

**PERSECUTION OF RELIGIOUS
AND INDIGENOUS COMMUNITIES
IN VIETNAM**

HEARING

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED AND THIRTEENTH CONGRESS -- SECOND SESSION

WEDNESDAY, MARCH 26, 2014

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WITNESSES

Mr. Eric P. Schwartz is Dean of the Humphrey School of Public Affairs at the University of Minnesota, a position he has held since 2011. Prior to joining the Humphrey School, he spent 25 years in senior positions at the State Department, the National Security Council, the United Nations, and the U.S. Congress, and in the NGO community. From 2009 to 2011, he was U.S. Assistant Secretary of State for Population, Refugees, and Migration. Mr. Schwartz also served as the United Nations Secretary General's Deputy Special Envoy for Tsunami Recovery from 2005 to 2007, and as Chief of Office in Geneva for the Office of the UN High Commissioner for Human Rights from 2003 to 2004. From 1993 until 2001, he was on the staff of the National Security Council, and from 1986 to 1989, he served as Washington Director of the Asia division of Human Rights Watch. He is a member of the Board of Directors of the Hebrew Immigrant Aid Society and the Jewish Community Relations Council of Minnesota and the Dakotas. Mr. Schwartz received a B.A. from Binghamton University, an M.P.A. from the Woodrow Wilson School at Princeton University, and a J.D. from New York University School of Law.

Father Phan Van Loi, 63 years old, resident of Hue City (Vietnam), was clandestinely ordained in 1981. He was imprisoned for seven years in 1981 and has been under de facto house arrest since 2001 because of his activities for human rights and democracy. A close ally of Catholic priest Nguyen Van Ly, he is founding member of the Nguyen Kim Dien Priest Group, the pro-democracy Bloc 8406 and Editor-in-Chief of the outlawed bimonthly magazine *Freedom of Speech*.

Sub-dignitary Nguyen Bach Phung, 56 years old, is a resident of Vinh Long province (Vietnam). Since 1990 she has dedicated all her time to promoting freedom of religion for all Caodaiists in light of the government's crackdown against her traditional Cao Dai religion. A leader of the Cao Dai religion and member of the Vietnam Interfaith Council, she has been constantly harassed and summoned by the police.

Attorney Yunie Hong is based in Hmong National Development's Washington, D.C. office, where she focuses on national policy issues that affect the Hmong community. Yunie has a B.A. from the University of California, Los Angeles (UCLA) and a J.D. from Berkeley Law at the University of California, Berkeley. Yunie has practiced law in both the private and nonprofit sectors, with a strong background in serving immigrant and refugee communities. Prior to her work at Hmong National Development, she spent several years as a Legal Aid attorney providing free representation to refugees and asylum seekers, as well as victims of human trafficking and domestic violence. She also engaged in policy advocacy on behalf of particularly vulnerable immigrant communities. In 2013, Yunie was selected to participate in the Community in the Capital Fellowship Program, which is administered by the National Coalition for Asian Pacific American Community Development and brings together community leaders to work on federal issues impacting Asian American and Pacific Islander (AAPI) communities. Yunie was also one

of twelve attorneys selected statewide by the California Bar Association's Board of Governors to become a 2006 Leadership Academy Scholar and participate in a leadership development program for attorneys with a vision for serving underrepresented communities.

Mr. Rong Nay was arrested on April 13, 1975 and became a prisoner of the war led by the North Vietnamese communists. On January 16, 1976, he and four other Montagnards escaped from prison, fled into the jungle, and joined the Montagnard Liberation Front in the Central Highlands of Vietnam (Front de Liberation des Hauts-Plateaux Montagnard (FLHPM)). In 1977, he became an Assistant Commander of the Montagnard Resistance Forces in the jungles of Vietnam, Cambodia and Thailand. On November 23, 1986, Mr. Nay came to the U.S. and reunited with his wife and four children on January 14, 1994 – a reunion after 19 years being apart since the war in Vietnam. On September 24, 1998, he became the Executive Director of Montagnard Human Rights Organization (MHRO), based in Raleigh, North Carolina. The focus of MHRO is to promote human rights and religious freedom for the Montagnard people. The Montagnard indigenous peoples continue to advocate with the United Nations, the U.S. and international community and cooperate with other indigenous peoples of Vietnam, including the Khmer Krom and the Cham, for the right of self-determination for indigenous peoples in Vietnam.

**HEARING ON THE PERSECUTION OF RELIGIOUS
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WEDNESDAY, MARCH 26, 2014

U.S. HOUSE OF REPRESENTATIVES
TOM LANTOS HUMAN RIGHTS COMMISSION
WASHINGTON, D.C.

The commission met, pursuant to call, at 2:00 p.m., in Room HVC-210, U.S. Capitol Building, Hon. Frank R. Wolf, Co-chairman of the commission, presiding.

Mr. WOLF. Good afternoon to everyone. I want to announce there won't be as many members here at the outset because there is a vote going to go on. I am going to miss the votes because I want--I know many of you have come from far away.

And I want to thank all the witnesses--I want to thank my staff, Elyse and Elise from my staff who have done a great job, and my other staff members here. And I want to thank the Vietnamese community for their efforts to really, you know, make a difference. So hopefully this can be the beginning of where we just do dramatic things to change what is taking place in Vietnam. And, lastly, I also want to thank all the witnesses that we have.

I am pleased to join others in the Vietnamese-American community who have journeyed to Washington from across the country for this hearing on the persecution of religious and indigenous communities in Vietnam and related advocacy activities. I want to thank also former Congressman Joseph Cao and Dr. Thang Nguyen with Boat People SOS for their faithful and passionate advocacy work to promote human rights for the people in Vietnam and for their efforts to engage the broader Vietnamese diaspora community. We owe a great debt of gratitude to them.

I understand some of the audience have traveled from as far away as Canada and Europe. Is that--who is from Canada?

[Show of hands]

Okay. Great. Who is from Europe?

[Show of hands]

Wow. That is impressive. This is a testament, I think, to your deep concern about the ongoing abuses of human rights and religious freedom in Vietnam.

The recent United Nations Universal Periodic Review found that the Vietnamese government continues to harass and detain those who attempt to exercise universal rights and freedoms, such as the freedom of expression and freedom of association. The Vietnamese

government strictly regulates and monitors the activities of religious organizations while cracking down on churches that are not registered.

Similarly, the U.S. Commission on International Religious Freedom's 2013 annual report showed that the Vietnamese government continues to imprison individuals for conducting religious activities. The Vietnamese government uses a specialized religious police force and national security laws to suppress independent religious activities.

Furthermore, the Vietnamese government aims to halt the growth of Protestantism and Catholicism within the ethnic minority groups through discrimination, intimidation, violence, and forced renunciation of their faith. The U.S. Department of State, against the repeated recommendations of the U.S. Commission on International Religious Freedom and Congress, removed Vietnam from the list of countries of particular concern in 2006.

Given the systematic, ongoing, and egregious violations of human rights and religious freedom in Vietnam, as we will undoubtedly hear today, the Department's decision--and let me make it clear, both in the previous administration and this administration--to remove Vietnam's designation is a mistake. In fact, the Obama administration issued CPC designations only once during the first term, and the critical post of Ambassador-at-Large remains unfulfilled. Maybe Mr. Schwartz would like to take that job.

Today I am pleased that we will hear from you, sir, about the true state of religious freedom in Vietnam. In addition to you, sir, I would like to thank our other witnesses for joining us today, two in person and two from afar. The testimony will greatly inform this hearing.

For the first time, a commission hearing will include witnesses testifying directly from Vietnam. I would like to thank these individuals for their great courage and willingness to provide firsthand accounts of the current situation in Vietnam. We understand that one of the witnesses--her house has been now surrounded, as we now speak here, by the police.

While I am looking forward to hearing these bold voices, I would also like to ask everyone to be patient should any technical difficulty or any other problems arise during their testimonies. I also think it is important to note that I intend to send a letter to Ambassador Shear in Vietnam urging him to meet with these two courageous individuals, hear their stories, and closely monitor their situation in the days and weeks following the hearing thereby making it clear to the government of Vietnam that the safety and well-being of these religious leaders is of paramount concern to the Congress and to the United States government.

As today's hearing unfolds, it is my hope that tangible recommendations will emerge for ways in which the U.S. government can better advocate for and champion religious freedom and related human rights in Vietnam. There are obvious steps that can be taken--filling the post of Ambassador-at-Large for International Religious Freedom and redesignating Vietnam as a CPC country.

And I think there are some names circulating. One name that I have heard--I will not say it because sometimes that is not a good thing to do--but is an outstanding appointment, but we hope that what I have heard takes place. But there is much more that can be done and must be done.

Religious freedom, America's first freedom, in fact is--we should make religious freedom, not just in Vietnam but in China, in Syria, in Iraq, in Afghanistan, in Egypt, it should be the human rights issue of our time. It should be--no candidate running for office, whether as a Republican or Democrat, ought to be able to go anywhere--anywhere without being quizzed and asked.

No Congressman, R or D--R stands for Republican, D for Democrat--ought to be able to go anywhere--anywhere in the 2014 elections, and certainly by the 2016 elections, without saying what their position is. How are they going to deal with these issues? How are they going to deal with anti-Semitism? How are they going to deal with the issue with regard to Vietnam? What are they going to do with regard to China? What are they going to do?

Every person running for office--and so it is my hope that we can literally make this issue the human rights issue of our time--religious freedom, America's first freedom. It must be a cornerstone of U.S. foreign policy and not relegated to the back burner as has been done sometimes in previous administrations.

Our first witness is Mr. Eric Schwartz, Dean of the Humphrey School of Public Affairs at the University of Minnesota. He has had a distinguished career prior to joining the Humphrey School. He spent 25 years in senior positions at the State Department, the National Security Council, the United Nations, and the U.S. Congress, and in the NGO community.

From 2009 to 2011, he was U.S. Assistant Secretary of State for Population, Refugees, and Migration. From 1986 to 1989, he served as Washington Director of the Asia Division of Human Rights Watch. He is a member of the Board of Directors of the Hebrew Immigrant Aid Society and the Jewish Community Relations Council of Minnesota and the Dakotas.

The second--we can wait. I will introduce the second, but why don't we just go with that.

Sir, thank you for coming. Mr. Schwartz, we are very, very grateful for you to come in.

STATEMENT OF MR. ERIC P. SCHWARTZ

Mr. SCHWARTZ. Thank you very much, Mr. Chairman, for holding this hearing today, and for inviting me to testify on behalf of the U.S. Commission on International Religious Freedom. I will speak for five or six minutes, but I ask that my written statement be submitted--

Mr. WOLF. Without objection, it will be.

Mr. SCHWARTZ. --for the record. It is a pleasure for me to be here today. As I indicated in my written testimony, I have worked on human rights and humanitarian issues for some 30 years in the human rights community at the National Security Council and the White House, at the State Department, at the United Nations.

But my first major writing project as a human rights advocate back in the mid-1980s, well before probably most of your staff were born, was on human rights in Vietnam. And I have

dealt with humanitarian issues, refugee issues, and human rights issues in Vietnam at many points in my own career, especially while on Capitol Hill and at the White House.

I also want to recognize the witnesses appearing after me, especially Father Phan Van Loi and Ms. Nguyen Bach Phung, who are testifying from Vietnam. Their accounts will no doubt--will underscore the imperative of religious freedom and other rights, the rights of people to think as they please, believe or not believe as their conscience so dictates, and live out their lives and beliefs openly, peacefully, and without fear.

The U.S. Commission on International Religious Freedom previously has testified on Vietnam, each time hoping to report that there has been overall progress. I regret that I can't report such progress today, given continued limitations in Vietnam on religious freedom, on privacy rights, on freedom of assembly, association, and freedom of movement.

The government of Vietnam controls each religious community through law and administrative oversight, severely restricts independent practice of religion, represses individuals and groups it views as challenging its authority, and imprisons dozens for religious activity or advocacy on behalf of religious freedom.

These and other issues--these prisoners of conscience are included in the Lantos Commission's Defending Freedoms Project on which the U.S. Commission on International Religious Freedom and Amnesty International, USA are proud to collaborate and are noted in my written testimony.

Vietnam's government uses a specialized religious police force, Cong An Ton Giao, and a vague national security--vague national security laws to suppress independent Buddhist, Protestant, Hoa Hao, and Cao Dai activities, and has aggressively opposed the growth of adherence to the Protestant and Catholic faiths among ethnic minorities through discrimination, violence, and forced renunciation of faith.

Religious believers and religious freedom activists continue to be jailed, police forcibly close the venues of independent religious groups, legal protections for religious groups are subject to arbitrary or discriminatory interpretation, and ethnic minority converts to Protestantism and Catholicism face discrimination, intimidation, and pressure to renounce their faith.

Now, Vietnam did make some important and encouraging changes in the last decade, but they do stand in stark contrast to today's violations. We believe these developments, the encouraging ones, resulted in some measure from U.S. diplomatic efforts following Washington's designation of Vietnam from 2004 to 2006 as a country of particular concern for systematic, ongoing, and egregious violations of religious freedom.

And I think I should emphasize that this designation appears not to have disrupted productive diplomatic progress on other issues in the U.S.-Vietnam relationship. In fact, it arguably created another opportunity for engagement and dialogue.

So what do we think the United States should be doing? Given Vietnam's record, we should link of course expanded relations with improved human rights and religious freedom conditions. Human rights should be perceived--should be pursued at each level of the relationship, including in the context of new military and trade agreements that are being negotiated.

In its 2013 annual report, our Commission urged that Vietnam be designated as a country of particular concern. And given current conditions, it is hard to imagine a different recommendation in this year's forthcoming report.

The Commission also recommends the following--continue to highlight the issue of religious and other prisoners of conscience in Vietnam, augment new funds appropriated to expand bilateral economic or security relations. We should also provide new funding for efforts to encourage human rights and religious freedom and urge that funding from the State Department's Human Rights and Democracy Fund be set aside for new programming in these areas.

Members of Congress should support the Vietnam Human Rights Act, H.R. 1897, and the companion bill, S. 1649, and the Fostering of Rights Through Economic Engagement in Vietnam Act, H.R. 1682.

Now, our Commission has also supported measures that would impose sanctions on individual rights abusers, and we note that this is the approach reflected in the Vietnam Human Rights Sanctions Act, H.R. 4254. Congress and the administration have acted in this kind of manner, these individual sanctions, to good effect in other parts of the world.

Congress should work with the administration to encourage the accessibility of our refugee resettlements programs, in particular Priority 1 category, a category generally used for admission of cases of compelling concern to accept refugees facing a well-founded fear of persecution. And Congress, of course, should continue active oversight of the U.S.-Vietnam human rights dialogue by holding hearings on the State Department's progress report on the trajectory and outcomes of bilateral human rights discussions.

So, in conclusion, our concerns or the Commission's concerns about religious freedom in Vietnam are embodied by the plight of Father Nguyen Van Ly, a prisoner of conscience whom Congressman Chris Smith has adopted as part of the Defending Freedoms Project.

Father Ly has been jailed for more than 20 years for defending religious freedom, democracy, and human rights. I have got a couple of pictures of Father Ly at his trial in 2007, I believe it was, and it--a trial at which his efforts to express his own views were suppressed. And prisoners of conscience, like Father Ly, and the laws and policies that put them in prison, belong in any discussion of the evolving U.S.-Vietnam relationship. As Vietnam continues to develop economically, it must protect human rights, human dignity, including freedom of religion.

Thank you.

Mr. WOLF. Well, thank you very much for your testimony. We have some questions. I wanted to ask you--one that kept triggering, though, when you were speaking, Chris Smith has

passed the Vietnam Human Rights Act I think twice. It stopped in the Senate. I mean--and believe me, when I make any criticism today, I am going to be as equally critical of the Bush administration as the previous or upcoming, current administration. It has been blocked.

Actually, it was blocked by Senator Kerry and blocked by Senator McCain, both good people. I mean, I don't have any right to question their integrity. They are both good people. I know one very well; the other one I respect. I respect them both.

If that bill were to pass the Senate and be signed by the President, Father Ly would be out. He would be out. And the CPC, if they designated them CPC, they would panic. I mean, the way--what we need, and that is what I am going to ask you because of your background and experience--we need a Scoop Jackson-Ronald Reagan approach on something like this to Vietnam. What do you think it will take to sort of get the Bush administration--because they were not excited about this either.

You can remember the one picture of Bush who had his picture taken by the Ho Chi Minh statue. If you saw that, you may not remember that--it was in the paper--or this administration. The current Ambassador I think has been a failure--may be a close friend of yours, you may not want to comment on his successes or failures, but I would say I think he has been a disaster.

What does it really take--tell this community what it would really take, because if CPC and Chris' bill passed, the Vietnamese government would get the message fast. If you recall--do you remember Ambassador Shifter?

Mr. SCHWARTZ. Sure.

Mr. WOLF. Ambassador Shifter could--I mean, what they did in the '80s and '90s broke open--I mean, Sharansky would tell you his life got better, and so when people in the West advocate it, what would--not so much to me, but to the Vietnamese community here that is listening, what should they do to make this for them, and for us, you know, one of the major human rights issues for our time?

Mr. SCHWARTZ. Well, I am glad you asked me an easy question. Obviously, that is not an easy question.

Mr. WOLF. Well, you should have--

Mr. SCHWARTZ. Let me answer your question in three parts. First, when I started my career, I cut my professional teeth in the human rights community. And the fact of the matter is that the work of advocates is critically important. It is important outside of government, and it is important within government.

And efforts to publicly demonstrate the gravity of abuses are critical. The shaming process is absolutely essential for progress on human rights generally and religious freedom in particular. And even if it wasn't essential--and it is--even if it weren't, but it is in terms of encouraging progress, because no government wants to be perceived as a violator of human rights.

And most governments in the world today understand that they must give lip service and more to respecting the rights of their people. That was the experience I think, the positive experience, in the dialogue between the United States and Vietnam between 2004 and 2006. So shaming is very important.

But even if it weren't, publicly advocating for human rights is critically important because it keeps faith with millions--thousands, hundreds of thousands, even millions of people, who--you know, who hear that advocacy, and it gives them cause for hope. So in terms of, you know, what do people--what can people do, you need to continue to play that role and hold hearings like this.

So now to your specific question on the legislation, first, I have no doubt that this administration and the prior administration both, you know, had a couple of imperatives in the relationship with Vietnam. Number one is the importance of sustaining engagement, influence, and building a positive dialogue and cooperative relations with a country of 90 million people in southeast Asia with an economy that is growing with great rapidity, and in which we have a long and quite complicated history. And I celebrate all of those objectives.

At the same time, I think both administrations have taken the human rights dialogue with a great degree of seriousness. So why does the Commission--why does the Commission, you know, take the position--why have we taken the position, in contrast to the administration, that a CPC designation is appropriate? Because this designation is part of a truth-telling process. It is part of a process in which we are obliged under the law to make a determination and to be involved in a factual description of the situation.

The CPC designation, as does the Smith legislation, gives any administration an enormous amount of flexibility to determine what to do with those designations. But it seems to me that fundamental to the integrity of our human rights policy is our capacity and our willingness to call it as we see it. Right? That is the first step, and I think that kind of action has a very important impact.

Then, in terms of what kind of diplomatic measures we are going to take pursuant to a CPC designation, pursuant to enactment of legislation like that, that is a different question and often a complicated one. But to--in my view, to its credit, the Smith legislation takes into account those diplomatic factors and gives the administration a great deal of flexibility.

So I think the reason the Commission has expressed support for both the CPC designation and legislation like this is because it is a fundamental, you know, part of this truth-telling exercise, and, frankly, it is also a fundamental part of who we are.

Mr. WOLF. Well, I agree. I guess the question I have is, how do we--you know, who is the Jackson or and who is the Vanik? Who is the Senator Jackson? Who is the Ronald Reagan? And I think--you know, I just had the Vietnamese community--this has to literally become--the model is what Senator Jackson did. And if you recall--I don't know when you came to town--but when Secretary Schultz used to go over to Russia, he would meet with the refuseniks.

He would meet with their families in the Embassy. That is not going to happen now, but he would meet with their families in the Embassy, or he would even go to--up five stairs, floors, and go in and have a cup of tea with him, to be with them. And I think that the failure is--and I would say, if anything comes out--the Vietnamese community literally should learn from the Jewish community in the '70s and the '80s. I mean, you need people like Scoop Jackson, who is a Democrat--and this is not a political R or D--and you need people like Reagan.

And I think--so that is really what you are going to have to do, and I believe--you know, I appreciate what the Commission, you know, has said and what the Commission has done. But I think when I see Chris Smith, who probably has three Vietnamese in his district, who worked so hard to get this passed, and then I see a Republican Senator and a Democratic Senator blocking it--

Mr. SCHWARTZ. Well, if I can say one other thing, the other advantage of having a much--an assertive policy on human rights, and a willingness to raise these issues publicly, consistently, forthrightly, in ways that often create a fair amount of discomfort.

The advantage of doing that, you know, on a repeated basis, in addition to moving the ball forward, in addition to keeping faith with those who are suffering, it also communicates to other governments that this is going to be a regular part of our interactions, of our diplomatic relations, of our public diplomacy.

So when you actually do it the prospect of doing it becomes less daunting because other governments, in terms of the potential risk in bilateral relations, because other governments understand that this is something we are going to do, you know, time and again in a consistent--on a consistent basis as a regular part of our diplomatic interactions.

That becomes the norm, and it is an important norm. And I think advocates within government, and advocates outside of government, have to continue to push on that as the Commission on International Religious Freedom does and is doing.

Mr. WOLF. Yes. Well, I think you are right. Sharansky has told me that his life got better when people advocated for him when he was in the gulag. And I am not going to ask, but is *The Washington Post* here? Is *The New York Times* here? Is *The Chicago Tribune* here? Is *The L.A. Times* here? And I think literally this has to become--these issues have to become, you know, the human rights issues that--so, anyway, the last--one other question I wanted to ask you. What do you think members of Congress can do?

Mr. SCHWARTZ. Well, I think there are a number of actions. First, as I said in my testimony, it is hard to imagine that the Commission on International Religious Freedom would not make a recommendation on behalf of a designation of Vietnam as a country of particular concern. And I think that congressional support, you know, for that, advocacy for that, to me seems to make a lot of sense, and that is one thing members of Congress can do.

You can also support the Vietnam Human Rights Act and the Fostering Rights Through Economic Engagement in Vietnam Act. Both of those measures I emphasize, you know, don't dictate exactly what the administration--what the President needs to do diplomatically, but they

do send a very, very strong message. So I would argue that that legislation doesn't tie the administration's hand but creates opportunities for progress on human rights.

I have already--I have mentioned the Human Rights Sanctions Act as well, which the Commission in the past has supported that kind of individual, targeted sanctions measure, and it has been used by the Congress and the administration to great effect in other parts of the world. So those are three pieces of legislation.

I think the Congress should continue to exercise its--to work with the administration to encourage a readiness to use authority to accept refugees facing a well-founded fear of persecution in this so-called--not so-called but in this Priority 1 category, which is a category in our refugee law that is used in large measure for cases of compelling protection concern, both for those who have escaped to other countries in the region and others who might still be in Vietnam.

And we should continue active oversight of the U.S.-Vietnam human rights dialogue by holding hearings on progress and outcomes on the bilateral discussions on human rights. This requirement was in P.L. 107-228, the Foreign Relations Authorization Act of 2003, and the next dialogue is scheduled to take place in the late spring or early summer.

Finally, I would say we should continue to highlight religious prisoners of conscience through participation in the Defending Freedoms Project and raise issues of religious freedom and prisoners of conscience when meeting with Vietnamese officials in Vietnam, in the United States, and elsewhere.

Let me make one other point. Let me go back to this Priority 1 issue and cases of compelling concern. The way that process normally works is that urgent cases are referred to the United Nations High Commissioner for Refugees. And I think it is worth discussing with the administration ways in which the non-governmental community can play a more significant role in that referral process. And that is a conversation that I would certainly welcome being part of, given my past role as Assistant Secretary for Population, Refugees, and Migration.

Mr. WOLF. Thank you. I wish you weren't at the Humphrey School. I wish you were in the State Department now, but that's another story. But thank you very much for your testimony. I appreciate it.

Mr. SCHWARTZ. Thank you for having me.

Mr. WOLF. This group is composed of a Catholic priest who speaks out for social justice, who was a prisoner of conscience serving seven years in prison and currently is the Chief Editor of the electronic journal titled *Freedom of Speech*. Recently, he co-founded the Association of Vietnamese Former Prisoners of Conscience.

Next will be Sub-dignitary Nguyen Bach Phung, clergy member of the Cao Dai religious sect that is independent from the Religious Governance Council set up by the Vietnamese government. I believe she is the one who has been surrounded--her house by the police. She has led the Cao Dai followers in resisting a takeover of the sect by the Governance Council and has, therefore, been harassed constantly by the authorities. She has filed several reports of abuse by

the government to different United Nations agencies, and we hope--is there anybody here from the State Department? Nobody from the State Department is here?

Would you, when you go back, call the Ambassador and tell him that one of the witnesses who we were going to have, her house was surrounded, and if he could go visit her or bring her in so that he sends a message to the Vietnamese government that we care, we care, that our government cares? And if you could also talk to the father to make sure that he is protected?

Okay. Thank you very much.

Next will be Attorney Yunie Hong, in charge of advocacy at the National Hmong Development based in Washington, D.C. She tracks the situation among Christians in Vietnam and those seeking asylum in Thailand. She has spoken out against the Vietnam persecution among Christians. Attorney Hong was previously an asylum lawyer with Legal Aid Foundation out of Los Angeles. We welcome you.

Last, Mr. Rong Nay, Executive Director of the Montagnard Human Rights Organization based in North Carolina. In 1976, he made a daring escape--I read about it; they should make a movie about it--from one of Vietnam's reeducation camps and stayed in hiding in the jungle for over 11 years--11 years--before reaching Cambodia. He has been a leader among the Montagnard community in the U.S. and a consistent advocate for human rights and religious freedom in this community.

First, we will go--can we get the Father? Father?

STATEMENT OF FATHER PHAN VAN LOI [Statement delivered through an interpreter]

Father LOI. Distinguished members, ladies and gentlemen, first, I would like to apologize for not being present in person because the government has placed me under surveillance and restricted my movement, especially in the past 10 years. So, first, accept my apology for not being present with you today.

On occasion, the Tom Lantos Human Rights Commission organizes hearing on the role of religious organizations in building the civil society in Vietnam, I would like to offer a brief testimony as follows. First, the variable factors of Catholic organizations in building several society. The Catholic church, with its existing structure in the form of dioceses, parishes, religious committee, and different committees, can play favorable roles and beneficial role in building society and country.

Before 1975, in the south of Vietnam, there existed mainly organizations such as Catholic Scouts, Catholic Student and Youth Movement, Catholic Youth Workers, charity organizations such as Caritas, social organizations such as Movement on Justice and Peace, Movement Against Corruption, Committee on Improving Present Conditions.

Second issue is current restriction and difficulties that these organizations are facing in the works on religion and mission to serve society. After 1975, that is after the Communist Party

took over the government in the south and built an atheist, dictatorial, totalitarian government, all of the above social organizations stopped functioning.

There remain only operational structure internal to dioceses, parishes, religious orders, but they have always been spied on and interfered with in their functions. Mainly bishops, priests, religious and lay people were imprisoned. At the present time, a few social organizations try to recover and work quietly, for example, Catholic Scouts, Caritas Charity, Committee on Justice and Peace.

A number of Catholic religious leaders organized a group called Nguyen Kim Dien Priests Group to combat for religious freedom, democracy, and human rights since 2001, and some participate in the Vietnam Interfaith Council.

