam? And do we know how many families are separated, like Mr. Nie, who spoke earlier; is there any reporting on that?

And secondly, I would ask Vo Van Ai a question. You made a very, very incisive observation that the State Department believed in Vietnam's goodwill, and I think there is a tendency among the democracies of the world to be overly believing, and maybe another way of saying it is gullible. I have seen this, whether it be countries of repression in Africa, the Warsaw Pact nations for many years, there was this willingness to believe Nicolae Ceausescu of Romania, for example, where he had one of the worst secret police on the face of the Earth, and yet there were people in this Congress and in our State Department and in other governments and democracies around the world who swallowed his line hook, line and sinker.

We did the same with the People's Republic of China. I remember when Chi Haotian, the Defense Minister of China, came and got a 19-gun salute from the Clinton Administration. This was the man who was the operational commander at Tiananmen Square. He made the outrageous statement that nobody died in Tiananmen Square. And I quickly convened a hearing and heard from eyewitnesses, including a person from The People's Daily, who did some honest reporting and quickly got his own jail sentence for doing so, because obviously many people were bayoneted, students and democracy activists, in China. And yet he came here and thought he could get away with saying that, that nobody died in Tiananmen Square, when the obvious—CNN and others were right there on the ground covering it, as well as many eyewitnesses.

And I am very fearful, as you point out, that this week we may see a great meeting of false pledges, as you point out, that Prime Minister Khai is a symbol of broken promises; that we will have he and his entourage coming into Washington, and people will be fawning all over each other to say somehow things have changed, when back in Vietnam on the ground people are being tortured, people are being repressed, families are being separated, unwilling to be brought together, the visas, the passports not issued. So a gross caricature of the real situation on the ground will be promoted this week, with visits to the White House, visits to Congress by Prime Minister Khai.

All I want is the truth, and I know that is all you want as the loyal soldiers of human rights for many, many years, and even decades.

So my question, I guess, to all of you, how do we prevent that false image of what is going on in Vietnam from being promulgated on the American people and, by extension, upon the world? We want just the reality, the truth. That is why I scheduled this hearing for today, believing that we need to speak truth to power.

Prime Minister Khai needs to know that we know what is going on, based on the best available information. And how do we prevent others from being gullible when this entourage makes its case and Prime Minister Khai makes his case, and so that the President himself doesn't buy into the sense of the moment, rather than

speaking truth to that power that is opposite him when he meets with him?

Mr. THANG. Yes. Because of corruption and policy, the number of people who have been excluded from U.S. refugee and immigration programs can easily exceed 10,000. For instance, in my own estimate, probably around 3,000 immigrations that have left Vietnam, they cannot afford their wives to be brought over. These are cases for which family members, up to 9,000 easily, but also about 3,000 reeducation camp survivors who could not sign up with the HO program before its closure by the Clinton Administration in 1994.

Also, I am aware of several hundred cases of refugees with the Montagnard operation in North Carolina. And again, there is a smaller group of severely persecuted religious leaders and believers that I am trying to work with the State Department to bring them out under the Priority One in-country program, refugee program. So easily we are talking about 10- to maybe 15,000 people hoping for immigration from Vietnam.

Ms. WORDEN. I should say, also, that in the United States, the American people do not actually face the same press restrictions that the people of Vietnam do, and that the Prime Minister's visit may end up being an unintended education about the current human rights environment in Vietnam. Again, we are indebted to this Committee for turning the spotlight on the human rights conditions in Vietnam.

And I should say finally that I would like to make clear that releasing all of the political and religious prisoners is really just a good start. I am a big fan of John Kham, and I certainly believe that it is important to get prisoner releases, but it is also important to get the general climate for human rights in Vietnam changed as well. And that is long term, it is structural, it has to do with the rule of law, it has to do with the legal environment, it has to do with government policy.

So the opportunity to speak on a face-to-face basis with all of these leaders—and it is not just the Prime Minister, it is the entire food chain of the Vietnamese Government that is here this week—is really a great opportunity to make it clear that the American people don't just care about doing business with Vietnam, that they really care about fundamental values, the rule of law, human rights and personal liberty.

