

**VIETNAM: CONTINUING ABUSE OF HUMAN RIGHTS AND
RELIGIOUS FREEDOM**

HEARING
BEFORE THE
TOM LANTOS HUMAN RIGHTS COMMISSION
HOUSE OF REPRESENTATIVES

ONE HUNDRED AND TWELTH CONGRESS
SECOND SESSION

MAY 15, 2012

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TUESDAY, MAY 15, 2012

HOUSE OF REPRESENTATIVES,
TOM LANTOS HUMAN RIGHTS COMMISSION,
Washington, D.C.

The Commission met, pursuant to call, at 10:01 a.m., in Room 340, Cannon House Office Building, Hon. Frank R. Wolf [co-chairman of the Commission] presiding.

Mr. WOLF: Good morning. The hearing will come to order. I want to thank all of you for being here today to discuss the current status of human rights and religious freedom in Vietnam.

In particular, thanks to our witnesses, many of whom have traveled long distances to be here. As you may know, last week we celebrated Vietnam Human Rights Day, calling on the Government of Vietnam to cease its abuse of human rights and release political prisoners. Throughout 2011 and into this year, there has been a steady stream of politically motivated trials and arrests in Vietnam. Time and again, the Vietnamese Government uses vague national security laws as a pretext to arrest and detain citizens who peacefully advocate for religious and political freedom. Independent writers, bloggers, and rights activists who question government policies, expose corruption, or call for democratic change are often met with harassment, arrest, and even torture.

Government officials continue to harass religious groups, including Cao Die Church, the Hoa Hao Church, independent Protestant house churches, the Catholic Church, the Khmer Krom Buddhist temples, and the Unified Buddhist Church of Vietnam. Religious institutions are required to apply for permits, but many of these applications are ignored or denied, leaving congregations without protection of the law and vulnerable to abuse.

In January this year, I joined with Rep. Jim McGovern, co-chair of this commission, in issuing a statement calling for the immediate unconditional release of all Vietnamese prisoners of conscience. Just last month, on April 17th, the Vietnamese Government arrested a U.S. citizen, a U.S. citizen and democracy activist, Dr. Nguyen Quoc Quan, upon arriving in Saigon, an American citizen.

Several Members of Congress have sent a letter to Secretary Clinton urging the State Department to secure his immediate release. Quite frankly, we have seen no progress at all. Hopefully, we will hear today that there is some progress. We are honored to have his wife with us today, and we join her in pressing for his quick release.

I fear that when the United States granted Vietnam normal trade relations in 2001, we lost crucial leverage with which to pressure the Vietnamese Government to improve its poor record on human rights. And the situation in Vietnam did not improve, despite its ascension to the World Trade Organization in 2007, a move that many had hoped would bring political as well as economic liberalization.

In 2006, the U.S. State Department removed Vietnam from the list of Countries of Particular Concern, or CPCs, despite the Vietnamese Government's continued repression of people of faith. I, along with a number of my colleagues in Congress, have consistently called on the State Department -- both the previous administration, which didn't do a very good job either, and this administration has even done a worse job -- and the administration to redesignate Vietnam as a Country of Particular Concern.

We are not alone in that recommendation. The bipartisan U.S. Commission on International Religious Freedom in its recently released annual report recommended once again that Vietnam be designated as a Country of Particular Concern given that, quote, "The Government of Vietnam continues to control all religious communities, restrict and penalize independent religious practices severely, and repress individuals and groups viewed as challenging its authorities."

Any further cooperation between the U.S. and Vietnam should be contingent upon established benchmarks for improved human rights and increased religious freedom. I remain hopeful in my lifetime we will see the fall of the Communist government in Vietnam. I think we are going to see the fall of the Communist government in China. It is like they found Ceausescu's playbook, and they are operating with it, and they didn't realize that he died at the end of the story. And I think the same thing is going to happen in China, in spite of the fact that this administration has not pushed China very, very hard. And the people of Vietnam will taste freedom after years of repression.

Until that day comes, America must be and should be a voice for the voiceless. Our embassies should be islands of freedom. Quite frankly, if this were a Republican administration, I would call for the firing of our ambassador in Vietnam. I would say he should go. He has not treated this issue seriously. Rhetoric comes out periodically. He should kick the doors open of the American embassy, and he should do what George Shultz did during the 1980s.

George Shultz literally treated the American embassy in Moscow as an island of freedom. When George Shultz would go or State Department would go they would meet with the dissidents; they would invite them in. Many times George Shultz and Secretary Baker would actually go into the apartments of the dissidents, if they were in jail, to meet with their families.

And this guy is out of touch. He may be a wonderful person. Maybe he is a great father and a great grandfather, and a wonderful person, and volunteers in his

neighborhood to help to clean up the community. But he has been a failure when it comes to human rights. And the very thought that an American citizen of Vietnam background is in jail -- so our embassy -- let the word go forth our embassy in Vietnam is not an island of freedom.

Quite frankly, when he is fired -- he should be fired -- we ought to put a Vietnamese American in, somebody who has family members in Vietnam, who understands these issues, emotionally understands them, and is committed to dealing with this.

And I don't understand why we have never appointed a Vietnamese American to be an ambassador here.

But again, I want to thank everyone for being here, and I look forward to hearing from our witnesses.

Our first witness will be Michael Posner, Assistant Secretary of State for Democracy and Human Rights and Labor. Our second panel will be Dr. Robert George, commissioner, United States Commission on International Religious Freedom. And panel three will be Vo Van Ai, founder and president of Action for Democracy in Vietnam; along with the wife of the imprisoned Vietnamese American, Nguyen Quoc Quan; and also Phu Do Nguyen, vice president of Saigon Broadcasting Television Network.

[The Statement of Rep. Wolf Follows:]

PREPARED STATEMENT OF THE HONORABLE FRANK R. WOLF, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA AND COCHAIRMAN OF THE TOM LANTOS HUMAN RIGHTS COMMISSION

I would like to thank you all for being here today to discuss the current status of human rights and religious freedom in Vietnam.

Particular thanks to our witnesses, many of whom have traveled long distances to be here with us.

As you may know, last week we celebrated Vietnam Human Rights Day, calling on the Government of Vietnam to cease its abuse of human rights and release political prisoners.

Throughout 2011 and into this year, there has been a steady stream of politically motivated trials and arrests in Vietnam.

Time and again the Vietnamese government uses vague national security laws as a pretext to arrest and detain citizens who peacefully advocate for religious and political freedom.

Independent writers, bloggers and rights activists who question government policies, expose corruption, or call for democratic change are often met with harassment, arrest and even torture.

Government officials continue to harass religious groups including the Cao Dai Church, the Hoa Hao Church, independent Protestant house churches, the Catholic Church, Khmer Krom Buddhist temples and the Unified Buddhist Church of Vietnam.

Religious institutions are required to apply for permits; but many of these applications are ignored or denied leaving congregations without protection of the law and vulnerable to abuse.

In January of this year, I joined with Rep. Jim McGovern, co-chair of this commission, in issuing a statement calling for the immediate and unconditional release of all Vietnamese prisoners of conscience.

Just last month, on April 17th, the Vietnamese government arrested U.S. citizen and democracy activist, Dr. Nguyen Quoc Quan, upon arriving in Saigon.

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We are honored to have his wife with us today and we join her in pressing for his quick release.

I fear that when the United States granted Vietnam normal trade relations in 2001, we lost crucial leverage with which to pressure the Vietnamese government to improve its poor record on human rights.

And the situation in Vietnam did not improve despite its ascension to the World Trade Organization [in 2007]; a move that many had hoped would bring political as well as economic liberalization.

In 2006, the U.S. State Department removed Vietnam from the List of Countries of Particular Concern, or CPCs, despite the Vietnamese government's continued repression of people of faith.

I, along with a number of my colleagues in Congress, have consistently called on the State Department—both the previous administration and the Obama Administration to re-designate Vietnam as a Country of Particular Concern. We are not alone in this recommendation.

The bipartisan U.S. Commission on International Religious Freedom, in its recently released annual report, recommended, once again, that Vietnam be designated as a country of particular concern given that, “the government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress individuals and groups viewed as challenging its authority.”

Any further cooperation between the U.S. and Vietnam should be contingent upon establishing benchmarks for improved human rights and increased religious freedom in Vietnam.

I remain hopeful that in my lifetime, we will see the fall of the communist government in Vietnam, and the people of Vietnam will taste freedom after years of repression.

Until that day comes America must be a voice for the voiceless. Our embassies must be islands of freedom. And our foreign policy must be marked by consistent, bold advocacy for basic human rights.

Again, I would like to thank everyone for being here today, and I look forward to hearing from the witnesses.

Mr. WOLF: Secretary Posner, we welcome you to the hearing. Your full statement will appear in the record. You can summarize it as you see fit.

STATEMENT OF MICHAEL H. POSNER, ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND LABOR

Mr. POSNER: Thank you, Chairman Wolf.

And thank you for holding this important hearing. I want to respond in a sense to your opening comments by at least focusing on the places where we agree.

We agree that in Vietnam today respect for human rights continues to deteriorate, as it has for the past several years. These are issues of great concern to the United States Government, to me personally, to our ambassador there, and to the Secretary.

I want to outline four areas where we are raising concerns on a regular basis and say a bit more about what we are trying to do and how this fits into the broader relationship with Vietnam.

To begin with, when we talk about human rights and what it means to us, I think we need to keep reminding ourselves that these issues are much more significant to the Vietnamese people themselves, especially young people. They want to live in an open society. They want to be linked to the rest of the world. They want to be able to share their ideas freely, to have the ability to practice democracy. We support their aspirations, and our efforts to publicize the human rights problems there are part of our effort to amplify their voices.

So let me focus on the four areas. First, Vietnam continues to unjustly detain and imprison individuals for exercising their basic human rights. We estimate the government holds about 100 prisoners of conscience. Nguyen Van Hai, who also goes by the name of Dieu Cay, has been detained since October of 2010 without charge -- rather on a charge of propagandizing against the state, a charge that stems from his blogging. He has already served a sentence for politically motivated tax evasion charges. He is not alone.

Le Cong Dinh worked as a lawyer defending journalists, human rights activists, Internet writers. And he was convicted in January of 2010 for spreading propaganda against the state.

Father Ly, a Catholic priest whose case you followed very closely and one of the principal architects of the democracy movement, has been repeatedly detained and released since 1977. He was most recently released on medical parole in March of 2010 but then again imprisoned in July of last year.

We are continuing to call for his unconditional release and working on behalf of these and many other prisoners. This is an ongoing problem and an important one.

Secondly, the threat to freedom extends beyond politically motivated detentions. There is a growing restriction on the free flow of information, both in the print media,

on television, and via the Internet. There are a number of recent decrees and decisions that stifle an already restricted press.

Last February, the government issued a new decree, no. 2, which allows for greater censorship and punishment of the media for any material deemed to be, and I am quoting here, "against the interests of the state." Another regulation, Decree 20, would limit access of Vietnamese citizens to television stations. And we are closely following a third decree, a draft decree that may be promulgated next month, which would restrict access to Internet content, and provide a set of new restrictions against Internet providers. We are following this closely, and we will make our views known to the Government of Vietnam more specifically.

A third broad issue concerns legal provisions that are vague and inconsistent with international norms and will allow the government to target citizens at will. I will just mention two. Article 79 outlaws activities that are aimed at overthrowing the people's administration. In practice, this law has been interpreted very broadly and targets, for example, those who in many other societies would be recognized as peaceful protesters. Article 88 outlaws propaganda against the State and can be used, as we recently learned, even against a musician who posted a political song on the Internet. We have called for the repeal of these vague laws and will continue to do so.

Fourth and finally, and an area that you have spent so much time focused on, and rightly so, are the restrictions that limit religious freedom in Vietnam. We are very concerned about harassment of Christian groups, disputes with Buddhist groups, difficulties that multiple religious groups face in registering, gathering, practicing their faith freely. Although Vietnam's Constitution and laws guarantee freedom of religion, these laws are not applied consistently. And in particular, in the various discussions I have had with the Vietnamese Government, we have raised consistently the slow progress in the registration of churches for Protestant congregations in the northwest highlands. We have also raised concerns that the Bible has yet to be translated into modern Hmong language. Although the government has registered some churches in the past several years, the pace of registrations has remained slow and unacceptable in our judgment.

I want to close with these thoughts. We continue to view the situation of human rights discouraging and unacceptable. Our government officials are repeatedly raising these issues. I did in a human rights dialogue last fall. We followed up. And our ambassador has followed up repeatedly. We have made it clear to the Government of Vietnam that our joint desire to have a closer strategic relationship is dependent on their making substantial progress on human rights. We are not satisfied that that is happening. We continue to raise these issues. Secretary Clinton continues to raise these issues, as do others in the department.

So we stand with you, Chairman Wolf, in terms of our assessment of what is happening. And I would only say that this is an issue of great importance. It is central to our relationship with Vietnam, and it will continue to be so. Thank you.

[The statement of Mr. Posner follows:]

PREPARED STATEMENT OF MICHAEL H. POSNER, ASSISTANT SECRETARY OF STATE FOR DEMOCRACY, HUMAN RIGHTS AND LABOR

Michael H. Posner

Mr. Chairman and Members of the Commission, thank you for holding this important hearing to focus attention on the human rights situation in Vietnam.

Since normalization in 1995, our bilateral relationship with Vietnam has matured with expanded economic ties, deeper engagement on defense and security issues and continued partnership on health and education programs. Following broad economic reform in the mid-1980s, Vietnam has become one of the fastest growing economies in the world, averaging between six and eight percent growth from the 1990s until today. Its GDP stands at more than \$100 billion, up from just \$6 billion at the end of the 1980s. In the 17 years since the normalization of our relationship, our annual bilateral trade is up from \$500 million to \$17 billion. More than 10,000 Vietnamese students are studying in the United States. Family ties between Vietnamese and Vietnamese-Americans remain close and have become a vibrant means of cultural and political exchange as well as a driver of economic development.

So on several levels our bilateral relations have come a long way in a relatively short period. We will continue to build on these areas of progress and to maintain an honest, productive and collaborative relationship with Vietnam. Our concerns about human rights also are a central part of this relationship. Regrettably, Vietnam's respect for the basic human rights of its people continues to deteriorate, as it has for the past several years. I am here today to address these human rights concerns.

Today a number of human rights issues remain front and center on our radar. These issues cut across the other aspects of our bi-lateral relationship with Vietnam, and give rise to our deep concerns. In a larger sense they shape how we think about the potential of our overall relationship with Vietnam. Of course, it's important to remember that while these are issues of concern to us, they are much more significant to Vietnamese citizens, particularly young people, especially those who are most directly affected by these abusive actions. They want to be part of an open society, to be linked up with the world, and to be able to share their ideas freely, or to be entrepreneurs. Human rights progress is something they are demanding – often at great personal cost – and something that Vietnamese citizens recognize as central to a positive future in an open society governed by rule of law.

Before I take your questions I want to spotlight some of the areas of ongoing concern.

First, Vietnam continues to unjustly detain and imprison individuals for exercising their human rights. We estimate that the government holds around 100 prisoners of conscience. Nguyen Van Hai, who also goes by the penname Dieu Cay, has been detained since October 2010 without trial on a charge of propagandizing against the state, a charge that stems from his years-old blogs. This comes after he had already served a sentence for politically-motivated tax evasion charges. He is not alone. Le Cong Dinh worked as a lawyer defending journalists, human rights activists, and Internet writers prosecuted for their reporting. He was convicted in January 2010 for spreading propaganda against the state. Father Ly, a Catholic priest and one of the principal architects of the democracy Movement '8046,' has been repeatedly detained and released since 1977. He was most recently released on medical parole in March 2010, after having been imprisoned since 2007. He was returned to prison on July 26, 2011. We continue to call for his unconditional release. There are many other stories similar to these.

We continue to raise these cases consistently – from the Secretary in her meetings with the highest levels of the Vietnamese government, the Deputy Secretary, the team at the Bureau of East Asian and Pacific Affairs and my team, to the leadership at our embassy in Hanoi. And we will continue to do so.

We are conscious that each of these cases is representative of a set of broader problems – lack of due

process; vague laws; legal standards inconsistent with universal human rights obligations; and so on – and as we raise these cases we make a point of connecting them to our broader concerns.

One recent piece of good news – just two weeks ago, authorities released Bui Thi Minh Hang. She is an activist who was sentenced without due process in December to two years in a re-education camp. We welcome her release, but will continue to press for the release of all other political prisoners.

The threats to freedom extend beyond politically-motivated detentions. A second area of concern is that Vietnam is increasingly restricting the free flow of information, be it print media, television broadcasts, or via the Internet. There are numerous decrees and decisions that only serve to stifle an already restrictive press environment in Vietnam, but also are violations of the internationally accepted human rights standards of freedom of expression and freedom of the press. Last February a new Decree, Decree 2, was announced, which allowed for censorship and punishment of any material deemed “against the interests of the state.” Another regulation, Decision 20, would limit the access of Vietnamese citizens to a range of television stations. And we are closely following a new draft decree that may be promulgated in June. We believe that the new decree on Internet content, if promulgated as drafted, would directly impinge on freedom of expression, adding to the censorship and Internet restrictions already in place. We are urging Hanoi to rethink its policy.

A third issue pertains to longstanding concerns with legal provisions that are vague and inconsistent with international norms. These laws and decrees contribute to the repressive environment for the citizens of Vietnam. Ill-defined national security legislation allows the government to target its citizens at will. Article 79 outlaws activities aimed at “overthrowing the people’s administration.” In practice, this law is interpreted broadly and targets, for example, those who in many other societies would be recognized as peaceful protestors. Article 88 outlaws propaganda against the state and can be used, as we learned recently, even to target a musician who posted a political song on the Internet. These vague laws, whose definition is left to the eye of the beholder, are being used to as a catch-all to silence anyone with whom the government disagrees.

We urge senior officials to impose an immediate moratorium on the use of these provisions. We urge the government to repeal these laws expeditiously in order to bring Vietnam’s criminal code into compliance with the government’s obligations under international human rights instruments. In 2006, Vietnam repealed Decision 31, which provided security officials the authority to detain individuals for an indefinite amount of time without due process. Repealing Decision 31 was the right step for Vietnam to take, and it demonstrates that the government can rescind ill-defined and outdated national security laws. We will continue to press for repeal of provisions used to silence expression.