These civil society organizations are active in both theory and in practice. In theory, the Conference of Catholic Bishops of Vietnam sends recommendation letters to the government, petitions to the Prime Minister and Central Committee on Religious Affairs, opens letters to legislative offices, viewpoints on certain social issues, and, most recently, viewpoints about the state of Vietnam's society and recommended abandonments to the Vietnamese constitution.

The Committee on Justice and Peace organized teaching sessions for the faithful on Catholic social doctrines, researches on political, economic, social, human rights issues in Vietnam, and occasionally voices against injustice in society.

The group has published more than 100 writings on religious freedom, democracy, and human rights. Different interfaith councils have issued statements on the policy of the Communist government towards religions, called for democracy for Vietnam, and commenced on amending the constitution on the Ordinance on Religion and Belief and on human rights violation.

Furthermore, the Human Life Protection Group in the Diocese of Vinh, the Catholic Media Group, and the Justice and Peace Office of the Religious Order, all three have had many activities relating to the media and society.

However, all those statements and activities never receive a serious response from the government of Vietnam. On the contrary, the government created more difficulties and obstacles. For example, Archbishop Ngo Quang Kiet was removed from the Archdiocese of Hanoi. Bishop Hoang Duc Oanh was harassed. The redemptions community has always been spied on and prohibited in activities. Many priests and lay people are imprisoned for speaking out for justice and truth.

In the meantime, many practical activities of the Catholic church are limited or forbidden by the Ordinance on Religion and Belief, and the decree on the ordinance implementation. These two documents aim to prohibit and limit five aspects or elements of religious activities; namely, legal status, personnel, activities, properties, and international relationship. That means up to this point religion and religious organizations are not recognized as legal entities.

Leadership personnel has always been controlled by the government from recruitment activities, formation, ordination, and assignment. All purely religious activities and social

services must have the permission of the government, are restricted and prohibited from extending their influence to the outside society.

Properties of the Catholic church have been increasingly confiscated. Land can only be used but not owned by the church. International relationship of the church and the travel abroad of the church members and clergy members are restricted, are strictly controlled by the government, sometime prohibited. As a result, it is difficult for faith-based civil society organizations to function.

Additionally, the government created several society organizations--namely, the Committee for Solidarity of Vietnamese Catholics, a member of the Fatherland Front--to manipulate the internal affairs of the Catholic church and deceive outside world.

With regard to their religions, the government has created the state-controlled churches side by side the orthodox and traditional churches. These state-controlled churches are directed by the government with the purpose of manipulating and dividing the traditional churches. These state-controlled churches also participate in the Fatherland Front, serving as peripheral entities of the Communist Party. The Fatherland Front consists of synthetic civil society organizations.

The third point is on the intentions for implementation over 12 months to change the current conditions. Religious leaders, including many Catholic priests who gathered on May 1, 2013, under the Vietnam Interfaith Council, strongly demanded the national assembly to adopt a constitution that values citizen rights and human rights.

On October 2, 2013, we strongly refuted the Ordinance on Religion and Belief and related decree on its implementation. Recently, on February 17, 2014, we issued a statement on human rights and prisoners of conscience in Vietnam. We will soon prepare the bylaws for the Vietnam Interfaith Council, so that we can rightly and boldly function.

Mainly the religious leaders who were imprisoned under the Communist government, including myself, just united to form the Association of Former Vietnamese Prisoners of Conscience, with the purpose to break yoke of dictatorship of the regime.

The fourth and last point, suggestion to the United States government, especially the U.S. Congress, and the international community to support for our efforts. In Vietnam, since early 2013, many new independent civil society organizations began and continue to form, despite the suppression and prohibition from the government.

These are the efforts of the free citizens to regain independence in social activities, in organizing groups and associations, in the acts of serving others and in political opinions. We hope that the U.S. government, especially the U.S. Congress and the international community, to pay close attention to the formation and the operation of such civil society organizations and to support us in both morale and political aspects.

I thank you for listening. May God bless you and your country. I am Reverend Peter Loi.

Mr. WOLF. Thank you, Reverend, very much. I am going to see if Congressman McGovern would like to ask a question or--

Mr. McGOVERN. Well, first, I want to thank you very much for agreeing--for being able--for testifying before this hearing. And I think my question--I think we all have the same question in the sense that we are trying to figure out what best the United States can do to actually be more effective in advocating for human rights in Vietnam.

Father LOI. I think that the first thing is that the necessity of many civil organizations to appear in Vietnam. The second point is that those civil society organizations need to be able to involve the public to be more involved, and so it is like an ingredient to push the thing along.

Mr. WOLF. Chris?

Mr. SMITH. I am very sorry I am late, but I just want to welcome Father Loi. I will just note for the record that I had met with Father Loi when he was under house arrest. I was not only impressed, I was in awe, of his courage, his sense of kindness, even towards those who repress.

And I will never forget when we walked out of his--the family home, we got so far and he says "That is as far as I can go", and we were met with some plain clothes thugs, police, who if he went any further would have inflicted pain and probably would have beat him.

I just--Father Loi, great to see you again, and God bless you. And I hope that we act in a way that a democracy ought to towards Hanoi. As I think you know, and people in this audience know, the Vietnam Human Rights Act has passed four separate times in the U.S. House of Representatives only to get non-action over on the Senate side.

We have a letter--it is a bipartisan letter--asking Harry Reid to bring the bill up--up or down in terms of a vote, but up or down on the Vietnam Human Rights Act. Again, thank you for your extraordinary leadership.

Mr. WOLF. Mr. Lowenthal.

Mr. LOWENTHAL. Thank you, Mr. Chair, Mr. Co-Chair. It is an honor for me to be here to listen to the testimony of so many brave men and women. I represent the largest Vietnamese-American community in the United States. I see the tremendous diversity within the community. I am also, living in the United States, fortunate to have the human rights and live in a society that respects diversity and our rich cultural and religious diversity.

As a member of this commission, I have also adopted a prisoner of conscience, Mr. Nguyen Tien Trung. Trung is a blogger and an activist who, as we know, was arrested in July of 2009 and sentenced to seven years in jail in 2010. And this case I think highlights the importance of why we are here to talk about a free and fair press in Vietnam.

Recently, I just became aware that Vietnam is now ranked 174th out of 180 nations. So it is below Iran. There are only six countries in the world that have more terrible human rights violations than Vietnam, and so it is an honor to listen to everyone.

The question I have is, you know, we are so interested. A lot of the bloggers have been arrested because of their Internet and other new technologies, and I want to know how, not only in terms of the arrests, but when people are using the Internet, how has it impacted the rest--the larger population in Vietnam? Are there ways in which--that the use of the Internet has been very beneficial?

I know that people begin to get arrested for using it, but I would like to know how people perceive that role and how it can play in kind of bringing about religious freedom in Vietnam.

Father LOI. In Vietnam, the government has issued the Decree 72 and also used many firewalls to prevent the people from using Internet.

Mr. LOWENTHAL. And has it had a tremendous impact, Decree 72, on suppressing the rights of people to speak out?

Father LOI. Yes. This affects many of the people from using Internet. However, this Decree 72, it may not affect the people who are not afraid of using the Internet for human rights fight, just like myself.

Mr. LOWENTHAL. Thank you.

Mr. WOLF. Father Loi, thank you very much for your testimony. We appreciate your courage and your bravery. And we have asked a representative here of the State Department to make sure that our Ambassador contacts you to make sure that you have not been harassed with regard to appearing here today before the Tom Lantos Human Rights Commission. Thank you very much, and may God bless you.

Okay. Congressman--

Father LOI. Thank you very much, and I want to thank you, the Embassy in Vietnam.

Mr. WOLF. Okay. Congressman Smith wanted to say one--

Mr. SMITH. I am sorry, Mr. Chairman, and I thank you for indulging me.

Father Loi, when we met in December of 2005, again, I was just amazed at your lack of malice and your love, even for those who persecute in the Vietnamese government. Can you tell us, because there is a false narrative, in my opinion, that things have been improving in Vietnam? And, obviously, since the signing of the bilateral agreement, that has been proven to be demonstrably false, but you live there. You live in Hue.

What is your view as to whether or not the trend line, whether or not things are getting better or worse? I would note parenthetically that I did meet with Archbishop Kiet in Hanoi, and as you point out in your testimony he is no longer there, been removed. But is it getting worse or better?

The INTERPRETER. I am sorry. Congressman, can you repeat the first part of your question?

Mr. SMITH. Yes. We had met in December of 2005 in Hue. Has it gotten better or worse in terms of religious freedom since we were last together?

Father LOI. First of all, thank you, and I am very glad that we greet again. My answer is that the condition of religious freedom in Vietnam is always getting worse, and that the religious freedom in Vietnam has been more persecuted. For example, just recently the Hoa Hao Buddhist was persecuted on the day that they celebrate the memorial of their leader, Huynh Giao Chu.

Just recently, Mr. Nguyen Sinh Hung, the president of the congress in Vietnam, went to Rome to ask the Pope to bless the people not to rise up against the government, because there has been more persecution in Vietnam.

Mr. SMITH. Thank you.

Mr. McGOVERN. Thank you very much.

Before I go to our next witness, let me apologize to everyone here for some of us being late, but there was a series of votes that disrupted this hearing. I want to particularly apologize to Eric Schwartz, who is the Commissioner of the U.S. Commission on International Religious Freedom, who I have known in many capacities over the years, who is an outstanding advocate for human rights, and we very much appreciate you being here and all the work that you do.

And this hearing is important for all of us because the human rights situation in Vietnam has deteriorated since the last time the Commission met to discuss this in 2012. And so public discontent and critical commentary have grown, fueled by the lack of basic freedoms and growing corruption, and the Vietnamese government's increased efforts to silence critical voices with a heavy hand.

Many peaceful activists have received long prison terms for exposing government corruption, protesting, appropriation of lands, and calling for freedom and dignity for all of Vietnam, regardless of their ethnic origin or religious affiliation. And we saw several of these family members--family members of these prisoners.

We have talked to many of them, and that is one of the reasons why we are doing this hearing, because we want the government of Vietnam to know that we are taking note of this, that we are horrified by the human rights situation, and we are going to focus attention on it.

So, having said that, I now want to introduce our next witness. Sub-dignitary Nguyen Bach Phung is a clergy member of the Cao Dai religious sect that is independent from the Religious Governance Council set up by the Vietnamese government.

She has led Cao Dai followers in resisting the takeover of their sect by the Governance Council and has, therefore, been harassed constantly by authorities. She has filed several reports of abuse by the government to different United Nations agencies, and it is my understanding that her house is surrounded by police.

We have a video which we are going to show you now, and I would urge all the members of the Commission to pay attention to the screen.

STATEMENT OF SUB-DIGNITARY NGUYEN BACH PHUNG [Statement delivered through an interpreter]

Sub-dignitary PHUNG. Honorable members of Tom Lantos Human Rights Commission, I am Nguyen Bach Phung, a Cao Dai sub-dignitary and acting female head of the Chau Thanh Religious District. I am also the secretary of the Representative Committee of Popular Bloc of the Cao Dai Tay Ninh Holy See, as well as a member of the Vietnamese Interfaith Council.

I would like to apologize to members of the Commission for not being able to come to the hearing, because my movement has been severely restricted by the Vietnamese government.

Ladies and gentlemen, my family follows government religion, and I have been a Caodaist since I was 23 years old. Prior to April 1975, we practiced our faith without government interference. However, under the Communist government, we are no longer free to practice our faith, which is similar to the clergy, members, and followers of other religions.

In 1979, the Vietnamese Communist Party disbanded the sects or doctoral councils of Cao Dai and Cao Dai religious administration from the central to local levels and established the Governance Council under the government control. Spiritism, which is the foundation of our religion, is private. They modify our laws and traditional rituals, public assembly for meetings, and the installation of gods out there, and did not allow us to print religious teachings, print religious books, or make photocopies of religious material, and so on.

Vietnamese Communist government isolates us by labeling us as bad elements, so that people will stay away from us. Their agents go almost house to house to harass and threaten followers and force us to submit ourselves to the Governance Council. We do not recognize the government-sanctioned Cao Dai Governance Council. Therefore, the government uses police to uproot and beat us. They also confiscate our temples and our church belongings.

For example, on September 12, 2013, Mrs. Nga invited independent Cao Dai followers and clergy member for a ceremony to establish God's altar at her home at Bau Nang Village, Duong Minh Chau District, Tay Ninh Region. But she did not seek permission from the state-owned Cao Dai Governance Council.

Several Cao Dai parishioners and I were assaulted and suppressed by police and members of Cao Dai Governance Council. They took away two camcorders, two iPhones, and 17,000,950 Vietnamese dollars from our members. They kept us by force in Mrs. Nga's home from 1:00 p.m. on September 12 until 4:00 a.m. on September 13, 2013.

On November 3, 2013, local police and government officials threatened myself and several Cao Dai parishioners and prevented us from holding a memorial service for student at the home of Sub-dignitary Nguyen Kim Lan at Vinh Long City. The police accused us of violating the law, and they summoned three young Cao Dai followers to the local police station for questioning and intimidated them.

The above actions are consistent with the policies of the Communist Party and of the Vietnamese government in the investigation of Cao Dai religion, as well as other independent

religions such as the Unified Buddhist Church, Catholic Church, Protestant House Churches, and Hoa Hao Buddhist Church.

In the end of April 1975, the Vietnamese government had issued 11 confidential top secret documents describing its policy to destroy Caodaism. Specifically, they have used the state-owned Governance Council to restrain our activities and take over our temples. On 23 March 2000, the local government, including the police of Vinh Long Region, assisted the local state-owned Governance Council to take over our temple.

This harsh policy continues to this day. On September 16, 2012, the government has helped the Governance Council to take over the Cao Dai Phu My Temple in Binh Dinh by force. They assaulted independent Cao Dai members. A member of the government-sanctioned Cao Dai poured petroleum over the body of a Cao Dai follower present in the temple with the intent to burn him, but was avoided by some of his own group.

Sub-dignitary Nguyen Nhon was beaten and suffered a broken nose. He had to be hospitalized afterward. Some other independent Cao Dai followers were also injured.

On July 3, 2013, the government and police of Tien Giang Province supported the members of local office of the Governance Council to take over the Long Binh Temple. They used a truck to knock down the front gate of the temple. Then, plain clothes police assaulted independent Cao Dai followers. Follower Nguyen Van Em and female Sub-dignitary Le Thi Ket were severely injured, and many others were injured to a lesser degree.

On July 25, 2013, Sub-dignitary Nguyen Kim Lan and myself, both members of the Vietnamese Interfaith Council, were restrained by the police of Vinh Long Province. They stopped the bus carrying us and forced the driver to throw us off the bus, and they stationed at two ends of the road leading into our house to prevent us from going out of the province for five days.

The Vietnamese Communist government also restrained the movement of clergy members of the Vietnamese Interfaith Council, such as Reverend Thich Khong Tanh, Reverend Le Quang Liem, Pastor Nguyen Hoang Hoa, Pastor Nguyen Trung Ton, Sub-dignitary Hua Phi, and many others.

On January 5, 2014, while some independent Caodaists and myself held a memorial service for Mrs. Ngo Thi Thanh Dao, 42 years old at the time of her death, in the city of Vinh Long, police and government officials ordered us to stop the ceremony because we did not seek the permission of the Governance Council.

Those are but a few examples. But before 1975, the Cao Dai religion had over 300 temples, including temples revering almighty God. Most of these temples have been taken over by the pro-government Governance Council. Only 18 temples and six modern temples are left with independent Cao Dai parishioners, and the government intends to take over all of them.

We just want our right to freedom of religion and belief, as well as other human rights which are enjoyed by ordinary citizens of all democratic nations in the world.

We would like to request the Vietnamese Communist government to respect the independence of the Cao Dai religious administration, respect the legalities of our church, and return to us properties that belong to the Cao Dai church before 1975 under the supervision of the United Nations; unconditionally release all prisoners of conscience who advocate for democracies, human rights, and religious freedom; comply with the Declaration of the U.N. Human Rights; and the commitment with the U.N. Human Rights Council, especially now Vietnam is a member of that U.N. Council.

We would like to request the U.S. government, especially the Tom Lantos Human Rights Commission, to set the prerequisite human rights condition for Vietnam before they join the Trans-Pacific Partnership. We ask you to use your influence to pressure the Vietnamese government to legally recognize the independent traditional religion in Vietnam and stop interfering with our church affairs.

The Vietnamese Communist government has deceived the Vietnamese people, as well as the international community, for 39 years. They have rarely kept their promises.

With your permission, Mr. Chairman, and the Commission, I would like to submit a number of reports that we have prepared for the United Nations Human Rights Council for inclusion into this hearing record.

Thank you very much for your consideration. May God bless you and the United States of America. I would like to sincerely thank you.

Mr. WOLF. I apologize to both of you. You may proceed. Maybe you should go first, then you. If you can limit it maybe to five or six minutes each. I think there may be a vote coming up relatively soon, so--but I appreciate your patience.

We felt an obligation, particularly since she has gone through a very difficult time, and the Father, but thank you both for your patience.

Attorney, please proceed. And your full statement will appear in the record as read.

STATEMENT OF ATTORNEY YUNIE HONG

Ms. HONG. Thank you, Mr. Chairman. Thank you, distinguished members of the Commission. My name is Yunie Hong, and I am the Director of Policy Advocacy for Hmong National Development based here in Washington, D.C.

I thank you for this opportunity to assess the plight of Hmong Protestants living in Vietnam's Northwest Highlands and to raise the voices of those that have been persecuted for decades due to their Christian faith. Forced into isolation by the Vietnamese government and shut off from the eyes of the outside world, these voices are not often heard.

I would like to focus my testimony today on the systematic ways that the Vietnamese government suppresses Protestantism and the Hmong community, and highlight some of the most recent incidents of persecution which are ongoing as we speak.

Human rights abuses are endemic throughout Vietnam, but are often specifically targeted towards the religious and ethnic minorities that live in Vietnam's remote provinces, including the Hmong, Montagnards, and Khmer Krom. The Hmong, residing in Vietnam's Northwest Highlands, have been converting to Christianity in large numbers in recent decades.

The Vietnamese government has viewed the spread of Christianity among its ethnic minorities as a threat, due to its perception of Christianity as an American religion, in direct conflict with Communism and loyalty to the Communist government.

For groups such as the Hmong, which has unique historic ties to the U.S., this conversion to Christianity has been viewed with particular hostility. The Vietnamese government equates Protestantism with political dissidence and labels the religious leaders as separatists, making people of faith vulnerable to a host of very broad laws meant to suppress political dissent.

The Vietnamese government has shown that it operates on a double standard when it comes to religious freedoms. Laws that the government touts as an expansion of religious freedoms either are not applied in the remote provinces where ethnic minorities reside or are used as a tool to actually restrict religious freedoms for these groups.

For example, the Vietnamese government often points to an increase in church registrations as proof of the expansion of religious freedoms for its citizens. However, the registration requirement is actually a tool for further limiting the exercise of religion for those groups which the Vietnamese government seeks to suppress. Over 600 Protestant churches have tried to register and seek legal recognition and have either been denied or ignored by government officials.

Decree 92, which was put into effect in January 2013, was presented by the government as an advance in religious freedoms. However, rather than expanding protections for religion, Decree 92 further controls religious activities. It requires that a religious organization have 20 years of government-approved operation before it can apply for a higher level of government recognition.

This new requirement makes it impossible for groups such as the Hmong Protestants to gain legal status because many have emerged in the past 10 to 15 years. The Vietnamese government, therefore, has set up a system where Hmong Protestants are effectively shut out of the registration process, then violently cracks down on these groups for practicing an unregistered religion.

The most recent example of the repression of Hmong Protestants is the campaign that the Vietnamese government is currently waging against the followers of Duong Van Minh, a Hmong Christian leader who has advocated for reformed burial practices in the Hmong community. Minh recognized that the traditional burial practice, which included sacrifices of cattle and lengthy rituals, was an economic burden to families who are already struggling to survive.

He advocated for reforms to these practices and many Hmong Christians began building small sheds to store funeral accessories that were used in these new practices and could be shared by the entire village. In response to these reforms, the Vietnamese government has waged an aggressive campaign to force the villagers to go back to the old way of burying their dead and return to their traditional animist belief systems.

Provincial authorities began destroying the funeral storage facilities as far back as 2008 with fresh rounds of destruction in 2012 and 2013. Those that attempted to protect the facilities were met with violence. Women were shocked with electric batons, villagers were detained and arrested.

In October 2013, a number of Hmong villagers camped out in a park in Hanoi to protest. The police violently dispersed the gathering using electric batons to shock and beat the protesters. Some of the protesters, including children, had to be hospitalized for their injuries.

During October and November 2013, at least eight Hmong activists who were followers of Minh's were arrested as they protested for freedom of religion and belief. In response, the Vietnamese government has continued the destruction of the funeral storage facilities and has prevented the protester's leader, Duong Van Minh, from receiving critical medical treatment for a serious kidney condition.

I would like to submit for the record pictures which illustrate the destruction of these storage facilities and the subsequent protest, along with some pictures of the victims of the state's violence. You will see in the pictures the small sheds that the villagers built, them gathering in order to protect the shed, and the destruction that followed, as well as pictures of the protest that the villagers went to Hanoi to protest the destruction of their sheds and the victims of violence.

The Vietnamese government continues to impose severe penalties on Minh supporters. Several of Minh's followers have been imprisoned and their trials are ongoing. Less than two weeks ago, on March 14, Hoang Van Sang was sentenced to 18 months in jail for building a funeral facility that would accommodate the new burial practices advocated by Minh.

Just last week, after Sang's sentencing, some 1,000 Hmong villagers began marching to the court to protest at the upcoming trials and demand religious freedom and respect for their cultural rights. However, many never made it to the trials and were stopped by the police who held them at bay. Less than a week ago, on March 20th, two of Minh's supporters were sentenced to 21 months and 15 months in jail, respectively. Another trial for one of Minh's supporters is set for tomorrow, March 27.

The persecution of Duong Van Minh's followers is unfortunately but one example of the Vietnamese government's tactics of using violence and brute force to prevent Hmong Christians from practicing their religion and deny them their right to self-determination. Forced renunciations of faith, though technically illegal, are ongoing. In July 2013, a Hmong Christian couple in Lao Cai province was beaten severely for refusing to recant their newly found Christian faith. Hmong Protestants are subjected to arbitrary arrest, detentions, and torture. In March 2013, a Hmong church leader, Hoang Van Ny, was beaten to death in police custody.

Many Hmong have fled from the violence and persecution in Vietnam, seeking refuge in Thailand with the UNHCR. According to NGOs on the ground in Bangkok, there are currently over 300 Hmong Christians in Thailand who have fled Vietnam due to the religious persecution they had suffered there. However, out of all of those cases, only two Hmong applicants have been granted refugee status, and this after years of advocacy by human rights groups.

The rest of the applications for refugee status have all been denied and would appear to be blanket denials by UNHCR of the refugee claims from ethnic minorities from Vietnam, including the Hmong, Montagnards, and Khmer Krom. The Hmong in Thailand have, therefore, been left in an extremely desperate and precarious plight, unable to return to Vietnam due to the continued persecution faced there, and left vulnerable to deportation and exploitation in Thailand with no chance at third country resettlement.

It is clear that despite Vietnam's increased presence on the international stage it has failed to make progress in protecting human rights and has in fact continued an alarming trend of increased persecution of Hmong Protestants and other ethnic minorities in its remote provinces.

In light of the foregoing, we provide the following recommendations. We urge the administration to redesignate Vietnam as a country of particular concern for its persecution of religious and ethnic minorities. Congress should pass the Vietnam Human Rights Act, which would preclude the U.S. from providing Vietnam with any increased and non-humanitarian assistance unless Vietnam makes substantial progress in improving its human rights record.

The U.S. government should call for the immediate release of all prisoners of conscience. The U.S. should ensure that engagement with Vietnam via the Trans-Pacific Partnership be preconditioned on significant improvements in human rights, especially in religious freedoms.

Country reports on human rights practices for Vietnam should accurately reflect the continuing and severe repression of politically and religiously active Hmong. And, lastly, rather than accepting the Vietnamese government's assertion that an increase in church registrations illustrates an expansion of freedoms, the U.S. government should recognize the registration system for what it is--a tool to further limit the exercise of religion and should seek to eliminate the registration requirement.

Once again, I would like to thank the Commission for this opportunity to highlight the ongoing persecution of Hmong Protestants in Vietnam and for allowing us to raise these voices of those that cannot otherwise be heard.

Thank you.

Mr. WOLF. Well, thank you for your testimony. It was very powerful, and I learned a lot. Thank you.

Mr. Rong Nay, would you please proceed?

STATEMENT OF MR. RONG NAY

Mr. NAY. Thank you very much, Mr. Chairman. I would like to briefly--and she already covered a lot of the Montagnard and Hmong together.

My name is Rong Nay. I am Executive Director of the Montagnard Human Rights Organization in North Carolina. I would like to talk about on behalf--

Mr. WOLF. Can you pick the microphone up just a little bit? You can bring the microphone--you know, just bring it up just--yes, that is--

Mr. NAY. --on behalf of the Montagnard in the central highland of Vietnam.

I would like to thank Mr. Chairman for honor and opportunity to say briefly feeling and experience about the ongoing abuse of religious freedom and human rights abuses in Vietnam. It is sad to report that religious freedom and human rights condition in Vietnam presently have gotten much worse for the Montagnard for a decade.

The Article 70 of Vietnam 92 Constitution protect the human right--protect the religious freedom, but in fact since '75 there has been no freedom of religion, and the government violates Article 70 of its own constitution. For the Montagnard, the government of Vietnam has a long memory of the war and consider the Montagnard as a long-term historical enemy because we fought alongside the French and Americans during the Vietnam War. And we are all Christians, and we ought to honor the land in the central highland.

After took over the South Vietnam, the government of Vietnam carried out a policy--policeman and discrimination against the Montagnard Christian. They also accused the Montagnard Protestant be a spy for American CIA and worship American. And so a thousand Montagnard to leader and Christian thrown in jail, 12 years, many the Montagnard who live in their ancestral land have been pushed out to the new economic zone so that this land make available for the Vietnamese from the North.

Mr. Chairman, the Montagnard church in the central highland today, divide two group. One group resists under the government control, some to pastor the Montagnard become the government employee. They use the Montagnard pastor and their congregation to watch the poor and spy on each other.

Not only in Vietnam, in the U.S., the same. There restriction asserted under the government control give the government police monitor, interrogate, harass, and imprison the Montagnard Christian activity. This is not religious freedom.

Another group has not resist with the government control, considered outlaw, and the government continue to persecute them. And the two groups of Montagnard Christian now become an easy with each other. And this division strategy of the government caused the conflict between the Montagnard Christian community to undermine, to destroy their own religious freedom and their own people. This is not freedom of religion.

The government of Vietnam claims there is freedom of religion in Vietnam. But in reality, it is not true. The government police force continue to terrorize Montagnard Christians and force them to worship in the government-controlled church. For example, I get information today they just arrest two men of the Montagnard in Gia Lai Province, and trial, like nine years in prison and shooting the eighth year.

We are--we recommend that the Vietnam government free all political religious prisoners, including the Montagnard Christian, any--before any U.S. Government further trade defend agreement and Trans-Pacific Partnership with Vietnam go forward. This is over 300.

Mr. Chairman, we call the United States government reinstate the Vietnam as a country of particular concern for extremely violent religious freedom. We, the Montagnard, are treated like an enemy in our homeland, we lost more than any group in Vietnam. Central highland right now become regional for the Montagnard with the Communist system, the internal security and police, and comparing up Vietnam assimilation ethnic cleansing had continued.

