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Human Rights Watch:

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Subcommittee on Africa, Global Health, and  
Human Rights

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**“Examining Ongoing Human Rights Abuses in  
Vietnam”**

Thank you for the invitation to testify today. Human Rights Watch greatly appreciates the committee's interest in the human rights situation in Vietnam and we welcome your efforts today to address it. The other witnesses today have provided detailed and important information about many of Vietnam's most serious human rights problems, including the ongoing crackdowns on religious activity and the problems facing ethnic minorities. I want to add a few other topics to the discussion, specifically issues of increased attacks on political dissidents, a worsening crackdown on free expression, and worrying new facts about forced labor camps.

First, however, let me offer a comment that from our perspective, the timing for this hearing could not be more appropriate.

Two days ago, at a press conference in Cairo, Human Rights Watch's executive director, Kenneth Roth, issued our annual World Report, with chapters on over 90 countries on which we conduct research—including Vietnam. That report is now online, and I've brought copies of the Vietnam chapter, and which I wish to request be made part of the record for this hearing.

What our report says—in a nutshell—is that the state of human rights in Vietnam is very poor. In the last year, the Vietnamese government has intensified its repression of activists and dissidents and cracked down harshly on freedom of expression, association, and assembly. The victims of repression have come from across Vietnamese society: bloggers, writers, human rights defenders, land rights activists, anti-corruption campaigners, religious and democracy advocates, activists for minorities. All have been subjected to government harassment, intimidation, arrest, torture, and imprisonment.

In terms of legal actions, in 2011 Human Rights Watch recorded 33 cases in which the government prosecuted peaceful activists, and sentenced them to a total of over 180 years in prison. We're talking about people prosecuted and jailed for doing nothing more than writing a blog on-line, organizing a community association, or holding up a placard in front of a government office—all examples of exercising the basic rights to freedom of expression, association, and peaceful assembly that are guaranteed by the International Covenant on Civil and Political Rights, which, I should add, was ratified by Vietnam.

Among those convicted for their peaceful advocacy are Dr. Cu Huy Ha Vu, a prominent legal activist; and Phung Lam, Vi Duc Hoi, Nguyen Ba Dang, Pham Minh Hoang, Lu Van Bay, and Ho Thi Bich Khuong, all prominent pro-democracy advocates and human rights bloggers. The authorities arrested at least 27 other rights activists pending investigation and/or trial. In addition, we know of at least two other bloggers—Nguyen Van Hai (a.k.a. “Dieu Cay”) and Phan Thanh Hai (a.k.a. Anhasg)—have been held without trial since 2010.

The dissidents I’ve just mentioned are the people who have been brave enough to speak out, act, write, or demonstrate. It is impossible for us to document or quantify the unknown number of cases in which Vietnamese citizens keep silent, censor themselves, refrain from protest, and do nothing for fear that exercising their rights would put their lives or liberty in danger. But sitting here today I can testify that we have no doubt that many, many Vietnamese live in such a state of political inactivity, in large part because of the increasing crackdowns on those who do speak out. This environment of repression ensures that millions of Vietnamese—even those who wish simply to keep their head down, work for a living, support their family—must keep quiet in the face of unfair or incompetent governance or corruption.

And I’m not even going to launch fully into the issues of internet restrictions, a topic on which you could have an entire hearing. Suffice to say that we are seeing increasing evidence of government filtering of internet content: blogs blocked by local internet service providers, and comments critical of the government removed from news postings. Facebook is blocked in many areas—and indeed the government is growing increasingly sophisticated in its filtering. It’s not easy to block the internet—because of its very design and set up—but as China has shown, it’s possible, and it is looking increasingly like Vietnam is following the China model.

Indeed, this is one of the reasons I offer a focus here on freedom of expression, association, and assembly, which often are the avenues for the exercise of other rights. In a country like Vietnam, where no real democracy exists and courts are neither designed nor fully mandated to protect the rights of individuals against the state, the recourse of speaking out and protesting is a vital tool for raising awareness of abuses. Without this right, it is difficult to articulate complaints about the violations of other rights. Civil and political rights don’t put food on your table or a roof on your head, but they let you challenge the government and ask, for instance, why you’ve been made homeless by land confiscation—an issue the other witnesses have described.

Let me turn to that issue now. Human Rights Watch agrees that land rights issues are one of the most serious issues facing Vietnam today. Indeed, in the last year we have seen increasing problems with land confiscation by state companies, or private companies backed by the state, either entirely without compensation or without adequate compensation. This practice is especially damaging to farmers who lose their farmland and source of livelihood.

We have received reports of peaceful land rights petitioners being arrested by police and prosecuted on trumped-up criminal charges. Late last year, we received reports of two land rights activists who were arrested for “abusing democratic freedoms,” a violation of article 258 of the Vietnamese penal code.

Police brutality is another major issue. Abuse by police is endemic in Vietnam. There have been a remarkably large number of unexplained deaths in police custody, and our monitoring reveals the routine application of disproportionate police force against peaceful demonstrators and violators of minor laws. In 2011 alone, there were at least 21 deaths in police detention. In one case that came to our attention last February, a man in Hanoi was arrested for not wearing a motorcycle helmet. He was beaten in front of witnesses on the street. He ended up dead; a broken neck.