Finally, we continue to be greatly concerned about a range of restrictions that limit religious freedom in Vietnam. One of the reasons that freedom of association and freedom of religion are so often linked in discussions is that many individuals join with others in their faith community to practice their religion. Around the world, governments restrict religious freedom by imposing obstacles to freedom of association. It’s against this backdrop that we are very concerned about the harassment of Christian groups, disputes with Buddhist groups, and difficulties that multiple religious groups face in registering, gathering, and practicing their faith freely. Although Vietnam’s constitution and laws guarantee religious freedom, these laws are not applied consistently. We have received reports that local officials have harassed believers, pushed for recantations of faith, and disrupted services of many faiths, contradicting national laws. National authorities have not registered churches which would allow them to practice faith freely. We consistently advocate for equal application of the law to all religious faiths and adherents, and have offered our assistance to help resolve technical issues in the registration process. All faith communities should be recognized and allowed to practice faith freely. We also closely follow land confiscations and disputes, an issue that threatens livelihoods, and particularly affects farmers and small businesses in addition to religious groups.

We have been assured that delays in the publication of the Bible in modern H’mong remains a technical issue that can be resolved. In response we have said plainly: if it can be resolved, then you should resolve it. Similarly, progress on church registration for Protestant congregations in the Northwest Highlands has

been slow and religious believers have not been able to worship freely. Although the government has registered some churches each year, the pace of registrations has remained slow and hundreds of congregations continue to languish awaiting a decision.

There were some incremental positive moves several years ago – church registrations, for example. However, progress has not continued. Senior Vietnamese officials have repeatedly promised to make progress, and we have been clear that the status quo leaves many Vietnamese citizens unable to practice their religion freely, and therefore the government needs to do more.

Mr. Chairman, the situation in Vietnam for human rights remains discouraging. Government officials repeatedly tell me they seek stability; their actions, however, serve to undermine that goal. Only through affording its citizenry the opportunity to exercise the basic human rights guaranteed in Vietnam's own constitution and in international norms, can a government be secure. Many in Vietnam are rightly proud of their country's economic growth over the last two decades. But corruption and inconsistent adherence to legal provisions threaten the ability of the country to attract the kind of investment it needs for sustainable long term growth, and its ability to meet the expectations of budding Vietnamese entrepreneurs. Secretary Clinton is fond of the saying that "sunlight is the best disinfectant" – tackling corruption and rule of law challenges without a free press, without protecting freedom of expression and association is nearly impossible. We will continue to make the point to Hanoi that we care about human rights in Vietnam for many of the same reasons that they should care about them, and do something about them: progress on human rights is necessarily part of the continued progress of Vietnam, and certainly part of the progressive development of our bilateral relationship.

In the meanwhile, we'll continue to raise specific cases and make our concerns known. I did so at our annual bilateral Human Rights Dialogue last November. Secretary Clinton made these points during her meeting with President Sang at APEC, as did Deputy Secretary Burns during his December trip to Hanoi and Assistant Secretary Kurt Campbell in February. Deputy Assistant Secretary Dan Baer visited Hanoi in March to follow up on the Human Rights Dialogue and also made a forceful pitch for greater protection for human rights. In addition, our team at the embassy and consulate general, led by Ambassador Shear, frequently underscores the human rights concerns of the U.S. government in meetings with senior Vietnamese officials.

We will continue to press the Vietnamese government to make progress on respect for internationally-recognized human rights. We anticipate holding another round of the U.S.-Vietnam Human Rights Dialogue this fall, which will afford us the opportunity to focus in on the improvements Vietnam needs to make, not only to further its bilateral relationship with the United States, but to meet its own international commitments. Senior officials at the Department and our embassy also will continue not only to underscore our concerns, but also to identify areas where we can work together to make progress.

Human rights are woven into the very fabric of our relationship with Vietnam. We have made clear it clear to Vietnam that if we are to develop a strategic partnership, as both nations desire, Vietnam must do more to respect and protect its citizens' rights. The path each country takes towards greater respect for universal human rights must be its own, but the basic principles remain the same. As Secretary Clinton has said, the spirit of human rights and human dignity lives within each of us, and the universal aspirations have deep and lasting power.

Thank you again, Mr. Chairman, for the opportunity to testify before the Commission today. I look forward to answering any questions you may have.

Mr. WOLF: Thank you. Would you give them, if you had to grade them now, would you give them an A, B, C, D, or an F?

Mr. POSNER: I think, you know, we don't tend to grade governments, but the –

Mr. WOLF: How would you personally grade them? I would grade them an F. So I am just curious from your own -- I know you didn't talk about this at the State Department last night, but how would you grade them personally?

Mr. POSNER: I would grade them as unacceptable. The conditions are unacceptable, and we will continue to raise these concerns until conditions change.

Mr. WOLF: Okay. I hear from the Vietnamese community they are not happy with the American ambassador. Why doesn't the American ambassador -- and can you give us a commitment that on July 4 -- if you remember, Philadelphia, July 4, 1776, the Liberty Bell. And we all know that Ronald Reagan said that the words in the Constitution, which were signed in Philadelphia in the hot summer of 1787, and also Ronald Reagan said the words in the Declaration of Independence was a covenant, not only with the people in Philadelphia in 1776 and in 1787, that hot summer, but it was really, Reagan said, that they were a covenant with the entire world.

So basically, I believe, as President Reagan did, that they were basically a covenant with all the people, the people in China, but also the people today in Vietnam. Could you give us a commitment, or would you direct your ambassador over there to kick the doors open of the American embassy on July 4 and invite all the dissidents and all of their families and all of the Buddhists who are being persecuted, and all the Catholics that are being persecuted, all of the bloggers, and whereby the American embassy would overflow with freedom, frankly, whereby similar to what Secretary Shultz used to do and also Secretary Baker? Would you commit here that the American ambassador will do that on this Fourth of July as we are fast approaching?

Mr. POSNER: I want to answer that -- you know, I am not in a position to say what is going to happen on the Fourth of July.

But I want to make a larger point that answers your question. My mandate is to work on all of the world. And there are a range of places where I have greater challenges in getting everybody within our government to be on the same page in terms of how important the human rights piece is in a larger agenda.

With respect to Vietnam, I would say that Secretary Clinton has gone out of her way to engage me and include me in her senior meetings on the subject. I have had repeated contacts with Ambassador Shear about these issues. And he has reinforced my instincts about what we need to do in these cases.

Deputy Secretary Burns has visited Vietnam. Secretary Clinton has visited Vietnam. We have repeatedly made it clear to the Government of Vietnam that the strategic relationship which they desire -- and we desire for a range of other reasons -- is being held up because of the deteriorating and poor human rights record of the government. That is a consistent message. And I am very confident that the Government of Vietnam is hearing from a range of U.S. officials that we stand behind

Vietnamese citizens, who are pushing for democracy and human rights.

Mr. WOLF: But you acknowledge in the testimony that conditions are worse, they are not better, in spite of the activity. What harm would there be for on this July 4, that we have the American embassy invite all of the dissidents and all of the families of the dissidents to come to the American embassy, all of the bloggers, all the young people, all the people that thirst for freedom, the Buddhist monks, the Catholic priests, whereby to replicate what used to be done by, quite frankly, the Carter Administration, so it is bipartisan, what would be blessed by "Scoop" Jackson, one of the finest Senators we have had here in the United States Senate in the 20th century -- we remember Jackson-Vanik, and we remember that. We remember what President Reagan did and George Shultz and Jim Baker did. Why couldn't we replicate that? Because when you would go, when I would go to Romania, the American ambassador in Romania in 1984 and 1985 would literally invite in the dissidents. And they would even say, I am honored to be here. And even they would say, by being here with the ambassador and with everyone else, it basically offers a protection.

So if we can achieve anything out of this hearing, what would be wrong with the ambassador being told this Fourth of July, let's really open the doors and invite all the freedom-loving people to come in and celebrate what President Reagan said was a covenant with the entire world?

What would be wrong with that, Michael? I am having a hard time why you wouldn't just embrace this thing and say, wow, this is a great idea. What would be wrong?

Mr. POSNER: First of all, I will take back your suggestion and raise it directly with the ambassador.

But I think the broader point you are making, with which I agree, is that we do ourselves proud when we reach out to dissident communities and activists and make it clear that we are going to amplify their voices, provide them support and protection.

My experience with our embassy in Vietnam is that they spend time and energy doing that. When I visited there, I had access to a number of activists who were very, very familiar with, knew the embassy officials extremely well. We have had very active political officers there. And the ambassador is active on these issues.

Again, it is not uniformly the case throughout the world, but I do think this is a case where we have an embassy that is highly attentive to these issues. And so the broader concern you have, which I share, is that the United States ought to be clearly working to support those who are nonviolent critics of the government, who want to raise issues of human rights and democracy, and who are embattled and endangered because of their advocacy. We made it very clear to the Government of Vietnam that that is where we stand, and we are going to continue to do that.

Mr. WOLF: Well, I appreciate that. Words are important, but the deeds that would go with it, and I think those deeds, quite frankly -- let me just say it for the record; you may disagree -- if the ambassador fails to do that this Fourth of July, then I think he will go down in history as a total and complete failure. I just think it is important to say that. I mean, when I think of an American citizen, and all of the Vietnamese activists who come in to see me, really don't have very positive things to say. And they really don't view the American embassy as a friendly place.

Yet in the minds if we see in China, Chen didn't go to the Portuguese embassy. He didn't go to the Spanish embassy. He went to the American embassy. And I think there has been a bipartisan -- the name of this commission is the Tom Lantos Human Rights Commission. And there has been a bipartisan acceptance of doing this. So I would hope on the Fourth of July -- we will check and see what happens on the Fourth of July.

Mr. POSNER: I will convey your request.

Mr. WOLF: Thank you. Just two other questions. Given the continued abuses you have outlined, unjust detentions, restrictions on free flow of information, use of vague security laws to silence dissent, restrictions on religious freedom, what is the State Department's reluctance on designating Vietnam as a CPC?

Mr. POSNER: You know, this is a process, as you know, that is ongoing. We made designations of eight countries last fall. We will review those designations. We can add or subtract countries from the list at any time.

Our impression is that among the range of issues that I raised, the issues relating to registration of churches and other things of concern in terms of religious freedom, the situation has not gotten better, but it is at a sort of steady state.

We continue to press, for example, for more church registrations. Churches are registering, but at way too slow a rate. We have gotten promises from the Vietnamese Government that they are going to accelerate that. They have not done so. So we are going to continue to push for that.

We have gotten promises for 2 years that they are going to translate the Bible into Hmong language. They have not done that. We are going to continue to press for it. But the situation is at a static state.

Whereas on issues on like these political imprisonments, or on media freedom, there is a strong negative trajectory. So those are issues that we are very focused on at this moment. We are focused on all of the issues, but at this moment, we have not designated Vietnam as a Country of Particular Concern.

Mr. WOLF: And yet you may?

Mr. POSNER: It is an open process, and we can make a judgment at any time. We made the judgment last fall to put eight countries on that list. It has to be reviewed periodically, and we will continue to receive information from the Commission on Religious Freedom and others, and we will take it into consideration.

Mr. WOLF: When will that decision be made?

Mr. POSNER: There is no time. There is no deadline for it. We have to do it I think every -- at least every 2 years, but we are certainly going to look at Vietnam, we are looking at it on an ongoing basis.

Mr. WOLF: The last question that I have is, what has the State Department done in regards to the imprisoned Vietnamese American, Dr. Nguyen Quoc Quan? Has any progress been made in order to secure his release?

Mr. POSNER: As you said at the outset, he is an American citizen who was detained on his arrival in Vietnam last month. Consular officials have been closely monitoring the case. I just met his wife just before this hearing began, and I know that she has been in contact, constant contact with our consular officials. I think she is going to testify to that effect. I can't say much more because of Privacy Act limitations. But you can be assured we are highly attentive to this and doing everything we can.

Mr. WOLF: Has the ambassador tried to visit him in jail?

Mr. POSNER: I can't say that.

Mr. WOLF: Boy, if the ambassador hasn't tried to visit him in jail -- Michael, if you were the ambassador in Vietnam, I would attest that you would have tried to visit him in jail. I just asked the staff to call the embassy today and ask if the ambassador tried to visit him. If the ambassador hasn't tried to visit an American citizen, I just -- I mean, maybe we are just on a different page. Boy, we would have never defeated Communism. The 1980s would have been totally different. If we hadn't had people like "Scoop" Jackson and Tom Lantos and Henry Hyde, I mean -- so if they haven't tried to visit him -- I mean, do you know that he tried? What is the secrecy? I don't quite understand. Why couldn't you tell us if he tried to visit him? I don't understand that.

Mr. POSNER: Well, there are two different things here. What I have said is that consular officials have been actively engaged in this and have had contact with him. And again, I am going to let his wife speak to this.

But under the Privacy Act, this is an American citizen, and there is a limit on what I can say in a public setting. I am glad to talk to you off line. I am glad to get more information and come back to you about who has visited and what circumstance. We are very attentive to this case. We are very conscious of his situation. This has happened in the last few weeks.

Mr. WOLF: How is his health?

Mr. POSNER: I think -- again, I would rather, if you allow me, let me go back and get more information on exactly where things are. And I am glad to talk to you privately. But I am constrained by the Privacy Act in terms of talking about particular issues.

Mr. WOLF: I don't understand that. This is the first time I ever heard about the Privacy Act prohibiting that.

Have you met with his wife? Have you taken time to sit down with her away from, you know, the hearing room and meet with her to find out and -- I mean, the same way that you would want, if your dad were in prison, or your uncle, or brother, or husband or wife, has the State Department sat down with her? Is the wife here?

Mr. POSNER: She is. And we just met.

Mr. WOLF: Has anyone from the State Department spent time with you to talk to you about your husband?

Ms. NGO: I call every night since my husband has been arrested in Vietnam, and they were delayed, but they got to see him one time already.

Mr. WOLF: But has anyone in Washington spoken with you?

Ms. NGO: No.

Mr. WOLF: No one in Washington has spoken to you. How long has your husband been in jail?

Ms. NGO: He has been in jail since April 17. So 3 weeks, right?

Mr. WOLF: And no one in Washington -- has anyone in Washington spoken to you on the phone?

Ms. NGO: No.

Mr. WOLF: No one. Have you spoken to the American ambassador?

Ms. NGO: I sent a letter to the consulate in Vietnam.

Mr. WOLF: But has the American ambassador taken time to be in touch with you?

Ms. NGO: No.

Mr. WOLF: And is your husband an American citizen?

Ms. NGO: Yes.

Mr. WOLF: Well, Michael, I tell you, if this administration doesn't push this, you are basically endangering every American citizen that goes to these dictatorial dictator countries. You should be meeting with her.

When are you leaving town? It is her husband.

Mr. POSNER: Congressman Wolf, I would be happy to meet with her. I met her just before this hearing began.

Mr. WOLF: But you should take time this afternoon.

Mr. POSNER: I would be glad to do that.

Mr. WOLF: Do you have time to meet with the assistant secretary this afternoon?

Ms. NGO: I will see the State Department today.

Mr. WOLF: He is the most important person. He is the assistant secretary. Will you meet with her?

Mr. POSNER: Absolutely. Be happy to.

Mr. WOLF: Okay. Well, thank you, Assistant Secretary Posner for your testimony.

And you know, the committee will keep following up. We will also call the American embassy to see -- and I am sure he will tell us the truth -- to see if he made any effort to go see him. This has ramifications much broader than just this one case. But every individual -- you know what the Reagan people did and what Shultz did and what others did with regard to Sharansky and Sakharov. And here we have an American citizen. So we are going to follow the case.

Anyway, thank you very much for your testimony this morning.

Mr. POSNER: Thanks for your attention.

Mr. WOLF: Since Dr. George is not here, stuck in traffic, we will proceed to the third panel. And then when Dr. George comes, we will go to him. The Third panel is panel three, Vo Van Ai founder and president of the Action for Democracy in Vietnam; Mai Huong Ngo, wife of imprisoned American Dr. Nguyen Quoc Quan; and also Phu Do Nguyen, the vice president of Saigon Broadcasting Television Network.

If you would all three come to the hearing together, will come up as a panel.

Out of respect, I would like, if we can, hear in the order of Mai Huong Ngo, the wife of the imprisoned prisoner first, and then we will go with Vo Van Ai, the founder, and then Phu Do Nguyen, the vice president of Saigon.

STATEMENT OF MAI HUONG NGO, WIFE OF IMPRISONED VIETNAMESE-AMERICAN DR. NGUYEN QUOC QUAN; VO VAN AI, FOUNDER AND PRESIDENT OF QUE ME, ACTION FOR DEMOCRACY IN VIETNAM; AND PHU DO NGUYEN, VICE PRESIDENT, SAIGON BROADCASTING TELEVISION NETWORK (SBTN)

Mr. WOLF: So, Madam, you can proceed. Your full statement will appear in the record. And then you can summarize as you see fit.

But thank you for taking the time to come. And you know, I hope you are meeting with Mr. Posner. And when you meet with him today, you should aggressively, you should insist that the American embassy, that the American ambassador take the time to go see him. I think you should ask everything that you think is appropriate.

As you are an American citizen and as your husband is an American citizen, there is a moral obligation, but there is a legal obligation for our government, your government, my government, we are in the same government -- you know, we are a Nation of immigrants. When you come here and you are here for one day and you are a citizen, you have the same right as somebody whose grandparents signed the Declaration and great grandparents signed the Declaration of Independence.

So you ought to insist, insist that they do everything they can. And quite frankly, if your husband is not released very, very soon, they ought to take economic measures and really strike and do some things bold.

With that, I will just welcome you.

STATEMENT OF MAI HUONG NGO

Ms. NGO: Thank you, sir. Thank you very much. I appreciate it. Mr. WOLF: Is your mike on? I don't think it is on.

Ms. NGO: Congressman Frank Wolf and members of the Tom Lantos Human Rights Commission, thank you very much for inviting me here today on behalf of my husband, Nguyen Quoc Quan.

The press and human rights organizations call him a democracy activist, and I am here before you to tell the story of a former high school math teacher from Kien Giang, Vietnam, whose dream of building schools for poor children and empowering the youth persisted long after he came to the United States 30 years ago.

Guided by his dream, he joined Viet Tan, and he dedicated his life to the promotion of democracy and social justice in Vietnam. He believes that the change has to come from the people on the ground through peaceful means and has several times before traveled to Vietnam to make a small contribution.

On April 17, 2012, he called me upon landing at the airport in Saigon and promised to call me again after checking in at the hotel. I waited. He never called back. He never called back.

My husband was arrested at the airport, accused of so-called terrorism under the Article 84 of the Vietnam Penal Code and is currently detained for an indefinite period of time for investigation.