We cry out to keep our land and our ancestral land and our language and our culture. An ancestral land has been completely occupied by the government for coffee plantation. Our precious forests and wildlife continue to be exploited by the government.

Mr. Chairman, it is our privilege to come here to tell you the truth about the human violation and religious freedom the Montagnard people face now in the central highland. We recommend following action of the government.

Number one, the Vietnamese government should free all of the political religious freedom before the U.S. Congress approve any further trade defend agreement with the U.S., including Trans-Pacific Partnership.

Second, Vietnam government should immediate rectify the convention against the torture immediately to stop practice of holding political prisoners in prison in long period. The government must disclose accurate list of the regional and the local prison. Must allow the independent monitoring of the prison and jail in the country.

Number three, the government of Vietnam must recognize and acknowledge it is a citizen in the world--that there are indigenous people in Vietnam who include, among others, Montagnard and Khmer Krom and Hmong. The government of Vietnam must respect, restore, the right of the indigenous people as outlined in the Human Declaration on the Right of Indigenous People, including the right of self-determination, the right to own their ancestral land, the right to education, development, assistance.

Number four, the Vietnam government must repeal Decree 92 and persecution of independent religious organizations such as the Montagnard, and institute registration requirement for religious organizations. We hope the Commission, the government of the United States, will hear our prayer for help.

Thank you.

Mr. WOLF. Well, thank you very much. That was very powerful testimony. I am going to just ask you a couple of questions and then go to Mr. Smith, who is the author of the bill. One, so you don't think you would--I would never vote for the TPP after hearing you all. Never, never, never, never. And any member, Republican or Democrat, that votes for this and listens to this testimony, this is not a trade issue, this is a moral issue. It is a moral issue. So I appreciate your vote.

Real quick, do you think the United States government has abandoned the Hmong and the Montagnards? Do your people feel abandoned?

Ms. HONG. Yes.

Mr. NAY. Yeah.

Mr. WOLF. Okay. Secondly, how many--keep the questions short, I want to go to Mr. Smith. How many Montagnards are there here in the United States?

Mr. NAY. Right now, in North Carolina, 12,000 people.

Mr. WOLF. And how many are in Vietnam?

Mr. NAY. In Vietnam, over a million.

Mr. WOLF. Over a million. And how many Hmongs are here in the United States?

Ms. HONG. In terms of Hmong, there are over a quarter million here in the U.S., and in Vietnam over a million as well.

Mr. WOLF. Over a million. And do you really--I mean, do you wonder, where is the United States? Where--you know, I think you made a very powerful--I am giving a speech tomorrow night on why the church in the West ought to advocate for people who are being persecuted abroad. And both of you have sort of--I will probably mention it. I mean, the church in the West should be advocating for those of you who are being persecuted, whether it be in Vietnam, whether it be in China, whether it be in Iraq.

And all of the passages that are in the Bible about advocating, speaking for, and for the church in the West to be silent on this issue, I mean, we need some Martin Luther Kings in the church today. We need some Dietrich Bonhoeffers. But, anyway, I appreciate both of you. I learned a tremendous amount at the hearing.

I, again, want to thank both of my staff, and I want to thank Joseph. I don't know if Joseph is around. And I want to thank Boat People SOS. I don't know if they are--and I want to thank all of you for taking the time to come. It has been a very, very impressive hearing.

And with that, I will turn to Congressman Smith.

Mr. SMITH. Thank you very much, Mr. Chairman, for calling this very important hearing, timely. It is always timely to talk about human rights, but I think it is especially timely

now, as you pointed out, with talk of TPP. And a complete overlooking, trivialization, of the human rights issues in Vietnam by the administration is appalling.

And just a couple of points, a comment, and a few questions. You know, we are sitting with the Chairman who wrote the International Religious Freedom Act. Frank Wolf wrote that bill in 1998. It was signed into law, and it created the whole mechanism for the country of particular concern, and honest and very due diligence-oriented appraisal of a country with benchmarks as to how well or how poorly they are doing. And it is appalling that right now the administration, pursuant to the legislation, is supposed to name an Ambassador-at-Large for religious freedom.

For over half of the time that President Obama has been in office, there has been nobody in that position. Nobody running the shop. CPC for Vietnam, it is an absolute no-brainer. Both Mr. Wolf and I faulted the previous administration, because human rights are not partisan. When they lifted CPC status in anticipation of what the Ambassador-at-Large at the time called "deliverables," things that they promised to do, including the end of forced renunciations of faith, of the Montagnard and Hmong, an end to, you know, an exclusionary policy, and especially as it relates to the Catholic, the Unified Buddhist Church, and of course the Montagnard and the Hmong and so many others who have suffered a sense of impunity by this government.

As Father Loi said, the trend line is that it is getting worse, and yet we have not heard a peep in terms of policy from the administration. And, again, I would ask all of you tomorrow and today as you lobby the House and the Senate, particularly the Senate, particularly the leadership, to bring up the Vietnam Human Rights Act. As I said before, on four separate occasions, in four Congresses, two years' duration as you know, we have passed that legislation in the House. Last time it was almost unanimous, because members on both sides of the aisle recognize a deteriorating situation when they see it. And we can't even get a vote in the U.S. Senate on that legislation. If we lose, we lose. But at least, Senator Reid, bring it up for a vote.

And I applaud my colleagues on the other side of the aisle who are here, including Congressman Lowenthal, who is a sponsor of the legislation that we have introduced. It is bipartisan, and it is the only way I would have it, just as Mr. Wolf, when he did the Religious Freedom Act, ensured that it, too, was bipartisan, but its implementation has been feckless and it has been, unfortunately, very, very weak.

A couple of questions, if I could. You mentioned, Ms. Hong, about the 300 Hmong that are in Thailand. You know, we do talk with--and Mr. Wolf and I have both met with Antonio Gutierrez, the High Commissioner for the UNHCR. I can promise you, we will again reach out to him by way of letter and to his office for a meeting to talk about those who have been stranded in Thailand, because it has been a problem we have raised before, but frankly, again, hearing you say it, it has not moved off dead center, and it is time to reenergize.

He is the former Prime Minister of Portugal. He knows how to get things done. He is a very capable man. It is time those people found a third country solution, a durable solution, to their problems.

The idea that Vietnam has not been designated CPC--all the hype--again, the Bush administration, I believe, I think Mr. Wolf believes it as well, made a serious blunder when it removed CPC because the bilateral agreement on trade was supposed to be the panacea where all of these deliverables would happen. It is just the opposite. There has been a U-turn of expectation and none of the deliverables have happened. It has gotten worse. They need to be designated immediately as a CPC country, and then there are 18 prescribed sanctions that Frank Wolf wrote into that law, starting from a mere demarche into a very serious set of economic sanctions that need to be adhered to and followed up, and the administration has not moved one iota.

Thankfully, another part of Mr. Wolf's legislation was establishing the Religious Commission, which has done yeoman's work. And I am sorry I missed Eric's testimony earlier, but I will read it. But they have been the truth--speaking truth to power all over the world in countries where religious freedom is repressed and where people are persecuted and tortured. And, thankfully, they have been that breath of fresh air and honest representation of what the reality is on the ground, not so, unfortunately, at State.

So I would also just ask, if I could, Mr. Nay, forced renunciations, how bad has that been, of faith? And, again, your testimonies were very thorough, so you give us a great deal to follow up on, as Chairman Wolf said so eloquently. So are there forced renunciations? Are they continuing?

Mr. NAY. Yes, they do. Yeah.

Mr. SMITH. And if somebody refuses to renounce their faith in Christ, what happens?

Mr. NAY. Mr. Congressman, the Montagnard in the central highland is not in the city, because in the village--the village is far away from city, 50 miles and 40 miles, and nobody can reach the Montagnard village because the police and the government trap them, "Oh, this is security. You cannot go over there." And the city is--it is majority Vietnamese. Only one percent Montagnard. After '75, they push out from the city to economic zone. Yeah.

So it happened in the city. Only secret police can be there. For example, your trip to Vietnam in 2005, as you know, the high level from the United States trip to Vietnam, of course the government of Vietnam know ahead one month, said there is enough time to deploy the police all the Montagnard to village and train them how to talk and how to speak, how to answer. The problem is the Montagnard now.

And on the other hand, they are training the Vietnamese police speak, read, and write the Montagnard language. So 80 foreign from U.S. are--not the country, go to Vietnam, they don't know who is the Montagnard, who is directing the Montagnard, because they speak the Montagnard language. That did happen today.

Ms. HONG. And if I may just address the issue that the Chairman raised earlier in terms of, do these religious communities feel abandoned by the U.S.? And the answer is a resounding yes. And in terms of the actions that can be taken by the U.S. government, in addition to the legislation that has already been discussed, I just wanted to talk a little bit more about the isolation of these communities that Mr. Nay is talking about.

And the State Department reports that you alluded to are extremely deficient, and the groups, the community groups that come to D.C. and talk to officials about the severe persecution that is ongoing with their people of faith, oftentimes they are not included in those reports. We have met with the State Department and raised these sources of information and asked why they are not included, and sometimes the response is that, well, these are unconfirmed reports, and we don't really have any confirmation.

And the question remains, well, efforts need to be made, then, to confirm this information. And if that information is hidden from outsiders, foreign journalists, and other officials, then that information needs to go in the Country Conditions Report, indicating that the Vietnamese government is purposefully hiding these sorts of incidents.

And so the impact of having State Department reports that don't adequately reflect the severe persecution that is ongoing in these communities is extremely detrimental to those who are seeking refugee protection. The adjudicators of these applications rely heavily on State Department reports. And if these reports are deficient and are not adequately reflecting the persecution, then that is how these individuals remain without protection in these extremely precarious positions.

So for those officials that are visiting Vietnam, not just visiting the urban areas, insisting on access, increased access to those remote areas so that these stories can be heard is extremely important.

Mr. SMITH. That was an excellent point. Thank you for making that point.

I know we have to go for a vote, Mr. Chairman, but I just want to say thank you. This is actionable material and information that you conveyed to the Lantos Commission. I want to especially thank Joseph Cao. He is a great friend. He is ever, ever, constantly, you know, with unbelievable tenacity, pushing all of us to do more for human rights in general and religious freedom in particular in Vietnam, and Dr. Thang from Boat People SOS.

I mean, when I became Chairman of the Human Rights Committee in 1994, it was Dr. Thang working with Joseph Rees who is also a staunch and knowledgeable expert on Vietnam that helped us work on every single initiative that we have undertaken in the Subcommittee during all of the--over the last 20-plus years. So thank you to both of them, or all three of them.

Mr. WOLF. I want to second that, too--Congressman Cao and Dr. Thang and the Vietnamese community and of course my staff. This has been a good hearing. I wish it could have been full. I wish we had, you know, 25 or 30. Bad timing sometime, but I think we will make every effort that we can. And I am embarrassed to say that you feel that the United States government has abandoned you, particularly of all the help that we receive from some of your communities during the Vietnam War. But thank you very much.

With that, thank you all for coming. The hearing is adjourned.

[Applause]

[Whereupon, at 4:03 p.m., the commission was adjourned.]

APPENDIX

MATERIALS SUBMITTED FOR CONGRESSIONAL HEARING RECORD



Tom Lantos Human Rights Commission Hearing

Persecution of Religious and Indigenous Communities in Vietnam

**JPM Opening Remarks
Wednesday, March 26, 2014
2:00 PM - 4:00 PM
HVC 210**

Good afternoon. Thank you for attending today's hearing on the *Persecution of Religious and Indigenous Communities in Vietnam*. I would like to extend a special welcome to the panelists – I admire your courage and dedication and I thank you for your time, passion, and work on human rights and religious freedom in Vietnam. I would also like to thank the staff of the Tom Lantos Human Rights Commission, especially Elise Ho, for organizing this important hearing and my colleague Frank Wolf for spearheading this initiative.

The human rights situation in Vietnam has deteriorated since the last time the Commission met to discuss it in 2012, especially as Vietnam struggles with economic and political stagnation. Public discontent and critical commentary have grown, fueled by the lack of basic freedoms and growing corruption, and the Vietnamese government's increased efforts to silence critical voices with a heavy hand. Many peaceful activists received long prison terms for exposing government corruption, protesting expropriation of lands, and calling for freedom and dignity for all in Vietnam, regardless of their ethnic origin or religious affiliation. We saw family members of several of these prisoners at the Commission's hearing on prisoners of conscience in January. They pleaded with us to help raise awareness of the unjust and, often, inhumane treatment of their loved ones, whose only crime was to stand up peacefully for their basic human rights. Despite this persecution, voices of dissent continue to rise, and in the last year we saw several large-scale petitions calling for the widening of Vietnam's political space and greater protection for freedom of expression.

Regrettably, the Vietnamese government continues to severely restrict the freedom of its citizens to practice religion. Religious groups in Vietnam endure rigid control by the government and face violent crackdown for operating outside of government-controlled and government-registered institutions. A government decree signed in 2013 banned all religious, cultural, and traditional activities – even when conducted in private homes – unless they are registered, pre-approved, or officiated by a government entity. Many of the currently imprisoned activists were detained because of their religious activities; among them are people of different religions and denominations: Buddhists, Cao Dai, Catholics, Protestants, and others.

The government's low tolerance for differences also affects Vietnam's ethnic minorities, which, in fact, account for the majority of the population in the Central and Northwest Highlands, and along portions of the Mekong Delta in the south. Under the government's restrictive approach, many of these groups no longer enjoy self-rule and self-governance, and are heavily persecuted when they dare to stand up for their freedoms of expression, assembly, and tribal representation. Victims of discrimination and harassment due to their ethnic and religious minority status, ethnic minorities in Vietnam are particularly vulnerable to land grabs and exploitation. Sadly, the government's policies of assimilation, forced resettlement, state-appropriation of land, and population displacement have severely depleted these groups' cultural, linguistic, and religious heritage.

While the human rights situation in Vietnam is currently rather bleak, some positive steps offer, perhaps, a glimmer of hope. For example, in 2013, Vietnam signed the UN Convention Against Torture and issued a decree ending administrative sanctions for same-sex wedding ceremonies. My hope is that these positive tendencies will become a trend and a year from now we will meet to discuss Vietnam's opening space for all of its citizens, regardless of their ethnic origin, religion, or political past.

TESTIMONY OF

ERIC P. SCHWARTZ

COMMISSIONER

U.S. COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

BEFORE THE

TOM LANTOS HUMAN RIGHTS COMMISSION

ON

**THE PERSECUTION OF RELIGIOUS AND INDIGENOUS COMMUNITIES IN
VIETNAM**

MARCH 26, 2014

I want to thank the Tom Lantos Human Rights Commission for holding this hearing today and inviting me to testify on behalf of the U.S. Commission on International Religious Freedom (USCIRF).

I commend the Lantos Commission for providing this opportunity to focus on religious freedom conditions in Vietnam. USCIRF has testified before Congress on Vietnam numerous times over the years. Each time the Commission hopes to report progress, but we regret that we cannot make such a report to you today. There remain continued and systemic limitations on religious freedom, privacy rights, and the freedoms of assembly, association and movement.

I also want to recognize the witnesses who will be testifying after me -- especially Father Phan Van Loi and sub-dignitary Nguyen Bach Phung. These brave individuals are testifying directly from Vietnam, and I believe their first-hand accounts will only underscore the imperative of religious freedom and other basic rights: the rights of people to think as they please, believe or not believe as their conscience leads, and live out those beliefs openly, peacefully, and without fear.

Finally, on a personal note, I welcome the chance to appear before you. Over the course of a 30 year career in public life, I've served in many positions involving human rights and humanitarian affairs: as Assistant Secretary of State for humanitarian affairs, as Senior NSC Director for Multilateral and Humanitarian Affairs and Special Assistant to the President for National Security Affairs, and as an official at the UN Office of the UN High Commissioner for Human Rights. But it was in my first full time human rights job, as director of what is now Human Rights Watch Asia, in the mid-1980s, that I authored my first major human rights publication, a joint publication with the Committee to Protect Journalists, on journalists in detention in Vietnam. So I'm pleased to be here today, though I do wish I had a more uplifting message to deliver.

Overview

Vietnam is an authoritarian state ruled by the Communist Party. Its overall human rights record remains poor. Over the past few years, the government has moved decisively to repress any perceived challenges to its authority.

The Vietnamese government exerts control over religious activities through law and administrative oversight, severely restricts independent religious practice, and represses individuals and religious groups it views as challenging its authority. The government also continues to imprison individuals for religious activity or advocacy on behalf of religious freedom. The government uses a specialized religious police force (*công an tôn giáo*) and vague national security laws to suppress independent Buddhist, Protestant, Hoa Hao, and Cao Dai activities and has sought to stop the growth of the Protestant and Catholic religions among ethnic minorities via discrimination, violence and forced renunciation of faith. In the past year, arrests and confrontations with the Catholic Church of Vietnam have escalated tensions.

The Vietnamese government made some important changes in the last decade, and we believe that these developments resulted at least in part from U.S. diplomatic efforts following the

Administration's designation of Vietnam from 2004 to 2006 as a "country of particular concern" (CPC) for systematic, ongoing and egregious violations of religious freedom or belief. We note that productive diplomatic discussion and tangible improvements took place without apparent disruption of progress on other issues in the U.S.-Vietnam relationship. Progress included the fulfillment of a bilateral agreement to release prisoners and ban forced renunciations of faith, and to enact a religion law – though that law did not conform to international standards relating to the protection of religion and belief. Many religious leaders in Vietnam attributed these positive changes to the CPC designation and the priority placed on religious freedom concerns in the U.S.-Vietnamese bilateral relations. In 2006, the Administration removed the CPC designation for Vietnam due to this progress.

And indeed, there has been some relaxation of restrictions in Vietnam. According to the State Department's 2012 report on International Religious Freedom report, the government has registered new congregations, permitted the expansion of charitable activities and allowed large-scale worship services with more than 100,000 participants.

Unfortunately, these changes pale in comparison to the significant violations of religious freedom or belief in other areas. Religious believers and religious freedom activists continue to be jailed; police forcibly close venues of independent religious groups; legal protections for religious groups are uncertain and subject to arbitrary or discriminatory interpretations based on political factors; and ethnic minority converts to Protestantism and Catholicism, in particular, face discrimination, intimidation, and pressure to renounce their faith.

Given Vietnam's systematic, ongoing, and egregious violations of the freedom of religion and belief, USCIRF recommended in 2013, as it has since 2001, that Vietnam be designated as a "country of particular concern" or CPC. Frankly, it is difficult to see how we should and would make any different recommendation for 2014.

Background

A December 2013 op-ed in *The Hill* by Vietnamese Ambassador to the U.S. Nguyen Quoc Cuong is telling. While noting that the U.S.-Vietnam relationship benefits from being "a two-way street," he also emphasizes that "we must not let it detour over difficult challenges such as human rights," and with "our political, historical and cultural differences, it is understandable that the U.S. and Vietnam have differences on human rights." Yet the Ambassador also notes Vietnam's "embrace" of international norms enshrined in international agreements including the Universal Declaration of Human Rights.

Notwithstanding the Ambassador's comment about Vietnam's embrace of human rights, Vietnam's overall human rights record has on balance deteriorated in the past year, as it has for the past several years. In the wake of ongoing battles within the Communist Party's leadership, the government has moved decisively to repress perceived challenges to its authority, tightening controls on freedom of religion, expression, association, and assembly. Over the past two years, new decrees were issued prohibiting peaceful protest, limiting speech on the internet, tightening controls on journalists and access to the Internet at cafes, and making it more difficult for religious communities to gain legal recognition. Decree 72, which was implemented last year,

authorizes internet censorship, prohibits individuals from summarizing news content on their blogs, and outlaws very vaguely worded “prohibited acts.” According to the State Department’s 2013 Human Rights Report, authorities detained and imprisoned some activists who used the internet to criticize the government and publish material on human rights and political pluralism. Political dissidents and bloggers continued to report that security services routinely ordered the disconnection of their home internet service.

At least some 100 to 200 prisoners of conscience continue to be detained in Vietnam, some for their religious activity or religious freedom advocacy. At least 63 human rights advocates were sentenced in the past year, most for vague national security crimes or criticizing the government online.

Prisoners of conscience from Vietnam are included in the Defending Freedoms Project, an initiative of the Tom Lantos Human Rights Commission, in conjunction with USCIRF and Amnesty International/USA. Vietnamese prisoners are included in the Appendix to this testimony.

The U.S.-Vietnamese relationship has grown quickly in recent years, with increased security cooperation reportedly informed by Chinese claims to disputed islands in the South China Sea. But increased bilateral engagement, particularly in the areas of trade and defense, creates opportunities for valuable interaction and substantial progress on religious freedom and human rights. Unfortunately, that has not been the case in recent years.

Religious Freedom Conditions

As mentioned, the government of Vietnam controls religious activities through law and administrative oversight, severely restricts independent religious practice, and represses individuals and religious groups it views as challenging its authority. Religious freedom conditions can vary depending on geographic area, ethnicity, relationships between religious leaders and provincial officials, and the perception of the authorities about the political nature of religious activity.

Every religious community in Vietnam experiences some level of control and oversight. Independent religious activity is actively suppressed. Religious communities which publicly challenge government policies face intimidation, detention, beatings, and attacks by men whom the State Department has termed “contract thugs.” In the past year, the Vietnamese government targeted independent branches of the Cao Dai and Hoa Hao Buddhist church, independent Protestant house churches in the central and northwest highlands, Khmer Krom Buddhist temples, and leaders of the Unified Buddhist Church of Vietnam (UBCV). Relations between Catholics and local government officials in Hanoi, Da Nang, Vinh, and Ho Chi Minh City deteriorated as peaceful protests over land disputes led to violence and arrests.

Vietnam also issued a revised decree on religion (Decree 92) that went into effect in January 2013. This decree continues government oversight and control of religious activity and reflects continued suspicion of religious individuals and groups. While it provides clearer timetables for registration, it does not improve the ill-defined and intrusive process of legal registration for

religious entities. Rather, it expands oversight of religious affairs and may make it worse by making it infeasible for any group that currently is not legally recognized from achieving legal status.

In addition, lingering property disputes over venues and facilities the Communist government previously confiscated have led to church demolitions, property confiscations, detentions and violence.

Prisoners: Dozens of individuals are detained for their religious activity or religious freedom advocacy, including: Fr. Nguyen Van Ly, UBCV patriarch Thich Quang Do, and Hoa Hao leaders Nguyen Van Lia and Tran Hoai An, and Protestant pastor Nguyen Cong Chinh remain in prison. Human rights defender Le Quoc Quan was also convicted of “tax evasion” and is serving a 3 year sentence. USCIRF delegations met with each of these prisoners of conscience during visits to Vietnam. In addition, two ethnic minority Protestant pastors, Ksor Y Du and Kpa Y Ko, remain in prison where they reportedly have been tortured, allegedly for being part of anti-government organizations and making calls to relatives in North Carolina. Church leaders have denied charges these individuals. Mai Thi Dung, who is serving an 11-year sentence for her activism in support of an independent Hoa Hao Buddhist sect, reportedly is suffering from several illnesses in prison

Specific religious freedom abuses this year include the following:

Cao Dai: In July, police raided the temple of an independent branch of the Cao Dai church. The government recognizes the Cao Dai faith, but unofficial branches have split off to protest government oversight and the curtailment of their religious ceremonies. The Long Binh temple in Tien Giang province was closed, its property turned over to the state-approved Cao Dai branch, and leaders were detained and warned not to start another temple. Violent confrontations and property confiscations have increased after the government approved new Cao Dai leadership in 2011 and started to crack-down on independent groups.

Catholics: In July, police arrested Ngo Van Khoi and Nguyen Van Hai, Catholics from the My Yen parish in Nghe An province. The two reportedly were seeking to repair or re-open a closed local shrine when they had a confrontation with police. A September prayer vigil for their release ended with police firing into the crowd, beating and injuring vigil participants, and detaining 15 people. Police claimed the crowd attacked them, a charge local priests, bishops, and eye-witnesses denied. The detainees were released on December 22, 2013 after serving six months in detention for “disturbing public order.” Tensions also remain high in Nghe An province after the January 2013 conviction and imprisonment of 14 mostly Catholic bloggers and democracy activists from the city of Vinh.

Central Highlands: In May, eight ethnic minority Montagnard members of an independent Catholic movement were sentenced to between 3 and 11 years in prison for “undermining unity” and “sowing ethnic and religious hatred” allegedly for working with banned overseas organizations in order to establish an independent state. Several also were charged with inciting protests against the relocation of their village in Gia Lai province. The Bishop of Kontum repeatedly has been denied access to the areas where the men reside. In November, four ethnic

minority Montagnard members of the Ha Mon Catholic movement were sentenced between 7 years, 6 months and 9 years in prison for “undermining national unity.”

Hoa Hao: Vietnam recognizes only one Hoa Hao group and actively suppresses independent pagodas and assemblies. Police raided the Quang Minh Tu pagoda in An Giang province, beating followers and spraying raw sewage into the holy site. Vo Van Thanh Liem, previously jailed for leading a similar unsanctioned Hoa Hao group, slashed his stomach in protest of the attack. The pagoda remains closed and followers were told to attend the state-sanctioned Hoa Hao venue. In the past year, police in An Giang, Can Tho, Vinh Long, and Dong Thap provinces harassed followers, barred them from worshipping, and prohibited public readings of founder Huynh Phu So’s writings.

Khmer Buddhists: Vietnamese authorities harassed Ta Set and Prey Chop temples in the Soc Trang province, leading to detentions, defrockings, and several monks seeking asylum in third countries. Monks Lieu Ny, Thach Thuol, and Ly Chanh Da were detained and defrocked allegedly because they were in contact with overseas Khmer Krom organizations. In September, Monks Thach Thuol and Lieu Ny were sentenced to six years and four years in prison respectively. Two other members of the Khmer Krom ethnic minority, Thach Phum Rit and Tra Quanh Tha, were also sentenced to 3 years and 2 years in prison. Monk Ly Chanh Da is in hiding, and several worshippers at Prey Chop temple, who blocked police entering the temple, were detained for several months.

UBCV Buddhists: The Unified Buddhist Church of Vietnam is the largest Buddhist organization in the country and refuses to join the state-sanctioned Vietnamese Buddhist Sangha (VBS). Police have detained UBCV leaders for over a decade, harassed worshippers attending known UBCV pagodas, and blocked attempts by the UBCV to organize provincial councils, youth organizations, and charitable and humanitarian assistance programs. In the past year, partly in response to the election of new leaders, police have increased pressure on the UBCV. In January, 2014 police in the city of Hue, forcibly stopped a planned UBCV commemoration ceremony, warning worshippers, beating a nun trying to attend the ceremony, and detaining over 15 monks. In February 2014, in Ho Chi Minh City, police rammed the motorbike and publicly beat monk Thich Chon Tam, a newly elected member of the UBVC executive board, and in Thua Thien-Hue province, police detained, interrogated, and later restricted the movement of Le Cong Cau, head of the 500,000 member Buddhist Youth Movement. Cau also was detained briefly in March 2013 for posting articles supporting the UBCV’s legal status.

Recommendations for U.S. Policy

Given the Vietnamese government’s continued abuses of the human rights of its people, the United States should continue to link the overall expansion of U.S.-Vietnam relations with improved human rights conditions, including the freedom of religion or belief. Human rights should be pursued consistently, and both privately and publicly at every level of the U.S.-Vietnam relationship, including in the context of new military and trade agreements that are being negotiated. This effort should include Vietnam’s potential membership in the Trans-Pacific Partnership, a multilateral free trade agreement that would lower tariffs on goods entering each country from the other. Furthermore, new economic or security assistance programs started

in Vietnam should be accompanied by new and expanded initiatives in human rights and religious freedom, and internet freedom.

