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President Obama Must Demand Release of Prisoners of Conscience as Precondition of Visit

*Subcommittee on Africa, Global Health,
Global Human Rights, and International Organizations
Excerpts of Remarks by Rep. Chris Smith
May 10, 2016*

Among the potential partners in the Trans-Pacific Partnership (TPP), Vietnam is the only country that bans independent religious groups. The only country considered one of the world's worst violators of Internet freedom. Vietnam harbors severe child labor and forced labor violators and regularly jails and tortures those who speak out for human rights, political inclusion, or the right to practice their religion. There are over 100 prisoners of conscience in Vietnam.

Nguyen Van Dai spent four years in jail and four additional years under house arrest for defending religious freedom and calling for greater democratization in Vietnamese society. He was detained again and brutally beaten last December for continuing this work. His arbitrary detention undercuts any claim that the current Vietnamese leadership can become a trusted U.S. partner. Prior to his arrest, I had the privilege of meeting with him in Hanoi at his law office at 10 Doan Tran Nghiep in December of 2005. I was deeply impressed with his passion for truth, his defense of universally recognized human rights, his faith, his extraordinary courage, and his deep and abiding love for Vietnam.

Nguyen Van Dai's wife, Vu Minh Khanh, is with us today to speak on his behalf and for the other prisoners of conscience in Vietnam.

Her testimony is especially timely because President Obama will travel to Vietnam at the end of this month. A steady stream of State Department officials are going to Vietnam prior to

the trip. In fact, the Assistant Secretary for Democracy, Human Rights, and Labor Tom Malinowski is in Vietnam today.

The administration should not try to whitewash Vietnam's record prior to the President's trip, but must make clear and unequivocal statements in support of democracy and free speech advocates, disfavored religious and ethnic-minority groups, and human rights defenders.

The unconditional release of Nguyen Van Dai and other prisoners of conscience should be a pre-condition of the President's visit. However, if President Obama goes without any conditionality, I appeal to the President to demand the immediate and unconditional freedom of Nguyen Van Dai and the others. I also encourage the President to meet with those in Vietnam who share our interests in democracy and human rights in Vietnam. Doing so will send a clear message about U.S. interests to the vast majority of Vietnamese (66%) who were born after the Vietnam War ended.

The administration should make clear to the Communist leaders in Hanoi that the further expansion of trade and security partnerships is unacceptable until there are significant, verifiable, and irreversible improvements in human rights in Vietnam.

Unfortunately, for the past seven plus years the administration has failed to deliver such as message to victims of abuse anywhere. No tough message was delivered in Cuba, for example, despite an escalation of arrests and abuse.

The administration seems eager to proceed with lucrative trade and to lift the ban on lethal arms sales to Vietnam—with imposing any real conditions.

The administration will justify extending these generous benefits by arguing that the lifting of trade barriers and expanding diplomatic engagement with Vietnam will bring about human rights and other positive advances.

Such arguments have long been discredited—in China or most recently in Bahrain—and there is evidence such arguments failed miserably in Vietnam as well. In 2007, after the United States lifted its long-standing objection to Vietnam's membership in the World Trade Organization, Hanoi responded by launching the first of three waves of arrests that jailed more than 100 dissidents and introduced sweeping new laws restricting freedom of association, assembly and the Internet. In short, Vietnam's WTO membership allowed the Communist government free license to jail, torture and abuse.

Why would they not do so again? The Communist leaders in Hanoi will take our trade benefits and security commitments and continue repressing those seeking political reform and universal freedoms. The business of the Communist Party is staying in power and repressing those who may challenge their power. They will not embrace human rights improvements or the rule of law unless it is a condition of better relations with the U.S.

Vietnam needs the U.S. markets and security commitments much more than the U.S. needs Vietnam's markets and security cooperation. The Administration should demand additional protections for human rights, Internet freedom, and the rule of law-- as a condition of

U.S. assistance. Not doing so is shortsighted, misguided, and fails to advance long-term U.S. interests.

One way to send an important message about U.S. policy priorities is to pass the Vietnam Human Rights Act, HR 2140—which I reintroduced in this Congress and which is now awaiting further action in the House and Senate. This bill stipulates that the United States cannot increase non-humanitarian assistance to Vietnam until the President certifies that the Government of Vietnam has made substantial progress in establishing human rights protections. The American people should not have to subsidize torture or underwrite the jailing of journalists, religious leaders, labor activists, or advocates of democracy or Internet freedom.

The bipartisan Vietnam Human Rights Act will restore the right priorities to U.S. policy toward Vietnam. The Communist Party is not Vietnam's future, that future lies with Nguyen Van Dai and the many other advocates of political reform and human rights who seek our freedoms more than our trade. U.S. policy must send the unmistakable message to the Government of Vietnam that human rights improvements are fundamental to better relations, critically linked to our mutual economic and security interests, and will not be ignored or bargained away.