After my husband's arrest, the state media ran a smear campaign in which he was referred to as a terrorist and accused of carrying materials on terrorism training and allegedly planning to incite acts of subversion. Knowing my husband and his work, I would like to point out that the documents on his laptop, reported by the state media, are merely presentations on leadership skills and nonviolent tactics. He once said, "Watching poor farmers and activists being beaten by public security makes me want to be with them. I know each of them are much stronger than any regime if only they had confidence and knew how to peacefully and collectively defend their rights."

By detaining my husband for his peaceful activities, Hanoi is not only severely violating his rights, but it is also posing a potential threat to anyone supporting the philosophy and approach of Dr. Martin Luther King, Jr., and Gandhi.

I am fortunate to sit before you, to freely testify without the fear of reprisal. Yet there are many families that are not so fortunate. I sympathize with the wives of writer Nguyen Xuan Nghia and legal scholar Cu Huy Ha Vu, who despite harassment, are tirelessly fighting for their husbands' freedom. I feel the pains of the wife of blogger Phan Thanh Hai, who was only 7 months pregnant when her husband was arrested.

The Vietnamese Communist Government disgraces the honorable work of these brave activists and shuts them away into silence. But we cannot allow this injustice.

I am indebted to Members of Congress who have shown their strong support and especially the Members of Congress who recently brought my husband's case to Secretary Hillary Clinton's attention.

I am also comforted by the U.S. consulate in Saigon's help in getting access to my husband and ensuring his well being. I hope the embassy and consulate will continue to work toward his immediate release.

I come here to appeal for your assistance in securing my husband's release from arbitrary detention in Vietnam. In addition, I am hoping that I can lend my voice to all the silent voices of conscience, as is the wish of my husband.

Let me conclude my testimony with a quote from my husband in the Sacramento Bee in year 2008, when asked about activists in Vietnam. "Those are true heroes," he said. "I just follow them in my way. I hope all the Vietnamese overseas who support

me will pay attention to those willing to suffer because they would love have a country with freedom."

Again, I thank you for convening this timely hearing and bringing congressional attention to my husband's cause. Thank you.

[The statement of Ms. Ngo follows:]

PREPARED STATEMENT OF MAI HUONG NGO, WIFE OF IMPRISONED VIETNAMESE-AMERICAN DR. NGUYEN QUOC QUAN

Congressman Frank Wolf, Congressman James McGovern and members of the Tom Lantos Human Rights Commission:

Thank you very much for inviting me here today on behalf of my husband Nguyen Quoc Quan.

The press and human rights organizations call him a democracy activist and I am here before you to tell the story of a former high school math teacher from Kien Giang, Vietnam whose dream of building schools for poor children and empowering the youth persisted long after he came to the United States 30 years ago.

Guided by this dream, he joined Viet Tan and dedicated his life to the promotion of democracy and social justice in Vietnam. He believes that change has to come from the people on the ground through peaceful means and has several times before travelled to Vietnam to make a small contribution.

On April 17, 2012 he called me upon landing at the airport in Saigon and promised to call again after checking in at the hotel. I waited. He never called back. My husband was arrested at the airport, accused of so-called "terrorism" under article 84 of the Vietnam Penal Code and is currently detained for an indeterminate period time for "investigation."

Smear campaign by Vietnamese state-controlled media

After my husband's arrest the state media ran a smear campaign in which he was referred to as a "terrorist" and accused of carrying materials on "terrorism training" and allegedly planning to incite acts of subversion.

Knowing my husband and his work I would like to point out that the documents on his laptop-- reported by state media--are merely presentations on leadership skills and nonviolent tactics. He once said: *"Watching poor farmers and activists being beaten by public security makes me want to be with them. I know each of them are much stronger than any regime if only they had confidence and knew how to peacefully and collectively defend their rights."*

By detaining my husband for his peaceful activities, Hanoi is not only severely violating his rights but it is also posing a potential threat to anyone supporting the philosophy and approach of Dr. Martin Luther King Jr. and Gandhi.

Experiences of others

I am fortunate to sit before you, to freely testify without the fear of reprisal. Yet there are many families that are not so fortunate. I sympathize with the wives of writer Nguyen Xuan Nghia and legal scholar Cu Huy Ha Vu who despite harassment are tirelessly fighting for their husbands' freedom. I feel the pains of the wife of blogger Phan Thanh Hai who was only seven months pregnant when her husband was arrested.

The Vietnamese communist government disgraces the honorable work of these brave activists and shuts them away into silence.

But we cannot allow this injustice.

Your voice helps

I am indebted to Members of Congress who have shown their strong support and particularly Representatives who recently brought my husband's case to Secretary Hillary Clinton's attention. I am also comforted by the US Consulate in Saigon's help in getting access to my husband and ensuring his well-being. I hope the Embassy and Consulate will continue to work towards his immediate release.

I come here to appeal for your assistance in securing my husband's release from arbitrary detention in Vietnam.

In addition I am hoping I can lend my voice to other silenced voices of conscience, as is the wish of my husband. Let me conclude my testimony with a quote from my husband in the Sacramento Bee in 2008 when asked about activists in Vietnam.

"Those are the true heroes", he said "I just follow them in my way. I hope all the Vietnamese overseas who supported me will pay attention to those willing to suffer because they'd love to have a country with freedom."

Again, I thank you for convening this timely hearing and bringing Congressional attention to my husband's cause.

Mr. WOLF: Well, thank you very much for your testimony. I can assure you that we will do, my office, we will do everything we can to continue to stay with you on this issue, and working with the Member from your area, but also to pressure the State Department.

And afterward, I would hope that you would work it out with sitting down with Michael Posner today. And then after the hearing, if you would call my office to let us know what happened at the hearing, at the meeting that you had with him. But I thank you for your testimony.

Dr. Ai, next.

STATEMENT OF VO VAN AI

Mr. AI: Honorable chairman, distinguished Members of Congress, my name is Vo Van Ai. I come from Paris.

Thank you for inviting me to testify at this important hearing. Today, many Americans believe that the U.S. is strengthening its relations with Hanoi because human rights are improving in Vietnam. But this is far from the case. Arbitrary detention, torture, and harassments are the daily lot of citizens who express opinions in contradiction with the ruling Communist Party of Vietnam. Vietnam claims to respect human rights and religious freedom, but there is a huge gap between rhetoric and reality in Vietnam.

I submit to this hearing a list of 177 political and religious prisoners. And I would like to cite some examples from this list to illustrate the Orwellian nature of the legal system in Vietnam today.

For the crime of peaceful advocacy, blogger Dieu Cay, whom President Obama mentioned on Press Freedom Day, risks up to 20 years in jail. He was to stand trial today, but Hanoi postponed the trial following President Obama's statement. In Vietnam, prison sentences are fixed in advance. International pressure may help to reduce his sentence. But the truth is that Dieu Cay should never have been arrested at all.

For the crime of distributing human rights leaflets, Nguyen Ngoc Cuong and his son are serving 9 years in prison.

For writing articles on the Internet calling for democratic reform, Than Huynh Duy Thuc is condemned to 16 years.

For writing protest songs, singer Viet Khang has been arrested and his family denied the right to visit him.

For exposing police corruption, journalist Hoang Khuong, a reporter on the official newspaper Tuoi Tre, was suspended and is now in jail.

Young labor activist Do Thi Minh Hanh is serving 7 years for advocating worker rights. She is deaf in one ear because of beatings during interrogation.

For seeking to use the legal system to demand justice for human rights victims, legal expert Cu Huy Ha Vu was condemned to 7 years in prison after an unfair trial last year.

Vietnam is cracking down fiercely on religious followers. To oversee this policy, in February, Major General Pham Dung, one of Vietnam's top security officials, was appointed head of the Government Religious Board. Members of the Unified

Buddhist Church of Vietnam, UBCV, are routinely detained.

Vietnam's most prominent religious dissident, Thich Quang Do, UBCV patriarch and Nobel Peace Prize nominee, is under house arrest without charge at the Thanh Minh Zen Monastery after more than 30 years in detention.

Roman Catholic priest Father Nguyen Van Ly is in poor health after suffering a stroke in prison. Many Catholic bloggers and activists were detained in a wave of arrests last year. Ten have been charged with subversion, which carries the death penalty.

Hundreds of Christian Montagnards and many ethnic Hmongs are imprisoned, and at least 16 Hoa Hao followers are serving harsh prison terms for peacefully practicing their faith.

Lack of medical care, hunger, and ill treatment have broken the health of many political prisoners. In Xuan Loc Camp, Hoa Hao follower Mai Thi Dung, who is serving 11 years, is paralyzed in both legs, yet she has been denied treatment in the prison hospital.

Do Van Thai is suffering from AIDS after being forced to shave with the camp's sole razor blade used by all the prisoners.

Poet Nguyen Huu Cau, who has spent 35 years in detention, is virtually blind and almost completely deaf from harsh treatment. He has written 500 letters to the authorities claiming his innocence but never received one single reply.

All prisoners have to pay for basic necessities out of their own pockets, even food. And whereas common criminals are allowed to receive at least 2 million dong from their family each month, Dieu Cay and his colleague are allowed a mere 500,000. This is barely enough for survival. In the prison canteens, where police set the prices, it costs 400,000 dong for a kilo of sugar, 25,000 for a can of condensed milk, and 300,000 for a pound of pork sausage.

Many farmers and peasants are detained for protesting state confiscation of lands. Since January of this year, several violent clashes have broken out in Tien Lang, Van Giang, and Vu Ban, as armed riot police have sought to brutally evict farmers from their homes, resulting in deaths and widespread arrests.

Vietnam not only uses violence but also the law to suppress dissent. The whole chapter of vaguely defined national security provisions in the penal code criminalizes dissent by making no distinction between violent acts, such as terrorism, and the exercise of freedom of expression. Article four of the constitution on the political monopoly of the Communist party effectively prohibits political pluralism and democratic development. Ordinance 44 empowers police to detain critics under house arrest, in mental hospitals, or worker camps without any process of law.

Mr. Chairman, human rights are meaningless if human rights defenders are not free. Democracy cannot develop if democratic voices are stifled. It is therefore an urgent priority to press for the release of religious and political prisoners. To achieve this, both public and private diplomacy are needed. Public statements, such as the one made by President Obama, are most important, not only as a reminder to the Vietnamese authorities, but as a sign of encouragement and recognition for human rights defenders in Vietnam.

The release of prisoners is only meaningful if it is protected by the rule of law. The United States should press Vietnam to repeal all laws that impede the exercise of rights enshrined in its constitution and in the U.N. charter.

In Vietnam, religious movements are the sole surviving voices of civilian society. Buddhism, the majority religion, is a philosophy of peace and compassion. By repressing the Unified Buddhist Church of Vietnam, Hanoi is stifling civil society. The United States should press for the reestablishment of the UBCV's legitimate status and the release of its leaders, notably Thich Quang Do, and also heed the recommendations of the U.S. Commission on International Religious Freedom to redesignate Vietnam as a Country of Particular Concern.

The U.S. has a bilateral human rights dialogue with Vietnam. This dialogue is a useful tool, but it must not become an end in itself. The U.S. should set benchmarks for substantive progress. I am concerned that Vietnam uses the human rights dialogue as a shield to deflect international scrutiny from its ongoing human rights abuses. Vietnam has acceded to key U.N. treaties, but it blatantly violates U.N. rules.

I urge the United States not to support Vietnam's stand for membership of the U.N. Human Rights Council, which will be voted at the coming U.N. General Assembly this September in New York.

Finally, I urge the Congress to adopt the Vietnam Human Rights Act of 2012 to link trade relations to the respect of religious freedoms and human rights. Thank you for your attention.

Mr. WOLF: Thank you very much for your testimony. I agree with it.
[The statement of Mr. Ai follows:]

PREPARED STATEMENT OF VO VAN AI, FOUNDER AND PRESIDENT OF QUE ME, ACTION FOR DEMOCRACY IN VIETNAM

Honorable Chairman,
Distinguished Members of Congress,
Thank you for giving me this opportunity to testify at this important hearing and express my concerns on continuing abuse of human rights and religious freedom in Vietnam. Today, many Americans believe that the strengthening of US relations with Hanoi means that human rights are improving in Vietnam. But this is far from the case. After a brief period of respite in 2006, when Vietnam campaigned for membership of the World Trade Organisation, the government has pursued a systematic crack-down on freedom of opinion,

expression, religion and assembly. Arbitrary detention, torture and harassments are the daily lot of citizens who express opinions in contradiction with the ruling Communist Party of Vietnam.

The United Nations defines arbitrary detention as the deprivation of freedom of people who have simply exercised the rights enshrined in the UN Charter, or are imprisoned without due process of law. Vietnam ratified the UN International Covenant on Civil and Political Rights in 1982, exactly thirty years ago, and its Constitution guarantees the respect of basic rights. But there is a huge gap between rhetoric and reality in Vietnam. In a series of political trials since the beginning of last year alone, the government has sentenced at least **45 peaceful activists** to a total of **231 years in prison and 103 years probationary detention**. Just this week, former political prisoners in Vietnam sent me a list of **177 prisoners** currently detained for their peaceful opinions and beliefs. I submit this list for entry in the Congressional record.

As this Hearing takes place, arbitrary arrests continue unabated. I cite some random cases, which are by no means exhaustive, to illustrate the Orwellian nature of the legal system in Vietnam today:

- For the crime of peaceful advocacy, blogger **Dieu Cay** (Nguyen Van Hai), whom President Obama mentioned in his speech on Press Freedom Day earlier this month, is arbitrarily detained. Founder of the Club of Free Journalists, he was sentenced to 30 months in prison on trumped-up charges of “tax evasion” after staging anti-China protests during the Olympic torch relay in 2008. Alerted to his plight by my Committee, the UN Working Group on Arbitrary Detention declared his imprisonment a violation of international law. On the day of his release in October 2010, he was re-arrested on new charges of “spreading anti-socialist propaganda” (Article 88 of the Penal Code). He has been detained incommunicado for the past 17 months. Dieu Cay should have stood trial today, 15th May, along with two other bloggers, **Phan Thanh Hai** and **Ta Phong Tan**. But Hanoi postponed the trial only hours after President Obama’s statement. In Vietnam, prison sentences are fixed in advance. Dieu Cay has been pressured to plead guilty to seek a lighter sentence, but he has refused. He risks a prison term of up to 20 years. International pressure may help to reduce his sentence. But the truth is that he should never have been arrested at all;
- For the “crime” of distributing leaflets protesting land rights abuses and supporting dispossessed farmers known as the “Victims of Injustice” (*Dan Oan*), **Nguyen Ngoc Cuong** and his son **Nguyen Ngoc Tuong Thi** are serving a total of 9 years in prison. They were charged with “*spreading propaganda against the Socialist Republic of Vietnam*” (Article 88 of the Penal Code) at an unfair trial in Dong Nai in October 2011 . The sentence was confirmed on appeal;
- For founding an unofficial think-tank and writing articles on the Internet calling for democratic reforms, **Tran Huynh Duy Thuc** was sentenced to **16 years in prison** in January 2010 on charges of subversion (“*activities aimed at overthrowing the people’s administration*”, Article 79 of the Penal Code). Whereas other activists at the same trial, including human rights lawyer **Le Cong Dinh** and engineer **Nguyen Tien Trung** pleaded guilty and received sentences of three-and-a-half to seven years, Tran Huynh Duy Thuc denied that he had committed any crime. He received an extremely harsh sentence as punishment for his “stubborn attitude” ;
- For the “crime” of writing protest songs which are currently chanted by millions of young people inside and outside Vietnam, singer and composer **Viet Khang** (Vo Minh Tri), 34, was arrested on 23 December 2011 and is awaiting trial in the Security Investigation Office in Ho Chi Minh City. His mother has brought food parcels to the prison, but has not been allowed to see her son since his arrest. Another singer, **Tran Vu An Binh**, detained since September 2011, is awaiting trial in the same prison;
- For exposing Police corruption, journalist **Nguyen Van Khuong**, pen name Hoang Khuong, is detained in Ho Chi Minh City charged with “*professional shortcomings*”. A reporter on the official *Tuoi Tre* (Youth) newspaper, Hoang Khuong wrote a series of articles revealing bribes received by traffic police. Although his articles proved to be true and led to the arrest of one

policeman, *Tuoi Tre* suspended Hoang Khuong and withdrew his press card after complaints from the Police. He was arrested on January 2, 2012 and is awaiting trial;

- For helping to organize a strike in a shoe factory in Tra Vinh and distributing leaflets advocating worker rights and denouncing seat-shop working conditions, young labour activist **Do Thi Minh Hanh**, 27, is serving a 7-year prison sentence on charges of "*disrupting security and order against the people's administration*" (Article 89 of the Penal Code). She has lost her hearing on one ear, and suffers from swelling of the joints and a stomach ailment. Two other worker-rights activists condemned at the same trial in 26 October 2010, **Nguyen Hoang Quoc Hung** and **Doan Duy Chuong** were sentenced respectively to nine and seven years. None of them had access to defense counsel, and were not allowed to speak out in their own defense.
- For seeking to use the legal system to demand accountability and justice for victims of human rights abuses, legal expert **Cu Huy Ha Vu** was sentenced to seven years prison and three years house arrest at an unfair trial on 4 April 2011 at the Hanoi People's Court on charges of "*anti-socialist propaganda*". Lawyer **Huynh Van Dong** was disbarred from the Dak Lak Bar Association on 12 August 2011 for (sic) "*advocating for the behavior of accused individuals*". He had defended seven land-rights activists at a trial in Ben Tre in May 2011, and protested against being denied access to vital legal documents. The prisoners, including **Tran Thi Thuy**, "Cattle shed" house church Pastor **Duong Kim Khai**, and **Pham Van Thong** received prison terms from two to eight years.