In its 2013 Annual Report, USCIRF urged the State Department to designate Vietnam as a “country of particular concern,” or CPC, under the International Religious Freedom Act for the systematic, ongoing, and egregious violations of religious freedom, and to identify a series of actions the Vietnamese government should take to alleviate religious freedom abuses, such as prisoner releases, legal reform, and the protection of religious practice. USCIRF currently is evaluating this designation for the 2014 Annual Report, but given conditions on the ground, it is difficult to imagine a different recommendation this year.

In response to religious freedom violations in Vietnam, the U.S. Congress should:

- Continue to highlight religious prisoners of conscience, including those imprisoned or detained on account of their advocacy of religious freedom and related human rights;
- New funds appropriated to expand bilateral economic or security relations should be augmented by new funding for efforts to encourage human rights and religious freedom. USCIRF also would encourage the Congress to urge that funding from the State Department’s Human Rights Democracy Fund (HRDF) be set aside for new religious freedom programming;
- Pass the Vietnam Human Rights Act (H.R.1897 / S. 1649) and the Fostering Rights through Economic Engagement in Vietnam Act (H.R.1682), both of which condition expanded economic benefits to Vietnam on human rights, including improvements in religious freedom. We note that both measures provide the President with great flexibility in implementation. USCIRF also has long supported measures that would impose sanctions on individuals who are complicit in human rights abuses, like the recently introduced Vietnam Human Rights Sanctions Act (H.R. 4254).
- Work with the Administration to encourage a readiness to use Priority 1 authority to accept refugees facing a well-founded fear of persecution. Under this priority category, which usually applies to individuals with compelling protection needs, the Administration can consider resettlement of individuals of any nationality. The Administration should be prepared to use this authority both for those who have fled to other countries in the region and those still in Vietnam, without the prerequisite of a referral by the United Nations High Commissioner for Refugees; and
- Continue active oversight of the U.S.-Vietnam Human Rights Dialogue by holding hearings on the progress report the State Department is required to submit on the trajectory and outcomes of bilateral discussions on human rights as required by PL 107-228, the Foreign Relations Authorization Act of 2003. The next dialogue is expected to take place in late spring or early summer.

Conclusion

USCIRF's concerns about the state of religious freedom in Vietnam is reflected by the situation of Fr. Nguyen Van Ly. Father Ly is a prisoner of conscience whom Representative Chris Smith has adopted as part of the Defending Freedoms Project. Father Ly has spent more than 20 years in prison for the causes of religious freedom, democracy, and human rights. He is one of the founders of Bloc 8406 (a coalition advocating for democratic reforms) and past editor of an underground publication. Initially arrested in September 1977 and sentenced to 20 years in a labor camp near Hue, he later was released but prohibited from engaging in religious activities. He was returned to jail in 2001 when he submitted testimony to the U.S. Congress and USCIRF opposing a U.S.-Vietnam Bilateral Trade Act. On March 30, 2007, almost seven years ago, authorities prevented him from defending himself by literally muzzling him during a broadcasted show trial.

Prisoners of conscience like Father Ly, and the laws and policies that lead to his imprisonment and that of others, should receive major consideration in the evolving and expanding relationship between the United States and Vietnam. In short, as Vietnam continues to develop economically, it must uphold and protect, in law and practice, the universal demands of human dignity, including the universal right to the freedom of religion or belief.

Appendix: Vietnamese Prisoners in the Defending Freedoms Project

Doan Huy Chuong (m) and Nguyen Hoang Quoc Hung (m) are labor activists who were charged with disrupting national security and sentenced to between seven and nine years in prison for organizing workers at a Vietnamese shoe factory in 2010. Government authorities arrested Doan and Nguyen in early 2010 shortly after they helped organize workers at the My Phong shoe factory in Vietnam, where they distributed a leaflet outlining the striking workers' demands. Authorities held the two organizers for eight months before charging them with threatening national security. On October 28, 2010, 10 days after their indictment, the People's Court of Tra Vinh convicted them and sentenced Doan to seven years in prison and Nguyen to nine years in prison. The organizers were not permitted legal counsel or the opportunity to speak in their own defense. Although they were allowed a lawyer on appeal, the sentence was affirmed by the same court after another closed proceeding.

Throughout their detentions, Doan and Nguyen have been subjected to serious mistreatment. After arresting them, the government held them in solitary confinement for months. They have been the victims of repeated beatings, which often occur after one of their frequent prison transfers. As a result, Doan has lost the use of one hand. Despite continued poor health—including rashes and liver problems—they are forced to endure hard labor.

Tran Huynh Duy Thuc (m) is a Vietnamese blogger, entrepreneur and businessman, who was arrested in May 2009, and is currently serving a 16 year prison sentence. He was initially charged with theft of a telecommunications device, but the authorities were unable to find any evidence for this, and later charged Tran with “promoting anti-Socialist, anti-government propaganda” and undertaking “activities aimed at subverting the people’s government”. He was jailed, along with three other democracy activists, after a trial lasting just one day; his sentence is the longest ever handed down to a dissident in Vietnam in recent years. Tran is the founder and CEO of One-Connection Internet, an Internet service provider, and the author of several dissident blogs and articles on Vietnam’s economy.

Nguyen Van Lia (m) is a scholar in Hoa Hao Buddhism, a sect repressed by the Vietnamese authorities. According to state media, he possessed printed materials, CD’s, and DVD’s criticizing the Vietnamese government’s religious record. He had previously met in Saigon with the U.S. Consulate and the U.S. CIRF. He was sentenced to a five-year term on December 13, 2011 on the charge of “abusing democratic freedoms.”

Tran Hoai An (m) is a religious-freedom advocate and a member of the Hoa Hao Buddhist church, a sect which has been repressed by Vietnamese authorities. According to state media, he was arrested for possessing printed materials, CD’s, and DVD’s criticizing the government's religious policies. He was sentenced to a three-year term on 13 December 2011 on the charge of “abusing democratic freedoms.”

Pastor Duong Kim Khai (m) is a pastor for the Mennonite Church in Vietnam, a long-time advocate for aggrieved farmers, a democracy activist and member of Viet Tan, an organization advocating for democracy. Since the early 1990’s, he has been detained or arrested thirteen times, often while trying to organize prayer sessions. He was jailed in 2004 for starting an

“illegal” religious group. Upon his release in 2006, he founded the Mennonite Cattle Shed Congregation in order to advocate for religious freedom and social justice, particularly to provide assistance to farmers so they could petition the government for redress in land disputes or corruption cases in Ben Tre and Dong Thap provinces. He also joined Viet Tan during this period. Pastor Duong Kim Khai was arrested on August 10, 2010 on the charge of “attempting to overthrow the government.” The condition of his health and place of detention were kept from his family by authorities until October 12, 2010, when the family received written confirmation of his arrest. On May 30, 2011, he was sentenced to a six-year prison term (later reduced to five years) followed by five-year term of house arrest. In 2011, the UN Working Group on Arbitrary Detention ruled that the Hanoi government’s detention and conviction of Pastor Duong Kim Khai and six other land activists were in violation of international law.

Paulus Le Van Son (m) is a community organizer and prominent writer for *Vietnam Redemptorist News*. A resident of Hanoi, he is an active community organizer for issues such as HIV and public education; he also serves as member of the John Paul II Group for Pro-Life. His popular personal blog covers issues of social justice, human rights and sovereignty. He was arrested on August 3, 2011 on the charge of “attempting to overthrow the government.” His arrest was part of larger crackdown on human-rights defenders; seventeen others were arrested, mostly from Vinh Province. Le Van Son currently is serving a 4-year prison sentence, to be followed by another 4 year term of house arrest.

Vietnamese Prisoners that have been adopted by Members of Congress:

Nguyen Tien Trung (Adopted by Representative Alan Lowenthal (D-CA)) is a Vietnamese blogger and activist who was arrested in July 2009 on charges of disseminating "propaganda against the socialist state" and "organization to attempt to overthrow the people's government". After a show trial in January 2010 that lasted just one day, he was sentenced to seven years in jail and 3 years’ probation, and is currently in prison in Ho Chi Minh City. Trung has a Masters in information technology from France’s Institut National des Sciences Appliquees de Rennes, and during his time there, wrote an open letter to Vietnam’s Education Minister, demanding reforms to the country’s highly politicized education system. In May 2006, he founded Viet Youth for Democracy, which called on world leaders to remind the Vietnamese government of its commitment to human rights. Trung is also Vice General Secretary of the Democratic Party of Vietnam, a peaceful group not recognized by the one party regime. (RWB)

Cu Huy Ha Vu (Adopted by Representative David Price (D-NC)) is a prominent government critic and human-rights lawyer. He filed unprecedented lawsuits against the government, including suing Prime Minister Nguyen Tan Dung for violating laws on environmental protection, national security, and cultural heritage by approving a Chinese-run bauxite mining project in the Central Highlands. His law firm provided legal assistance to democracy activists and, prior to his arrest, to six Catholics from Con Dau parish who had protested government confiscation of Church properties. He was arrested on 5 November 2010, and on 4 April 2011 sentenced to seven-years in prison to be followed by three-years of house arrest. The charge was “propaganda against the socialist state.”

Father Nguyen Van Ly (Adopted by Representative Chris Smith (R-NJ)). He has spent over 15 years in prison for the causes of religious freedom, democracy, and human rights. Initially arrested in September 1977 and sentenced to 20 years in a labor camp near Hue, he was later released but prohibited from engaging in religious activities. He was returned to jail in 2001 when he submitted testimony to the U.S. Congress and the U.S. Commission on International Religious Freedom opposing a U.S.-Vietnam Bilateral Trade Act. On March 30, 2007, in a broadcasted show trial, authorities prevented him from defending himself in a broadcast show trial. He is one of the founders of Bloc 8406 (a coalition advocating for democratic reforms) and past editor of an underground publication. (USCIRF).

Do Thi Minh Hanh (f) (Adopted by Representative Chris Van Hollen) is a labor activist who, along with her two colleagues (**Doan Huy Chuong (m)** and **Nguyen Hoang Quoc Hung (m)**) were charged with disrupting national security and sentenced to between seven and nine years in prison for organizing workers at a Vietnamese shoe factory in 2010. Government authorities arrested Doan and Nguyen in early 2010 shortly after they helped organize workers at the My Phong shoe factory in Vietnam, where they distributed a leaflet outlining the striking workers' demands. Authorities held the three organizers for eight months before charging them with threatening national security. On October 28, 2010, 10 days after their indictment, the People's Court of Tra Vinh convicted them and sentenced Doan and Do to seven years in prison and Nguyen to nine years in prison. The organizers were not permitted legal counsel or the opportunity to speak in their own defense. Although they were allowed a lawyer on appeal, the sentence was affirmed by the same court after another closed proceeding.

Throughout their detentions, Doan, Do, and Nguyen have been subjected to serious mistreatment. After arresting the three organizers, the government held them in solitary confinement for months. They have been the victims of repeated beatings, which often occur after one of their frequent prison transfers. As a result, Doan has lost the use of one hand and Do is deaf in one ear. Despite continued poor health—including rashes and liver problems—all three are forced to endure hard labor.

Ta Phong Tan (f) (Adopted by Representative Sheila Jackson Lee (D-TX)) is a Vietnamese dissident blogger. A former policewoman and a member of the Communist Party of Vietnam, she was arrested in September 2011 on anti-state propaganda charges for her blog posts alleging government corruption. On July 30, 2012 Ta's mother Dang Thi Kim Lieng self-immolated in front of the government offices in Bac Lieu Province in protest of the charges against her daughter. On September 24, 2012, Ta was sentenced to ten years in prison. The Office of the United Nations High Commissioner for Human Rights, the State Department, Amnesty International, Human Rights Watch and others protested her arrest.

Statement of Rev. Phan Van Loi

Before the

Tom Lantos Human Rights Commission

ĐIỀU TRẦN TRƯỚC ỦY BAN NHÂN QUYỀN TOM LANTOS HOA KỲ ngày 26-03-2014
Về vai trò của các tổ chức Công giáo trong xây dựng xã hội dân sự ở Việt Nam nhằm bảo vệ nhân quyền, thúc đẩy dân chủ, và giải quyết các vấn nạn xã hội.

Kính thưa toàn thể Quý vị

Nhân việc Ủy ban Nhân quyền Tom Lantos tổ chức buổi điều trần về vai trò của các tổ chức tôn giáo trong xây dựng xã hội dân sự ở Việt Nam nhằm bảo vệ nhân quyền, thúc đẩy dân chủ, và giải quyết các vấn nạn xã hội, chúng tôi xin có bài điều trần nhỏ như sau

1- Những thuận lợi của các tổ chức Công Giáo trong vai trò xây dựng xã hội dân sự.

Đạo Công giáo tự bản thân là một tổ chức thống nhất ở cấp hoàn vũ và ở cấp địa phương, mang danh xưng Giáo hội Công giáo. Tại mỗi quốc gia, Giáo hội này phân thành các Giáo tỉnh, Giáo phận, Giáo xứ, các Dòng tu và bên trong mỗi đơn vị này lại có nhiều tổ chức lớn nhỏ. Các Giáo đoàn và Dòng tu Công giáo địa phương ấy (cùng với những tổ chức bên trong của mình) có nhân sự dồi dào, tổ chức chặt chẽ, kỷ luật nghiêm minh, sứ mạng phục vụ, tinh thần dân thân, uy tín trong quần chúng nên là những xã hội dân sự đúng nghĩa với nhiều thuận lợi trong vai trò xây dựng xã hội, quốc gia. Một số có chủ đích thuần túy tôn giáo, thờ phượng, một số có chủ đích văn hóa, từ thiện, giáo dục.

Trong thực tế, tại miền Nam VN trước 1975, đã có những tổ chức giáo dục như Hướng đạo Công giáo, Thanh Sinh Công, Thanh Lao Công... từ thiện như Caritas, Misereor... xã hội như Phong trào Công lý Hòa bình, Phong trào Chống tham nhũng, Ủy ban Cải thiện chế độ lao tù... Tất cả đều được tự do hoạt động và có nhiều đóng góp đáng kể cho xã hội, như các tổ chức dân sự tại mọi nước trên toàn thế giới.

2- Những hạn chế và khó khăn mà những tổ chức này đang phải đối đầu trong sinh hoạt tôn giáo và thực thi sứ mạng phục vụ nhân quần, xã hội.

Sau năm 1975, khi Cộng sản lên nắm chính quyền và xây dựng chế độ vô thần, độc tài, toàn trị, thì những tổ chức nói trên phải ngưng hoạt động. Chỉ còn lại cơ cấu điều hành ở các giáo phận, giáo xứ và dòng tu thôi, nhưng họ luôn luôn bị theo dõi và lũng đoạn. Hiện nay thì vài tổ chức dân sự đang cố gắng phục hồi và sinh hoạt âm thầm như Hướng đạo Công giáo, Cơ quan bác ái Caritas, Ủy ban Công lý Hòa bình. Ủy ban này chỉ mới được Hội đồng Giám mục VN thành lập lại tháng 10 năm 2010 nhưng chủ yếu cũng chỉ hoạt động trong nội bộ Công giáo. Có một số chức sắc đứng ra thành lập Nhóm Linh mục Nguyễn Kim Điền nhằm đấu tranh cho tự do tôn giáo và dân chủ nhân quyền từ năm 2001. Một số vị khác tham gia các Hội đồng Liên tôn vốn lần lượt xuất hiện năm 2000, 2008 rồi năm 2013.

Các hoạt động mang tính cách phục vụ nhân quần xã hội của các tổ chức dân sự thuộc Giáo hội Công giáo nằm trên hai mặt: lý thuyết lẫn thực hành. Về mặt lý thuyết, Hội đồng Giám mục VN từng có Thư góp ý với Nhà nước ngày 14-04-1991, Kiến nghị gửi thủ tướng và ban tôn giáo ngày 18-10-1992, Thư ngỏ gửi cho các Cơ quan Lập pháp của Nhà nước Việt Nam tháng 10-2002, Quan điểm về một số vấn đề trong hoàn cảnh xã hội hiện nay gửi đến toàn dân ngày 25-09-2008 và mới nhất là Thư nhận định và góp ý sửa đổi Hiến pháp gửi đến Ủy ban soạn thảo ngày 01-03-2013.

Ủy ban Công lý Hòa bình thuộc Hội đồng Giám mục thì có một số hoạt động như (1) tổ chức các khóa học cho giáo dân về học thuyết xã hội Công giáo, (2) nghiên cứu những yêu sách và thách đố của đất nước, thu thập và đánh giá những thông tin về chính trị, kinh tế, xã hội, về tình trạng nhân phẩm và nhân quyền tại VN, (3) lên tiếng thỉnh thoảng về vài vấn đề trong xã hội. Ví dụ vụ nhà nước xử án các giáo dân Cồn Dầu, Đà Nẵng (10-2010), vụ nhà nước lấy đất của Dòng Chúa Quan Phòng Sóc Trăng (12-2010), vụ bắt giữ và xử án luật gia Cù Huy Hà Vũ (8-2011), vụ nhà nước hủy bỏ cuộc Tọa đàm “Công lý cho Biển Đông” (10-2011), vụ 14 thanh niên Công giáo Vinh bị xử tòa (12-2012).

Nhóm Linh mục Nguyễn Kim Điền, thành lập từ 4-2001, có hơn 100 văn bản về các vấn đề tự do tôn giáo và dân chủ nhân quyền. Hội đồng Liên tôn năm 2000 có Tuyên bố về chính sách tôn giáo của CS tại VN (27-12-2000). Hội đồng Liên tôn 2008 có Lời Kêu Gọi Dân Chủ Cho Việt Nam (30-04-2008). Hội đồng Liên tôn năm 2013 thì cho đến nay đã có 6 bản lên tiếng về Hiến pháp, về Pháp lệnh tôn giáo, về nhiều vụ vi phạm nhân quyền. Ngoài ra còn có Nhóm Bảo vệ Sự Sống thuộc Giáo phận Vinh, Nhóm Truyền thông và Phòng Công lý Hòa bình thuộc Dòng Chúa Cứu thế, cả ba đều có những hoạt động liên quan đến thông tin và xã hội.

Thế nhưng, tất cả những hoạt động lý thuyết nói trên (tức là lên tiếng với nhà cầm quyền và công luận), không bao giờ được nhà cầm quyền hồi đáp mà xem xét những đề nghị và yêu cầu nêu trong đó. Trái lại họ còn tìm cách gây khó khăn cho những chức sắc hoặc tín đồ quá mạnh mẽ. Chẳng hạn Tổng Giám mục Ngô Quang Kiệt bị bưng ra khỏi tòa TGM Hà Nội; Giám mục Hoàng Đức Oanh và các linh mục dưới quyền tại Kontum thường xuyên bị sách nhiễu, thậm chí bị hành hung; Dòng Chúa Cứu Thế ở Sài Gòn và Thái Hà luôn bị theo dõi và cản trở trong các hoạt động, thậm chí bị cướp tài sản (đất đai); nhiều thanh niên Công giáo tại Giáo phận Vinh đang bị ngồi tù vì lên tiếng cho công lý và sự thật.

Đang khi đó thì các hoạt động thực tiễn của tôn giáo nói chung và Công giáo nói riêng bị hạn chế hay cấm cản bởi Pháp lệnh Tôn giáo tín ngưỡng năm 2004 và Nghị định áp dụng Pháp lệnh năm 2012. Hai văn kiện pháp lý này muốn khống chế, kềm tỏa 5 phương diện hay 5 yếu tố của tôn giáo là quy chế pháp lý, nhân sự, hoạt động, tài sản và quan hệ quốc tế. Cho đến nay, các tôn giáo và các tổ chức tôn giáo không được nhà nước công nhận như những pháp nhân. Nhân sự, nhất là nhân sự lãnh đạo, luôn bị nhà nước kiểm soát từ việc chiêu mộ, huấn luyện, tấn phong và bổ nhiệm. Các hoạt động thuần túy tôn giáo hoặc phục vụ xã hội đều buộc phải xin phép, đều bị hạn chế, không cho vượt ảnh hưởng ra ngoài xã hội. Tài sản của Giáo hội tiếp tục bị tước đoạt thêm, còn đất đai thì Giáo hội chỉ được quyền sử dụng. Quan hệ quốc tế của Giáo hội và việc các chức sắc lẫn tín đồ ra hải ngoại đều bị nhà nước kiểm soát, có khi ngăn cản. Điều đó làm cho các tổ chức/xã hội dân sự trong tôn giáo khó hoạt động và khó ảnh hưởng. Ngoài ra, nhà cầm quyền còn tạo ra một xã hội dân sự giả tạo là Ủy ban Đoàn kết Công giáo, thành viên của Mặt trận Tổ quốc, nhằm lũng đoạn nội bộ Giáo hội đồng thời lừa gạt quốc tế.

Đối với các tôn giáo khác thì nhà cầm quyền tạo ra những giáo hội quốc doanh bên cạnh Giáo hội Phật giáo VN Thống nhất, Giáo hội Phật giáo Hòa Hảo Thuần túy, Hội thánh Cao Đài chân truyền, các Giáo hội Tin lành Mennonite, Tin lành Lutheran... Các giáo hội quốc doanh này do nhà nước điều khiển, với mục đích lũng đoạn, chia rẽ các Giáo hội chính truyền. Các giáo hội quốc doanh ấy cũng tham gia Mặt trận Tổ quốc là cơ quan ngoại vi của đảng CS, bao gồm trong đó các tổ chức/xã hội dân sự giả tạo.

Bản thân chúng tôi cũng là nạn nhân của nhà cầm quyền CSVN. Tôi bị họ đuổi ra khỏi Đại chủng viện Huế tháng 5-1978 cùng với 17 đại chủng sinh khác vì tội “cứng đầu”. Nên đến ngày 21-5-1981, tôi đã phải chịu chức linh mục cách bí mật do tay Đức Giám mục Nguyễn Văn Thuận (lúc ấy đang bị quản thúc tại giáo xứ Giang Xá, giáo phận Sơn Tây). Ngày 21-10-1981, tôi bị công an bắt cùng với 4 đại chủng sinh khác thuộc giáo xứ Phú Cam rồi bị kết tội “tuyên truyền phản cách mạng” trong một phiên toà, vì trước đó, vào ngày 21-9-1981, tất cả đã cùng nhau làm một vở kịch nhỏ giúp vui trong một buổi họp mặt phụ huynh chủng sinh tại giáo xứ. Bị án tù 4 năm, giam tại “trại cải tạo” Đồng Sơn (tỉnh Đồng Hới). Ở gần hết án, tôi bị nhà cầm quyền khám phá ra là một linh mục chịu chức không xin phép nhà nước nên bị giam thêm 3 năm nữa. Tổng cộng 7 năm tù. Được thả ra tháng 10-1988, tôi phải về ở nhà cha mẹ tại giáo xứ Phú Cam, thành phố Huế.

Đầu năm 2001, tôi hỗ trợ linh mục Tadêô Nguyễn Văn Lý trong việc đấu tranh cho tự do tôn giáo và dân chủ nhân quyền. Tôi bị công an gọi đi thẩm vấn trong vòng một tháng, sau đó tôi từ chối không tới đồn nữa nhưng vẫn tiếp tục đấu tranh. Thế là họ quản thúc tôi tại gia đình (lệnh miệng), cắt điện thoại bàn, phá điện thoại di động, luôn canh chừng theo dõi tôi lẫn thân nhân và bạn bè của tôi cho tới hôm nay.

3- Những dự định sẽ thực hiện trong 12 tháng tới để thay đổi tình trạng này

Để tìm cách thay đổi tình trạng này, trước hết các chức sắc tôn giáo, trong đó có các linh mục Công giáo chúng tôi, quy tụ trong một tổ chức dân sự gọi là Hội đồng Liên tôn, ngày 01-05-2013, đã mạnh mẽ đòi hỏi Quốc hội VN phải chấp thuận một Hiến pháp đề cao các quyền con người và các quyền công dân. Đến ngày 4-10-2013, chúng tôi đã mạnh mẽ phản bác Pháp lệnh tôn giáo năm 2004 và Nghị định áp dụng Pháp lệnh năm 2012, là hai văn kiện cản trở cho hoạt động của các tổ chức dân sự trong tôn giáo. Mới đây, ngày 17-02-2014, chúng tôi đã ra Bản lên tiếng về quyền con người và về các tù nhân lương tâm tại VN, vốn là những con người đòi hỏi nhân dân phải có quyền lập ra các xã hội dân sự độc lập với nhà nước. Từ đây cho đến 06-03-2014, chúng tôi sẽ soạn thảo Cương lĩnh của Hội đồng Liên tôn với các điều khoản thông thường của một tổ chức, để có thể chính danh và dạn dĩ hoạt động.

Nhiều chức sắc tôn giáo từng bị lao tù trong chế độ CSVN (trong đó có bản thân chúng tôi) cũng vừa liên kết với nhau thành một tổ chức dân sự mang tên Hội Cựu Tù nhân Lương tâm, nhằm góp phần phá vỡ ách độc tài của chế độ.

4- Những đề nghị gửi đến chính phủ Hoa Kỳ, đặc biệt là Quốc hội, và cộng đồng thế giới để hỗ trợ cho cho việc thực hiện các dự kiến trên.

Tại VN, kể từ đầu năm 2013, nhiều xã hội dân sự xuất hiện, như Nhóm Anh em Dân chủ, Hội Phụ nữ Nhân quyền, Nhóm Truyền thông Chúa Cứu Thế, Mạng lưới Blogger Việt Nam, Hiệp hội Dân oan, Hội bầu bí tương thân, Nhóm Bảo vệ Sự sống, Hội đồng Liên tôn, Hội Cựu Tù nhân Lương tâm và mới nhất là Văn đoàn Việt Nam độc lập. Tất cả đều là nỗ lực của các công dân tự do nhằm giành lại sự độc lập trong sinh hoạt xã hội, trong tổ chức hội nhóm, trong hành động phục vụ và cả trong nhận định chính trị.

Chúng tôi mong chính phủ Hoa Kỳ, đặc biệt là Quốc hội, và cộng đồng thế giới chăm chú theo dõi sự hình thành và hoạt động của các tổ chức dân sự, ủng hộ chúng tôi về mặt tinh thần, mặt chính trị. Ngoài ra, quý vị có thể tạo điều kiện để chúng tôi trau dồi thêm khả năng hoạt động trong các tổ chức dân sự đó (như đã từng có những khóa học về phương cách đấu tranh bất bạo động, phương cách thực thi dân chủ mà có nhiều người từ VN đi ra tham gia). Cuối cùng, xin cảm ơn Quý vị đã lắng nghe. Xin Thượng Đế chúc lành cho Quý vị và cho đất nước Hoa Kỳ.

Linh mục Phê-rô Phan Văn Lợi, Huế, VN, 26-03-014 —

**Hearing Testimony by Sub-dignitary Bach Phung Nguyen of Caodai Religion
before Tom Lantos Human Rights Commission on March 26, 2014**

Kính thưa quý vị trong Ủy Hội Nhân Quyền Tom Lantos

Tôi là Nguyễn Bạch Phụng, Chánh Trị Sự Đạo Cao Đài, hiện trách nhiệm Quyền Nữ Đầu Tộc Đạo Châu Thành, Châu Đạo Vĩnh Long, là Thư Ký của Ban Đại Diện Khối Nhơn Sanh Đạo Cao Đài Tòa Thánh Tây Ninh, và cũng là Thành Viên trong Hội Đồng Liên Tôn Việt Nam.

Xin lỗi quý vị trong Ủy Hội Nhân Quyền Tom Lantos, tôi không thể có mặt tại chỗ để điều trần được, vì việc đi lại của tôi đang bị chính quyền kiểm soát.