Mr. SMITH. Thank you.

Mr. Ai.

Mr. Ai. I agree totally the approach of Congressman Payne about to have a release of political and religious prisoner. But on the other hand, I do not have illusion that the Vietnamese Government will release all of these men. On occasion of Vietnamese agreement on February, they released six political prisoners. But I know exactly there were only four political prisoners, but there are two—it is not political prisoner, these are two are the Communist Asian who work for the regime. And when Thich Thien Minh, released in February after 26 years in prison, he give me 60 political and religious prisoner who are still in his camp. And in the whole Vietnam, there are hundred of hundred camp. So there are so many political prisoner.

So I would like to propose to you, Mr. Chairman, to have a test during the visit of Mr. Phan Van Khai, to give a list of—in my intervention, I gather six names—maybe we could have 10 or 12 or 20 maximum. We have a test to ask Prime Minister Phan Van Khai to release these people, from 10 to 20 name. In my intervention I gave already six name. So if we have a successful release, 6 people of 10 people, that would be a great victory during the visit of Prime Minister Phan Van Khai in Washington, DC.

Mr. PAYNE. Mr. Chairman, if the gentleman would yield, I would recommend that the names of 15 or 20 people be given to you, and that a letter be written over your and Chairman Royce and my signature that can be delivered to the Embassy. And it may be difficult to get to the Prime Minister himself, but that it can be given to him; but secondly, released to the press so that people know.

You know, if a tree falls in the middle of the woods, if there is no one there to hear it, we don't know if it made any noise. So we need to let the press know that a letter has been submitted, and have a time certain that we would like to have a response, you know, 2 weeks after he returns or 30 days after, some kind of measurable attainable goal, that it can be measured whether the goal has been reached and what the excuses are for it not being reached. And so I would—with the Chairman's concurrence, we could deliver that to the entourage.

Mr. SMITH. It is a great idea, and we will do it. Thank you, Mr. Payne.

Anybody else have anything they would like to—again, I want to thank you again for your extraordinary testimony, for your work, which is admirable, and there are so many people who benefit from it. And this Subcommittee benefits from your expertise so we can do a better job. Thank you.

The hearing is adjourned without objection.

[Whereupon, at 5:30 p.m., the Subcommittee was adjourned.]

A P P E N D I X

MATERIAL SUBMITTED FOR THE HEARING RECORD

ARTICLE 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 HUMAN RIGHTS AND INTERNATIONAL OPER-
ATIONS

Sunday, Jul. 18, 2004

Vietnam's Tribal Injustice

The Montagnards stand up to Hanoi—and, in the aftermath, many are forced to flee
their homes

BY PHIL ZABRISKIE / GIA LAI PROVINCE

Vietnam doesn't normally allow foreign journalists to visit its troubled Central Highlands: it doesn't want them to get too close to the disgruntled ethnic minorities known as the Montagnards. When journalists are allowed, as TIME was this month, they are so strictly monitored that it's hard to make contact with the local people. The Montagnards understand this all too well. In the Cu Mgar district of Dak Lak province, a middle-aged woman waves as a reporter walks past, forms an X with her two index fingers in front of her mouth, then clenches her fists and holds her wrists together, as if handcuffed. Other Montagnards grant furtive interviews but are too scared to be identified by name. "Please don't say we spoke to you, or we will be arrested," implores one. Another says tearfully: "The police told us you were coming and that we should not speak to you. They'll come to me again, but I don't care. We need help."

The Highlands have abundant coffee fields, pepper farms and rubber trees, but much of that recent prosperity has bypassed the Montagnards—French for "mountain dwellers"—who live in grievous poverty in tin-walled homes or rickety wooden stilt houses. They say their land has been encroached upon by Vietnamese migrants from the lowlands and that they have been subjected to religious persecution because many follow a form of Protestantism that isn't officially sanctioned.