Arbitrary arrest of religious activists is widespread. Despite Vietnam's claims to respect religious freedom, its aim to control and regulate religions is underscored by the appointment of Major-general **Pham Dung**, one of Vietnam's top Public Security officials, as head of the Government Religious Board in February 2012;

- Buddhists belonging to the outlawed **Unified Buddhist Church of Vietnam** (UBCV) are routinely detained under "pagoda arrest". Vietnam's most prominent religious dissident **Thich Quang Do**, 84, Patriarch of the Unified Buddhist Church of Vietnam and Nobel Peace Prize nominee, is under house arrest without charge at the Thanh Minh Zen Monastery. He is forbidden to travel or communicate freely and denied the right even to preach within his monastery. Thich Quang Do has spent almost 30 years in prison, internal exile and house arrest for his nonviolent advocacy of religious freedom, democracy and human rights;
- At least 250 **Christians Montagnards** and many ethnic **Hmongs** are serving harsh sentences for participating in peaceful demonstrations or practicing their faith in "unrecognized" house churches. Many have been brutally beaten in prison, and at least 25 have died in prison from beatings and lack of medical care. Just last week, **on 9 May 2012**, three Christian Montagnards were arrested in the Central Highlands for "anti-state activities". The official press reported that Security forces had seized weapons that the "reactionary organization" was using "to oppose authorities" – they consisted of home-made bows, arrows and swords;
- Roman Catholic Priest **Father Nguyen Van Ly**, prominent religious freedom advocate, is in very poor health after suffering a stroke in prison. Released on compassionate leave in March 2010, he has now returned to Ha Nam prison to continue his 8-year sentence. Many **Catholic bloggers and activists**, mostly from the **Redemptorist Congregation** were detained in a wave of arrests in July-August 2011. At least twelve remain in custody, including Catholic bloggers **Le Van Son** and **Ta Phong Tan**, **Ho Duc Hoa**, **Dang Xuan Dieu** and **Nguyen Van Duyet**. Ten have been charged under article 79 of the Criminal Code for "*activities aimed at subverting the people's power*". Moreover, on 2 December 2011, 20 Catholics, including one priest, Father Nguyen Van Phuong, were arrested in Hanoi after they submitted a petition to the authorities demanding the return of Church lands.
- **Nguyen Van Lia**, 72, a dignitary of the Hoa Hao sect was sentenced to five years in prison on 13 December 2011, on charges of "*abusing democratic freedoms to infringe upon the interests of the*

state” (Article 258 of the Criminal Code). He is detained in section K4 of Xuan Loc prison camp in Dong Nai. During interrogations, he was beaten, then detained in solitary confinement, and is now in very poor health. **At least sixteen Hoa Hao dignitaries and followers** are serving prison sentences from five years to life in prison for peacefully practicing their faith.

Vietnam is increasingly using “administrative measures” such as heavy fines to punish dissidents and human rights defenders without any process of law. On 8 November 2011, hundreds of Security Police broke into the home of writer **Huynh Ngoc Tuan** in Quang Nam, confiscating his laptop, printer, cell phone and other personal effects. They returned on 2nd December 2011, beat him and other members of his family, and read out an order condemning him, his daughter **Huynh Thuc Vy** and his nephew **Huynh Trong Hieu** to heavy fines for “*spreading anti-socialist propaganda*”. Huynh Ngoc Tuan previously spent 10 years in prison (1992-2002) for writing articles for democratic reform.

Vietnam frequently states in international forums that there are “*no political prisoners in Vietnam*”. However, many former political prisoners including lawyer **Nguyen Bac Truyen**, detained from 2006-2010 unequivocally deny this claim. Religious and political dissidents, they report, are detained in special sections of prisons, sometimes detained together with common criminals but always subjected to a particularly harsh regime. All their clothes and utensils are stamped with the letters C.T. (*chính trị* – “political” in Vietnamese). They are not allowed to use pens and paper, nor receive regular visits from their families.

All inmates, whether political prisoners or common criminals, must pay for basic necessities out of their own pockets, including supplements their starvation rations. But whereas common criminals are allowed to receive at least 2 million dong (about \$96) each month from their families, bloggers **Dieu Cay**, **Phan Thanh Hai** and **Ta Phong Tan** have been allowed no more than 500,000 dong per month. This is barely enough for minimal survival. The police-set prices in prison canteens run to 400,000 dongs for a kilo of sugar, 25,000 for a can of condensed milk or 300,000 dong for a pound of pork sausage. In the Security Investigations Office in Ho Chi Minh City where the three bloggers are detained, many political prisoners are detained in solitary confinement in tiny cells without ventilation or light. Dieu Cay’s glasses were confiscated by Police on his arrest.

Political prisoners who refuse to confess their “crimes” are often punished by being **moved to jails far away from their homes**. Since prison camps are usually situated in remote, isolated areas with very limited access, this makes it extremely difficult for families to pay visits. In March 2012, pro-democracy activists **Tran Kim Anh**, **Nguyen Xuan Nghia** and **Pham Van Troi** were sent from Nam Ha camp in Ha Nam province, south of Hanoi, to Camp No. 6 in Thanh Chuong district in the central province of Nghe An. Hanoi-based dissident **Cu Huy Ha Vu** was moved from Hoa Lo Prison in Hanoi to Prison Camp No. 5 in Thanh Hoa province in March 2012. The camp is in the depths of a mountainous, forest region some 200 kilometres south of Hanoi, and is notorious for holding violent common criminal detainees. His family was given no explanation for this sudden transfer.

Lack of medical care and overcrowded, unhygienic detention conditions have broken the health of many political prisoners. Hoa Hao follower **Mai Thi Dung**, who is serving an 11-year sentence in Section K5 of Xuan Loc Camp, is paralyzed in both legs, yet she has been denied treatment in the prison hospital. Political prisoner **Do Van Thai** is now suffering from HIV-AIDS after being forced to shave with the camp’s sole razor blade used by all the prisoners. He is detained in Section K2 of Xuan Loc Camp in Dong Nai. Poet **Nguyen Huu Cau**, who has spent 35 years in detention since 1975 — from 1975-1980 in re-education camp, then 1982 until today for writing poems exposing official corruption — is virtually blind and almost completely deaf after being subjected to harsh detention conditions and deprived of medical care in Xuan Loc prison camp. He has written **500 letters to the authorities** claiming his innocence, but has never received a single reply.

Protests on issues of **land rights** have led to widespread arbitrary arrest, are becoming a major source of conflict between the people and the state. Under Vietnam’s socialist system, “*the land is the property of the people*” but it is “*managed by the State*”. Peasants and farmers do not own their land, but are issued with “Land User Certificates”, which the authorities can withdraw at will, with little or no compensation. This

has sparked off a massive rural protest movement known as the Victims of Injustice” (*Dân Oan*) involving hundreds of thousands of dispossessed farmers. Police regularly crush these protests with extreme violence, resulting in deaths and widespread arrests. Since the beginning of this year, three incidents of state “land grabbing” have resulted in extreme violence. In January, in Tiên Lang, near Haiphong, farmer **Doan Van Vuon** resisted attempts to forcibly evict him from swamplands that he had spent 18 years transforming into a viable aquaculture farm. In desperation, he shot at the Police, wounding six officers. On 24 April, In **Van Giang**, in Hung Yen province, 3,000 Security Police and riot forces attempted to forcibly evict 166 families from their lands to build a massive development project (Ecopark), wounding and arresting many villagers. On 9 May 2012, in **Vu Ban, Nam Dinh** province, hundreds of riot police armed with electric truncheons sought to evict local farmers from their lands. The farmers, mostly women and elderly people, donned mourning turbans and staged a peaceful sit down. Many were wounded and other arrested as Police brutally disbanded their protests.

Vietnam’s political and religious prisoners are mostly detained on the basis of vaguely defined “**national security**” provisions in the Vietnamese Criminal Code, seven of which carry the death penalty. They include ambiguous offenses such as “*undermining national solidarity, sowing divisions between religious and non-religious people*”, (article 87), “*conducting propaganda against the Socialist Republic of Vietnam*” (Article 88), “*abusing democratic freedoms to encroach on the interests of the state*” (article 258), “*espionage*” (Article 80), “*disrupting security*” (article 89), “*fleeing abroad or staying abroad to oppose the people’s government*” (article 91). In recent years, Vietnam has increasingly detained dissidents under Article 79 on “*subversion*” or “*activities aimed at subverting the people’s power*” (article 79), which carries the death penalty. These “national security” provisions, which make no distinction between violent acts such as terrorism and the peaceful exercise of freedom of expression, are totally inconsistent with the UN International Covenant on Civil and Political Rights (ICCPR) to which Vietnam acceded in 1982.

Other restrictive legislation includes **Article 4 of the Constitution** which enshrines the political monopoly of the Communist Party, thus excluding political pluralism and the creation of free trade unions or independent civil society; **Ordinance 44** (2002) which empowers local police to detain critics under house arrest, in psychiatric institutions or in rehabilitation camps for up to two years without any process of law; **Decree 38/2005** which bans demonstrations outside government buildings, and the **Directions for Implementing Decree 38** (2006), which prohibit gatherings of more than 5 people without authorisation from the authorities; **Media Decree 2** (2011), which imposes drastic restrictions on journalists. The draft of a new **60-article decree on online activity** is now in circulation. If passed in its present form, the decree will impose more stringent restrictions on Vietnam’s “blogosphere” and community of internet users, which represents some 13% of the 89 million population in Vietnam today.

Recommendations

- Human rights are meaningless if human rights defenders are not free. Democracy cannot develop if democratic voices are stifled. It is therefore an **urgent priority to press for the release of peaceful political and religious prisoners** and foster the emergence of a vibrant civil society in Vietnam. To achieve this, both **public and private diplomacy is needed**. Public statements, such as the one made by President Obama this month are most important, not only as strong reminders to the Vietnamese authorities, but as a sign of encouragement and recognition for human rights defenders in Vietnam.
- The release of prisoners is only meaningful if it is protected by legal safeguards and the rule of law. Vietnam is currently receiving millions of dollars from donor countries, including the United States, to reform its legal system. Yet these funds are used to adopt new, restrictive laws which criminalize religious and political dissent and reinforce the control of the one-Party state. The United States should **urgently press Vietnam to repeal all legislation which impedes the exercise of rights enshrined in its Constitution and in the UN Charter**.
- In the absence of a pluralist society in Vietnam, **religious movements are the true voices of civil society** and they are actively defending the people’s freedoms and rights. Buddhism, Vietnam’s

majority religion is a philosophy of peace, tolerance and compassion. It has vast human resources and is strongly committed to its people's welfare. By repressing the Unified Buddhist Church of Vietnam (UBCV) and all other "non-recognized" religions, Hanoi is crushing true civil society and stifling the people's development for generations to come. To promote the emergence of civil society, the United States should urge Hanoi to **re-establish the legitimate status of the UBCV and other non-recognized religious bodies, free their leaders and allow full freedom of religious activity.**

- In this regard, I urge the United States to heed the recommendations of the **US Commission on International Religious Freedom** and re-designate Vietnam as a **Country of Particular Concern (CPC)** for its egregious violations of religious freedom and human rights. Following CPC designation in 2004 and 2005, Vietnam made some minimal but important steps towards releasing religious prisoners and improving protection of religious freedom. These stopped outright when President Bush removed Vietnam from the CPC list in 2006.
- The United States has a **bilateral human rights dialogue** with Vietnam. This dialogue is a useful tool. But it must not become an end in itself. Disturbingly, Vietnam told the United Nations at its Universal Periodic Review in 2009 that its engagement in dialogue with the US, the EU and other countries "proves" that Vietnam respects human rights. This is surely not America's view. The dialogue should lead to substantive progress. The United States should set benchmarks and a concrete time-frame for human rights improvements wherever possible, and ensure that Vietnam **does not use the human rights dialogue as shield to deflect international scrutiny from its egregious violations of religious freedom and human rights.**
- Vietnam rejected many concrete recommendations made by the United States at its Universal Periodic Review in May 2009, and it has failed to uphold its binding commitments to respect UN standards and norms. Unless there are swift and measurable improvements in Vietnam in the immediate future, the United States **should not support Vietnam's stand for membership of the UN Human Rights Council for 2014-2016.**
- Promoting religious freedom, human rights and democracy should be inscribed in legislation regarding the US-Vietnam trade relationship. Congress should adopt legislation such as the **Vietnam Human Rights Act of 2012 (H.R. 1410)** to link trade relations to the respect of religious freedoms and human rights.

Recommended benchmarks for human rights progress in Vietnam

Specifically, I urge the United States to press Vietnam to:

- cease persecution against the religious communities, re-establish the legitimate status of the Unified Buddhist Church of Vietnam and all other non-recognized religious bodies, and release all religious prisoners, including **UBCV leader Thich Quang Do**;
- release all dissidents, bloggers, lawyers, citizen journalists and human rights defenders detained for the peaceful exercise of their basic human rights (*see list in annex*);
- improve detention conditions in prisons and camps, and allow US diplomatic observers to visit prisons, notably K2 Section of Z30A Camp in Xuan Loc, Dong Nai;
- authorize the publication of private newspapers and media as a podium for democratic debate, and the creation of independent associations such as free trade unions and non-governmental organizations to foster the emergence of a vibrant and dynamic civil society in Vietnam;
- foster development of the rule of law by repealing or amending all legislation that restricts the exercise of human rights and religious freedom, including Article 4 of the Constitution (on the mastery of the Vietnamese Communist Party); Ordinance 44 on "administrative detention"; Decree 38/2005/ND-CP on demonstrations; "national security" provisions in the Vietnamese

Penal Code; Ordinance 21 on Beliefs and Religions (2004) which places tight controls on religious freedom in Vietnam;

extend an invitation to the UN Representative on Human Rights Defenders and the UN Rapporteur on Freedom of Expression to visit Vietnam, and invite the UN Special Rapporteur on Religious Freedom and the UN Working Group on Arbitrary Detention to make follow-up visits to monitor the situation of human rights defenders and prisoners of conscience in Vietnam.

Mr. WOLF: Next.

STATEMENT OF PHU DO NGUYEN

Mr. NGUYEN: Good morning, Chairmen Wolf and McGovern and members of the commission. Thank you for inviting Saigon Broadcasting Television Network to testify at this hearing. SBTN is a U.S. channel marketed to the Vietnamese American community.

Mr. WOLF: Just a minute. I think your microphone may not be on.

Mr. NGUYEN: Is it on now?

Mr. WOLF: Yes, it is on now.

Mr. NGUYEN: Okay. Chairman Wolf and McGovern -- I just repeat my remark a little bit -- and members of the commission. Thank you for inviting SBTN, Saigon Broadcasting Television Network, to testify at this hearing. SBTN is a U.S.-based company marketing to the Vietnamese American community in the U.S. through DirectTV and cable systems in the U.S. and North America. SBTN offers not only variety shows and international news but daily programs on civic empowerment, giving voice to a community and facilitating access to its leaders.

This year, our organization was proud to stand behind a petition to the White House's We the People Website, simply asking our administration to review its bilateral relationship through the purview of human rights. And we collected over 150,000 signatures, and all in 30 days, an unprecedented and unsurpassed undertaking. These signatures not only echo the sentiments of those living in America, but the hopes and desires of a vibrant citizen journalism network and human rights defenders of Vietnam.

My testimony today will focus on the condition of journalism, journalists, and bloggers, as it has become clear that the government is the greatest threat to media freedom in Vietnam today. The Government of Vietnam brags about media development by pointing to over 550 press agencies and over 700 publications in existence, while all of these entities are owned or controlled by the government, with no room for alternative viewpoints.

The Vietnamese Government has racked up such dishonors as Enemy of the Internet by Reporters Without Borders, and a consistent placement in the Not Free category of Freedom House's yearly Freedom of the Press Report. In his remarks before World Press Freedom Day this year, as my colleague has said, President Obama praised the work of imprisoned journalist Nguyen Van Hai, also known as Dieu Cay, imprisoned since 2008 on trumped-up charges of tax evasion, ridiculously. Die Cay was held incommunicado for almost a year and a half before being able to meet with his lawyer. He is awaiting trial on new charges and will face 20 years in prison.

Other renowned bloggers, such as Paulus Le Son, Phan Than Hai, and Ta Phong Tan, all await trials for their writings, after experiencing years of intimidation, threats,

and arbitrary detention. Radio journalist Vu Duc Trung and his brother-in-law Le Van Thanh were sentenced in November, 2011, to 3 and 2 years in prison respectively for illegal broadcasting of religious programming.

Traditional media have not been spared. More often than not, control over media content is ensured by self-censorship, backed by systematic threats of dismissal and possible arrest. Private ownership of any media outlet is prohibited. And the Ministry of Information and Communication routinely parade editors in to dictate stories. The Vietnamese Government's pervasive press repression is bolstered by a legal system that applies vague national security laws against free speech. Vietnamese law severely limits investigative reporting, restricts the ability of the local press to report on foreign news stories, and even limits access to foreign correspondents. And even more alarming, a draft decree scheduled for enactment in June this year would enlist Internet companies in efforts to strengthen censorship on the Web, such as Google and Facebook, who has a lot of business in Vietnam.

The government's go-to legal code, Article 88, also known as propaganda against the state, is routinely used to silence writers. It is vague and ambiguous. Viet Khang, an up-and-coming songwriter charged with this legal pretext, sits in jail for piercing songs that appealed to the humanity of the security police. His songs are becoming anthems for a world audience fighting against police brutality.

And despite the Hanoi regime's maneuvering to monopolize political powers, the Vietnamese people are becoming more willing to speak out, emboldened by the Internet. The increase in the Internet penetration has given rise to citizen journalism and alternative media. Openings for media in Vietnam exist in the indelible works of citizen journalists operating under much duress. We all know that citizen journalists now operate in all forms in Vietnam, radio broadcasting, online, and some print. They are at the forefront by exposing corruption, documenting police brutality, and reporting the stories often ignored by the state.

Two weeks ago, on April 24, 2012, seasoned citizen journalists, armed with video cameras and phones, were front and center during land protests outside Hanoi and were able to capture the police brutality that took place. Hundreds of farmers demonstrated against land seizure. Three thousand police in riot gear descended upon the town, with bloggers giving live reporting of their every move. And SBTN reported this event live. In a turn of events, two citizen journalists were also on hand to document the beatings of journalists of the state-run radio station Voice of Vietnam, Nam Nguyen and Han Phi Long. They were beaten and injured, along with other citizens.

No media company in Vietnam dared reporting the incident. Contrary to what was on camera, in his report to Prime Minister Nguyen Tan Dung, Nguyen Khac Hao, a local official claimed that the land evictions were safe and no one was injured. He accused reactionary forces at home and abroad for arranging fake video clips to slander and blacken the name of the people's government.

A clear example of the press as an organ of the state is on display with the case of Dr. Nguyen Quoc Quan, which the honorary chairman has heard, an American citizen recently detained in Vietnam, and the smear against Dr. Quan and labeling him with terrorist and although he is a peaceful pro-democracy person. No other media except in the U.S. would report the truth.

Three years ago, while SBTN, my company, were able to go to Vietnam to report religious events -- although a visa for reporting was granted, our news team was escorted by a team of media police who censored the events. And this is an American company. As to Internet freedom, Vietnam has also created legislation to severely control and limit Internet usage by, one, forbidding Internet shops to be more than 500 meters away from school and 1 meter apart from each computer; mandate bloggers register with their true names, and post no anti-government articles; and demanding foreign providers, such as Google and Facebook, to have offices in Vietnam so that they can monitor who is using the Internet. The Ministry of Information and Communication will mandate each person to register a maximum of 18 simcards from mobile network operators. So those are the conditions in Vietnam.