Kính thưa quý vị!

Gia đình tôi theo đạo Cao Đài, nên tôi theo đạo từ năm 23 tuổi.

Trước tháng 4 – 1975 chúng tôi hành đạo tự do không có sự can thiệp của chính phủ, nhưng sau 1975 dưới nhà nước CSVN, chúng tôi không còn được tự do hành đạo nữa, những Chức Sắc và tín đồ Các tôn giáo khác cũng cùng chung cảnh ngộ.

Năm 1979 ĐCSVN đã giải thể Hội Thánh Cao Đài Tòa Thánh Tây Ninh và cơ cấu Hành Chánh Đạo từ trung ương tới địa phương, lập ra HĐCQ dưới sự khống chế của nhà nước, cấm cơ bút (Thần Linh Học), là nền tảng của tôn giáo chúng tôi, phá bỏ luật pháp chơn truyền của đạo, thay đổi toàn bộ nghi lễ truyền thống của đạo, không cho in ấn kinh sách, photocopy, không cho chúng tôi hội họp, Thượng Tượng, không cho truyền đạo..v..v..

Nhà nước CSVN cô lập chúng tôi, bằng cách cho chúng tôi là phần tử xấu để mọi người xa lánh, họ đi hầu hết từng nhà để xách nhiễu, đe dọa tín đồ và buộc chúng tôi phải tùng theo HĐCQ. Chúng tôi không nhìn nhận HĐCQ do nhà nước thừa nhận này, nên họ dùng công an, côn đồ đàn áp, đánh đập, tịch thu Thánh Thất và tài sản của đạo.

Ví dụ như: - Ngày 12 tháng 9 năm 2013 tại xã Bàu Năng, huyện Dương Minh Châu, tỉnh Tây Ninh. Cô Tạ Thị Thu Nga mời Chức Sắc, Chức Việc, Tín Đồ đến

làm lễ Thượng Tượng thờ Đức Thượng Đế tại nhà, mà không xin phép nhóm Cao Đài của họ. Chính tôi cùng một số đồng đạo bị Công an, côn đồ và nhóm Cao Đài nhà nước khống chế, đàn áp, đánh đập, giựt 2 máy quay phim, 2 điện thoại Iphon và 17.950.000 đồng của đồng đạo và khống chế chúng tôi ở trong nhà, từ 13g ngày 12-9-2013 đến 4g sáng ngày hôm sau.

Ngày 03-11-2013 Chính tôi cùng một số đồng đạo khác bị chính quyền, Công an áp chế, ngăn cản không cho tổ chức lễ kỷ niệm ngày Qui Thiên của cố Hiền Huỳnh Lễ Sanh Thái Kim Thanh, tại nhà Chánh Trị Sự Nguyễn Kim Lân tỉnh Vĩnh Long. Chính quyền tố cáo chúng tôi vi phạm pháp luật, sau đó đòi 3 em Đạo Hữu lên cơ quan Công an để khủng bố tinh thần.

Những hành động trên đây là do chính sách nhất quán của đảng và nhà nước CSVN nhằm triệt tiêu Đạo Cao Đài của Thượng Đế, và các nền tôn giáo độc lập khác như: Phật Giáo VNTN, Công Giáo, Tin Lành, Hòa Hảo.

Ngay sau năm 1975 họ đã ra lệnh "mật" và "tối mật" gồm 11 văn bản nói lên chính sách của nhà nước để diệt đạo Cao Đài. Cụ thể dùng Hội Đồng Chứng Quán (HĐCQ) do họ dựng lên để khống chế chúng tôi và cướp lấy Thánh Thất. Ngày 23 tháng 03 năm 2000, Chính tôi và đồng đạo bị chính quyền, công an tỉnh Vĩnh Long yểm trợ cho người của HĐCQ cưỡng chiếm lấy Thánh Thất Vĩnh Long.

Chính sách này vẫn tiếp tục cho tới ngày hôm nay. Vào ngày 16-9-2012, Chính quyền, Công an yểm trợ cho người của HĐCQ cưỡng chiếm lấy Thánh Thất Phù Mỹ, tỉnh Bình Định bằng vũ lực, họ đánh đập những người Cao Đài độc lập. Người của HĐCQ dùng dầu lửa định đốt cháy một đồng đạo ở Thánh Thất, nhưng người của họ cản ngăn. Chánh Trị Sự Nguyễn Nhơn bị đánh gãy sống mũi phải nằm viện và một số người Đạo Cao Đài khác bị thương.

Ngày 03-07- 2013 chính quyền, công an tỉnh Tiền Giang yểm trợ cho người của HĐCQ cưỡng chiếm lấy Thánh Thất Long Bình, họ dùng xe Ben tông vô cửa chánh môn sập xuống, Công an chìm, côn đồ tràn vô đánh đập đồng đạo trọng thương như:

- Đạo Hữu Nguyễn Văn Em và Phó Trị Sự Lê Thị Kẹt , và nhiều người khác bị thương.

Ngày 25-7-2013 chính tôi và Chánh Trị Sự Nguyễn Kim Lân là thành viên trong Hội Đồng Liên Tôn Việt Nam bị công an tỉnh Vĩnh Long khống chế, chặn xe lại, áp lực tài xế bỏ chúng tôi xuống không cho đi, và đóng chốt 2 đầu đường vào nhà không cho ra khỏi tỉnh trong 5 ngày. Công an CSVN cũng khống chế sự đi lại của Chức Sắc trong HĐLT như: Hòa Thượng Thích Không Tánh, cụ Lê Quang Liêm, Mục Sư Nguyễn Hoàng Hoa, Mục Sư Nguyễn Trung Tôn, Chánh Trị Sự Hứa Phi và những vị khác.

Ngày 05-01-2014, chính tôi cùng một số đồng đạo cúng lễ cầu siêu cho cố tánh Ngô Thị Thanh Đào 42 tuổi tại tỉnh Vĩnh Long, bị chính quyền, công an ra lệnh phải ngưng đàn cúng vì chúng tôi không xin phép HĐCQ.

Trên đây chỉ một vài ví dụ điển hình.

Trước tháng 4 – 1975 Đạo Cao Đài có trên 300 Thánh Thất và Điện Thờ Phật Mẫu. Đến nay hầu hết đã vào tay của HĐCQ và nhà nước chiếm lấy, chỉ còn lại 18 Thánh Thất và 6 Điện Thờ Phật Mẫu, nhà nước đang toan tính, tiếp tục chiếm lấy hết các Thánh Thất độc lập này.

Kính thưa Quý Ngài!

Chúng tôi muốn có quyền tự do tôn giáo và tín ngưỡng cũng như những nhân quyền khác mà công dân bình thường của tất cả các quốc gia dân chủ trên thế giới được thừa hưởng.

Chúng tôi yêu cầu nhà nước CSVN:

- Tôn trọng sự độc lập hành chánh của Đạo Cao Đài, tôn trọng pháp lý của giáo hội chúng tôi, trả lại cho chúng tôi những tài sản thuộc về giáo hội Cao Đài trước 1975, dưới sự giám sát của Liên Hiệp Quốc.
- Hãy trả tự do vô điều kiện cho tất cả các tù nhân lương tâm đấu tranh cho Dân Chủ, Nhân Quyền và Tự Do Tôn Giáo.
- Yêu cầu nhà nước CSVN phải tuân theo Bản Tuyên Ngôn Quốc Tế Nhân Quyền và những lời cam kết đã hứa trước Hội Đồng Nhân Quyền LHQ, nhất là bây giờ Việt Nam đang là thành viên trong HĐLHQ đó.

Chúng tôi yêu cầu chính phủ Hoa Kỳ và Ủy Hội Nhân Quyền Tom Lantos:

- Hãy cài những điều kiện nhân quyền tiên quyết cho Việt Nam khi gia nhập kinh tế Hợp Tác Xuyên Thái Bình Dương (TPP).
- Dùng ảnh hưởng của mình để áp lực nhà nước CSVN nhìn nhận một cách hợp pháp những tôn giáo cổ truyền, độc lập ở Việt Nam và ngưng can thiệp vào nội bộ tôn giáo.

Đảng CSVN qua 39 năm nay đã lừa dối người dân Việt Nam, lừa dối thế giới quá nhiều, nói một đường làm một nẻo.

Kính thưa Ngài Chủ Tịch, với sự cho phép của Ngài tôi muốn đệ trình một số bản báo cáo mà chúng tôi đã chuẩn bị cho HĐNQLHQ để đưa vào hồ sơ của buổi điều trần này.

Cảm ơn Quý Ngài rất nhiều về sự quan tâm của Quý Ngài.

Cầu nguyện Đức Thượng Đế ban nhiều ân lành cho toàn thể quý vị và Hiệp Chúng Quốc Hoa Kỳ.

Xin chân thành cảm ơn.

THIRD AMNESTY OF GOD
89TH Year
TAYNINH HOLY SEE

Special Report

Re: Government and Public Security Police of Vinh Long infringing upon the Freedom of Belief

To: The UN High Commissioner for Human Rights
The UN Special Rapporteur on freedom of religion or belief
The UN Special Rapporteur in the field of cultural rights
The UN Special Rapporteur on the right to freedom of peaceful assembly and association
The Chairman of the US Commission on International Religious Freedom

We, all clergymen and members of the traditional independent Caodai Congregation of City of Vinh Long, Vinh Long Province respectfully report to you the following incident:

We held the 5th memorial service for Mrs. (Co Tanh) Ngo Thi Thanh Dao, 42 years old (at the time of her death), on January 5, 2014 at the house of Mr. (Subordinated Subdignitary or Thong Su) Le Ngoc Thuan, at Hamlet 1, Quarter 2, City of Vinh Long, Vinh Long Province. Mrs. Ngo was the sister-in-law of Mr. Le. She suffered terminal breast cancer and passed away on November 22, 2013.



Mrs. Ngo's husband was holding a tray carrying a vase of incense with his daughter standing beside him for the memorial service.

Since early morning, several members of the Public Security Police sat in a coffee house across the street, in front of Mr. Le's house, secretly watching us.

At 12:00 noon, the clergy and members proceeded with the ritual for Noon Offering followed by the memorial service. Suddenly the members of: local government People Committee of Quarter 2, Public Security Police of Quarter 2, Police of City of Vinh Long, and of the Vietnamese Fatherland Front including the following officers:

1. Mr. Le Van Be, Vice President;

2. An unknown member of the People's Committee of Quarter 2;
3. Lady President of the Vietnamese Fatherland Front, Quarter 2;
4. Mr. Du Van Dan, Head of the Hamlet 1;
5. Major Duyen, local Security Police member;
6. Mr. Ngo Minh Nghia – Police of Political Protection Branch of the City of Vinh Long;
7. Mr. Nguyen Tan Lac, police agent of the City of Vinh Long
8. An unknown member of the Police of the City of Vinh Long,

showed up at the door.



Công an Nguyễn Tân Lạc (quay phim)

Nguyen Tan Lac, police agent (in plain clothes) was filming the ceremony.

They came into the house of Mr. Le without asking the permission of the owner and went straight upstairs to the first floor, where our God's altar is installed. When we were about to start the service, Mr. Duyen and Mr. Nghia, members of police force, ordered us to stop the service session, did not allow us to videotape the incident and threatened to confiscate the video camera.

Mr. Nghia asked that why we prayed at home and yet did not invite the local pro-government Caodai Governance Council of Quarter 1, which is recognized by the Vietnam Government and has legal standing, to conduct the service, and stated that our group led by the Sub-Dignitary Nguyen Kim Lan is illegal.

Mr. Le responded that we are strongly committed to the religious cause; thus, we have to uphold it. He added that the Governance Council set up by the government does not follow Caodai religious laws and the traditional rituals, and modifies the Caodai religious constitution which was effective prior to 1975. Therefore, we do not follow the lead of the Governance Council.

Police agent Nghia told us that if the government recognizes the Governance Council, then we have to follow it.

Mr. Le responded that the government shall respect the freedom of belief of each citizen and not force us to follow or not to follow a religious body.

The memorial service was conducted at Mr. Le's house instead of at his sister-in-law's because her family is very poor.

Police agent Nghia ordered the lady representing the Fatherland Front to prepare a report and asked Mr. Le to sign it. After he signed it, all the government officials and people that had come with them left.

Then came the next incident on January 14, 2014 on the occasion of the 6th memorial service for Mrs. Ngo. The People's Committee of Quarter 2, the police of Quarter 2 and the police of the City of Vinh Long disturbed us again destroying the peace and solemnity of the service. The police forced Mr. Le to secure the approval of the pro-government Governance Council with their sign and seal in order to conduct the memorial service.

The acts carried out by the Vinh Long government and police seriously violated the freedoms of belief and of peaceful assembly, infringed upon the citizens' religious rights, and disturbed the lives of the local faithful.

We, all members of the traditional independent Caodai Congregation of Vinh Long Province, denounce these immoral acts of the government and police of Vinh Long Province. They have exercised their power to suppress and destroy the traditional Caodai religion created by God.

Once more, we respectfully request that the Government of Vietnam complies with all of the commitments made when Vietnam was elected to the Human Rights Council of the United Nations. They shall respect freedoms of religion and belief and all basic human rights of its citizens.

Yours Respectfully,

Vinh Long, January 15, 2014

Reported and Signed by:

- Sub-Dignitary Nguyen Kim Lan, Acting Head Religious District of Chau Thanh (Caodai Traditional Independent Congregation of Vinh Long), Deputy Head of the Representative Committee of the Popular Bloc of the Caodai Tayninh Holy See- Member of Interfaith Council of Vietnam.

Phone #: 011 84 988971117

- Lady Sub-Dignitary Nguyen Bach Phung, Lady Acting Head Religious District of Chau Thanh (Caodai Traditional Independent Congregation of Vinh Long), Secretary of the Representative Committee of the Caodai Tayninh Holy See- Member of Interfaith Council of Vietnam.

Phone #: 011 84988477719

- Twenty-four co-signees who are members of the Independent Caodai Congregation of Vinh Long and who witnessed the incident (please refer to the signature sheet attached).

Original Report was also sent to:

Prime Minister, Socialist Republic of Vietnam
Vietnamese Central Government's Committee for Religious Affairs
Chair, People's Committee of Vinh Long Province
Chair, Religious Affairs Committee of Vinh Long Province

Cc:

Committee for Freedom of Religion in the U.S. Congress
Committee for Freedom of Religion of the European Union
Human Rights Watch
Other international Human Rights organizations

Attachment: Signature sheet of the twenty- four co-signees and original report in Vietnamese.

SPECIAL REPORT ON PHU MY, BINH DINH PROVINCE INCIDENT

1. GENERAL INFORMATION

- Does the incident involve an individual or a group?

At 8am on September 16th, 2012 (the 1st day of the 8th month of the Year of Dragon), the local Government and Public Security Police of Phu My, Binh Dinh and hired thugs accompanied members of the local office of the Pro-government Caodai Governance Council that was setup by the Government in their attempt to take over Phu My Temple, which still belonged to the independent Caodai Church. They beat the traditional members of the independent Caodai Church, who refused to acknowledge the said pro-government Caodai Governance Council and wanted to maintain the traditional rituals in worshipping.

-If it involves a religious or belief group please state the number of people involved and the denomination of the group:

The victims included about ten (10) members of the traditional Caodai Church. The attackers included over 30 people, including local Government officials, plain-clothes police, members of the local office of the government-sanctioned Caodai Governance Council, and thugs.

- Country(ies) in which the incident took place: Socialist Republic of Vietnam

- Nationality(ies) of the victim(s): Vietnamese

- Does domestic law require (re-) registration of religious associations and if yes, what is the current status of the group in question?

Vietnam's 2004 Ordinance on Religion and Belief requires that all religious organizations must be registered. The group affected is not registered and refuses to join the registered government-sanctioned Cao Dai Governance Council (Hoi Dong Chuong Quan).

While outlawing all the Caodai groups, the government has set up the pro-government Governance Council, allowing them to register and recognizing them as the only legal Caodai organization that all Caodai followers must join if they want to legally practice their faith. The government has on occasions supported the Governance Council's imposition of their will on the other Caodai groups, including misappropriating the facilities that once belonged to these groups. Many Caodai practitioners do not recognize this Council and view it as the puppet of the government, created to control and exterminate the traditional Caodai religion which was founded in 1926.

In January of 2013, Decree 92 came into effect, further restricting the religious activities of independent Caodai groups. Under this new decree, home-based group activities that were somewhat tolerated are now prohibited. For example, in recent months the security forces have disrupted even commemorative ceremonies, conducted in the privacy of private homes, to pay respect to ancestors or the deceased.

The local government and police force of Binh Dinh Province as well as of the other provinces in Vietnam such as Vinh Long, Tien Giang, Tay Ninh all tried to suppress the independent Caodai members who do not recognize the government-sanctioned Caodai groups. The local Government and Police have threatened independent Caodai members with force, beaten them and illegally took the ownership of several Caodai Temples. It is the policy of the Communist Party to destroy the Caodai Religion created by our God.

2. IDENTITY OF THE PERSONS CONCERNED

Note: if more than one person is concerned, please attach relevant information on each person separately.

- Family name: Nguyễn
- First name: Hữu Khanh
- Denomination of his/her religion or belief: Caodai
- Place of residence or origin: My Phu Dong Hamlet, My Loi Village, Phu My District, Binh Dinh Province.
- Telephone: 011 84 1676858441
- Age: 49 (born in 1964)
- Sex: Male
- Nationality(ies): Vietnamese
- Other victims:

Subordinated Sub-dignitary Nguyễn Công Trứ
Sub-dignitary Nguyễn Nhơn
Sub-dignitary Lê Văn Phụng
Sub-dignitary Cao Văn Minh
Sub-dignitary Nguyễn Hà
Sub-dignitary Le Phuoc Khiem

Details of injuries of the victims:

- Sub-dignitary Nguyễn Hữu Khanh with battered body;
- Subordinated Sub-dignitary Nguyễn Công Trứ with open wound and bleeding, from neck to chin, which was mended with 9 stitches; his health has been deteriorating since the incident took place;
- Sub-dignitary Nguyễn Nhơn with broken nose and hospitalized afterward;

- Sub-dignitaries Lê Văn Phụng, Cao Văn Minh and Nguyễn Hà with bruises everywhere on their bodies;
- Sub-dignitary Lê Phước Khiêm was also injured.

3. INFORMATION REGARDING THE ALLEGED VIOLATION

- Date and time (approximate, if exact date is not known): Sept. 16, 2012 starting at 8am

- Place (location and country/countries): My Phong Village, Phu My District, Binh Dinh Province.

- Please provide a detailed description of the circumstances of the incident in which the alleged violation occurred respectively the nature of the governmental action:

On September 16, 2012, the Day of Worshipping God in Heaven according to the Caodai tradition, about ten (10) Caodai followers conducted activities inside the Phu My Temple. Suddenly some 30 uninvited people appeared. They included the local Government officials, plain-clothes police, members of the local office of the government-sanctioned Caodai Governance Council, and thugs. As the temple's gate was locked, they spread out and pushed down the fence of the temple, then rushed inside to beat up the victims, causing them serious bodily injuries (please see detail item #2 above).

The thugs and members of the government-sanctioned Caodai entity freely beat the occupants of the temple in the presence of government officials and police agents. The victims sought refuge inside the temple. The attackers aggressively pursued these faithful people and hurt them badly. Parasols, sunshades, gongs and bells of the temple fell down everywhere.

At 12:00 noon of the, Sub-dignitary Nguyễn Hữu Khanh announced the temporary closure of the temple because the situation was so tense and most of the attendees could no longer focus on their religious ceremony.

The attackers broke the locks and threw open the door to enter the temple. Subordinated Sub-dignitary Nguyễn Công Trứ was severely beaten and took refuge in the sanctuary. Mr. Truong Tu, leader of the group belonging to the government-sanctioned Caodai entity poured petroleum over Mr. Trứ's body with intent to burn him, but got dissuaded by some in his own group. Finally the attackers, with the support of the thugs, officials of the local government and members of the police force of Binh Dinh Province, took over the temple.

- Which indications exist that the victim(s) has been targeted because of his/her religion or belief?

Sub-dignitary Nguyễn Hữu Khanh and other victims were targeted, and their temple was taken over because they refused to acknowledge the pro-government Governance Council and wanted to maintain the traditional rituals in worshipping. Furthermore, they are also the members of the Representative Committee of the Popular Bloc of the Tayninh Holy See, an independent Religious Organization, which is not recognized by the Vietnamese authorities and does not follow the pro-government Governance Council that was set up and controlled by the Government.

- Are the perpetrator(s) known to the victims?

Yes

- Are state agents or non-state-actors believed to be responsible for the alleged violation?

As explained, perpetrators included members of the local office of the pro-government Caodai Governance Council and thugs, with the evident support of the police and local government officials.

- If the perpetrators are believed to be State-agents, please specify (police, military, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.

Government officials and security force officers participating in the event were:

1. Mr. Nguyễn Văn Hải – Administrative Head of Mỹ Phong Village, Phu My District, Binh Dinh Province

2- Mr. Nguyễn Văn Thanh – Police Chief of Mỹ Phong Village, Phu My District, Binh Dinh Province.

3- Mrs. Nguyễn Thị Nghia - Assistant Administrative Head of Mỹ Phong Village, Phu My District, Binh Dinh Province.

4- Mr. Nguyễn Văn Tâm - Vĩnh Bình Village Security Officer, Mỹ Phong Village, Phu My District, Binh Dinh Province.

5- Police force members in plain clothes.

6. Mr. Trương Tư, leader of the local office of the Caodai Governance Council.

- If identification as State agents is not possible, do you believe that Government authorities or persons linked to them, are responsible for the incident, why?

Yes, see the above paragraphs of item #3.

- If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify:

Mr. Nguyễn Hữu Khanh and other six victims (please see item #2 above) are the live witnesses of the incident. Their injuries are the concrete evidence of the atrocities of the perpetrators. The identity of Mr. Nguyễn is also specified in item #2 above, who was interviewed by Reporter Thanh Quang of RFA Radio Station on September 16, 2012 regarding the incident.



PTS Nguyễn Công Trứ bị đánh tét mặt và cổ

Picture of Subordinated Sub-dignitary's injury on Sept. 16, 2012. His health has been deteriorating since the incident; he has been unable to speak properly and became mentally sick.



Picture of Sub-Dignitary Nguyen Nhon's injury with broken nose on Sept. 16, 2012



Above and below pictures: Thugs or police in plain clothes were beating members of the independent Caidai group on Sept.16, 2012.





Mr. Truong Tu (the leader of local office of pro-government Governance Council) was shaking hands with a local official. He wanted to burn Subordinated Sub-dignitary Nguyen Cong Tru.

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANYONE ELSE ON HIS/HER BEHALF?

- Please indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e. police, prosecutor, court):

While the Phu My Temple was under attack, Sub-dignitary Cao Văn Minh placed a phone call to Mr. Nguyễn Đắc Tuấn, an official of the Government Religious Committee, requesting him to intervene, but he excused with the reason of conflicting schedule for going to a dinner commemorating a deceased acquaintance.

Sub-dignitary Nguyễn Hà called Mr. Mạc Đình Trung, an officer of the Binh Dinh Police Force, but he did not come.

- Were any other steps taken?

The victims have filed complaints on the incident to Phu My District Authority.

- Steps taken by the Authorities:

None

- Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Please indicate progress and status of these investigations as well as which other measures have been taken?

None

- In case of complaints by the victim or its family, how have those authorities or other competent bodies dealt with them? What has been the outcome of those proceedings?

So far there has been no investigation by the police. The perpetrators go unpunished. The Government will continue to oppress and harass Caodai disciples (and their families) who would like to practice traditional rituals and follow the Caodai religious constitution before 1975. The Vietnamese authorities would never allow independent religious organizations to practice their faiths.

We, the United Caodai Tayninh Holy See Overseas, strongly condemn the violations of religious freedom committed by the local Government and by Police Force of Phu My District, and of Binh Dinh Province.

We respectfully request the United Nations High Commissioner for Human Rights, The Executive and Legislative Branches of the United States of America, governments of democratic nations of the world, and international Human Rights organizations to compel the Vietnam Government to comply with the international conventions on human rights that they pledge to implement as a state member of the United Nations.

5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM

INSTITUTION:

THE UNITED CAODAI TAYNINH HOLY SEE OVERSEAS (UCTHSO)
5535 West Ledbetter Drive
Dallas, Texas, 75236
U.S.A

On behalf of the United Caodai Tayninh Holy See Overseas

Viet Hung Tran, General Secretary

Contact number or address (please indicate country and area code):

- Fax: 514 731 0339

- Direct line: 514 299 0015 or 316 519 4540

- Email: daocaodai1926@gmail.com

- Status: individual, group, non-governmental organization, religious or belief group, intergovernmental agency, Government. Please specify: religious group.

Non-profit organization

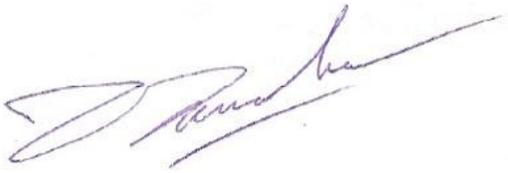
-Do you act with knowledge and on behalf of the victim(s)?

Yes. The victims asked that we file this report on their behalf.

Please state whether you want your identity to be kept confidential:

Not necessary.

January 14, 2014



Signature of the Author

The following individuals support the statement of the Author:

Sub-dignitary Nguyen Huu Khanh, Acting Caodai District Head of Phù Mỹ Temple, Province of Bình Định - Member of Representative Committee of The Popular Bloc of The Caodai Tayninh Holy See.

Phone #: 011 84 1676858441

Sub-dignitary Hua Phi, Head of Representative Committee of The Popular Bloc of The Caodai Tayninh Holy See - Member of Interfaith Committee of Vietnam.

Phone #: 011 84 1633273240

Lady Sub-dignitary Nguyen Bach Phung, Secretary of Representative Committee of The Popular Bloc of The Caodai Tayninh Holy See - Member of Interfaith Committee of Vietnam.

Phone #: 011 84 988477719

Sub-dignitary Nguyen Kim Lan, Deputy Head of Representative Committee of The Popular Bloc of The Caodai Tayninh Holy See - Member of Interfaith Committee of Vietnam.

Phone #: 011 84 988971117

SPECIAL REPORT ON LONG BINH TEMPLE, TIEN GIANG PROVINCE INCIDENT

1. GENERAL INFORMATION

- Does the incident involve an individual or a group?

On July 3, 2013, about twenty (20) Caodai followers and independent clergy members who conserve their traditional worshipping practices of the pre-April 1975 period gathered for a religious ceremony at the Long Binh Caodai Temple, Gò Công Tây District, Tiền Giang Province. With the support of the Public Security Police and “thugs,” members of the local office of the pro-government Caodai Governance Council used a truck to knock down the front gate of the temple. They then used batons, clubs and rocks to assault the faithful who defended their temple.

- If it involves a religious or belief group please state the number of people involved and the denomination of the group:

The members of the local office of the pro-government Caodai Governance Council supported by the local Police arrested 6 independent Caodai members, including Mr. Lê Văn Ngọc Diệp, Sub-dignitary, in charge of the Temple. It is suspected that the plain-clothes police officers disguised as Caodaists who took this action. The incident caused injuries to many members of the traditional, independent Caodai Church; the two most heavily injured were Mr. Nguyễn Văn Em and Subordinated Sub-dignitary Lê Thị Kệt.

- Country(ies) in which the incident took place: Socialist Republic of Vietnam

- Nationality(ies) of the victim(s): Vietnamese

- Does domestic law require (re-)registration of religious associations and if yes, what is the current status of the group in question?