These grievances have occasionally boiled over into antigovernment protests. Last Easter weekend, several thousand Montagnards gathered in Dak Lak, Gia Lai and Kon Tum provinces and clashed with waiting security forces. It was the largest show of protest in Vietnam since 2001, when similar demonstrations occurred in the same region. On this, both sides agree. On every other point, bitter disputes rage. The Communist Party of Vietnam insists that only two people died during the April clashes; Human Rights Watch, the New York City-based NGO, has recorded 10 deaths, while Amnesty International counts eight and says it "fears the final death toll is considerably higher."

In recent years, thousands of Montagnards have fled the country for Cambodia, and many were subsequently resettled in the U.S. (Some 1,000 made the journey Stateside following the 2001 protests.) Another exodus to Cambodia has now begun. TIME has met more than 160 would-be refugees trapped in wet, mosquito-infested jungles, afraid of being rounded up by Cambodian police and repatriated. They are battling hunger and illness. "We came so that the international community would help us," says a Gia Lai man in Cambodia's Ratanakiri province. But so far, no help has come. Still, says another, "It is better to die here than in Vietnam."

The Vietnamese government dismisses reports of Montagnards' fleeing as "fabrications." According to Foreign Ministry spokesman Le Dung, "There is no reason for ethnic minority people in the Central Highlands to leave their homelands." One of those "fabrications" is a 40-year-old man from Gia Lai who took part in the Easter demonstrations. Asked why he left the Highlands, he recalls: "Police, soldiers and Vietnamese people came to our village and kicked in our doors and attacked us." Now, having trekked for days, he is hiding in Ratanakiri—some 600 km from

Phnom Penh and the nearest office of the U.N. High Commissioner for Refugees. He lives beneath a small sheet of plastic with five other men in dense jungle, where torrential rainstorms are daily occurrences. In another group elsewhere in the province, an eight-year-old girl has built a miniature house out of twigs in a clearing of jungle beside the plastic sheet where she is camped with her family. She says it reminds her of home. "I am happier here," she says, "because there are no soldiers." But her father confesses, "I don't know how long we can live like this."

The presence of the Montagnards is causing controversy in Cambodia. Prime Minister Hun Sen has said they are not refugees but "illegal immigrants," and might be a rebel movement set on establishing an independent state in the Central Highlands. Cambodia's King Sihanouk, in contrast, has strongly supported the asylum seekers. "The Montagnards are deprived of their ancestral lands, their forests, their houses, their cattle," he wrote in a letter of support last week.

What exactly happened on Easter weekend in the Highlands? Hanoi says bands of organized "terrorists" armed with sticks, stones, knives and slingshots tried to converge on the provincial capitals from several different directions and attacked security forces. Dozens of protesters were injured and the government claims two were killed by rocks thrown by their own gangs. The authorities claim the clashes were organized from afar by Kok Ksor, a 60-year-old exile from the Jarai tribe who lives in South Carolina and runs the Montagnard Foundation, which tries to publicize the plight of the Montagnards. His goal, according to Hanoi, is an independent state. It says Ksor and confederates are also reconstituting F.U.L.R.O., a separatist guerrilla force disbanded in 1992. Ksor allegedly persuaded poor farmers to take part. Says Vu Quang Khuyen, police chief of Ayun Pa district in Gia Lai: "They are uneducated, lazy and easily deceived."

As evidence, the government cites confessions, separatist banners allegedly carried in the marches, and the fact that Ksor announced prior to Easter that the protests would take place. Several Montagnards, including Ksor's uncle and mother, have denounced him in the state-controlled media. Dak Lak officials screened for TIME four minutes of edited video footage in which some protesters indeed advance on riot police and militiamen, but it's impossible to tell from the fragment who started the clashes, and the rest of the tape wasn't made available. Gia Lai Governor Pham The Dung even goes so far as to compare the protesters to Iraqi insurgents. "Terrorism does not mean they have to use explosives," he says. "They could even use martial arts." Scores of people have been arrested in the Highlands, the government says. Those who then performed public self-criticisms were released, while an unknown number await trial.