And our recommendations, and we hope that this administration and Congress will do, is Vietnam's future relies on a free press that can enable open debates. And we recommend that the following specific actions to support an independent media:

One is to Congress, in conjunction with our administration, should work for the release of all imprisoned journalists and bloggers in Vietnam. Their cases must be closely monitored by the U.S. embassy, as well as raised in human rights and security dialogues with the Government of Vietnam.

Two, members of this Tom Lantos Human Rights Commission should help pass the House Resolution 484 and House Resolution 5157, the FREE Vietnam Act. Such legislation addresses the systemic causes of human rights violations in Vietnam, especially the Hanoi regime's arbitrary use of vague national security statutes to repress peaceful dissent.

And three, trade agreements with Vietnam, especially the TPP, should guarantee equal access to the Vietnamese market in terms of media products. Currently, any Vietnamese Government-owned media outlet can broadcast and publish in the U.S. freely. An American company, such as SBTN, and other various media entities in the U.S. who happen to speak Vietnamese or know the language of Vietnamese cannot freely market their programs and products in Vietnam. A bilateral trade agreement calls for reciprocity, and this is not the case for Vietnam. I believe that a permanent mechanism should be in place to deter human rights violations and to promote freedom of the press in exchange for economic treatment favorably.

And number four, as to Vietnamese American issues, Vietnam has a law which indicates that anyone with Vietnamese blood, even a person like myself, who served in the U.S. Army, or my son, who was born here, is considered a Vietnamese citizen and

can be subject to be drafted by them. I came over here as an immigrant. I never considered myself as a Vietnamese citizen of Vietnam. I am an American citizen, and have served this country. I demand and ask Congress to help us with blocking Vietnamese law recognizing Vietnamese Americans as Vietnamese citizens.

Mr. NGUYEN: And that could hamper the defense of anyone, such as Dr. Nguyen Quoc Quan, who is an American citizen.

I believe these actions should go a long way toward supporting greater human rights in Vietnam in the near future. If the U.S. policy is to make Vietnam becomes a strategic partner, we owe a fiduciary duty to address the wrong action of our supposed partner; otherwise, we could be equally culpable by remaining inactive. Thank you very much.

[The statement of Mr. Nguyen follows:]

PREPARED STATEMENT OF PHU DO NGUYEN, VICE PRESIDENT, SAIGON BROADCASTING TELEVISION NETWORK (SBTN)

Chairmen Wolf and McGovern, and Members of the Commission:

Thank you for inviting the Saigon Broadcasting Television Network (SBTN) to testify at this important hearing.

For over ten years, SBTN and its affiliates around the United States and beyond have offered 24-hour news and entertainment through cable television and the web. SBTN offers not only variety shows and international news but features daily programs on civic empowerment, giving voice to a community and facilitating access to its leaders.

This year, our organization was proud to stand behind a petition on the White House's "We the People" website, simply asking this administration to review its bilateral relationship through the purview of human rights.

Well over 150,000 signatures were collected, all in 30 days, an unprecedented and unsurpassed undertaking. These signatures not only echoed the sentiments of those living in America but the hopes and desires of a vibrant citizen journalism network and human rights defenders in Vietnam.

My remarks today will focus on the deteriorating condition for journalists and bloggers, as it has become evidently clear that the government is the greatest threat to media freedom in Vietnam today.

A pervasive repression of the media

The government of Vietnam brags about its media development by pointing to 550 press agencies and over 700 publications in existence¹. All of these entities are owned or controlled by the government, with little room for alternative viewpoints.

The government has racked up such dis-honors as **Enemy of the Internet** by Reporters Without Borders and a consistent placement in the **Not Free** category of Freedom House's yearly Freedom of the Press report.

¹ Nguyen Xuan Trien, Vietnam News Agency
<http://www.ssig.gov.my/ssig/kcent/material/vietnam%20Nguyen%20Xuan%20Trien.pdf>

In his remarks before World Press Freedom Day this year, President Obama praised the work of imprisoned journalist Nguyen Van Hai, known to the world as **Dieu Cay**. Imprisoned since 2008 on trumped-up charges of tax evasions, Dieu Cay was held incommunicado for almost a year and a half before being able to meet with his lawyer. He awaits trial on new charges and could face 20 years in prison.

Other renowned bloggers such as **Paulus Le Son, Phan Thanh Hai, and Ta Phong Tan** all await trials for their writings, after experiencing years of intimidation, threats, and arbitrary detention.

Radio journalists **Vu Duc Trung** and his brother-in-law, **Le Van Thanh**, were sentenced in November 2011 to three and two years in prison respectively for "illegal broadcasting" of religious programming.

Traditional media have not been spared. More often than not, control over media content is ensured by self-censorship, backed by systemic threats of dismissal and possible arrest. Private ownership of any media outlet is prohibited, and the Ministry of Information and Communication routinely parade editors in to dictate stories.

The government's pervasive press repression is bolstered by a legal system that applies vague national security laws against free speech. Vietnamese law severely limits investigative reporting, restricts the ability of the local press to report on foreign news stories, and even limits access to foreign correspondents. Even more alarming, a draft decree, scheduled for enactment in June this year, would enlist Internet companies in an effort to strengthen censorship on the Web.

The government's go-to legal code, Article 88, otherwise known as "propaganda against the state" is routinely used to silence writers. **Viet Khang**, an up and coming songwriter charged with this legal pretext, sits in jail for his piercing songs that appealed to the humanity of the security police. His songs are becoming anthems for a world audience fighting against police brutality.

Citizen journalists: operating on the fringe

Despite the Hanoi regime's maneuvering to monopolize political power, the Vietnamese people are becoming more willing to speak out, emboldened by the Internet. The increase in Internet penetration has given rise to citizen journalism and a nascent alternative media.

Openings for media in Vietnam exists in the indelible works of citizen journalists operating under much duress.

We all know that citizen journalists now operates in all forms in Vietnam: radio, broadcasting, online and some print. They are at the forefront of exposing corruption, documenting police brutality, and reporting the stories often ignored by the state.

Only two weeks ago, on April 24, 2012, seasoned citizen journalists, armed with video cameras, were front and center during land protests outside of Hanoi, and were able to capture the police brutality that took place. As hundreds of farmers demonstrated against land seizures, three thousand police in riot gear descended upon the town, with bloggers giving live reporting of their every move.

In a turn of events, two citizen journalists were also on hand to document the beatings of journalists of the state-run radio station Voice of Vietnam: Nam Nguyen and Han Phi Long. They were beaten and injured along with other citizens. No media company in Vietnam dared reporting the incident

Contrary to what was on camera, in his report to Prime Minister Nguyen Tan Dung, Nguyen Khac Hao, a local official claimed that the land evictions were safe and no one was injured. He accused "reactionary forces at home and abroad" for arranging fake video clips to "slander and blacken the name of the people's government."

A clear example of the press as an organ of the state is on display with the case of **Dr. Nguyen Quoc Quan**, an American citizen recently detained in Vietnam. The litany of smears against Dr. Quan, such as

labeling peaceful pro-democracy advocacy as “terrorism”, is what many bloggers and human rights defenders in Vietnam face. No other media, except in the US could report the truth.

Three years ago, while SBTN were able to go to Vietnam to record a religious event. Although a visa for reporting was granted, our news team were escorted by a team of media police who censored the contents.

As to internet freedom, Vietnam has also created legislation to severely control and limit internet usage by:

1. Forbid internet shops to be more than 500 meter away from schools, and 1 meter apart from each.
2. Mandate Bloggers to register with true names, and post no anti government articles, and demanding foreign providers such as Google and Facebook to have office in Vietnam and to disclose name of internet users upon government 's request.
3. The ministry of information and communication will mandate each person to register a maximum of 18 simcards form mobile network operators.

Recommendations

Vietnam's future relies on a free press that can enable open debates. SBTN recommends the following specific actions to support an independent media:

1/ Congress in conjunction with the Obama administration should work for the release of all imprisoned journalists and bloggers in Vietnam. Their cases must be closely monitored by the US Embassy as well as raised in all human rights and security dialogues with the Government of Vietnam.

2/ Members of the Tom Lantos Human Rights Commission should help pass House Resolution 484 and H.R. 5157, the FREE Vietnam Act. Such legislation addresses the systemic causes of human rights violations in Vietnam, especially the Hanoi regime's arbitrary use of vague national security statutes to repress peaceful dissent.

3/ Trade agreements with Vietnam, especially the Trans-Pacific Partnership, should guarantee equal access to the Vietnamese market. Currently, any Vietnamese government-owned media outlet can broadcast and publish in the United States. American companies such as SBTN and various other media entities in the US cannot freely market their programs and products in Vietnam. A bilateral trade agreement call for reciprocity, and this is not the case for Vietnam. I believe that a permanent mechanism should be in place to deter human rights violation and to promote freedom of the press in exchange for favorable economic treatment.

I believe these three actions would go a long way toward supporting greater human rights in Vietnam. In the near future, if the US 's policy is to make Vietnam become a strategic partner, we owe a fiduciary duty to redress the wrong action of our partner; otherwise, we could be equally culpable by remaining inactive. Thank you for this opportunity to testify today.

Mr. WOLF: I want to thank all three of you. I will submit all of your statements. We will take portions of them and put them in the Congressional Record. They will be there so other members can see them. Members are flying back into town today, and there are not a lot of Members in. We don't go into session until 6:30 tonight for votes. So we will put them in the Congressional Record, so everyone can see them. And I thank all of you for your testimony and for coming for such a long, long distance.

I had made the comment earlier personally, and I am speaking for myself, that I think this administration has been very weak with regard to human rights and religious freedoms. We had a case last week of the Chinese dissident Chen, and had it not been for Congressman Chris Smith having a hearing, and we were at that hearing, where Chen was able to call in, I am not so sure that the administration would have really activated

and done very much because they had turned Chen back over to the Chinese secret police, and they had left him at the hospital because they were told that visiting hours were up. And we have not seen a lot of progress with regard to Chen.

So, on these cases, on these individuals and on the case of an American citizen, do you all believe that this administration is doing enough to advocate for both human rights and religious freedom in Vietnam?

Mr. NGUYEN: No, I don't think so. I think both administrations, the previous one and this one, has not done enough.

Mr. WOLF: I agree with you. Sir?

Mr. AI: Yes. I think so.

Mr. WOLF: You think what?

Mr. AI: I think that not only the administration in Vietnam can bring something, but we need the support from the U.S. administration to realize the human rights, respect and democracy in Vietnam.

Mr. WOLF: Do you think it would be helpful for the American ambassador to literally have on the Fourth of July a Fourth of July celebration of freedom and independence. As I made the comment earlier, on two different occasions, President Reagan said that the words in the Constitution were a covenant with the entire world; they were not just for the people in Philadelphia in 1787, but they were for the people in Vietnam and for people in China and for the people in Iraq. And then he went on to comment the same with regard to the Declaration of Independence.

Since that is the celebration of the Fourth of July, do you think it would be helpful that the American ambassador literally opened the doors of the American embassy to invite in all of the dissidents, the bloggers and those who are imprisoned, their families, whereby they would be embraced by the American ambassador and the Vietnamese government would see that? Would that be helpful?

Mr. AI: Yes, I believe that would be helpful for the activists in Vietnam. I see that the embassy visits some activists in Vietnam, but if he can go to see, for example, Patriarch Thick Quang Do, until now he has not received a visit from the embassy. And I think if the embassy opens its doors to invite all activists for human rights and democracy or the religious leaders to come on the Fourth of July, it will be great for the people in Vietnam. And that would be a sign of encouragement and to recognize the human rights defenders in Vietnam.

Mr. NGUYEN: I believe that if we can do it on July 4, we show the world that America does care and we are a country who cherishes freedom and we do help those who help for freedom. And it will be such a great stepping stone for Vietnamese

government even now to see that America do not tolerate people who abuse human rights.

Mr. WOLF: Would the Saigon Broadcasting Television Network go and cover that?

Mr. NGUYEN: We certainly, if the Vietnamese government do not send the police media with us, we certainly can cover the event and would love to cover the event.

Mr. WOLF: They would have a very difficult time having the police media to come to the American embassy.

Mr. NGUYEN: Well, they will cut out the part where we say "America loves freedom."

Mr. WOLF: We will write a letter today that we will share you with and we will share with the others asking the American ambassador to officially do what ambassadors have done in the previous administration, both in the Carter administration and with the leadership of people like "Scoop" Jackson, but also in the Reagan administration, whereby the embassy became basically an island of freedom.

And short of that, I personally believe the American ambassador ought to be fired.

So we will do that, and we will get those letters to you, and we will drop them in the Congressional Record, and we will issue to the media, so everyone can see that.

Ms. Ngo, you mentioned the consulate officials have helped to get access to your husband. How many times have consular officials visited him, and are they able to bring him what he needs, and what is his current condition?

Ms. NGO: They only can see him one time only, and I keep continue to ask because I know that in Vietnam right now, the weather –

Mr. WOLF: I think we are going to wait for you to put your microphone on. Why don't we just put all of the microphones on? That way they are on -- go ahead.

Ms. NGO: It is late, but they can see my husband one time. And I keep asking that if they can help me and bring some clothes for my husband because in Vietnam in the prison is very hot right now. My sister told me that, and I ask the consulate to help me to bring some clothes for him because of the clothes he bring from here to Vietnam are not suitable for him, and the consulate told me they are not allowed.

Mr. WOLF: They are not allowed?

Ms. NGO: The Vietnamese police, they not allow us to drop even the clothes. And yeah, so that is why I ask them to please help me on that.

Mr. WOLF: What do you mean they are not allowed? Legally they are not allowed, or they don't want to try so they don't offend the Vietnamese government? I mean, what -- I don't know why they wouldn't be allowed.

Ms. NGO: I ask -- they told me that because on the investigate time, they only can see my husband one month one time. So if I want to bring some clothes for him, I have to bring it to the consulate, and they wait until the next time they will give it to my husband.

Mr. WOLF: When is the next time that they can visit your husband?

Ms. NGO: The end of May. But that is very, very hard for my husband. I know my sister said the weather is very bad over there. So I worry about that.

Mr. WOLF: And we had asked you before, but you have no indications -- you have not been in touch with the American ambassador. You have not spoken.

Ms. NGO: No.

Mr. WOLF: Have you tried to place a call to him, to the American ambassador?

Has there been any conversation between you and the American Ambassador?

Ms. NGO: No, just the consulate in Saigon.

Mr. WOLF: We will do a cable to the American embassy today asking that the American ambassador give you a call, and if you would let us know whether he called you or whether he did not call you, and in addition, if you would let us know the outcome of the meeting you are going to have with Mr. Posner.

What would you like to ask the American ambassador, and what would you like to ask Assistant Secretary Posner?

Ms. NGO: I would like to ask the Ambassador in Vietnam, Secretary Hillary Clinton call for immediate release my husband.

Mr. WOLF: Do you think they have done enough, honestly?

Ms. NGO: I don't know. I just hope. But I know that if the ambassador come to visit my husband would be helpful, too.

Mr. WOLF: It would be very helpful. In fact, the history that we know from Sharansky and Sakharov and other dissidents are when the American ambassador comes to visit to make an effort, even if he or she is denied, it makes a difference. Even the warden of the prison begins to say, wow, I better be careful about that is taking place.

I would also encourage American citizens in the Vietnamese community here in America to write your husband, flood the American embassy with letters, flood the jail with letters, because many times, the warden begins to say, why of are all of these people writing? I better be careful. I better make sure that nothing happens.

So I would encourage anybody in the audience and the Vietnamese community here in America, and we value your citizenship, and here is an opportunity to be bold and to write letters to the American ambassador. If thousands were to come in and flood the prison with letters for your husband that would put an aura of protection around your husband that almost nothing else will do.

So we will call the embassy today, and we will be in touch, and you let us know if he does follow up or if he does not follow up.

Ms. NGO: Thank you.

Mr. WOLF: Are you able to send messages to your husband, and have you received any message from him since he was detained?

Ms. NGO: Yes, he told the consulates to tell me I have to be strong for him and tell my children to try to study hard.

Mr. WOLF: And have you asked to visit him, or if you tried, would you be able to get a visa? Have you asked to visit him?

Ms. NGO: I didn't ask, but I really happy -- I really, if I can -- if they allow me, I will be over there. At one time, I talk with the consulate, because the consulate said it is very hard to see my husband right now. And I said that if they treat my husband -- my husband is an American citizen, if they treat my husband like that, I am going to fly over there to see him, and the consulate said that they might detain you. But if they allow me, I go. Even if they detain me, I don't care. I want to see my husband.

Mr. WOLF: If you make an application, let us know; we will advocate for you. We will ask that someone from the American embassy, quite frankly, it ought to be the American ambassador. You are an American. They have an obligation. They work for you. They work for your husband. They are supposed to represent you, and so we will ask that the American ambassador meet you at the airport with the American flag flying from the automobile and take you and allow you to go to the American embassy to be protected and take you to the jail to see your husband.

Ms. NGO: Thank you, sir. Thank you

Mr. WOLF: Has the Vietnamese government been in touch with you at all?

Ms. NGO: No.

Mr. WOLF: You mentioned other dissidents and their spouses. Are you in contact with the other dissidents or their spouses, and how have you been able to keep up your spirits in the face of such uncertainty?

Ms. NGO: Pardon me, sir?

Mr. WOLF: Have you been in touch with the spouses of other dissidents?

Ms. NGO: No.

Mr. WOLF: No, you have not.

Well, thank you very much for your testimony.

Mr. AI, you mentioned the arrest or detention of several prominent journalists, lawyers and bloggers. What role do you believe these people have in helping to limit official corruption in Vietnam?

Mr. AI: I think that formerly in the Western country, they ignore the reality in Vietnam. And if -- we can read in the newspapers only about economic development, but we never see something like about violation of human rights or the repression against religious freedom in Vietnam.

So I think that in order to hamper us, the journalists blocked and so on. We need the public opinion. For instance, newspaper in the United States write about such a thing.

Mr. WOLF: Have any newspapers covered this story in detail? Has the New York Times covered this story?

Mr. AI: Yes. The New York Times, Washington Post would be very helpful for people to see the real reality in Vietnam. Because as you know that Vietnam has a two thread policy. One for export and one for inside of Vietnam. For export, they cram always; they respect human rights and religious freedom, but inside Vietnam repress the people, religion, journalists and so on. So I think that the problem is how the public opinion outside of Vietnam knows the reality of violation of human rights in Vietnam.