Vietnam’s 2004 Ordinance on Religion and Belief requires that all religious organizations must be registered. The group affected is not registered and refuses to join the registered government-sanctioned Caodai Governance Council (Hoi Dong Chuong Quan) so as to avoid government control and to preserve their traditional religious beliefs and practices.

While outlawing all the Caodai groups, the government has set up the pro-government Governance Council, allowing them to register and recognizing them as the only legal Caodai organization that all Caodai followers must join if they want to legally practice their faith. The government has on occasions supported the Governance Council’s imposition of their will on the other Caodai groups, including misappropriating the facilities that once belonged to these groups. Many Caodai practitioners do not recognize this Governance Council and view it as the puppet of the government, created to control and exterminate the traditional Caodai religion which was founded in 1926.

In January of 2013, Decree 92 came into effect, further restricting the religious activities of independent Caodai groups. Under this new decree, home-based group activities that were somewhat tolerated are now prohibited. For example, in recent months the security forces have disrupted even memorial ceremonies, conducted in the privacy of private homes, to pay respect to ancestors or the deceased.

The local government and police force of Binh Dinh Province as well as of the other provinces in Vietnam such as Vinh Long, Tien Giang, Tay Ninh have all tried to suppress the independent Caodai members who do not recognize the government-sanctioned Caodai Governance Council. The local government and police have threatened independent Caodai members with violence, beaten them and illegally taken over the ownership of several Caodai temples. It is the policy of the Communist Party to destroy the traditional Caodai religion.

Sub-dignitary Hua Phi, Head of Representative Committee of The Popular Bloc of The Caodai Tayninh Holy See, independent Caodai Church, who practiced the traditional rituals following Caodai religious constitution effective prior to 1975; he is also a Member of Interfaith Committee of Vietnam. He reported that: *“in Vietnam, only the religious sects who follow the direction of the Government will be allowed to function. Those who do not, will meet with harassment, and repression, such as occurred at Long Binh Temple, Gò Công Tây District today”*.

2. IDENTITY OF THE PERSONS CONCERNED

Note: if more than one person is concerned, please attach relevant information on each person separately.

- Family name: Lê
- First name: Văn Ngọc Diệp
- Denomination of his/her religion or belief: Caodai
- Place of residence or origin: Long Binh Village, Gò Công Tây District, Tiền Giang Province.
- Telephone: 0996659260 or 0162.840.2538
- Age: 47 (born in 1966)
- Sex: Male
- Nationality(ies): Vietnamese

Mr.Lê Văn Ngọc Diệp is in charge of the Long Binh Temple, Gò Công Tây District, which belongs to an independent Caodai group.

- Other victims:

Caodai member Nguyễn Văn Em (male)
Subordinated Sub-dignitary (Phó Trị Sự) Lê Thị Kẹt (female)

3. INFORMATION REGARDING THE ALLEGED VIOLATION

- Date and time (approximate, if exact date is not known): July 03, 2013, about 7:15 am
- Place (location and country/countries): Long Bình Village, Gò Công Tây District, Tiền Giang Province.
- Please provide a detailed description of the circumstances of the incident in which the alleged violation occurred respectively the nature of the governmental action:

The independent Caodai group declined to transfer the ownership of Long Bình Temple to the local office of the pro-government Governance Council. Thus, members of this office, escorted by the local police force and “thugs,” confronted the members of the independent Caodai group with force on July 3, 2013.

“It happened like that many times before; they requested that the temple be transferred to the new management, but we did not agree, as we want to worship in accordance with the traditional rites and practices. If the new management took it over, they would conduct the praying services in different ways. People do not like the services being conducted in new ways and will not attend the services any more. People only come to the temple where traditional rituals are conducted and Caodai religious constitution effective prior to 1975 is observed.” (as recounted by Sub-dignitary Lê Văn Ngọc Diệp, during an interview with Radio Free Asia (RFA) in July of 2013)

Sub-dignitary Lê Văn Ngọc Diệp, in charge of Long Bình Caodai Temple, Gò Công Tây District, Tiền Giang Province, was tied up and arrested at 9:45 am on July 3, 2013 by members of local office of the pro-government Caodai Governance Council with the support of the local security force. He was taken to Vĩnh Bình Caodai Temple, which was under management of the Governance Council, about two kilometers from Long Binh Temple. He recounted the incidents happened to him and other members of Long Binh Temple as follows:

“I was arrested by several members of the Managing Section of the pro-government Governance Council of Tien Giang Province. They came dressed in plain clothes, instead of in traditional religious costume! They tied me up while transporting me to Vinh Binh Temple; where they forced me to consent with their terms.

In cooperation with the district team, they had used a sand truck to push through the temple’s main gate. There were about 20 members inside the Long Binh Temple; they arrested 6 people including me. This was also similarly reported by a long time member of the temple. They wanted us to give up the management of the Long Binh Temple; but we did not, because we wanted to maintain the traditional rituals. Using all means they over-powered us and took over the temple by force. Facing this oppression, members of the temple voiced their concerns regarding the illegal acts and decided to file their complaints with the Government.” (as recounted by Sub-dignitary Lê Văn Ngọc Diệp, during an interview with Radio Free Asia(RFA) reporter in July of 2013).

- Which indications exist that the victim(s) has been targeted because of his/her religion or belief?

Sub-dignitary Lê Văn Ngọc Diệp and other five members had been targeted beforehand and were arrested during the turmoil at the Long Binh Temple because they did not want to transfer the temple to the local office of the pro-government Governance Council.

- Identification of the alleged perpetrator(s), name(s) if known and/or function, suspected motive:

The perpetrators involved are members of the local office of the government-sanctioned Governance Council and “thugs” that acted with complete impunity under the protection of the local police force. Some of the victims managed to videotape and photograph some of the perpetrators.

- Are the perpetrator(s) known to the victim?

Yes

- Are state agents or non-state-actors believed to be responsible for the alleged violation?

As explained, perpetrators included members of the local office of the pro-government Governance Council and “thugs” supported by the police and government officials.

- If the perpetrators are believed to be State-agents, please specify (police, military, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.

Per the account of Mr. Lê Văn Ngọc Diệp, he recognized several members of the police force in plain clothes who were among the people breaking in the main gate of the temple. Some other members of the police force in plain clothes were among those escorting him to Vinh Binh Temple. The group carried out these atrocities using 2 vans, each having 15 seats; and 3-4 automobiles with 7 seats each.

State agents consisted of:

1. Mr. Cao Minh Chánh, Police Chief of Gò Công Tây District, Tiền Giang Province.
2. Mr. Bùi Thanh Long, Vice-Police Chief of Gò Công Tây District, Tiền Giang Province.
3. Mr. Phan Văn Quan, Secretary (Bí Thư) of Long Bình Village, Gò Công Tây District, Tiền Giang Province.
4. Mr. Nguyễn Hồng Ngọc, Chairman (Chủ Tịch) of Long Bình Village, Gò Công Tây District, Tiền Giang Province.
5. Mr. Huỳnh Văn Nhut, Police Chief of Long Bình Village, Gò Công Tây District, Tiền Giang Province.
6. Mr. Trần Văn Nghiệp, Chairman of Fatherland Front of Long Bình Village, Gò Công Tây District, Tiền Giang Province.

Members of the local office of the pro-government Governance Council, including:

1. Priest Thuong Binh Thanh
2. Student Priest Thuong An Thanh
3. Followers of 29 pro-government Religious Districts.

There were approximately 600 participants, including government officials, police officers, thugs and members of the local office of the pro-government Governance Council, who attacked and took over Long Binh Temple.

- If identification as State agents is not possible, do you believe that Government authorities or persons linked to them, are responsible for the incident, why?

Please see list of names above.

- If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

Mr. Lê Văn Ngọc Diệp and other two victims (please see item #2 above) are the live witnesses of the incident. Their injuries are the concrete evidence of the atrocities of the perpetrators. The identity of Mr. Lê is also specified in item #2 above, who was interviewed by RFA's reporter in July of 2013 regarding the incident.

Picture of Mr. Nguyen Van Em's injury on July 3, 2013.





Picture of Mrs. Lê thị Kệt with injury on July 3, 2013.



Pictures of thugs and police in plain cloths in the back of the temple waiting for attacking the Long Binh temple on July 3, 2013.



Motor cycles, cars and vans used to transport people to Long Binh Temple for attacking.

4. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANYONE ELSE ON HIS/HER BEHALF?

- Please indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e. police, prosecutor, court):

While the Long Binh Temple was attacked, some independent Caodai followers (the victims) called the Police Post 113 of Gò Công Tây and Police of Long Binh Village to inform the incident, but they did not show up.

- Were any other steps taken?

None

- Steps taken by the authorities:

- Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Please indicate progress and status of these investigations as well as which other measures have been taken?

None

- In case of complaints by the victim or its family, how have those authorities or other competent bodies dealt with them? What has been the outcome of those proceedings?

So far there has been no investigation by the police. The perpetrators go unpunished while the victims have been harassed by the authorities. After the incident, Sub-dignitary Lê Văn Ngọc Diệp and others were asked to report to the police station for questioning sessions.

The Government will continue to oppress and harass the independent Caodai disciples (and their families) who would like to practice traditional rites and who do not want to recognize the pro-government Governance Council.

Since 1975, the Vietnamese Government outlawed all conscientious members of any religions. The Government only recognized those religious sects, which were set up by the Communist Party and/or the Government themselves. It is very difficult to conduct any religious activities in Vietnam because those who purely practice religion for the sake of religion cannot have legal standing recognized by the Government.

We respectfully request the United Nations High Commissioner for Human Rights, The Executive and Legislative Branches of the United States of America, governments of democratic nations of the world, and international Human Rights organizations to compel the Vietnam Government to comply with the international conventions on human rights that they pledge to implement as a state member of the United Nations.

5. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM

INSTITUTION:

THE UNITED CAODAI TAYNINH HOLY SEE OVERSEAS (UCTHSO)

5535 West Ledbetter Drive
Dallas, Texas, 75236
U.S.A.

On behalf of the United Caodai Tayninh Holy See Overseas

General Secretary, Viet Hung Tran

Contact number or address (please indicate country and area code):

- Fax: 514 731 0339

- Direct line: 514 299 0015 or 316 519 4540

- Email: daocaodai1926@gmail.com

- Status: individual, group, non-governmental organization, religious or belief group, intergovernmental agency, Government. Please specify: religious group.

Non-profit organization

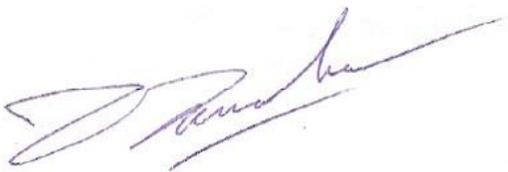
-Do you act with knowledge and on behalf of the victim(s)?

Yes. The victims asked that we file this report.

Please state whether you want your identity to be kept confidential:

Not necessary.

January 14, 2014



Signature of the Author

The following individuals support the statement of the Author:

Sub-dignitary Le Van Ngoc Diep, in charge of Long Binh Temple.
Phone #: 011 84 996659260

Sub-dignitary Hua Phi, Head of Representative Committee of The Popular Bloc of The Caodai Tayninh Holy See - Member of Interfaith Committee of Vietnam.
Phone #: 011 84 1633273240

Lady Sub-dignitary Nguyen Bach Phung, Secretary of Representative Committee of The Popular Bloc of The Caodai Tayninh Holy See - Member of Interfaith Committee of Vietnam.
Phone #: 011 84 988477719

Sub-dignitary Nguyen Kim Lan, Deputy Head of Representative Committee of The Popular Bloc of The Caodai Tayninh Holy See - Member of Interfaith Committee of Vietnam.
Phone #: 011 84 988971117

**STATEMENT OF
HMONG NATIONAL DEVELOPMENT, INC. (HND)**

**For the Hearing on
“PERSECUTION OF RELIGIOUS AND INDIGENOUS COMMUNITIES IN
VIETNAM”**

**TOM LANTOS HUMAN RIGHTS COMMISSION
U.S. HOUSE OF REPRESENTATIVES**

March 26, 2014

I. Introduction

Vietnam’s poor record on human rights is well-documented. The Communist Party of Vietnam (CPV) has a long history of brutally suppressing dissent in order to preserve its own power in this one-party, authoritarian state.

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

Though the persecution of Hmong Protestants has been ongoing for decades, this statement will focus on the most recent incidents of religious persecution. The Addendum following this Statement discusses in further detail prior incidents of religious persecution and the other types of human rights violations perpetrated against the Hmong by the Vietnamese government.

II. Vietnam’s Restrictions on Religious Freedom

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

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

In September 2004, the Secretary of State designated Vietnam as a ‘Country of Particular Concern’ under the International Religious Freedom Act for particularly severe violations of religious freedom. Among the most important reasons for this designation was the harsh treatment often meted out to Protestants, particularly those who are members of ethnic minority groups. “The U.S. Ambassador and other U.S. officials, including the Ambassador at Large for Religious Freedom, raised concerns about the repression of Protestantism in the Central and Northwest Highlands, detention and arrest of religious figures, and other restrictions on religious freedom with government cabinet ministers up to the level of Deputy Prime Minister, CPV leaders, provincial officials, and others.” But serious violations of religious freedom, particularly against Hmong and other ethnic minority Protestants, continued. (U.S. State Department, International Religious Freedom Report [hereinafter “IRFR”], 2004.)

In 2006, this designation was lifted due to some progress made by the Vietnamese government with respect to religious freedoms. However, this “progress,” including increased registration of church groups, largely occurred in the more densely populated urban areas and was not enacted equally throughout the country. Specifically, these improvements were not implemented in the more remote provinces in the highlands, where many ethnic minorities including the Hmong reside, and where access by outsiders is severely restricted. USCIRF’s Annual Report for 2013 states that any improvements with respect to religious freedom “often depended on geographic area, ethnicity, relationships between religious leaders and local officials, or perceived ‘political activity.’” While people living in large urban areas generally enjoy greater religious freedoms, “ethnic minority Protestants and Buddhists and religious groups that seek to operate independent of government control continue to experience severe abuses, including arrests, forced renunciations of faith, and long-term incarcerations.” (USCIRF Annual Report, 2013.)

Rather than seeing any improvement, Vietnam’s record on religious freedom for its ethnic minorities has seen a steady decline in the years since the CPC designation was lifted in 2006. Any religious activity by ethnic minorities is viewed as inextricably linked to political dissidence, leaving people of faith vulnerable to arrest and prosecution for their presumed opposition of the Communist government.

Conditions continue to deteriorate, and as a result of Vietnam’s “systematic, ongoing, and egregious violations [of religious freedoms],” USCIRF recommended that Vietnam again be designated as a “country of particular concern” in 2013. (USCIRF Annual Report, 2013.)

III. Religious Persecution of Hmong Protestants in Vietnam

The Hmong residing in Vietnam’s remote Northwest Highlands have been converting to Christianity in large numbers since the late 1980s. According to the U.S. State Department’s International Religious Freedom Report for 2012, the number of Protestants in Vietnam ranged from approximately 1%-2% of the population. Approximately two-thirds of these Protestants are ethnic minorities living in the Northwest Highlands, including the Hmong. (U.S. State Department IRFR, 2012.)

According to Compass Direct News, a long-time source of credible information about rights violations against Protestants in Vietnam that is often used as the basis of U.S. State Department reports, “The Hmong Christian movement in Vietnam’s Northwest Mountainous Region has grown from nothing to some 400,000 believers in the last two decades. The Hmong Christians remain under heavy government suspicion and are regularly objects of harassment and sometimes outright persecution.” (“Vietnamese Officials Destroy Two New Church Buildings,” Compass Direct News, June 27, 2012.)

Vietnamese government officials have been employing numerous means of religious persecution in an attempt to suppress the spread of Christianity among the Hmong and punish those who refuse to renounce their faith. Local authorities sometimes use “contract thugs” to harass, threaten, or beat Hmong Protestant religious leaders. (USCIRF Annual Report, 2011; and U.S. Department of State, Country Reports on Human Rights Practices for 2011, Vietnam Report.) Common methods of repression used in the Northern Highlands include “forcing church gatherings to cease, closing house churches, and confiscating property.” (USCIRF Annual Report, 2011.)

A. Obstruction of Religious Burial Practices

Recently, the Hmong have begun to adopt more modern approaches to burying and honoring their dead, in accordance with a sect of Christianity led by Hmong Christian leader Duong Van Minh. The traditional Hmong burial practice involved keeping the body in the house for seven days and killing cows or buffalos to be offered to the dead during several days of rituals. (“On-going Brutal Suppression of the Cultural Rights of Hmong Christians,” Boat People SOS [BPSOS], November 20, 2013.) Minh, who had been imprisoned by the Vietnamese government for his beliefs between 1990 and 1995, recognized that the traditional burial practice was an economic burden to families that were already struggling to survive. He advocated for reforms to this practice, and many Hmong Christians began keeping their dead for no more than one day and burying them in coffins with simple rituals that did not require the killing of cattle. According to Minh, Hmong Christians should “simply trust in God” when their loved ones pass away and should dispense with the traditional practices that had been harming their communities. (“Hanoi Hospitals Refuse Treatment to Ailing Hmong Christian Leader,” Radio Free Asia, Feb. 14, 2014.)

1. Vietnam’s Campaign Against Hmong Burial Reforms

To support their new burial practices, Hmong villagers began building small storage facilities to store funeral accessories that the entire village could share. (“On-going Brutal Suppression of the Cultural Rights of Hmong Christians,” BPSOS, November 20, 2013.) In 2008, the authorities in Cao Bang, Bac Kan, Thai Nguyen and Tuyen Quang provinces began an “aggressive campaign” to try and force Hmong Christians to go back to the old way of burying their dead. *Id.*

It is clear that this was an official campaign, with specific directives coming from the central government to the provincial authorities. A memo from the Ministry of Interior in Hanoi to the People’s Committees of the four provinces mentioned above directs the provincial authorities to “take appropriate actions” against the followers of the Duong Van Minh organization by

“direct[ing] various departments and local offices to mobilize the mass, and convince [the] local people of ethnicities in the preservation of their culture, faith and good traditions, and dismantling the ‘outbuilding’ (sheds) that were illegally built.” (Memo from Ministry of Interior Re “Duong Van Minh Organization,” June 7, 2013 [translated by BPSOS].) The memo notes that the “‘Duong Van Minh organization’ failed to qualify for registration as a religion and ... [t]herefore, this organization is not considered as a legitimate religious organization.”

In addition, a booklet titled, “Propaganda Campaign to Stop the Activities of Illegal Duong Van Minh Organization,” obtained by BPSOS, encourages the Hmong to ignore Duong Van Minh’s teachings and “instead focus on productive labor such as farming, breeding of livestock, taking of family; and cooperate with the authorities to dismantle the “outbuildings” (sheds storing funeral objects), and put on trial those who violate the law.”

The Vietnamese government embarked on this campaign to prevent the Hmong from practicing their Christian faith, employing methods of destruction to try to keep them tied to their traditional animist backgrounds.

2. Destruction of Funeral Storage Facilities

As a part of the 2008 campaign, “[t]he police joined forces with the militia, members of the people’s committees and thugs to demolish the funeral storage facilities” in Cao Bang, Bac Kan, Thai Nguyen and Tuyen Quang provinces. (“On-going Brutal Suppression of the Cultural Rights of Hmong Christians,” BPSOS, November 20, 2013.) By 2012, many of the Hmong villagers had rebuilt the storage facilities that had been demolished. But again, “the government sent in the plain-clothed police and thugs to destroy these facilities and arrested a number of Hmong villagers. The Hmong villagers who used their own bodies to protect these facilities were met with violence.” *Id.*

According to BPSOS, the police conducted another wave of raids on April 8 and 9, 2013 to destroy these storage facilities. On April 8, 2013 in Luong Dien Hamlet, Na Phac Town, Ngan Son, Bac Kan Province, “police in civilian clothes used electric batons in their assault and took away eight villagers.” *Id.* According to the BPSOS report, the following day in Bo Dich Block, Quoc Toan Village, Tra Linh Hamlet, villagers that attempted to prevent the destruction of the facilities, including women, were shocked with electric batons until they passed out. *Id.* Similar police raids took place in Ba Lam, Hoa An, but the villagers there were able to successfully defend their storage facility and prevent its destruction. *Id.*

3. Persecution of Duong Van Minh’s Followers

Many Hmong sent petitions to the central government protesting the destruction of the storage facilities and the obstruction of their religious practices. These petitions remained unanswered. *Id.* In early October 2013, a number of Hmong villagers from the four provinces camped out in Mai Xuan Thuong Park in Hanoi in protest. The Vietnamese government responded with arrests, violence, and detentions. “On October 23, 2013, the police of Thuy Khue Ward violently dispersed the gathering and drove the protestors away in police vans... A Hmong adult (Duong Van Phung) and a child (Hoang Thi Vang) suffered injuries caused by electric batons used by the police. They passed out and had to be hospitalized.” *Id.* The protestors were rounded up and

detained at the government Reception Center in Hanoi. Some were later taken to Cao Bang Province, others were taken away and not seen again. *Id.*

When a number of Hmong protestors returned to Hanoi on October 27, 2013, the same thing happened to them. In October and November 2013, at least eight Hmong activists who were followers of Minh's were arrested as they protested for freedom of religion and belief. ("Hanoi Hospitals Refuse Treatment to Ailing Hmong Christian Leader," Radio Free Asia, Feb. 14, 2014). "On Nov. 23, police forces surrounded an ethnic Hmong village at Cao Bang province and demolished their funeral storage facility, in an incident that was followed by an attack on another Hmong village in the province the next day..." ("Hanoi Hospitals Refuse Treatment to Ailing Hmong Christian Leader," Radio Free Asia, Feb. 14, 2014.)

Duong Van Minh is currently suffering from a serious kidney ailment and is in need of regular dialysis. While he was able to receive treatment last year in 2013, the authorities questioned him while he was in the hospital for an hour a day. *Id.* He is again in need of treatment, but the hospitals in Hanoi are now refusing to treat him, apparently due to his religious beliefs. *Id.*

The Vietnamese government continues to impose severe penalties on Minh's supporters. According to activists, seven of Minh's followers have been imprisoned and their trials are ongoing. They are being tried under an extremely vague penal code provision, Article 258, which serves to squelch political dissidence and restrict freedom of expression. On March 14, 2014, Hoang Van Sang, a 60-year old follower of Minh's, was sentenced in Tuyen Quang province to 18 months in jail for "'abusing democratic rights to infringe on the State and others' benefits' under Article 258 of Vietnam's penal code..." ("Hmong Ordered Jailed for Defying Vietnamese Government Campaign," Radio Free Asia, March 14, 2013.) Sang's "crime" was building a funeral facility that would accommodate the new burial practices advocated by Minh. *Id.*

Shortly after Sang's sentencing, Hmong Christian villagers began mobilizing in support of those that had been arrested and were awaiting trial. Sources in Vietnam state that some one thousand Hmong villagers began marching to the court in Tuyen Quang to protest at the upcoming trials and demand religious freedom and respect for their cultural rights. Carrying banners expressing their support for those arrested, the villagers began the long trek on March 18, 2014 to make their voices heard. However, many were prevented by the police from making it to the trials.

On the day of the March 20, 2014 trial of Ly Van Dinh and Duang Van Tu, the police blocked the villagers from entering the area. The hearing was "held under tight security as police kept protesting Hmong villagers at bay." ("Tight Security as Vietnamese Court Orders Two More Hmong Jailed," Radio Free Asia, March 20, 2014.) The police "blocked [the] Hmong from traveling to the court, ripping away protest banners and confiscating other items carried by the marchers." *Id.* Ly Van Dinh and Duang Van Tu were sentenced to 21 months and 15 months in jail, respectively, for violating Article 258 of Vietnam's penal code. Another trial is set for March 27, 2014. Thao Quan Mua is accused of "gathering people to build a funeral home." *Id.*

The Vietnamese government's most recent, ongoing campaign of religious repression demonstrates its willingness to use brute force in order to prevent Hmong Christians from practicing their religion and deny them the right to self-determination.

B. Special Directives for Provincial Authorities Aimed at Religious Repression of Hmong Protestants

Vietnam's carefully orchestrated campaign against Duong Van Minh and his followers is unfortunately not an isolated instance, but is part of an ongoing policy to eradicate Christianity among Hmong populations. This policy began when the Hmong first started converting to Christianity, and has been ongoing since.

The Vietnamese government has viewed the spread of Christianity among its ethnic minorities as a threat, due to its perception of Christianity as an "American" religion in direct conflict with Communism and loyalty to the Communist government. For groups such as the Hmong, which has unique historic ties to the U.S., this conversion to Christianity has been viewed with particular hostility. USCIRF states in its 2013 Annual Report that "[t]he government continues to view with suspicion the growth of Christianity among Hmong in Vietnam's northwest provinces... Local officials have forced church gatherings to disperse, required groups to limit religious holiday celebrations, closed unregistered house churches, and pressured individuals to renounce their religious beliefs." The Report goes on to say that, while some religious groups are able to officially register and operate with the acquiescence of the government, in the northwest provinces where the Hmong reside, "campaigns to curtail new conversions [to Protestantism]" among the ethnic populations have "brought arrests, detentions, displacements, and harassment of members of new Protestant churches in the past year."

The growth of Protestantism in the Northern Highlands, an area which is largely shielded from foreign scrutiny, is viewed by the Vietnamese government as a potential threat to national security. The fact that the Vietnamese government equates Protestantism with political dissidence and labels religious leaders as "separatists" makes people of faith vulnerable to a host of very broad laws meant to suppress political dissent. Although Vietnam's constitution and the 2004 Ordinance on Religion and Belief provide for freedom of belief, both the Ordinance and its implementation decree "... warn that the 'abuse' of freedom of belief or religion 'to undermine the country's peace, independence, and unity' is illegal, and religious activities must be suspended if they 'negatively affect the cultural traditions of the nation.'" (U.S. State Department IRFR, 2012). Thus, government officials may restrict religious freedoms based on an arbitrary decision that the religious activities are posing a threat to the country's peace.

A stark example of this attitude occurred in Muong Nhe in Dien Bein province in May 2011. According to eyewitness accounts, thousands of Hmong Christians had peaceably gathered in Muong Nhe in protest of the religious persecution that they had been long been suffering. In response, "... Vietnamese military troops and helicopters moved in to suppress the assembled people." ("Vietnam: Investigate Crackdown on Hmong Unrest," Human Rights Watch, May 17, 2011.) Many injuries and even deaths at the hand of the Vietnamese military were reported by those at the gathering. Scores of Hmong were arrested, and eight have been sentenced for two years and more for charges such as "disrupting security."¹ This framing of religious expression as political dissidence is often used with Hmong Christians and is in line with the Vietnamese government's policy of religious repression in the northwest provinces.

¹ These events are described in further detail in the attached Addendum.

1. Handbook for Provincial Officials in Northwest Provinces

The 2004 Ordinance on Religion and Belief states that citizens have the right to freedom of belief and religion. It was cited as great progress in Vietnam's respect for religious freedoms. However, the Vietnamese government has made clear that different rules apply to the ethnic minorities residing in the remote highlands, including the Hmong. The government officially sanctions the crackdown of religion in these regions, while touting the expansion of religious freedoms elsewhere in the country, primarily in urban areas. USCIRF's 2012 Annual Report states, "Contrary to the [2004 Ordinance on Religion and Belief's] provisions, local officials have told religious groups and visiting USCIRF delegations that the Ordinance's provisions do not apply in their provinces. In the northwest provinces, there remain hundreds of applications for legal registration that have not been acted upon by government officials."