Another issue I want to flag is administrative detention. In a recent report we issued last September, *The Rehab Archipelago*—I’ve brought copies along if anyone wishes to have one—we documented serious human rights abuses in detention centers for drug users, including forced labor. Former detainees in drug-detention centers reported being forced to work in cashew processing and other forms of agricultural production, as well as garment manufacturing and other forms of manufacturing, such as making bamboo products. Importantly, these are not convicted prisoners, but persons who are either thrown into administrative detention without due process, or persons who enter voluntarily but can’t then chose to leave.

Vietnam’s government claims that forced labor, which they call “labor therapy,” is an effective form of drug treatment. There is no evidence to support this claim. On the contrary, the UN Office for Drugs and Crime issued a statement in the wake of our report noting that Vietnam’s force labor method is not an effective form of drug treatment. USAID has said the same thing.

In any case, administrative detention is not just for drug users. Cases have also been reported of Vietnamese citizens placed in administrative detention for being homeless or

engaging in prostitution. There is even a recent case of authorities using the administrative detention camps to detain dissidents. Last November, the Hanoi Municipal People's Committee ordered police to send a prominent land rights activist, Bui Thi Minh Hang, to Thanh Ha administrative detention center in Vinh Phuc province for 24 months.

Apropos of that case, I would like to submit to the hearing an image of the editorial page of the Wall Street Journal Asia Edition, from January 12, 2012, as it was delivered to subscribers in Saigon. This photograph was taken by an American businessman who lives and works in Vietnam. The op-ed at the bottom, which appears to have been blacked out with marker in each edition of the newspaper flown into Vietnam, was about the case I just mentioned.

I think the image speaks for itself. I can also offer for the record a copy of the text of the article which was blacked out.

I want to add that our recent report about the drug treatment centers revealed that some of the products produced in the facilities made their way into the supply chain of companies that sell goods abroad, including to the United States and Europe.

You may want to think about that the next time you are offered some cashews. Nuts don't have certificates of origin, like diamonds, so we can't prove specific nuts are from a particular forced labor camp in Vietnam, but it is a fact that Vietnam is the leading exporter of cashews in the world, and the United States is the biggest importer. So if you, or one of your constituents, eats 100 cashews over this year, there's a chance some of them were shelled by a forced laborer in a drug detention camp in Vietnam. I would note today that food writers have now coined a term, "blood cashews," to refer to Vietnamese cashews, and this was because we engaged in advocacy on this issue not only with the White House and State Department, but with food writers. I corresponded about this issue with Anthony Bourdain, for instance, the celebrity food writer and television personality, who travels to Vietnam from time to time.

I raise these details in order to make a point: the fact is that there is a growing global awareness today about Vietnam as a country that has a problematic human rights record. All of these facts—including internet restrictions and the blocking of Facebook—are getting more attention.

Now, what is to be done? What should the US government do to affect serious improvements on human rights in Vietnam?

There are many possible approaches. The State Department is negotiating a strategic partnership with the Vietnamese government. The US Trade Representative is negotiating with Vietnam in the context of the Trans-Pacific Free Trade Agreement. Obviously the administration has a lot of levers that it can pull and push with the Vietnamese government to register its impressions with respect to Vietnam's human rights situation. And our understanding is that the State Department and US Trade Representative are pulling and pushing those levers. Michael Posner, the chief of the State Department's Democracy, Human Rights, and Labor section, has also been a vocal critic, and during a recent US-Vietnam dialogue, he didn't pull punches. Nor has Secretary Clinton. During her recent trip with President Obama through Hawaii and onto Bali for the East Asia summit, she made clear that Vietnam's human rights problems are an impediment to reaching a better diplomatic relationship with Vietnam. Other visiting US officials—including members of Congress—have said the same thing.

But it is vitally important to not let up on the pressure. The test may come at the 11<sup>th</sup> hour, sometime in the next few years, when the State Department is finalizing its strategic partnership negotiations and the US Trade Representative is completing an agreement with the TPP nations, including Vietnam. US resolve on human rights in Vietnam must remain steady and strong.

This committee and the Vietnam caucus are important actors in clarifying and conveying these concerns to the administration. The United States has an agenda for change here: the idea is to encourage Vietnam to improve its human rights practices to enable better international relations and—with the United States in particular—increased military-to-military engagement and better trade engagement.

But there must not be a last minute change of heart. You cannot have the administration suddenly leaping to a different idea, suddenly offering a new doctrine based on faith, suddenly making the clichéd claim that Vietnam can only change gradually, organically, and that it will take time, and that change will be more likely if and when the United States engages with them.

That's the theory of change that was offered with China in 1994 when the United States granted it Most Favored Nation status, and we can see how well that worked out.

So our request to you is simple: don't let up. The administration may come to you later and offer the theory I just articulated. I imagine you'll hear it from the Trade Representative's

office first. And I'm saying to you, don't accept it. Don't take that bill of goods. Don't let the Vietnamese government move the goal posts.

Vietnam needs major reforms, and if Vietnam does not make them, Congress should tell the administration that it doesn't support any broader agreements.

Vietnam needs the United States for its strategic objectives more than the United States needs Vietnam, and that's leverage that should not be wasted.

We greatly appreciate your consideration of our recommendations.

Thank you again for allowing me to testify today.