Mr. WOLF: What are the typical conditions of those who are imprisoned? Do you know? Have you heard the conditions?

Mr. AI: The condition is very bad in prison. In mine, criminal detention in Socialist Republic of Vietnam, I write about these conditions in the prison. And for instance, for 175 prisoners, religious and political prisoner, are very bad the condition of inside of the prison.

The Hanoi claim there is no political prisoner in Vietnam, but if you go in the prison, you see that between the common prisoner and the political prisoner, that mean they write on their clothing the word "CT." "CT" that means political. That means divided in the political prisoner and common prisoner. But even the Hanoi say always that there is no political prisoner in Vietnam.

Mr. WOLF: Is there a representative of the State Department, did anyone stay to hear the rest of his testimony.

Would you raise your hand, please, the State Department guy?

You ought to tell the Secretary this today.

I mean, Michael left without hearing this, and I know he is busy.

But I mean, doesn't this kind of shock you a little bit? So will you get this to the Secretary and to Michael and also, would you make sure that the meeting is set up with regard to Michael meeting with her?

Can you do that?

Great. Thank you very much.

Mr. Nguyen, you mentioned the Vietnamese government is considering increasing restrictions on the use of the Internet by demanding that foreign Internet companies, such as Google and Facebook, relocate their data centers in Vietnam and disclose the names of Internet users at the government's request. This could severely limit citizens' access to accurate news and put democracy activists at risk of being targeted by recrimination. How can the free world stop this from happening? And have you had any contact with Internet providers about this? Do you think that American Internet providers will go along with this?

Mr. NGUYEN: As to Google, I think the company pretty much has a corporate policy not to disclose information. As to Facebook, it is pretty young guy, so I don't know yet. We are trying to contact them and see whether they can disclose information, and we try to tell them, look, we are going to have a campaign against you if you do disclose such information.

Mr. WOLF: Well, Zuckerman ought to know. He is coming out with this IPO. He is coming out with this big offering; I think people should ask him before time. Let our office -- we will send a letter to try to contact them and tell us, what are they going do with regard to Vietnam? And we will ask him to be in touch with you. Because he is going to make a lot of money. He wants to make a lot of money. But you know, he has to be careful.

Mr. NGUYEN: I appreciate -- we appreciate your concern very much.

Mr. WOLF: We saw after the fall the Nazis, we saw many companies in the West that cooperated with the Nazis, and it came out. So we expect Zuckerman and Facebook to do the right thing.

So we will be in touch, and if you can raise your hand, we will contact them today and make sure, we will ask them to be in touch with you on the issue.

In your testimony, you mentioned two congressional items: H.Res. 484, which calls on the government of Vietnam to respect basic human rights and stop abusing vague national security provisions as a pretext to arrest and detain citizens who peacefully advocate for religious and political freedom; and H.R. 5157, fostering rights through economic engagement in Vietnam, which prohibits U.S. Government from giving special trade benefits unless the U.S. President certifies that Vietnam is not violating basic human rights.

I am a cosponsor of both of these, and I agree with you that Congress should pass this right away. We admire your efforts. Have you contacted -- I think this will be probably be better off in the House than in the Senate. Have you contacted Senators? And who are your leading advocates over on the Senate side.

Mr. NGUYEN: We are trying to contact the Senate officers and asking the Vietnamese American people to start a campaign to sponsor this legislation.

Mr. WOLF: How many Vietnamese Americans are there here?

Mr. NGUYEN: Two million.

Mr. WOLF: Can you imagine if 2 million telephone calls and letters went to the Senate?

Mr. NGUYEN: Yes.

Mr. WOLF: I believe that the Vietnamese Community really will need to activate and be involved in this. You have people on this side, you have Jim McGovern, who has been great on these issues and Mr. Lungren and others, and Congressman Chris Smith, but I think on the Senate, so I would urge you to push and do everything you can with regard to that.

And we will be in touch to see if the American ambassador has that celebration and you can come and cover it to broadcast that to the world.

I want to thank all of you for your testimony, for coming so far. And Kalinda from my office will make sure, and perhaps the representative of the State Department can just step out for just a second and work out the details on how she can have a meeting with Michael Posner. We would appreciate it.

Thank you all, and we will continue to push and do everything we can.

Thank you for coming for such a long distance. We appreciate it.

The last witness will be Dr. Robert George, Commissioner on International Freedom. Dr. George, your full testimony will appear in the record and you can proceed as you see fit.

STATEMENT OF DR. ROBERT GEORGE, COMMISSIONER, UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Mr. GEORGE: Thank you, Chairman Wolf.

I am delighted and grateful to have this opportunity to appear before the Tom Lantos Human Rights Commission on behalf of the United States Commission on International Religious Freedom.

If you will indulge me for a moment, though, I would like to begin just with a brief personal remark. And that is to thank you for your very kind message to me on my appointment to the commission. You have been an inspiration to me in my 20 years of work in the human rights field fighting for religious freedom and human rights for people of all faiths and people in all lands, and in that way, of course, you are very much like Tom Lantos, for whom this committee is named, who was a warrior for religious freedom and many other human rights for all people in all lands, of all faiths.

It is a particular pleasure, I should add, Chairman Wolf for me to be serving with Katrina Lantos Swett, the daughter of the late Congressman Tom Lantos. And just as you and Congressman Tom Lantos worked across the lines of party division to work together in the great cause of human rights, I am working with Katrina in the same way, and it is lovely to have the opportunity to work with her in that way.

I should also add, as you know, I have some experience working in government agencies, and I have been delighted to find that the U.S. Commission on International Religious Freedom is served by an absolutely first-rate staff and is doing wonderful work. So I am very appreciative of the opportunity to serve on the commission. I am one of its newest members, but I am serving very enthusiastically.

The commission has testified before Congress on Vietnam numerous times over the past 7 years. Each time, Chairman Wolf, we have hoped to bring news of dramatic changes and improvements, of greater respect for universal human rights, above all, the great right of religious freedom. The lifting of draconian controls over free expression, freedom of association, freedom of religion and an end to the silencing by the government of dissent.

Sadly, though, we cannot report such changes. We cannot report them today, just as we have not been able to report them for the past several years. In fact, Vietnam has gone backward rather than forward for the past several years, and religious freedom conditions remain very poor. I understand that Mr. Posner described them as having deteriorated. That is certainly the information that we have at the U.S. Commission on International Religious Freedom, and we are very, very concerned about it.

The United States-Vietnamese relationship has grown in recent years, as you know, but this growth has not brought the improvements that we need and that the people of Vietnam deserve in religious freedom and other human rights. The government of

Vietnam continues to control all religious communities in some manner, all religious communities, Buddhist, Catholic, Protestant, other. And the government actively suppresses independent religious practice and detains individuals viewed as challenging its authority, particularly those who are publically advocating for fewer religious freedom restrictions and a greater scope for the free exercise of religion.

Religious activity continues to grow in Vietnam, and the government has made some important concessions in the past in response to international pressure, including, and I would single this out in particular because of its significance, the 2004 designation of Vietnam as a country of particular concern. That designation worked. It was later lifted. The government is now backsliding. Individuals continue to be imprisoned for engaging in independent religious activity and religious freedom advocacy. New converts to ethnic minority Christianity face discrimination, harassment and even forced renunciations of their faith.

Religious communities face violence from the police and from contract thugs, including, Catholics, who are abused, mistreated for peacefully protesting land disputes and forced disbandment of the Plum Village Buddhist order.

The most severe violations that we have learned about target the Unified Buddhist Church of Vietnam. Independent Hoa Hoa, Cao Dai groups, ethnic minority protestants in the central highlands of Vietnam and in the northwest provinces and ethnic Khmer Buddhists in the Mekong Delta.

Now, just in the past year, there have been over a dozen new arrests of ethnic minority protestants and Catholics and two Hoa Hoa activists who met with the commission back in 2009.

Violence continues to occur, targeting Catholic communities who protest land confiscations and Hmong religious gatherings. Relations between Catholics and the Vietnamese government, particularly clergy and the laity affiliated with the Redemptorist religious order, have deteriorated very significantly in recent years.

Peaceful protests in land disputes, property disputes, and prayer vigils to honor detained human rights defenders have led to violence by police and over a dozen arrests of protestors, nonviolent protestors.

Ethnic minority protestants continue to experience campaigns of forced renunciation of faith, and these focus both on independent religious activity and on new converts.

Father Nguyen Van Ly was also returned to prison last year after being given medical parol. Father Ly is back in prison.

Now, there is not enough time here to fully detail religious freedom conditions in Vietnam, but "deteriorated" is the right word.

The longer version of my testimony, Mr. Chairman, will include information more information.

Also, the commission's 2012 annual report provides much detail about restrictions and abuses faced by religious communities of all persuasions in Vietnam, and I will submit a copy of the Vietnam chapter with my testimony for the record.

Now on to some recommendations. Our commission is far from alone in our conclusions about religious freedom conditions in Vietnam. They are shared widely by members of Congress in both parties and Vietnamese Americans, such as those as you just heard on the panel and others committed to advancing the cause of human rights and religious freedom for the people of Vietnam. They are also shared by people in the administration, Secretary Clinton, Secretary of State Clinton has stated publicly that that Vietnam and the United States have distinct differences in the area of human rights. She has expressed, and let me quote her, her "concern about the arrest and conviction of people for peaceful dissent, attacks on religious groups and curbs on Internet freedom," unquote. And she has said that if the United States and Vietnam are ever to develop a strategic partnership, quoting again, Vietnam must do more to respect and protect had its citizens rights, unquote.

The Commission on International Religious Freedom very strongly shares those sentiments of Secretary Clinton.

The United States Government has political leverage and diplomatic resources that need to be deployed to advance the cause of religious freedom for the people of Vietnam.

The question is whether or not those resources will be deployed. We are here to say they must. We believe that CPC designation, country of particular concern designation, is warranted for Vietnam given the facts that I have described briefly for this morning and that are described at length in our annual report.

That CPC designation worked to the advantage of the freedom of the people of Vietnam when it was used previously from 2004 to 2006. It produced tangible improvements without hurting progress on other bilateral issues. The Vietnamese government released some prisoners and loosened some controls over religious freedom, and trade humanitarian programs security cooperation, far from deteriorating, actually improved. It turned out to be a win-win situation.

But CPC status was lifted, and the situation went the wrong way. We believe that a CPC designation will once again, as it did from 2004 to 2006, produce tangible improvements if it is used the way the International Religious Freedom Act intended it to be used. The idea that vigorous human rights diplomacy will hurt progress on other bilateral interests certainly fails the test of historical facts.

Now passage of the Vietnam Human Rights Act. In addition to CPC designation, the administration and Senate can demonstrate its commitment to human rights in Vietnam by signaling support for the passage of the Vietnam Human Rights Act. Our commission supports this bill and hopes it will be discussed, considered and passed during the current session of Congress, and we hope by bipartisan support. We believe that both the CPC designation and the Vietnam Human Rights Act are powerful tools available to the United States to spotlight the abuses of religious freedom and related rights, to encourage future improvements and to clearly signal that the United States is on the side of those in Vietnam, the many in Vietnam who seek to advance both the prosperity of their Nation and fundamental human rights, beginning with the right to religious liberty.

The Obama administration's newly unveiled East Asia Policy, the so-called Asia Pivot, offers an opportunity for the United States to demonstrate that our interest in human rights and religious liberty are pursued in tandem with our interest in trade and security.

A CPC designation for Vietnam would convey that message. Any expansion of U.S. economic or security assistance programs in Vietnam should be linked, must be linked with human rights progress and with the creation of new and sustainable initiatives in religious freedom and programs in noncommercial rule of law and civil society and development.

Mr. Chairman, Vietnam and the United States share a unique and all too tragic history. Our engagement is no longer one of bullets and bombs but of ideas and institutions. The Vietnamese leadership, out of practical necessity, abandoned for all intents and purposes its Marxist economic ideology and now simply clings to political control. The same vigilance and pressure that dragged Vietnam onto the path of a market economy now need to be applied to weaken the government's grip on totalitarian authority and to end its silencing and abuse of dissenters and its repression of religious communities. U.S. policies and programs should reflect this goal and stand firmly with those peacefully seeking greater freedoms and guaranteed rights in Vietnam. Our diplomacy really needs to send a clear message, and that message is that United States' interests in Vietnam are not merely economic but affirm the universal desire to which our nation is committed to speak freely, to worship without fear and to organize openly and to come into the public square as religious people without suffering persecution. This is a message that will be heard when and if it is delivered clearly by the Government of the United States, and it will give hope to the millions of suffering Vietnamese people.

If I can go off-script just to end, Mr. Chairman, the people of Vietnam have suffered for too long. And it is time that their cries are heard. They deserve the same fundamental freedoms that we enjoy in the United States and that we propose as universal human rights, beginning with the right to religious liberty. We can make a difference. We did a difference from 2004 to 2006. It is time to learn from history, to do the right thing, to signal to the people of Vietnam that the American people are on their side.

[The statement of Mr. George follows:]

PREPARED STATEMENT OF DR. ROBERT GEORGE, COMMISSIONER, UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

I want to thank the Members of the Tom Lantos Human Rights Commission for holding this hearing and inviting me to testify here today on behalf of the U.S. Commission on International Religious Freedom. Mr. Chairman, with your approval, I would like to submit my written testimony for the record and the USCIRF 2012 Annual Report on Vietnam.

USCIRF has testified before Congress on Vietnam numerous times over the past seven years. Each time we hope to bring news of dramatic change, of respect for universal rights, of the lifting of draconian controls over free expression, religion, and association, of an end to the silencing of dissent. Sadly, we again cannot report such changes today. In fact, Vietnam has been backsliding on human rights for the past several years and religious freedom conditions remain poor.

Religious Freedom Conditions

Vietnam's overall human rights record remains poor, and has deteriorated since Vietnam was removed from the "country of particular concern," or CPC, list in 2006 and joined the World Trade Organization in early 2007. Vietnam is an authoritarian state ruled by the Communist Party. Over the past four years, the government has moved decisively to repress any perceived challenges to its authority, tightening controls on freedom of expression, association, and assembly.

It issued new decrees prohibiting peaceful protest in property disputes, limiting speech on the Internet, and tightening controls on journalists and access to the internet at cafes. During 2011 alone, the government sentenced at least 33 peaceful dissidents including political reform advocates, free speech and democracy activists, and individuals protesting religious freedom restrictions.

The U.S.-Vietnamese relationship has grown quickly in recent years, but this growth has not brought needed improvements in religious freedom and related human rights in Vietnam. The Vietnamese government responded to some U.S. religious freedom concerns in the past, particularly after being designated a CPC in 2004. It released prisoners; expanded certain legal protections for nationally-recognized religious groups; prohibited the policy of forced renunciations of faith, resulting in fewer forced renunciations; and expanded the zone of toleration for legally-recognized religious communities to worship and organize, particularly in urban areas. Most religious leaders in Vietnam attributed these positive changes to the CPC designation and the priority placed on religious freedom concerns in U.S.-Vietnamese bilateral relations.

The number of religious adherents continues to grow in Vietnam, and in large urban areas the Vietnamese government allows religious activity to occur openly. The government has supported the building of religious venues and the training of religious leaders. It also has allowed some large religious gatherings and pilgrimages (though not without restrictions). Government training sessions for local officials on Vietnam's religion laws have occurred, though the content remains problematic and local officials continue to commit serious abuses in ethnic minority areas. In some parts of the Central Highlands, formerly-closed churches and meeting points have been re-opened, and the government and the officially-recognized Protestant organization have established a working relationship.

Nevertheless, the government continues a policy of control, suppressing independent religious activity and arresting and detaining individuals for publicly advocating for greater religious freedoms or engaging in independent religious activity. Religious freedom conditions often depend on geographic area, ethnicity, relationships between religious leaders and provincial officials, or perceived "political" activity. In addition, lingering property disputes over venues and facilities previously confiscated by the Communist government have led to church demolitions, property confiscations, detentions, and violence.

Every religious community experiences some level of control and oversight. Independent religious activity is actively suppressed. And, religious communities who publicly challenge government policies face intimidation, detention, beatings, and attacks by what the State Department has termed "contract thugs."

The most severe violations target the Unified Buddhist Church of Vietnam (UBCV), independent Hoa Hao, Cao Dai, and Protestant groups, ethnic minority Protestants in the Central Highlands and northwest provinces, and ethnic Khmer Buddhists in the Mekong Delta. In the past several years, relations between Catholics and local governments in Hanoi, DaNang, Vinh, and Ho Chi Minh City have deteriorated. Peaceful protests in land disputes and prayer vigils to honor detained human rights defenders have led to violence by police and over a dozen arrests.

The USCIRF's 2012 Annual Report provides much detail about religious freedom conditions in Vietnam. The full report is available online at our website www.uscifr.gov.

Ongoing Abuses

I would like to highlight a few instances from the Annual Report that demonstrate clearly that last year the Vietnamese government engaged in "systematic, ongoing and egregious" abuses of religious freedom and therefore merits continued designation by the State Department as a CPC. These relate to prisoners, forced renunciations of faith, the targeting of the Redemptorist Order, and violence in Dien Bien province.

Prisoners: Dozens of individuals are imprisoned in Vietnam for their religious activities or religious freedom advocacy. This includes Hoa Hao, Cao Dai, Khmer and UBCV Buddhists, ethnic minority Protestants and Catholics, and Vietnamese Catholics who peacefully protested in land disputes or conducted prayer vigils for detained human rights defenders.

UBCV patriarch Thich Quang Do and Fr. Nguyen Van Ly -- two of Vietnam's best known religious freedom advocates -- also remain detained. As is well-known, Father Ly was returned to prison in July 2011 to serve the remainder of his 8-year prison term after having been released on medical parole.

In the past year, two Protestant pastors -- Nguyen Conh Chinh and Nguyen Trung Ton -- and two Hoa Hao activists -- Nguyen Van Lia and Tran Hoi An -- all received prison sentences under vague national security provisions. USCIRF Commissioners and staff have met with all of these individuals and we will continue to press for their unconditional release.

Also, during the past year, as many as twenty Montagnard Protestants in Gia Lai province were detained, fined, and pressured to recant their faith. Their crime is that they want to worship independent of government oversight and registration.

The ongoing detention of individuals for their religious activities and religious freedom activism is central to USCIRF's argument that Vietnam should be re-designated as a Country of Particular Concern.