Rather than implement the Ordinance in ethnic minority areas, "the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on ways to restrict religious freedom, including a command to 'resolutely subdue' new religious growth, 'mobilize and persuade' new converts to return to their traditional religious practice, and halt anyone who 'abuses religion' to undermine 'the revolution' – thus seemingly condoning forced renunciations of faith." (USCIRF Annual Report, 2013)

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

The 2007 revised version of the handbook also states that "local officials must try to 'solve the root cause' of Protestant growth by 'mobilizing' ethnic groups to 'preserve their own beautiful religious traditions . . .'" (USCIRF Annual Report, 2013.) Specifically, the handbook calls on local officials to "encourage the return to traditional beliefs" -- essentially condoning forced renunciation of faith -- despite the fact that these forced renunciations have been outlawed.

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

2. Prime Minister's Special Directive No. 1 Regarding Protestantism

Another example of the Vietnamese government's deliberate repression of religion, masked under the guise of expanded freedoms, is the Prime Minister's Special Directive No. 1 Regarding Protestantism. The Directive "promised quick registration for local congregations to carry on religious activity while larger issues were being worked out." ("Vietnamese Officials Destroy Two New Church Buildings," *Compass Direct News*, June 27, 2012.) However, in the Vietnamese version of a February 2012 news release regarding the effectiveness of the Directive, "an official of the Government Committee on Religious Affairs said the directive had provided a 'breakthrough' in the government's management of religion by 'limiting the unusually rapid development of the Protestant religion.'" *Id.* The English version of this news release apparently did not contain this telling language. The Prime Minister's Special Directive No. 1 is but one example where "the very instrument that was publicized locally and internationally as proof of Vietnam's liberalizing religion policy apparently had contrary purposes." *Id.*

C. Forced Renunciations of Faith

The practice of forced renunciation of faith, although formally banned by Decree 22 in 2005, persists at both the local and provincial levels. Forced renunciations of faith "are not isolated cases, but are sanctioned by central government authorities to thwart the growth of Protestantism among ethnic minorities." (USCIRF Annual Report, 2013.) In particular, "local authorities are pressuring Hmong Protestants to recant their religious practices and return to traditional practices." (U.S. State Department IRFR, 2010.)

In an article from July 1, 2013, International Christian Concern reported that police officers attacked a Hmong Christian couple in Lao Cai province "after the couple refused to recant their newly found Christian faith. Police repeatedly struck both the husband and wife until the wife began bleeding..." ("Vietnamese Police Attack Christian Couple for Refusal to Recant Faith," International Christian Concern, July 1, 2013.) The article goes on to say that "Christians among the Hmong communities both in northwestern Vietnam and the Central Highlands regularly face pressure to recant their faith and return to more traditional animist belief systems." *Id.*

In December 2012, "officials in Tua Chua district, Dien Bien province beat several members of a house church, issued heavy fines, and threatened to expel them from their properties unless they renounced their faith and 'returned to our family alters' (traditional animist practices)." (USCIRF Annual Report, 2013.) USCIRF also reported that, in February 2013, "mobs attacked new Protestant converts in Ngoc La village, Mang Ri commune, Tumorong district for leaving their ancestral religion and bringing Christianity to 'revolutionary villages' (areas important during the U.S.-Vietnam war). Several individuals were badly beaten and homes and personal property were destroyed. Local authorities did nothing to deter the attacks." (USCIRF Annual Report, 2013.)

These forced renunciations of faith are unfortunately not new, and have been occurring for many years now. The attached Addendum describes additional instances of forced renunciation of faith that have occurred throughout the past several years, as well as other types of persecution faced by Hmong Protestants.

D. Church Registration Issues

Regulations regarding church registration were promulgated in 2004 and 2005, “ostensibly to expand religious freedom and move Vietnam from an ideological opposition to religion to a managerial approach.” (“Vietnamese Officials Destroy Two New Church Buildings,” Compass Direct News, June 27, 2012.) However, although the registration system is framed by the Vietnamese government as evidence of “progress” in expanding religious freedoms, it is actually the opposite. It is a tool for restricting religious freedom and justifying persecution of those groups that the government seeks to oppress.

In general, Hmong Protestants are often subjected to more severe constraints on the practice of their religion than are imposed on other groups, particularly when it comes to the registration requirement. USCIRF stated in its 2011 Annual Report that, “unlike in some parts of the Central Highlands, the government has moved very slowly to extend legal recognition to Hmong Protestant churches. The number of legally-recognized churches and meeting points has reached 100 in the past year, but an estimated 1,000 religious groups are seeking affiliation with the ECVN (Northern Evangelical Church). Hundreds of applications for legal recognition have been declined or ignored, despite provisions in the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner.” (USCIRF Annual Report, 2011.)

USCIRF’s 2013 Annual Report shows that no progress has been made since the 2011 Report. It states, “There continue to be hundreds of Hmong congregations in the northwest provinces whose applications to join the recognized Northern Evangelical Church (NECV) are ignored.” (USCIRF Annual Report, 2013.) According to Compass Direct News, “... more than half of Vietnam’s Protestants remain unregistered, with many seeing their prospects for becoming legally recognized as hopeless. Hundreds of congregations have tried to apply for registration... only to have officials simply refuse to accept the applications... If the registration request is received, sources said, it often goes unanswered for years, contrary to time limits for government reply in the legislation. Christian leaders who have long tried to register their congregations say that fewer than 5 percent have been granted permission to carry on religious activities. As a result, sources said, large numbers of congregations remain subject to various kinds of harassment and sometimes arbitrary closure.” (“Vietnamese Officials Destroy Two New Church Buildings,” Compass Direct News, June 27, 2012.)

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

Although the Prime Minister’s Special Directive No.1 Regarding Protestantism, discussed above, was supposed to allow local congregations to register quickly, “the disclosure required in the registration process... has led to more government scrutiny and has not reduced long waiting times for routine permissions.” *Id.*

The Vietnamese government continues to use the tactic of touting new laws and regulations as expanding religious freedoms, when in fact they serve the opposite purpose. Decree 92, which was presented by the government as an advance in religious freedoms, was put into effect in

January 2013. But rather than expanding freedoms, Decree 92 “further extend[s] controls on religious groups.” (HRW World Report, 2014: Vietnam.) According to USCIRF, “Decree 92 does not expand protections for religions, continues government oversight and control of all religious activity, and demonstrates the government’s continued suspicion of religious individuals and groups.” (USCIRF Annual Report, 2013.) According to Human Rights Watch, in its enforcement of Decree 92, “the government monitors, harasses, and sometimes violently cracks down on religious groups that operate outside of official, government-registered and government-controlled religious institutions.” (HRW World Report, 2014: Vietnam.)

According to Decree 92, there are different levels of legal status, and “a religious organization must have 20 years of government approved operation before it can apply for a higher level of recognition.” *Id.* As noted in USCIRF’s 2013 Report, the new requirement makes it impossible for groups such as the Hmong Protestants to gain any form of legal status because they have emerged in the past ten to fifteen years. Therefore, rather than demonstrating an increase in religious tolerance on the part of the government, the registration system serves to further limit the free exercise of religion.

IV. Virtually All Hmong Asylum Seekers in Thailand Denied Protection by UNHCR

According to NGOs on the ground in Bangkok, there are currently over 300 Hmong Christians in Thailand who have fled Vietnam due to the religious persecution they had suffered there. They come with stories of extreme persecution, including torture for refusing to renounce their faith and destruction of their churches, homes, and farmland. Many were forced to flee Vietnam because they were being hunted down by the Vietnamese police for attending the May 2011 gathering in Muong Nhe (described in further detail in the attached Addendum).

The Hmong Christians came to Thailand seeking the protection of the United Nations High Commissioner on Refugees (UNHCR), however almost every single application for refugee status has been denied. Out of all of the applications submitted to date, according to advocates working with the asylum seekers in Thailand, only two have recently been granted refugee status. The rest of the cases have all been denied, and their appeals have also been dismissed, in what appear to be blanket denials by UNHCR of the refugee claims from ethnic minorities from Vietnam, including the Hmong, Montagnards, and Khmer Krom. The Hmong in Thailand have therefore been left in an extremely desperate and precarious plight, unable to return to Vietnam due to the continued persecution they will face there, and left vulnerable to deportation and exploitation in Thailand, with no chance at third country resettlement.

V. Recommendations:

It is clear that, despite Vietnam’s increased presence on the international stage, it has failed to make progress in protecting human rights and has in fact continued an alarming trend of increased persecution of Hmong Protestants and other ethnic minorities in its remote provinces. The U.S. and the international community at large must put pressure on the Vietnamese government to stop the escalation of exploitation, oppression and violence against its own citizens, and to protect the rights of its most vulnerable.

(1) To the US Government:

- a. The Administration should re-designate Vietnam as a Country of Particular Concern.
- b. Congress should pass the Vietnam Human Rights Act, which would preclude the US from providing Vietnam with any increase in non-humanitarian assistance unless Vietnam makes substantial progress in improving its human rights record.
- c. The US government should call for the immediate release of all prisoners of conscience, and the Vietnamese government should free all political prisoners and other prisoners of conscience. There are approximately 150 such prisoners known to human rights organizations, not counting potentially hundreds of religious prisoners from ethnic minorities and indigenous peoples.
- d. The US should ensure that human rights be part of the Trans-Pacific Partnership (TPP) negotiations with Vietnam. It is important to send a clear and strong message to the Vietnamese government that expanded trade and partnership with the United States must be pre-conditioned on significant improvements in human rights, especially in religious freedoms.
- e. Country Reports on Human Rights Practices for Vietnam should accurately reflect the continuing and severe repression of politically and religiously active Hmong; DRL should conduct interviews with Hmong asylum applicants and refugees both in Southeast Asia and in the United States to supplement its inadequate information on the human rights situation in the Northwest Highlands.
- f. The State Department's Office of International Religious Freedom should verify the status of the registration of 671 Hmong House Churches that Boat People SOS (BPSOS) has compiled and report its findings in its annual report on international religious freedom.
- g. Rather than accepting the Vietnamese government's assertion that an increase in church registrations illustrates an expansion of religious freedoms, the US government should recognize the registration system for what it is—a tool to further limit the exercise of religion—and seek to eliminate the registration requirement.

(2) To the UNHCR:

- a. UNHCR should ensure that the cases of Hmong asylum seekers are being examined on a case-by-case basis and that applicants are being permitted to present all relevant evidence in support of their claims. UNHCR should examine the practices and policies at the Bangkok office that may be hindering a proper analysis of claims, including the use of certain legal standards and interviewing practices which work against applicants, in order

to ensure that the Bangkok office is fulfilling the organization's mission of providing protection to individuals with meritorious claims of refugee status.

ADDENDUM
To the
STATEMENT OF
HMONG NATIONAL DEVELOPMENT, INC. (HND)

For the Hearing on
“PERSECUTION OF RELIGIOUS AND INDIGENOUS COMMUNITIES IN
VIETNAM”

TOM LANTOS HUMAN RIGHTS COMMISSION
U.S. HOUSE OF REPRESENTATIVES

March 26, 2014

Additional Human Rights Violations Against the Hmong in Vietnam

VI. Additional Examples of Religious Persecution of Hmong Christians

A. Forced Renunciation of Faith

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

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

subsequently were expelled from the district. The ‘new’ converts in Ha Tam village were threatened and ordered to renounce their faith.” (USCIRF Annual Report, 2011.)

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

The persecution of Hmong Protestants goes back a number of years, with many incidents taking place in Dien Bien province in 2006 and 2007, as reported by USCIRF in its 2008 Annual Report:

- “In Dien Bien province, Muong Lay district, Cha Cang commune, local authorities encouraged Hmong clan leaders to pressure local Protestant families to cease practicing their faith, including by forcing some families to construct traditional altars in their homes and/or to sign formal documents renouncing their beliefs.”
- “In Dien Bien province, East Dien Bien district, police broke up a house church meeting, banned worshippers from gathering, confiscated religious material, fined followers, forced some to cut wood, and visited the homes of church members to pressure them to abandon their faith.”
- “Religious leaders in the northwest provinces and central coast region, including leaders and followers from the Inter-Evangelistic Movement Bible Church, also reported that they were being denounced as “enemies of the state” for “believing in an American religion,” and were forced to pay fines.”
- “In January 2007, security officials threatened to freeze the bank account of a Protestant leader in Muong Khong district, Dien Bien province unless he either left the district or renounced his faith.”
- “Members of one house church Protestant group in the northwest provinces report that police actively broke up meetings of worshippers and authorities refused to register their meeting areas. Members of this group reported that they were forced to ‘meet secretly at night, in the fields’ in order to worship and that police actively pressured them to abandon their religion and return to ‘traditional beliefs.’ There

are no reports that any security officials have been punished for these actions, despite the fact that they have been technically illegal since the February 2005 decree.”

- “In Muong Nhe district, Dien Bien province, a house church deacon was detained after he returned from Hanoi carrying church documents and applications for registration. Since that time, there are reports that a special task force of security personnel has been living in the district to monitor the activities of Hmong Protestants there.”
- “Police have threatened to charge the village chief of Muong Nhe district, Dien Bien province with national security crimes for sending researchers documents about government attempts to ‘prohibit Christian practice’ in the northwest provinces.”
- “In 2006, Protestants in Muong Lay district, Dien Bien province, were forced by police to construct traditional animistic altars in their homes and sign documents renouncing Protestantism.” (USCIRF Annual Report, 2008.)

B. The May 2011 Gathering in Muong Nhe

In May 2011, a mass gathering occurred in Muong Nhe in response to decades of political repression and religious persecution of Hmong Protestants. Boat People SOS and other human rights organizations have spoken at length with participants of the May 2011 gathering who have since fled Vietnam and are seeking asylum in Thailand. The asylum seekers have discussed in detail what occurred at the gathering, as well as the events that preceded it.

The May 2011 gathering was preceded by several incidents of harsh repression in Dien Bien province in early 2011, as discussed above, which further inflamed simmering discontent by Hmong Protestants. Among these incidents was the demolition of an entire Protestant Hmong village in Muong Nhe District.

In January 2011, authorities in Muong Nhe District sent military troops with orders to raze all the homes and confiscate all the farm land in the Hmong village of Na Khua in Nam Nhu commune of Muong Nhe. The village is home to over a hundred households, all Protestant, who had been seeking legal recognition of their church since 2006. Authorities had repeatedly put pressure on the villagers to renounce their faith, claiming Protestantism to be an American religion. When villagers refused to recant their religion, on January 28, 2011, government-hired workers, escorted by armed troops, started to demolish the villagers’ homes. Over a hundred Hmong households were evicted from their ancestral lands. (BPSOS Congressional Testimony and Report, January 2012.)

Hmong villagers decided to hold a mass prayer gathering to ask for an end to religious persecution and the confiscation of their homes and land. Word got out to Hmong populations

living in other provinces, where they too suffered severe forms of religious persecution, forced renunciation of faith, and confiscation of land.

Muong Nhe, where many Hmong Protestants have been forced off their land, was a logical place for Hmong to gather. For decades Muong Nhe has also been the site of numerous incidents of harsh religious persecution against Hmong Protestants, as documented by USCIRF, the U.S. State Department, and respected international NGOs such as Freedom House.

Beginning on or about March 25, 2011, news of the impending gathering in Muong Nhe began to spread in the following provinces: Dien Bien; Lai Chau; Son La; Lao Cai; Yen Bai; Ha Giang; Cao Bang; Dak Lak; Dak Nong; Binh Phuoc; and Lam Dong. “On April 30, 2011, thousands of Hmong began to gather near Huoi Khon Village in Muong Nhe district of Dien Bien.” HRW, May 17, 2011. This date and location have been confirmed by Hmong Vietnamese asylum seekers who had attended the gathering.

According to those who attended the gathering, the Hmong Protestants attended the gathering for two main reasons: First, to demand the return of their land that had been confiscated without appropriate compensation by the Vietnamese government; second, to demand the right to practice their religion freely.

Those who attended the gathering state that, on May 2, 2011, government officials came to Muong Nhe and asked the Hmong why they had come there. One of the asylum seekers explained, “We answered because the government officials destroyed our farm land and sold our land to the rich, and have persecuted our Christian ways from 1990 until now.” For these reasons, the Hmong had come together to beg government officials to return their land so that they could support their families and to grant the people the ability to practice their religion freely.

On May 2, 2011 police and local government officials arrived at the site of the Hmong gathering. Authorities spoke to individual protestors, asking for the reasons behind their gathering. They took the protestors’ identification documents and recorded their names and residence information with the promise that their demands would be taken into consideration. Based on interviews with the asylum applicants, these records appear to have been used to track and arrest protestors in later months.

On May 3, 2011 the Vietnamese security forces increased their presence in the area. On May 4, 2011, two helicopters arrived at the area where the Hmong gathered, according to the asylum applicants. One of the asylum seekers who had attended the gathering said the voice, which identified itself as Prime Minister Nguyen Tan Dung, said: “I ask/beg for you to return to your homes. We will find farm land for you people so you can eat and drink. I am coming one time only. I will not come again. If you do not go home, don’t . . . say that I didn’t warn you.”

The second helicopter that arrived poured a colored liquid down upon the area where the Hmong gathered. It caused the leaves on the trees to turn a “funny color,” and the water in the well where they drank to look oily, he said. A number of the participants believe that this unknown substance resulted in the deaths of some of the Hmong who were at the gathering. In particular, several of the applicants mentioned that two children and an elderly woman died soon after the

liquid was dropped from the helicopter. The applicants said those who died had drunk the infected water or had eaten rice cooked with the infected water. While Vietnamese government officials admitted that at least one child died during the gathering, they blamed lack of food and water and poor sanitary conditions at the encampment. (Radio Free Asia, “Protests in Dien Bien as told by locals,” May 13, 2011 and DPA, “Babies die from poor conditions at protest camp,” May 9, 2011.)

Human Rights Watch reported that “[o]n May 4 and 5, Vietnamese military troops and helicopters moved in to suppress the assembled people.” HRW, Vietnam: Investigate Crackdown on Hmong Unrest, May 17, 2011.) Several of the applicants confirmed that there was a marked increase in the presence of Vietnamese armed forces on May 4 and 5, of several thousand soldiers and police.

1. The Crackdown on May 6

On May 6, 2011, the assembled military and police, armed with truncheons, electric shock batons, pistols, and AK-47 assault rifles, began to use force to disperse the crowd, according to those in attendance. According to Human Rights Watch, “There are unconfirmed reports that dozens of Hmong were killed or injured” by security forces during their attack on the gathering, adding that confirmation of the reports was difficult because “[t]he authorities sealed the area and refused permission to foreign diplomats and journalists to travel there.” (HRW, Vietnam: Investigate Crackdown on Hmong Unrest, May 17, 2011.)

A number of the asylum applicants reported seeing participants in the gathering who were seriously injured, with some possibly killed, during the attack. The applicants reported the following:

- An acquaintance from Dak Lak province was being beaten on the head with a baton. When the man fell to the ground, the applicant believed he was dead. The applicant then fled the gathering site.
- On May 6, 2011 the applicant saw a child about 13 years old stabbed by the police. He also saw a man, approximately 40 years old, hit in the head with a baton.
- A man was beaten and collapsing on the ground. “His wife came and hugged him. The police came and stabbed her in the stomach. I saw that and did not want to stay and watch anymore so I ran.”
- “On the 6th I saw many people being beaten. But it was chaotic. I saw people being beaten and arrested -- both men and women; children as well. I was scared, so I ran.”

Government officials, such as the deputy chair of the provincial People’s Committee, rejected reports by foreign media agencies that local authorities used force to dispel the unrest, or that many Hmong were arrested and even killed: “The chairperson noted that while dispersing the crowd, the Muong Nhe authorities did not use force, but only organized working teams of mass organizations to help the people understand the scheme of these bad elements and to voluntarily

return to their residential areas. They also provided medical care and treatment for those who were ill, especially the elderly and children, to ensure security and order there.” (*Quan Doi Nhan Dan* [People’s Army] newspaper, May 29, 2011.)

Spokeswoman Nguyen Phuong Nga from the Ministry of Foreign Affairs of the Socialist Republic of Vietnam also stated that the protestors left Muong Nhe voluntarily. (Radio Free Asia, December 5, 2011.) This is inconsistent with the reports of the applicants in these cases, all of whom indicate that participants were driven from the area by violent means. The government account is also called into question by the reported extent of military and police deployment at the gathering.

2. Government Responses to the May Gathering, including Subsequent Persecution of Participants and Others

The state-controlled media in Vietnam, as well as some foreign wire services and radio stations, have attributed the mass gathering of Hmong to cult-like beliefs spread through a radio program that a Hmong “King” or “savior / messiah” would come to the area on or around May 21, 2011 to unite the Hmong and create their own Hmong Kingdom there. In rationalizing the crackdown on the gathering, the Vietnamese government has focused its propaganda messages on this point, which resonates with its long-held official line that Hmong Protestantism is not a genuine religion, but a guise for anti-government activities used by “hostile forces” to dupe and incite the gullible, ignorant Hmong.

In the government’s first public response to the unrest on May 5, the Foreign Ministry spokesperson told the press: “Taking advantage of the situation some bad elements tried to provoke the crowd and mobilize to establish an independent ‘kingdom’ of the Hmong, disturbing the social order, security and safety of the locality.” (Reuters, May 6, 2011.) Three days later, *Quan Doi Nhan Dan* (People’s Army) newspaper stated: “These acts of misusing religion to violate the law and destabilize Hmong ethnic communities in Muong Nhe, Dien Bien, should be promptly terminated. The instigators should be exposed and strictly punished under the law.” (*Quan Doi Nhan Dan*, May 8, 2011.)

According to the Hmong asylum seekers, however, there was no discussion of seeking independence or autonomy among those who joined the gathering in Muong Nhe. Instead, they say they gathered because of long-standing grievances over government confiscation of their land and persecution of them as Protestants. While it is unclear whether some in the crowd initially gathered in response to a radio program, what is clear is the decades of persecution suffered by those in the crowd and that many joined the crowd in protest of this treatment.

○ Restrictions on Media Access and Mobility

Radio Free Asia reported that after the incident the Vietnamese government did not allow journalists or representatives of foreign governments or international organizations to enter the region. The reason stated was poor weather conditions. (AFP, May 6, 2011; Radio Free Asia, May 13, 2011.) Foreign media were finally authorized to visit Muong Nhe on May 26-27. (*Quan Doi Nhan Dan* [People’s Army], May 29, 2011.)

According to a number of the applicants in these cases, freedom of mobility for Hmong Protestants in Vietnam was further restricted after the May 2011 gathering. Prior to the gathering, a permit was required only to travel outside the province. After the gathering, Hmong villagers are not allowed to travel outside their own villages without a permit.

○ *Subsequent Arrests and Mistreatment of Hmong*

An unconfirmed number of Hmong who had gathered in Muong Nhe were detained in the months following the gathering. On May 12, Ministry of Foreign Affairs spokeswoman Nguyen Phuong Nga stated the authorities have arrested “a number of extremists” but provided no information about the numbers, identities, or whereabouts of those arrested. (“Vietnam: ‘Extremists’ detained in Hmong gathering,” Associated Press, May 12, 2011.)

The official state media in Vietnam have reported on the detention and arrests of Hmong in conjunction with the unrest, such as the eight who were sentenced to prison in March 2012 (see below.) Christian Solidarity Worldwide (CSW), a respected international non-governmental organization based in London, has reported that up to 130 participants may have been arrested and detained at the time of the gathering. (CSW, “Vietnam: eight Hmong sentenced following last year’s cult gathering in Dien Bien province,” March 16, 2012.)

The asylum applicants state that in the weeks and months after the gathering of Hmong Protestants in May 2011, many Hmong Protestants were detained and/or subjected to physical violence. They recount the following:

- Mr. Giang A Su, a leader of an unregistered church in Lao Cai province, was summoned to the district office in December 2011 for his alleged participation in the gathering. He was detained there for two days. When the police released Mr. Giang A Su they threatened to re-arrest him soon. Mr. Giang A Su did not attend the May 2011 gathering.
- Mr. Vang A Chu and Mr. Ly A Chi from Nam Nhu III village in Dien Bien province were arrested in August 2011.
- Mr. Giang A Vang from Dien Bien was arrested after the gathering. Reports by the government-run news media confirm the arrest and conviction of a Mr. Vang A Giang.
- On December 12, 2011, police in Dak Lak province shot and killed a Hmong man who had participated in the gathering while he was in hiding in the jungle. He was from Cu Pui commune, Krong Bong district in Dak Lak.

Vietnamese police also attempted to arrest a number of those who had participated in the gathering. Those who fled to Thailand often did so after the police came to their homes and the homes of their family members in order to arrest them.

Arrests and detentions have not been limited to those who actually participated in the gathering. Family members of protestors who are in hiding have been detained and abused in search of information on the whereabouts of their relatives. Family members of those who went into hiding were threatened and beaten by the police:

- ***Imprisonment***

Vietnamese state media reported that on March 13, 2012, the Dien Bien Provincial People's Court sentenced eight Hmong to terms of up to two-and-a-half years' imprisonment plus two years' house arrest on charges of "disrupting security". State media accounts alleged that the eight, plus two Hmong "ringleaders" who remained at large (Vang A Ia and Thao A Lu), had incited ethnic Hmong to claim a government land grant in order to establish a separate Hmong state. Sentenced to 30 months were Giang A Si and Vang A Giang. Sentenced to two years were Mua A Thang, Thao A Khay, Chang A Do, Thao A Lau, Cu A Bao, and Giang Seo Phu. (BBC Vietnamese Service, March 14, 2012; *Cong An Nhan Dan* (People's Police) newspaper, March 14, 2012, Radio Free Asia, March 14, 2012; AFP, March 14, 2012.)

It should be noted that "Vietnamese courts remain under the firm control of the government and the Vietnam Communist party and lack independence and impartiality. Political and religious dissidents are often tried without the assistance of legal counsel in proceedings that fail to meet international fair trial standards. Defense lawyers who take on politically sensitive cases are intimidated, harassed, debarred, and imprisoned." (HRW World Report, 2012: Vietnam.)

VII. General Human Rights Violations in Vietnam

Rather than improving its respect for human rights as it seeks a greater presence on the international stage, the Vietnamese government's human rights record is actually getting worse. Human Rights Watch (HRW) states in its World Report that "[t]he human rights situation in Vietnam deteriorated significantly in 2013, worsening a trend evident for several years." (HRW World Report, 2014: Vietnam.)

A. Freedom of Expression

Vietnam has seen a rise in the number of bloggers, activists, and other outspoken critics of the government in recent years, and it has responded with brutal suppression of these individuals and greater restrictions on the freedom of expression. In January 2014, "Vietnam had an estimated 150-200 political prisoners... including lowland Vietnamese and ethnic minorities prisoners..." (HRW World Report, 2014: Vietnam.)

The government has also responded to its increased criticism over the Internet with greater restrictions on digital freedom. Decree 72, "...which contains provisions legalizing content-filtering and censorship, and outlawing vaguely defined 'prohibited acts,' was signed on September 1, 2013. (HRW, Vietnam Universal Periodic Review [hereinafter UPR] Submission 2013.) Decree 174, signed on November 13, 2013, "impos[es] fines on people who post 'propaganda against the state' or 'reactionary ideology' on social media channels like Facebook." (HRW, Vietnam UPR Submission 2013.)