In interviews arranged by local officials, government representatives and some Montagnards echoed the official accounts. But these were not supported by anyone interviewed away from oversight. Photographs obtained from a Jarai demonstrator now in Cambodia show marchers in Gia Lai carrying banners calling for land and religious rights and the removal of soldiers from villages—not for an independent state. Human Rights Watch and Amnesty International assert that the security forces initiated the fighting and incited civilians to attack the marchers, injuring hundreds. A doctor who was on duty that weekend in Dak Lak's main hospital told TIME that "many" people came in with head wounds, while other people with injuries avoided hospitals for fear of arrest. A group of 17 farmers encountered in Gia Lai and two others interviewed separately claim that a protester from their village died after being shot in the head, not by getting hit "with a very big rock," as governor Dung says. A man from the Jarai tribe says he saw the corpse of the other fatality acknowledged by the government. He says the victim appeared to have been beaten to death. The man, whose work takes him to several districts, claims knowledge of 10 deaths in Gia Lai alone.

Since Easter, security has been ratcheted up in the Highlands. Relatives of people who have fled their towns, either for the border with Cambodia or for closer hideouts, are regularly questioned by police and local officials. Some are made to take loyalty oaths, which one district leader in Dak Nong province refers to as "brotherhood ceremonies." Farmers are followed to their fields, their shopping is monitored lest they buy food for those in hiding, and security personnel are billeted in people's homes, particularly those with relatives who earlier fled to the U.S. (Highlands officials say government representatives live and labor with poor families to help them with their work.) A Jarai woman says more than 20 people from her village have been arrested since Easter for joining the demonstrations.

H'ble Ksor, Kok Ksor's mother, lives in a ramshackle stilt house in Ayun Pa district. Sounding exhausted and heartbroken, she wants to speak not of the son who went to America in 1974 and whom the government blames for all the trouble—"I barely know his face," she says—but of two other sons who have been missing since Easter. "I am very worried," she says softly. "Do you know where they are?"

As for Kok Ksor, the alleged terrorist mastermind, he is easy to find. Sitting in a Red Lobster seafood restaurant in Spartanburg, South Carolina, in early June, he hardly appears fearsome. (American authorities aren't worried about him: "Neither the Montagnard Foundation nor Mr. Ksor are included on any official U.S. government list of terrorists," says a U.S. embassy spokesman in Hanoi.) Ksor, who fought with the Americans during the Vietnam War, knows of the allegations back home and realizes that relatives in the Highlands have denounced him (under duress, he says). He admits to having been in contact with highlanders but says the organizers informed him that they planned to demonstrate nonviolently and rejected his counsel to wait till the fall. Ksor says he also suggested they call it a prayer vigil, not a protest. International attention, not an independent state, Ksor adds, was the goal. However, he didn't help his cause by claiming later that 400 people were "massacred" over the Easter weekend. This wild estimate was a gambit, he says, to force Hanoi to open the region to external observers.

Following the 2001 demonstrations, about 1,000 Montagnards were resettled in North Carolina, many of them in the city of Greensboro. (The U.S. special forces, whom the Montagnards fought alongside in Vietnam, are based there.) In some ways, these exiles could be viewed as the lucky ones. But of the eight men sitting in a modest Greensboro apartment one morning, seven still have wives in the Highlands and five have relatives in hiding there or in jail. All carry folders of papers listing the names, ages and villages of people they've been told are injured or missing. H., a 37-year-old refugee, has just got off the phone with a Highlands contact, and his eyes are red and puffy. He knows he's fortunate with his new life in North Carolina: the factory job and the cramped, two-bedroom apartment. But that doesn't help him forget the relatives he left behind. "Sometimes during breaks at work," he says, "the manager asks me what I'm doing. I tell him that I'm thinking about home. My family and my neighbors in Vietnam are afraid or in prison. How can I be happy?"

With reporting by Kevin Doyle/Ratanakiri province

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