Forced renunciations of faith: The practice of forced renunciations of faith was officially banned in 2005. The Vietnamese government hailed this prohibition as a major change and the State Department cited it when removing the CPC designation in 2006.

Nevertheless, forced renunciations, specifically targeting new Christian converts in ethnic minority areas, continue. These are not isolated cases in provincial areas, but are sanctioned by central government authorities and sometimes carried out by special military units. Government training and instructions materials published by the central government encourage provincial officials to actively thwart the growth of Christianity among ethnic minorities, because the Vietnamese government views it as a potential security threat.

In the past year, USCIRF has gathered reports of forced renunciations of faith in the northwest provinces of Vietnam targeting Hmong Protestants. Human Rights Watch has also detailed forced renunciation ceremonies among ethnic minority Protestants and Catholics in the Central Highlands.

These ongoing efforts to force individuals to renounce their faith are particularly severe religious freedom abuses that justify Vietnam's CPC designation.

Targeting of Redemptorist Clergy and Churches: In the past year, the government has increased its harassment of the Redemptorist Order, targeting its churches and laity with violence and arrests. The government-run media continually vilify Redemptorist clergy and police forcibly break up peaceful prayer vigils organized at Redemptorist churches. Redemptorist leaders have been detained in the past year and they experience regular surveillance and assaults by "thugs" employed by the police.

The Vatican and the Vietnamese government continue to discuss conditions for the normalization of relations and new bishops are regularly ordained. Nevertheless, the abuses experienced by the Redemptorists in Vietnam, demonstrate continued deep tensions between Catholics and the Vietnamese government.

Violence in Dien Bien Province: One year ago, Vietnamese military units forcibly disbanded a large group of Hmong Protestants gathered in Dien Bien province. USCIRF has evidence that those gathered did so for religious reasons and there are credible reports of arrests, beatings, and even deaths. The facts of what happened remain unclear because the Vietnamese government has restricted access to the region and there has been no investigation of the incident. Transparency and an independent investigation to determine what happened in Dien Bien province are necessary to determine whether serious religious freedom abuses occurred.

Recommendations for U.S. Policy

We are not alone in our conclusions about religious freedom conditions in Vietnam. They are shared widely, by Members of Congress in both parties and by Vietnamese-Americans and others committed to the advance of human rights and religious freedom in Vietnam. They are also shared by the Obama Administration. Secretary Clinton has stated publicly that Vietnam and the United States have distinct differences in the area of human rights. She has expressed her "concern about [the] arrest and conviction of people for peaceful dissent, attacks on religious groups and curbs on Internet freedom," and said that if the U.S. and Vietnam are to ever develop a "strategic partnership," "Vietnam must do more to respect and protect its citizens' rights."

These are strong words. Yet, human rights conditions continue to deteriorate in Vietnam, despite an expanding relationship in trade and security interests. The United States has the political leverage and diplomatic tools available to address ongoing religious freedom and human rights concerns. The question is whether there is the political will to use them?

The U.S. government can use its diplomatic and political resources to advance religious freedom and related human rights in Vietnam. USCIRF's Annual Report contains many recommendations for ways U.S. policy can do just that. Let me highlight two -- CPC designation and passage of the Vietnam Human Rights Act.

CPC designation: As members of this commission know well, USCIRF has consistently urged the re-designate of Vietnam as a Country of Particular Concern (or CPC). We believe that CPC designation is warranted by the facts on the ground, as I have described. We have concluded that designation is warranted as the facts on the ground meet the statutory threshold established by Congress. In addition, and most importantly, the CPC designation worked.

When Vietnam was designated as a CPC from 2004 to 2006, the Vietnamese government released some prisoners and loosened some controls over religious activity. During that period, trade, humanitarian programs, and security cooperation all expanded. We believe a CPC designation this year will produce similar results. The idea that a vigorous human rights diplomacy will hurt progress on other bilateral interests fails the test of fact.

We know that the CPC recommendation has widespread, bipartisan support in Congress. We want to thank Members who have advocated re-designating Vietnam as a CPC. Unfortunately, the State Department decided last year not to designate Vietnam as a CPC. USCIRF will continue to make the case, with the support of those in this room, that a CPC designation reflects both American values and interests.

Passage of Vietnam Human Rights Act: In addition to a CPC designation, the Administration and Senate can demonstrate its commitment to human rights in Vietnam by signaling support for passage of the Vietnam Human Rights Act. USCIRF supports this bill and hopes it will be discussed, considered, and passed during the current session of Congress, with wide bipartisan support.

We believe that both the CPC designation and the Vietnam Human Rights Act are powerful tools to spotlight abuses of religious freedom and related rights, encourage future improvements, and clearly signal that the United States supports those in Vietnam who seek to advance both prosperity and guaranteed rights.

Conclusion

The Obama Administration's newly unveiled East Asia policy, the so-called "Asia Pivot," offers an opportunity for the United States to demonstrate that our interests in human rights and religious liberty are pursued in tandem with our interests in trade and security. U.S. engagement should therefore protect and support those in Vietnam peacefully seeking greater freedoms and the rule of law. A CPC designation would convey this, but any expansion of U.S. economic or security assistance programs in Vietnam should be linked with human rights progress and the creation of new and sustainable initiatives in religious freedom and programs in non-commercial rule of law and civil society development.

As members of this commission know well, a vibrant economy and secure borders are necessary for the strength and prosperity of any country in the modern world. However, they are not sufficient to achieve national greatness and global respect. If Vietnam is to fully join the community of nations, it must uphold and protect, in law and practice, the universal demands of human dignity, including the freedom of religion.

Vietnam and the United States share a unique and tragic history. Our engagement is no longer one of bullets and bombs, but of ideas and institutions. The Vietnamese leadership out of necessity abandoned its Marxist ideals and now simply clings to political control. The same vigilance and pressure that dragged Vietnam onto the path of a market economy need to be applied to weaken its grip on totalitarian authority and end its silencing of dissent and repression of religious communities.

U.S. policies and programs should reflect this goal and stand firmly with those peacefully seeking greater freedoms and guaranteed rights in Vietnam. Our diplomacy must send the clear message that U.S. interests in Vietnam are not only economic, but affirm the universal desire to speak freely, to worship without fear, and to organize openly without suffering persecution. This is a message that will be heard and give hope to millions of the Vietnamese people.

Again, thank you for inviting me to testify, and I will be happy to respond to your questions.

Mr. WOLF: Thank you very much, Dr. George.

I want to thank you for your testimony. I will put your entire testimony in the Congressional Record, too, because members are just beginning to come back into town. So everyone has that; it is there for history. Secondly, I appreciate your willingness to serve and Tom Lantos' daughter willingness to serve.

I think you really will make a tremendous addition. Tom Lantos was a giant on these issues. Whenever there was an issue like this on the floor, it would be Lantos-Hyde, Hyde-Lantos. It was like the team, and Mr. Lungren has always been part

of that team, too. But they were the giants, and I see some of that dissipating from the Congress. I see it evaporating from this administration. I pray for the days of a Reagan administration, whereby people advocated and stood with the dissidents and did that.

I think, but two of you on this commission, I think will elevate it, and I think it demonstrates, as Mr. Hyde and Mr. Lantos or Mr. Lantos and Mr. Hyde, and it is a totally bipartisan thing. There is no partisanship here.

I also want to just say I appreciate the great work you used to do with Chuck Colson. One of the giants, with the passing of Chuck Colson, I just wonder who will fill that role. But I appreciate it. I watched the interview that you and Chuck did at Princeton on ethics.

Mr. GEORGE: "Doing the Right Thing."

Mr. WOLF: So I just appreciate that. We honor Chuck. But thank you for that.

Mr. GEORGE: Thank you, Chairman Wolf.

You know, Chuck was a great warrior for human rights. He is very, very much missed already. But as with Tom Lantos and as with Henry Hyde, we have not only the memories that they leave but also the great inspiration that they have provided to move forward.

Certainly our commission is absolutely dedicated to the cause that gave rise to the commission in the 1998 bill, International Religious Freedom Bill. And we need to work in every way that we can to support those on the Hill who are willing to fight for religious freedom and to do our part in making sure the American people know what the facts are in the international sphere when it comes to the defense of this human right, which is the first freedom mentioned in our own Bill of Rights and among our foundational principles that we as Americans are committed to.

Mr. WOLF: I am going to recognize Mr. Lungren first, but I just want to say Congressman Lungren has agreed to sign a letter with us to the American ambassador asking that he go visit your husband and go to the prison and make an effort even if he is denied, to continually show up to make an effort, to get in his automobile and drive to the prison and advocate. So Mr. Lungren and I will sign that letter together, and we will stay with you on that issue. Michael Posner has agreed to meet -- she has never had the opportunity to speak with the American ambassador. We will share that and work on that together.

With that, I recognize the gentleman from California, Mr. Lungren.

Mr. LUNGREN: I thank you for having this hearing and Mai Huong Ngo, a constituent of mine who has suffered much because her husband has suffered much and has been so courageous, has never lost her faith in this country and our government to, as

Dr. George said, do the right thing. There are times when there is reason for doubt, I suppose, but that is one of the reasons we have this commission, to make sure that we do what is right.

As the gentleman mentioned, Mr. Lantos and Mr. Hyde and others, Jack Camp, and others during the period of time when we were battling the Soviet Union never took no for an answer. I can recall the protests that we made on behalf of Soviet Jewry. And many people asked why we were doing that; wasn't it a waste of time. How could you have pressure on a totalitarian government? And yet we saw the results that were positive time after time. I think it is the same thing here, and yes, we will ask our ambassador to take a personal interest in this. We are talking about an American citizen. We are talking about a denial of basic rights, and it is something we always stood for. It hasn't been partisan in the past. It shouldn't be partisan now. It should be something that all Americans fully support and fully recognize.

So I am very grateful, Mr. Chairman, you had this hearing, and I know the follow up that you will do is indicated by the follow up that you have always done, and I will be proud to work you with on that.

And I want to say I appreciate Dr. George and the work he has done in so many fields and this is just another one in which he has added his voice in the cause of doing the right thing.

We may mistakes. We do make mistakes. We are not infallible. But we never make a mistake by trying to do the right thing. Sometimes it is as simple as that. I think Ronald Reagan used to say that the fact is there are no -- there are sometimes simple solutions to difficult problems; there are just no easy solutions to difficult problems. Oftentimes, the simple solution is the toughest solution. Saying what is actually happening, putting honesty on the record and standing behind it, has always served us well, and it will serve us well in this case. And we will continue to fight.

And I appreciate Mr. Wolf, and we have members on the other side of the aisle who support us on what we are doing. So this is not a partisan issue in any way, shape or form.

Thank you.

Mr. WOLF: Thank you, Dan. I appreciate your comments.

We will together, and we will share the letters, and we will share the letters with you.

Dr. George, one or two questions. You mentioned when Vietnam was designated a CPC from 2004 to 2006, it made an effort to lift restrictions and curb abuses, but that when sanctions were lifted, the abuses continued on the increase. This is strong evidence

that the CPC designation can have a positive effect in improving human rights and religious freedom for people in other countries.

Did the administration give the commission a specific reason why it could not designate Vietnam a CPC? And in your opinion, what is the State Department's reluctance in designating Vietnam as a CPC?

Mr. GEORGE: Well, we seem to have a bit of a disagreement about what actually constitutes a religious freedom violation, particularly a systematic, egregious and ongoing abuse of religious freedom.

We certainly believe that the facts that I have laid before you this morning and which are set forth in greater detail in the testimony that I will be submitting and in our chapter that those facts more than warrant CPC designation. The State Department so far doesn't see it that way. But we are certainly hoping that they will come around to seeing it that way because the facts seem to us to be very, very clear.

Now sometimes you just have to do the right thing, and sometimes doing the right thing means learning from history. And we do know that from 2004 to 2006, we got improvements in rights and especially in religious freedom in Vietnam, without any cost to our other economic and diplomatic efforts. When we lifted, lifted CPC status, things started to deteriorate, to use that word from Mr. Posner again. Well, let's learn the lessons of history, and let's use this very effective tool again, and we believe at the commission that it will have the effect, improvements for the people of Vietnam, which is what we want and what the State Department wants and what the Congress wants and what the administration wants. As Congressman Lungren says, this is not a partisan issue at all.

So let's just do the right thing here, and we believe that doing the right thing means acknowledging these abuses, looking at these facts straight on, understanding that they constitute egregious ongoing systematic abuse of religious liberty and use this designation.

Mr. WOLF: Well, on that strong answer, I think we are just going to adjourn the hearing. I think this hearing has made the case, without any question, without any doubt, certainly in a bipartisan way -- and I know Mr. McGovern shares the same concern. So we will continue to press, the Lantos Commission members on both sides, for the administration to do that and do it as quickly as possible.

With that, I thank all the witnesses for testifying. Your full statement will be in this record but will also be in the Congressional Record for all members to see. And with that, we adjourn the hearing.

[Whereupon, at 11:50 a.m., the commission was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD



**Tom Lantos Human Rights Commission (TLHRC)
Hearing**

Vietnam: Continuing Abuse of Human Rights and Religious Freedom

**Tuesday, May 15, 2012
10:00 A.M. – 12:00 P.M.
340 Cannon**

Please join the Tom Lantos Human Rights Commission for a hearing on the status of human rights in Vietnam.

At a time when security and economic interests are driving the United States and Vietnam to strengthen relations in many areas, Vietnam continues to abuse the human rights and religious freedom of its own citizens. The Vietnamese government has increasingly used vague national security laws to target peaceful pro-democracy and religious activists as well as human rights lawyers and citizen journalists who dare to expose the government's violations of basic freedoms. Just last month, an American citizen, Dr. Nguyen Quoc Quan – a pro-democracy activist – was arrested upon arrival in Vietnam and accused of terrorism. In addition, while the Vietnamese Constitution provides for freedom of religion, activities of religious organizations are strictly regulated and disputes have been growing in recent years over the seizure of church and temple land by local governments.

This hearing will explore the challenges faced by democracy activists and religious organizations in Vietnam.

The following witnesses will testify:

Panel 1: Michael H. Posner, Assistant Secretary of State for Democracy, Human Rights and Labor

Panel 2: Dr. Robert George, Commissioner, United States Commission on International Religious Freedom

Panel 3:

Vo Van Ai, Founder and President of Quê Me: Action for Democracy in Vietnam

Mai Huong Ngo, wife of imprisoned Vietnamese-American Dr. Nguyen Quoc Quan

Phu Do Nguyen, Vice President, Saigon Broadcasting Television Network (SBTN)

James P. McGovern
Member of Congress
Co-Chair, TLHRC

Frank R. Wolf
Member of Congress
Co-Chair, TLHRC

STATEMENT OF THE HONORABLE ENI F.H. FALÉOMAVAEGA, A REPRESENTATIVE IN CONGRESS FROM AMERICAN SAMOA AND RANKING MEMBER, SUBCOMMITTEE ON ASIA AND THE PACIFIC before the TOM LANTOS HUMAN RIGHTS COMMISSION (TLHRC)

Vietnam: Continuing Abuse of Human Rights and Religious Freedom

May 15, 2012

On March 7, 2012, I issued a statement expressing my serious concerns about H.R. 1410, the Vietnam Human Rights Act. The U.S. Department of State shares my concerns that measures in H.R. 1410 could adversely affect our security relationship with Vietnam as well as our ability to work with Vietnam on trafficking in persons. H.R. 1410 could also greatly reduce our chances of negotiating a roadmap on human rights.

While I understand that the Tom Lantos Human Rights Commission (TLHRC) does not focus on or promote any legislative initiatives, I am concerned that today's hearing may perpetuate the misinformation put forward in H.R. 1410, and therefore I ask the Commission's indulgence to describe the unintended consequences of H.R. 1410 which stand in stark contrast to the purpose of the TLHRC.

I begin with my service in Vietnam. In 1967, I was deployed to Vietnam and served my country in Nha Trang. My brother also served, and has since passed away. Having served, I am firm in my stance that the U.S. cannot assume the moral high ground when it comes to the matter of human rights and Vietnam. From 1961 to 1971, the U.S. sprayed more than 11 million gallons of Agent Orange in Vietnam, subjecting millions of innocent civilians to dioxin – a toxic known to be one of the deadliest chemicals made by man. Despite the suffering that has occurred ever since, there seems to be no real interest on the part of the U.S. to clean up the mess we left behind.

Instead, we spend our time offering up language like H.R. 1410 and holding Commission hearings which fail to make anything right. While I appreciate that more than 1 million Vietnamese-Americans still have strong feelings about the Vietnam War, the fact is it is time for us to rebuild our relationship with Vietnam just like we did with Germany and Japan after WWII.

Regrettably, H.R. 1410 and hearings like this have an adverse impact on our efforts. H.R. 1410 purports to promote the development of freedom and democracy in Vietnam but fails in its purpose. As noted by the Congressional Research Service, "the bill could chill the recent warming of bilateral political and security ties and could weaken economic reformers in ongoing domestic political battles inside Vietnam."

Put another way, H.R. 1410 is not in the best interest of the United States or the Vietnamese-American community. H.R. 1410 is shortsighted in its approach, and contrary to the efforts of the Clinton, Bush, and Obama Administrations which have sought to strengthen our partnership with Vietnam.

Long after the Vietnam War, the U.S. is now about the business of coordinating a multi-country diplomatic push back against Chinese encroachment in the oil-rich and strategically important South China Sea. H.R. 1410 is not helpful to our cause. Neither are Commission hearings like this.

As I stated earlier, the U.S. Department of State, they share my concerns that measures in H.R. 1410 could adversely affect our security relationship with Vietnam as well as our ability to work with Vietnam on trafficking in persons. H.R. 1410 could also greatly reduce our chances of negotiating a roadmap on human rights.

Moreover, Section 3(a)(2)(G) significantly alters the standard by which the Government of Vietnam's efforts to combat Trafficking in Persons (TIP) are measured, and restricts non-humanitarian assistance to FY2011 levels pending certification in an annual report by the President of the United States.

The Trafficking Victims Protection Act (TVPA) created a set of minimum standards to assess a government's efforts to combat trafficking in persons (TIP). These standards are based on agreed upon

international protocols. H.R. 1410 goes beyond the protocols and holds the Government of Vietnam to a higher standard.

By holding the Government of Vietnam to a higher standard that is not applicable to any other foreign government, or to the U.S. government's own efforts, the Act would have an adverse impact on our ability to conduct diplomacy with the Government of Vietnam on improving its anti-TIP efforts.

So while Vietnam may have work to do on improving its human rights record, we also have work to do. First and foremost, we need to work on being fair, and I am hopeful that the Tom Lantos Human Rights Commission will set the standard.