The Vietnamese government also uses a system of surveillance to suppress political and religious dissenters. The U.S. State Department describes in its Country Reports on Human Rights Practices for 2013 the various methods that the Vietnamese government uses to monitor the population. It states, “Authorities continued to open and censor targeted persons’ mail; confiscate packages and letters; and monitor telephone conversations, e-mail, text messages, blogs, and fax transmissions. The government continued cutting the telephone lines and interrupting the cell phone and internet services of a number of political activists and their family members.” The government also uses block wardens and a system of household registration to monitor those whom they suspect of being involved in political or religious dissent. (U.S. State Department, Country Reports on Human Rights Practices for 2013, for Vietnam [hereinafter Human Rights Report 2013].)

B. Freedom of Movement and Assembly

Vietnamese law also restricts freedom of movement. All citizens are required to inform the local police when changing their residence or staying overnight at any location outside their own homes. Freedom of assembly is restricted as well, and “authorities require official approval for public gatherings and refuse to grant permission for meetings, marches, or protests they deem politically or otherwise unacceptable.” (HRW World Report, 2014: Vietnam.)

C. Land Rights and Discrimination Issues faced by Hmong Protestants

Lack of secure land tenure as well as unlawful appropriation of land by government officials and their associates has led to loss of farm land and increased poverty among the Hmong in their traditional home provinces in the Northern Highlands. “Although Vietnam has several laws and policies on land and other natural resources, none of these provide legal recognition of ethnic minorities’ customary collective rights to the land, the forest or their resources....” (International Work Group for Indigenous Affairs, Update 2011: Vietnam.)

The UN Independent Expert on Minority Issues, Gay McDougall, who visited Vietnam in July 2011, highlighted the growing problem of landlessness and confiscation of traditional agricultural lands among ethnic minority communities, as well as the authorities’ use of excessive force in dispersing peaceful gatherings over these issues. “Large areas of fertile lands have been turned over to industrial crops, including coffee and rubber, while massive immigration of ethnic Kinh has put additional pressure on scarce available land. Some ethnic minority sources report alleged ‘land grabs’ and criticize resettlement programmes aimed at turning minority agricultural practices towards sedentary agriculture and removing them to make land available to migrant Kinh. They report that peaceful demonstrations over these issues have been met with excessive force, violence and arrests by the authorities.” (Report of the Independent Expert on Minority Issues, Gay McDougall, Mission to Vietnam, 5-15 July 2010.)

After being driven from their traditional homes and lands without any compensation, and unable to freely practice their religion, some Hmong Protestants have moved to the Central Highlands and other provinces in the south, hoping for less repressive living conditions there. Unfortunately, many then encounter the same issues there, where local authorities harass ethnic minority Protestants, pressure them to renounce their religion, and confiscate their land. (See HRW, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” 2011.)

Stereotypes and derogatory views of ethnic minority groups in the media, as well as “views articulated by the Government may negatively influence public perceptions of ethnic minorities and lead to discriminatory treatment.” (Report of the Independent Expert on Minority Issues, Gay McDougall, Mission to Vietnam, 5-15 July 2010.) Discrimination against the Hmong as ethnic minority Protestants is often a factor in local authorities’ decisions to rule against them in land conflicts and refusal to issue them land titles.

Misperceptions and stereotypes about the Hmong are perpetuated by the use of derogatory language by “many officials, researchers and the media” in Vietnam. (Rob Swinkels and Carrie Turk, “Explaining ethnic poverty in Vietnam, a summary of recent trends and current challenges,” World Bank, Vietnam, 2006.) “Minorities are burdened further by perceptions of them as backward, passive, ignorant, and the architects of their own poverty and under-development. Besides constituting unfortunate stereotypes, this perception is used to lend justification to a top-down model of decision-making about minority issues and development models that undervalues genuine consultative processes and traditional knowledge.” (Report of the Independent Expert on Minority Issues, Gay McDougall, Mission to Vietnam, 5-15 July 2010.)

Hmong, particularly those lacking official household registration documents and those belonging to unregistered Protestant house churches, are often blamed in the state media for deforestation, as well as smuggling, drug running, and organizing plots against the government. A 2010 article in *Cong An Nhan Dan* (People’s Police) -- published more than a year before the unrest in Muong Nhe -- reported that Dien Bien’s police force had uncovered “sneaky groups” of Hmong who had disseminated distorted propaganda defaming the party and the government. (*Cong An Nhan Dan*, September 13, 2010.)

D. Torture in Police Custody

Police brutality, including torture and fatal beatings, continues to be reported in all regions of Vietnam. Human Rights Watch reports that “[o]fficial media and other sources continue to report many cases of policy abuse, torture, or even killing of detainees.” (HRW World Report, 2014: Vietnam.) Human Rights Watch also reports that “[p]olice frequently torture suspects to elicit confessions and, in several cases, have responded to public protests over evictions, confiscation of land, and police brutality with excessive use of force.” (HRW World Report, 2012: Vietnam.) The U.S. State Department has cited “[c]redible reports [which] suggested that local police continued to use contract thugs and citizen brigades to harass and beat political activists and others, including religious worshippers, perceived as undesirable or a threat to public security.” (U.S. State Department, Human Rights Report 2013.)

In March 2013, *Morning Star News* and several other media outlets reported that Vam Ngaij Vaj (also known as Hoang Van Ngai), a Hmong church leader, was beaten to death in police custody in Dak Glong District. Vaj and his wife were arrested by police while clearing brush from their field, and initially charged with “illegally destroying the forest.” According to media accounts, police allegedly beat Vaj around his neck and shoulders and likely used electric shock on him, resulting in his death on March 17, 2013. “Hmong Christian Leader in Vietnam Beaten to Death in Police Custody, Sources Say,” *Morning Star News*, March 28, 2013. The *Morning Star News* recounts, “Hmong churches in the Central Highlands often report harassment by a communist

regime that views Christianity as a threat, and the spurious charge of “destroying forest” on their own property was consistent with such harassment.”

Many of those who have been killed in detention were arrested for minor infractions such as traffic violations. (HRW World Report, 2012: Vietnam,” and HRW, “Vietnam: Widespread Police Brutality, Deaths in Custody,” September 22, 2010.) However, those who have been arrested and tortured by Vietnamese police or government officials, or at the instigation or with the consent or acquiescence of such officials, also include a number of ethnic minority asylum seekers who returned to Vietnam, including several who were rejected in UNHCR refugee status determination proceedings.

Political and religious detainees, including members of ethnic minority groups, and / or members of unapproved religious groups such as Protestant house churches, are even more likely than ordinary citizens to be tortured in police custody. “Political and religious detainees and others whose cases are considered sensitive are frequently tortured during interrogation, held incommunicado prior to trial, and denied family visits and access to lawyers.” (HRW World Report, 2012: Vietnam.)

This police brutality has been on the rise in recent years: “Since late 2006 we have observed significant increase in the use of violence and torture by the police, both in uniform and plainclothes, which coincided with the government crackdown against political dissidents and nonconformist churches. This crackdown has continued to this day.” (Statement of Nguyen Dinh Thang, PhD, Executive Director, BPSOS at the hearing on “Examining Ongoing Human Rights Abuses in Vietnam,” United States House of Representatives, January 24, 2012.)

Human Rights Watch noted, “People arrested on national security charges because of their religious or political beliefs are even more susceptible to torture, not only because police want to extract information or confessions from them, but because they are routinely held incommunicado, without access to legal representation and sometimes even family members, during their pre-trial detention period, which can last from three months to more than one year.” (HRW, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” March 30, 2011.)

People arrested for their political and religious beliefs in Vietnam face physical abuse at each stage of their arrest, detention, and imprisonment. BPSOS has spoken directly with many individuals who have fled Vietnam after suffering torture at the hands of the Vietnamese police, and has received details of the extreme abuse they suffered. Some are beaten into submission upon arrest or during transit to the police station so that they cannot shout out or draw attention to their plight from passersby. The beatings usually continue during the first several days in police custody, when most political and religious detainees are held incommunicado and denied any contact with family members or a lawyer. After transfer to a pre-trial detention center for investigation, the torture and physical abuse becomes systematic, meted out during interrogation sessions to extract information and coerced confessions from the prisoner. Former religious and political prisoners describe being beaten with truncheons and leather sandals, boxed on the ears until they bled, slammed against concrete walls, and shocked with electric batons.

Specific forms of torture, cited by Nguyen Dinh Thang in congressional testimony in January 2012, include:

- Lining the victim up against the wall and beating him in the chest, sides and legs.
- Handcuffing the victim to the upper rim of the window, causing him to stand on his toes, while beating him with batons and electric rods.
- Stripping the victim naked and flogging him with a belt.
- Kicking the victim in the chest, thighs, stomach with military boots.
- Punching the victim on the head and temples.
- Locking victim up in solitary confinement in a pitch dark and filthy place.
- Using a small knife to cut into the victim's flesh.
- Hitting the victim's ankles with a wooden stick.
- Standing the victim in water and electro-shocking him.
- Drawing a large amount of blood from the victim.
- Applying electric shocks to the victim's private parts.

Family members of religious and political prisoners in Vietnam have described the condition of their loved ones upon release: many have “gone crazy” and are never able to work again. Some are released early from prison to the hospital or home and die shortly after their release from injuries sustained during prison torture.

EXHIBIT

IN SUPPORT OF TESTIMONY FROM

HMONG NATIONAL DEVELOPMENT, INC. (HND)

**For the Hearing on
“PERSECUTION OF RELIGIOUS AND INDIGENOUS COMMUNITIES
IN VIETNAM”**

TOM LANTOS HUMAN RIGHTS COMMISSION

March 26, 2014



**Funeral storage shed built on private land and its content:
A coffin, a cross, a toad, a cicada and usually also a swallow**



**Hmong members of the Duong Van Minh Sect protecting,
unsuccessfully, their funeral storage shed from demolition
by the authorities, Tuyen Quang, October 15, 2013**



Hmong members of the Duong Van Minh Sect demonstrating in Ha Noi October 15, 2013



A Hmong member of the Duong Van Minh Sect beaten unconscious by the police, Ha Noi, October 15, 2013

**The Tom Lantos Human Rights Commission
Congressional Hearing
March 26, 2014**

“Registration on Religious Activities”

**Testimony from the Montagnard Human Rights Organization and Council of Indigenous Peoples in Today’s Vietnam
Rong Nay, Executive Director and Vice President**

The Honorable Frank Wolf and James McGovern
Chairman, Subcommittee on Human Rights Commission

Mr. Chairman,

My name is Rong Nay, and I am the Executive Director of the Montagnard Human Rights Organization based in Raleigh, North Carolina and I am also Vice –President of the Council of Indigenous Peoples of Today’s Vietnam. I speak today on behalf of 30 Indigenous peoples in Vietnam in general, and on behalf of the Montagnard people living both in the US and in the Central Highlands of Vietnam.

I would like to thank Mr. Chairman for the honor and opportunity to share our feelings and experiences about the ongoing abuses of religious freedom and human rights abuses in Vietnam. I am very sad to report that religious freedom and human rights conditions in Vietnam have gotten much worse for my Montagnard Indigenous Peoples and all indigenous peoples, including the Cham, the Khmer Krom and the Hmong in the past decade.

As you may know, “Montagnard” is a French term that is often used to describe our indigenous tribal people who live on their ancestral Central Highlands, land which was claimed by the Vietnam nation for many years. We do not consider ourselves “ethnic minorities” since our ancient “Anak Cu Chiang” Montagnard peoples are not ethnically or linguistically connected to the majority Vietnamese population, a majority population that now has occupied much of our ancestors’ lands. We are the indigenous peoples of the land now known as the Central Highlands of Vietnam. Our Montagnard people feel our hearts are broken because our land is being stolen and our Montagnard culture and way of life is being destroyed.

Article 70 of the Vietnam 1992 Constitution protects religious freedom, but in fact since 1975 there has been no freedom of religion in Vietnam and the government violates article 70 of its own Constitution.

My testimony focuses on **Registration of Religious Activities** of the Montagnard Indigenous Peoples of the Central Highlands.

The government of Vietnam has a long memory about the Vietnam War and considers the Montagnard Indigenous Peoples as a long-term historical enemy. This is because we fought alongside the French and Americans during the French Indochina War and the Vietnam War, we

are Christians and we are the rightful owners of the land in the Central Highlands of Vietnam. For these reasons, the Montagnards are always viewed as a long-term threat and enemy which must be ultimately destroyed by the government of Vietnam.

After the Communist take over of South Vietnam in 1975, the government of Vietnam has carried out a policy of punishment and discrimination against the Montagnard Indigenous Christians in the Central Highlands. It has accused the Montagnard Protestant Church to be a spy for the American CIA and to worship “the American religion.”

For this reason, the government of Vietnam has imprisoned thousands of Montagnard leaders and Christians for up to 12 years. These prisoners endure terrible conditions. Many Montagnard Indigenous Peoples who have lived on their ancestral lands before 1975 have been pushed out to the so called “new economic zones” or other areas far away from city so that this land is made available for Vietnamese migrating from North Vietnam.

In 2001 and 2004, over 30,000 Montagnard Indigenous peoples staged peaceful protests in Pleiku and Daklak provinces against the government of Vietnam. They demanded the return of their lands, the right to live and the right for freedom of religion. The government of Vietnam responded by sending a huge force of police and military into the Central Highlands and expelled all foreigners and news media. They used tanks and helicopters to crush the Montagnard peoples protest.

As a result, hundreds of Montagnard were killed, over 2,000 were missing without return, and over 500 were arrested and jailed for up to 17 years. The remaining thousands crossed into Cambodia to seek protection from the UN High Commissioner for Refugees and later were resettled in the United States.

Mr. Chairman, the Montagnard Indigenous Christians in the Central Highlands, now approximately 500,000, are among the largest Christian group in Vietnam. The government of Vietnam considers their worship illegal since 1975 and for this reason; the Montagnards have suffered a wave of oppression and persecution. The government has denied them association with the Evangelical Church of Vietnam, ECVN that was recognized by the government on April 2001 and the government continues attacking Montagnard Christians in an effort to force them to give up their faith.

For decades the government security forces have terrorized Montagnard Christians with a ceremony where the police force Christians to take a public oath renouncing their Christian faith. These events have taken place in Gialai(Pleiku) and Daklak provinces where the police use this ritual as a means to intimidate and control other Montagnard Christians in the village. Since then the religious and human rights issues in Vietnam have become a matter of much controversy between on the one hand, the government of Vietnam, and on the other hand international human rights organizations and Western government, particularly that of the United States.

From the time the United States designated Vietnam a: “**Country of Particular Concern**” for its violation of religious freedom in 2004, the government of Vietnam has released some religious dissidents and loudly reported that this included some prisoners from the Central

Highlands. However the repression continued and months later the government of Vietnam issued new directives on religion that expedite church registration in order to force Christians to join government controlled churches.

The Montagnard Churches in the Central Highlands today are divided in two groups:

1. One group is registered under the government's control. In this group some Montagnard pastors have become employees of the government. An example is a particular Montagnard Jarai pastor.

This pastor once lived in Vietnam's Central Highlands and was very well known preaching in Vietnam Central Highlands. He now lives in Raleigh, NC USA. This pastor became a tool of the Vietnamese government to promote the government's policies. He was issued travel visas and he traveled frequently to the U.S. and other countries spreading propaganda about how Vietnam was making progress with religious freedom. Unfortunately, the U.S. Consulate in Ho Chi Minh City, often relied on this pastor as an "un-official Montagnard spokesperson" on behalf of Montagnard Christians. The information the U.S. government received from the pastor was often biased and inaccurate, but the pastor usually reflected the official policies of the Vietnamese government.

The pastor traveled to every county which has Montagnard refugees, but primarily the United States and the state of North Carolina which has the largest population of Montagnards outside of Vietnam. He became a spokesman for the Government of Vietnam's propaganda about its religious freedom policy and would often preach that if everyone follows his religion, there would be no problems in the future with the government if a Montagnard wanted to return to visit relatives.

This example illustrates how the government of Vietnam uses Montagnard Pastors and their Congregations to watch, report and spy on each other, not only in Vietnam, but within the U.S. These pastors and some church members become a part of the government's security apparatus and a tool to control people and to restrict religious freedom. The registration of churches under government control gives legitimacy to government security forces to monitor, interrogate, arrest and imprison suspected Montagnard Church activities. This is not freedom of religion.

2. Other Montagnard Christians belong to independent or unregistered groups. The government of Vietnam continues to persecute members of unregistered Christian groups who practice their faith outside of State-sanctioned institutions. They are always accused of being "spies" and "wanting to overthrow the government." These groups still worship secretly in their villages and the government of Vietnam continues hunting and pressuring members to sign pledges renouncing their religion or pledging loyalty to the government-authorized church.

The two groups of Montagnard Christian Churches (those who are government churches and those who are not) are uneasy with each other. The government churches try to manipulate those who belong to house churches with intimidation and pressure. The name "house church" refers to Montagnard Christian families worshipping and praying within their own homes, often with

family members and other members of their own tribe. This is a traditional Montagnard practice among many Montagnard Christians.

The government of Vietnam views Montagnard house churches as a threat and tries to sow discord among the two groups of Montagnard Christian churches. This division is a strategy of the government to cause conflict within the Montagnard Christian community to undermine and destroy their own religion and people. This is the same tactic used during the Vietnam War where the Montagnard peoples were used as tools of the war by both the North and the South governments of Vietnam. After the war ended, North and South united under a communist country and the Montagnards continued suffering and being destroyed by the government of Vietnam.

Mr. Chairman, the government of Vietnam claims there is freedom of religion in Vietnam, but in reality, it is not true. The Vietnamese government only allows Montagnard Christians to worship in government controlled churches. Montagnard preachers in villages continue to be arrested and persecuted.

Human Rights Watch has published a detailed report in March 2011 on the continuing religious persecution of Montagnards in the Central Highlands. Those who are arrested often end up in the living hell of Vietnam's prisons and secret jails. Reports from Montagnard prisoners tell a story of pain, loneliness, torture, forced labor, and isolation. Montagnard pastors are forced to renounce their faith, they are beaten, and many put in prison to suffer long and terrible years in prison without enough food, medicine or even family visits.

The Vietnam government continues to arrest, torture and jail Montagnard Christians. There are currently over 300 Montagnard Christians in prison for their religious or political beliefs for up to 17 years. Many suffer solitary confinement and torture. We are urging the U.S. government, the United Nations and the international community to intervene on behalf of these Montagnard prisoners who were wrongly put in prison for their Christian faith and for those who were arrested trying to escape persecution or those who expressed peaceful dissent.

We ask and urgently recommend that the Vietnamese government free all political and religious prisoners, including Montagnard prisoners before any more U.S. government defense, trade treaties and the Trans Pacific Partnership(TPP) with Vietnam go forward. I respectfully ask that this list of Montagnard prisoners be included in the record (Submit the 2014 list of prisoners) and ask that my statement is included in the record. (Submit full statement of Rong Nay) Mr. Chairman, we also call on the U.S. government to reinstate Vietnam's designation as a "Country of Particular Concern" (CPC) for extreme violations of religious freedom. Additional recommendations are included at the close of this statement.

Related Issues of Human Rights Abuse, Refugee Protection, Land Theft by the Government and Forced Assimilation

I will now address the issue of **Montagnard Refugee Protection** and the need for the UNHCR and the U.S. government to provide protection for those Montagnard asylum seekers seeking protection in Vietnam, Cambodia, Thailand or other countries.

The UNHCR site in Phnom Penh, Cambodia closed in Feb. 2011. Montagnard asylum seekers have no place to find sanctuary. Today over 200 Montagnards have escaped and are living illegally in Thailand. They do not want to go back to Vietnam and some have been arrested and put into detention by the Thai immigration police. We respectfully request that the U.S. State Department helps to bring them to the US or a third country.

Vietnam's Assimilation Policies and Degradation of the Environment

We, as Montagnard indigenous peoples, are crying out to keep our ancestral lands, our language and our culture. We ask for help from the U.S. government, the United Nations and the world community. So many of our ancestral lands have been seized by the Communist government for rubber or coffee plantations. The government accuses our Montagnard people of causing trouble, but we only want only to keep our land and our farms, our heritage, our survival.

Our languages are being lost and our children shamed into believing they are no good. Even Montagnard prisoners in Hanoi's prisons are not allowed to write letters in Montagnard language. The Montagnard names of our rivers, forests, mountains, and provinces have been altered into Vietnamese names. We believe this is a policy of quiet genocide and ethnic cleansing targeting our Montagnard people. Why? The Vietnamese Communist government wants our precious land of the Central Highlands and their goal is complete assimilation. For us, this is a terrible human rights violation.

The government of Vietnam has violated almost all principles of the UN Declaration on the Rights of Indigenous Peoples, including the right of self-determination. Our ancestral lands have been stolen and our precious forests and wildlife continue to be exploited by the government with de-forestation and illegal logging, including the unlawful trade in endangered species of wildlife.

Need for Development Assistance

The United Nations, the European Union, and the U.S. State Department have all acknowledged that the rate of poverty for the Montagnard indigenous peoples is much higher than the majority Kinh or Vietnamese populations in Vietnam. We believe that the Hanoi policies have been carefully constructed to prevent educational opportunities abroad for Montagnard students.

The policies have restricted NGOs from working in the Central Highlands for years. We ask and recommend that the UN and the U.S. government put more emphasis on development assistance, scholarships, boarding schools and Montagnard education in the Central Highlands.

Montagnards do not have the same opportunities in education and development as Vietnamese people. For example, over 15,000 Vietnamese students have been sent to the US for education, but not a single Montagnard college graduate is allowed to have a scholarship to the U.S. The

U.S. Consulate website promotes educational opportunities for Vietnamese students. We believe more can be done and should be done for the indigenous Montagnards who were such loyal allies of the U.S. during the Vietnam War.

Violations of Free Emigration Agreement

The government of Vietnam has betrayed the agreement of free emigration that was outlined in the U.S. Jackson-Vanik Amendment that was tied to the U.S.-Vietnam Trade Agreement in past years.

Montagnard family members who are eligible to emigrate legally to the U.S. still face obstruction in obtaining Vietnam documents necessary in the U.S. immigration process. There is also the issue of family visits. Family members, on returning to the Central Highlands, many of whom who are U.S. citizens, are always interrogated by the local police. These American citizens are often called back three and four times to the local police office to face harassment and inappropriate questions about the Montagnard community in the U.S.

On November 2011, one Montagnard American couple traveled to Vietnam from North Carolina spending thousands of dollars in air fare and 22 hours to fly to Saigon with the plan to visit their family in the Central Highlands. At the airport in Saigon, the police stopped the Montagnard American family and would not even allow them to talk with their family who had driven for hours from the Central Highlands to the airport to pick up the visiting family. The police then forced the Montagnard American citizens back to the US and said it was an order from government, regardless that the Vietnamese Embassy had already approved the visa.

Some Montagnard families, before their departure to the US, were made by the police to sign a paper saying that the American Montagnard visitor would not say anything bad about the Vietnamese government after leaving Vietnam. Vietnam continues to break its agreement with the US about free emigration and freedom of movement in the country.

We Montagnards are treated like enemies in our own homeland and we have lost more than any other group in Vietnam. We have lost the right to live, the right to own our ancestral lands, our language, the right to have practice our religious faith freely, the right to access international scholarships for education and travel, and the right to practice our traditional way of life, including the administration of our tribal courts and tribal law according to our history and culture. Hundreds of prisoners in Ha Nam prison are suffering terrible abuse and isolation, and other Montagnard men, women and children quietly suffer in their villages under constant fear and police surveillance.

We are in danger of losing our entire culture. Our traditional way of life has been systematically abolished. International observers are restricted from the Central Highlands. Our religious freedom and political prisoners continue to be abused. The Central Highlands has become a prison for Montagnard Indigenous Peoples with the Communist system of internal security and secret police. The campaign of Vietnamization, assimilation and ethnic-cleansing has continued.

Mr. Chairman, it is our privilege to come here today to tell you the truth about the violations of religious freedom and human rights that the Montagnard Indigenous Peoples are facing right now in Vietnam's Central Highlands. We recommend the following actions of the U.S. government:

1. The Vietnamese government should free all political and religious prisoners before the U.S. Congress approves any further trade or defense agreements with the U.S., including the Trans Pacific Partnership (TPP).
2. The Vietnamese government should immediately ratify the Convention Against Torture and immediately stop the practice of holding political and religious prisoners in long periods of solitary confinement. The government must disclose accurate lists of prisoners and the locations of prisons. It must allow independent monitoring of all prisons and jails in the country.
3. The Vietnamese government must recognize and acknowledge to its citizens and the world that there are indigenous peoples living in Vietnam who include, among others, the Montagnard tribes of the Central Highlands, the Khmer Krom and the Cham peoples. The government must **respect and restore the rights of indigenous peoples as outlined in the UN Declaration on the Rights of Indigenous Peoples**, including the right to self determination, the right to own ancestral land, and the right to education and development assistance. The government must immediately stop the expropriation of ancestral lands of indigenous peoples, and end the exploitation and destruction of natural resources such as forests, rivers, wildlife, and endangered species.
4. The Vietnamese government must repeal Decree 92 and end the persecution of independent religious organizations such as Montagnard house churches and it should end the registration requirement for religious organizations.

We hope that the Committee today, the U.S. government and the world, will hear our prayer and plea for help.

Thank you very much for the opportunity to share the plight of our Montagnard people in the Central Highlands of Vietnam and our recommendations on how to help.

Respectfully,

Rong Nay

Attachment: List of Montagnard prisoners



Tom Lantos Human Rights Commission

Hearing on the Persecution of Religious and Indigenous Communities in Vietnam

**Wednesday, March 26, 2014
2:00 PM - 4:00 PM
HVC 210**

Please join the Tom Lantos Human Rights Commission for a hearing on the persecution of religious and indigenous communities in Vietnam.

In the 1970s, following the emergence of the Socialist Republic of Vietnam under the Communist Party of Vietnam, the government disbanded the leadership of all independent-minded religious organizations; and the country's Communist cadres quickly appointed new leaders of these organizations. Further, as stipulated by its 2004 Ordinance on Religion and Belief, Vietnam's government requires all religious organizations to be registered and their activities pre-approved. Organizations that refuse to register or whose registration applications have been denied risk having their activities deemed illegal and expose their leaders and followers to arrest and harassment. More recently, the 2013 Government Decree 92/2012/ND-CP banned all religious, cultural and traditional activities – even when conducted in private homes – unless they are registered, pre-approved, or officiated by a government entity.

In addition, the government's policies of land appropriation, population displacement and prohibition of indigenous languages in schools have altered the identities of its indigenous peoples and weakened their cultural heritage. Today, there is virtually no authentic representation of indigenous peoples in the government of Vietnam.

This hearing will focus on Vietnam's persecution and repression of faith and indigenous communities, and also examine the U.S. government's response to these human rights abuses. Notably, for the first time, the Commission hearing will feature prominent activists testifying directly from Vietnam. These brave individuals will provide first-hand accounts of the abuses suffered by their respective communities.

Witnesses to testify:

Panel I:

- **Mr. Eric P. Schwartz**, Commissioner, U.S. Commission on International Religious Freedom

Panel II:

- **Father Phan Van Loi**, Editor-in-Chief of *Freedom of Speech* and Co-Founder of the Association of Former Vietnamese Prisoners of Conscience
- **Sub-dignitary Nguyen Bach Phung**, Clergy member of an independent Cao Dai sect
- **Attorney Yunie Hong**, Director of Policy Advocacy, Hmong National Development
- **Mr. Rong Nay**, Executive Director, Montagnard Human Rights Organization

**Witness list subject to change*

Note: The hearing will be streaming live at <http://www.ustream.tv/channel/hclive17>

For any questions, please contact the Tom Lantos Human Rights Commission at 202-225-3599 or tlhrc@mail.house.gov

James P. McGovern
Co-Chair, TLHRC

Frank R. Wolf
Co-Chair, TLHRC