Vietnam has made sincere and measurable progress which is not reflected in the old data put forward by H.R. 1410. The data is the same data that has been put forward over and over again by those who have never visited or returned to Vietnam. After serving in Vietnam in 1967, I returned some 40 years later after becoming Chairman of the Subcommittee on Asia and the Pacific. All I can say is the Vietnam I fought against is not the Vietnam I know today.

So, I encourage my colleagues to re-think Vietnam and pursue a path of cooperation that does not undermine the progress we are making. I also ask that the Embassy of Vietnam's statement and the following excerpts from the State Department's International Religious Freedom Report 2010 be made part of the record.

The Report notes, "respect for religious freedom and practice improved in some regards," and that "the government took further steps to implement its 2004 Ordinance on Religion and Belief and supplemental decrees on religious policy issued in 2005." The report also recognizes that the Vietnamese "government also facilitated construction of new churches, prayer houses, pagodas, and training facilities for furthering the education of thousands of monks, priests, nuns, and pastors" permitting "the expansion of religious organizations' charitable activities."

The Report also made note of the meeting between President Nguyen Minh Triet and Pope Benedict XVI at the Vatican. "Vietnam and the Holy See agreed to a Vatican appointment of a non-resident Representative for Vietnam as a first step toward the establishment of full diplomatic relations." The report also states that "new congregations were registered in many of the 64 provinces, and one new religious group and two Protestant denominations received national registration or recognition."

"The Catholic Church, Protestant congregations, and other smaller religious groups reported that their ability to gather and worship generally improved and that the government allowed registered religious groups to assign new clergy with limited restrictions. The government also permitted the Buddhist, Catholic, Cao Dai, Hoa Hao, and Protestant faiths to hold several historic large-scale religious services throughout the country, some with over 100,000 participants."

The State Department also confirmed the Vietnam's Government assertion that "some ethnic minorities in the Central Highlands were operating a self-styled "Dega Church," which reportedly mixed religious practice with political activism and called for "ethnic minority separatism." Regarding the Con Dau incident, the report notes that the arrested six Catholic parishioners "reportedly started a physical altercation with police."

In light of these facts and many more, I hope we can work together on an approach that allows us to strengthen our economic and security ties with Vietnam while negotiating a roadmap on human rights that is based on accurate information. Above all, I hope the Tom Lantos Human Rights Commission will apply its efforts to assisting Vietnam with Agent Orange clean-up because the mess we left behind is a serious violation of human rights that needs to be corrected once and for all, and the Tom Lantos Human Rights Commission would do well to lead this effort.

STATEMENT FROM THE EMBASSY OF THE SOCIALIST REPUBLIC OF VIETNAM SUBMITTED AT THE REQUEST OF REP. ENI FALEOMAVAEGA

On religious freedom in Viet Nam

Viet Nam is a country of many faiths, with the presence of major world religions including Buddhism, Catholicism, Protestantism and Islam. It has the second largest Catholic community in Southeast Asia. Approximately 80 percent of the population are religious or spiritual believers. Of these, 22.3 million are followers of one religion or another, constituting one fifth of the population. There are 25,000 places of worship in Vietnam.

The government of Viet Nam pursues a consistent policy of respecting religious freedom and facilitating the practice of religion and faith by all citizens. Viet Nam attaches importance to the policy of religious solidarity and concord, ensuring equality and non-discrimination for all religions. Religious activities are protected by law but the abuse of religion to provoke hatred, division and conflict which threatens national security and stability is strictly prohibited.

Religious freedom and protection of religious freedom are provided for in Viet Nam's laws including the 1992 Constitution (Article 70), the Civil Code (Article 47), the 1999 Penal Code (Article 129), the Ordinance on Religion and Belief ("the Ordinance") and Decree 22/2005/ND-CP dated 1st March, 2005 providing for implementation of the Ordinance.

Since the issuance of the Ordinance, religious freedom has been reinforced throughout the country. Religious life in Viet Nam has seen strong vitality in recent years, thus contributing significantly to national development. There are now 4 Buddhist institutes, 32 intermediate Buddhist schools, hundreds of elementary Buddhist courses, 6 Catholic Seminaries and one Protestant Institute of Bible and Theology in Viet Nam. Thousands of religious dignitaries are trained in those schools each year, of which 1,177 are engaging in governance, working as delegates in the National Assembly or People's Councils. The Evangelical Church of Viet Nam has organized theological courses. A series of religious websites are being operated by the Viet Nam Bishops' Council and the Spiritual Council of the Baha'i Community of Viet Nam. Places of worship have been built throughout the country with the government's sponsorship. These include the construction of the Khmer Theravada Buddhist University in Can Tho province and the expansion of the La Vang Parish in Quang Tri province.

Religious activities in Viet Nam are in full swing now. The 2,555th Buddhist Vesak Day was observed in many provinces. In May, 2011, a Vietnamese delegation participated in the United Nations' Vesak Day in Thailand. The Catholic Church's Jubilee Year in 2011 was prominently celebrated and its closing ceremony was attended by 1,000 priests, 2,000 clergies and 500,000 parishioners. The celebration was honoured by the presence of Cardinal Ivan Dias, Head of the Vatican's Missionary Department, Special Envoy of Pope Benedict XVI.

The year 2011 also marked the 100th anniversary of Protestantism in Viet Nam. Big celebrations were held in Ha Noi, Da Nang and Ho Chi Minh City, attended by Protestants from all provinces and cities.

Local authorities have made important contributions to these achievements of Vietnamese religious communities. However, progress has been slower in certain more distant areas of Vietnam due to poverty, low level of socio-economic development and geographical disadvantages. This is particularly true in mountainous and border provinces. In addition, the educational level and training of some local officials have been limited, making it more difficult for them to full realize our policy.

Recognition and registration of religious organisations

The registration of religious activities and the recognition of the legal entity of new religious organisations are the basis for religious organisations and congregations to be protected by law, rather than an administrative measure to hinder religious freedom and belief. Eligibility for legal recognition of a religious organization or congregation is clearly stipulated in the 2004 Ordinance on Religion and Belief.

To date, the State has recognized 18 religious organisations representing 9 religions, of which 6 are new ones. These include Baha’i, Tu An Hieu Nghia (Four Debts of Gratitude), Buu Son Ky Huong, The Pure Land Buddhist Home-Practice Association, Minh Su and Minh Ly. Seven other Protestant denominations also achieved recognition, bringing the total number of recognized religious organisations in Viet Nam up to 34. Prior to the introduction of the Ordinance, only 16 organisations representing 6 religions were recognized by our government.

Registration of Protestant groups has shown a particular increase: Upon the issuance and implementation of the Ordinance on Religion (2004) and Directive No. 01 on Protestantism, Protestantism has grown exponentially in Viet Nam in terms of the number of followers, congregations as well as the diversity of worship practices. In 2011, the number of Protestants in Viet Nam was roughly 1.17 million people, of which 110 thousand lived in the northwest region of Viet Nam, 360 thousand in the Central Highlands, and the remaining 700 thousand throughout the country. The number of registered places of worship has increased to over 1,700 groups and congregations (in the northwest: 258 groups, in the Central Highlands: 1,284 groups and 189 congregations). The government has organized 8 conferences to do outreach about our policies and laws concerning Protestantism to 1,600 participants who are the leaders of places of worship.

Protestant Registration Data (as of December 2011)

	2009	2010	2011
Central Highlands			
1. Number of congregations of the General Confederation of Evangelical Churches of Vietnam (Southern) and United World Mission	164	178	189
2. Land right and church building licenses (including church and land)	50	60	80
3. Number of groups registered		1210	1284
4. Appointments of pastors	325	336	NA
North West			
1. Number of groups registered	208	247	258

The registration of Protestant groups in the northwest region is making slow progress mainly due to socio-economic conditions in the local areas, which are the most disadvantaged regions in the country, with treacherous terrain, frequent natural disasters, and local social practices which hamper development. During the past period, the government of Viet Nam has invested in many projects and programs to promote economic, cultural and educational development in these regions. However, many difficulties

remain in these regions. In addition, cultural conflicts between Protestantism and communities affiliated to other religions and faiths in this area need some time to be resolved.

In the near future, related ministries, agencies and localities will coordinate with each other to promote religious expression and ensure effective implementation of the Ordinance on Religion and the Prime

Minister's Directive 01 on Evangelicalism in these regions.

- *Publication of the Bible in Latin – H'Mong language*: The government has always paid attention to and facilitated the religious activities of national minority followers, including the publication of bilingual Bibles: Viet – Bahnar, Viet – Ede, Viet – Jarai. For the Bible in the H'Mong language, there are two types of H'Mong script, of which the traditional script has been stipulated by law as the sole script allowed in publications. Thus, the publishing the Bible in the H'Mong script will require resolution of this legal issue, as well as the consideration of a professional board from the Ministry of Education. Relevant Vietnamese agencies will continue to work together to expedite this project.

Resolution of land issues relating to religions

The right to ownership of land is clearly stipulated in the Constitution and other laws of Viet Nam. The land belongs to the whole people. The State represents this ownership right and exercises unified management over the land. Thus, in Viet Nam, there is no private ownership of land. The State acts as the representative of the people in arranging and managing land use according to the legitimate needs of individuals and organisations.

The issue of land in Viet Nam is very complex since the country has experienced many ordeals stemming from history. Resolution No. 23/2003/QH11 of the National Assembly, dated November 26th 2003 affirms: "The State does not recognize any claims to take back lands that have been managed and put into use by the State. Thus, claims to take back lands, including lands which may have been historically used for religious practices, are not consistent with our law.

For religion-related lands which are now are being managed or allocated by State to the agencies/organisations, the latter must use the lands in full conformity with stipulated purpose and in an effective manner in order not to have any negative impact on the feelings of religious followers (Directive No. 1940/CT-TTg of the Prime Minister dated December 31st, 2008).

In the event that religious organisations have legitimate need for additional land or housing for religious purposes, the government may consider allocating appropriate areas for them. The consideration of land allocation for religious organisations must comply with the law and regulations.

Recently, the government has allocated large areas of land for religious organisations to use for religious purposes. For instance, Ho Chi Minh City has allocated over 10,000 m² to the Southern Evangelical Church of Vietnam for construction of the Evangelical Institute for Bible and Theology. Similarly, Dak Lak province allocated over 11,000 m² for the construction of the Archbishopric of Buon Ma Thuot. Da Nang City also allocated over 9,000 m² for the Da Nang Archbishopric. Quang Tri province re-allocated 20 hectares of the Shrine of the Lady of La Vang to the La Vang Parish. Likewise, Ha Noi City has recently allocated land for the Viet Nam Buddhist Association to build a Buddhism University.

Religious organisations and charitable activities

The government pursues a policy of facilitating and encouraging religious organisations' participation in philanthropic works in accordance with the law (Article 33 of the Ordinance on Religion). Many religious organisations in Viet Nam are very active in social and charitable activities such as free medical check-up and medical treatment, care for children in particularly difficult circumstances, and people living with HIV. Many religious officials have taken part in fundraising campaigns for natural disaster relief.

There are more than 80 religion-related international NGOs in Viet Nam.

Ensuring equality and non-discrimination among religions

Vietnamese law provides that “all religions are equal before the law.” Missionary activities of religious groups are carried out customarily, according to Vietnamese law, without any discrimination.

The policy and law of Viet Nam guarantees equality among all citizens as a principle, regardless of their sex, religion, race or age. All citizens have the right to nominate themselves and, if elected, participate in the administration and leadership of society. In fact, a number of the current members of the National Assembly are representatives from different religions (19 religious followers and officials were nominated for the 13th National Assembly, 8 of whom were elected, 2 more than the 12th National Assembly). Many religious followers and officials are now members of the Viet Nam Fatherland Front or hold leadership positions in the government at every level.

The handling of cases involving religious believers

Vietnamese law clearly states that no person may be arrested, imprisoned or sanctioned in any manner because of their exercise of their religious or spiritual beliefs. However, as in every country, those who commit crimes that violate the law cannot hide behind their religious affiliation to avoid the legal process. Those individuals are not subject to litigation because of their religious affiliation but because of their violation of the law that every Vietnamese citizen is expected to abide by. Their cases are handled in accordance with Vietnamese law in a country which follows the rule of law.

Below is some information on some specific cases:

Nguyen Van Ly: On March 30, 2007, the People’s Court of Thua Thien Hue province sentenced Nguyen Van Ly to 8 years of imprisonment and 5 years of probation (according to Article 88 of the Penal Code). While serving his sentence, Nguyen Van Ly was put in a separate cell with access to TV, newspapers, religious materials, and provided with nutritious food and healthcare. His family and representatives of the Hue Archbishopric and Ambassadors of the U.S., Canada and the U.S. Commission on International Religious Freedom were allowed to visit him.

In March 2010, due to the condition of Nguyen Van Ly’s and our humanitarian approach, his imprisonment was suspended for 12 months starting on March 15, 2010. During the suspension, Ly continued to conduct provocative activities violating the law and disturbing order in his hometown. After that period, health improved and Nguyen Van Ly and his family did not file a request for further suspension. Thus, on July 25, 2011, he was sent back to prison to continue serving his sentence in accordance with Viet Nam’s law on execution of court judgements. After his return to prison, his sister Nguyen Thi Hieu, his nephew Nguyen Cong Hoang and representatives of the U.S., Canadian and Australian Embassies have visited him at Nam Ha prison. At this moment, his health is stable and he is living in good conditions and receiving the same treatment as other inmates, according to Vietnamese law.

Thich Quang Do: During the movement for the unification of Vietnamese Buddhism in 1981, while all other Buddhist organisations and denominations in the country came together in common purpose, the An Quang sect under the Viet Nam Unified Buddhist Church led by Thich Huyen Quang and Thich Quang Do failed to reach an agreement with other Buddhists.

In following years, Thich Huyen Quang and Thich Quang Do continued to act against the government by organizing their followers in an attempt to restore the Viet Nam Unified Buddhist Church. Thich Quang Do’s activities have been supported by the Viet Nam Unified Buddhist groups in exile, who designated him as the Head of the “Institute for the Dissemination of the Dharma”. Worse than that, Thich Quang Do and the so-called “Viet Nam Unified Buddhist Church” do not cease to distort the policies of the State of Viet Nam and continue to engage in provocative acts to undermine national unity and religious solidarity.

Thai Ha: In November 2011, some extremist clergymen from the Christ’s Redemption branch of Thai Ha Parish took advantage of a land dispute to spread false and malicious slander against the government and incite people to gather, riot and trespass in order to try to illegally take over the land. However the local authorities have been in full compliance with the law in designating the land for the construction of a drainage system for Dong Da Hospital in order to protect and keep the environment clean.

In early December 2011, some followers and priests of the Thai Ha Parish gathered in front of the Ha Noi People's Committee to submit a petition. They were sent to the place designated for submitting petitions and returned home that same day. However, some people falsely characterized and distorted what happened, claiming that the government suppressed and detained the petitioners. At present, the land-related petition of the Thai Ha Parish is being handled by the responsible agency according to the law.

Muong Nhe: In late April and early May 2011, in the Muong Nhe district of Dien Bien province, some H'Mong extremists deceived, incited, displaced and even forced a number of H'Mong people from several localities to move to some villages in the Muong Nhe district of Dien Bien province. The extremists then called for the establishment of a H'Mong kingdom, to secede from Viet Nam. Attempting to foment secession from the Vietnamese nation violates Vietnam's law and causes other threats to law and order. The actions of these extremists also negatively affected the people's lives and livelihood. Due to the bad weather and bad living conditions at the place where the extremists took people, some got sick and one child died.

After the bad experiences suffered by those tricked into following the extremists, the authorities and people's mass organisations in Muong Nhe district were easily able to explain to people how they were misled by the unscrupulous secessionists. The people returned home voluntarily, with local authorities providing them with transportation, food, medication and financial support to help in their resettlement. Only the extremists who broke the law were detained. Those who failed to ignite a split among our people have now spread false and malicious rumours about fighting between the army and demonstrators claiming 'many are wounded and dead'. Nothing could be further from the truth. Now that the people are back in their homes, peace and order has been restored.

In spite of economic difficulties, the Vietnamese government always cares about and supports people in mountainous and remote areas, including the H'Mong people. The government goes to great lengths to help stabilise their lives through socio-economic development programmes and poverty reduction projects as well as promoting their indigenous cultures and languages. In future, the Vietnamese government will continue to promote and fund programmes in housing, healthcare, education and development of production and infrastructure.

Viet Nam has facilitated the travel of foreign press, foreign diplomatic missions (including the U.S. Embassy, EU Delegation and Norwegian embassy) and international media to Muong Nhe to cover the news and learn about the reality there.

Cau Ram Parish: The current Cua Nam garden in Cua Nam ward of Vinh City was formerly the old Cau Ram church. This church was completely destroyed by U.S. bombing. At that time, the authorities of Nghe An allowed Cau Ram parish to build a new church on another plot of land, where the church still stands today. The former site of the church was allocated by the Nghe An People's Committee to the Vinh City People's Committee for the development of a public garden to provide green space to city residents. Since the Cau Ram parish received land for its church to replace the site that was destroyed by U.S. bombs and its former site is now zoned for use as a public park, the request for the return of the former site is groundless.

Local authorities have handled the Cau Ram parish's and parishioners' request in accordance with the law. The Nghe An People's Committee sent an official note to the officials in charge of the Vinh diocese and Cau Ram parish responding to the proposal made by the Cau Ram parish, making clear the government's policy regarding use of public lands. Public opinion also supports the use of the land as a garden. The People's Committee collected public opinion in the newspapers regarding the location for a Martyrs' Memorial, and propose Cua Nam garden as one of 5 possible locations. However, the Nghe An People's Committee did not select Cua Nam Garden as the place to build the Martyrs' Memorial.

On August 17, 2011, the Cau Ram parish held a meeting to sum up its theological works and reward young parishioners. They then made a procession from Cau Ram church to Yen Dai Parish to attend a mass for the Blessed Virgin. As the procession went on, some parishioners violated traffic rules, causing public

disorder. Following the mass, parishioners dispersed voluntarily. There was no such thing as building the Martyrs' Memorial as given in some news. No one was arrested or detained.

Con Dau: In Con Dau an urban planning project was implemented – a project that had been announced in advance and discussed with the public and was supported by most households, both religious and non-religious, in the area. To assure harmony, Catholic households who lost land due to eminent domain were given increased compensation by the Da Nang authorities. Despite the fact that this project was carried out in accordance with all laws and regulations, some persons with malicious intentions took advantage of a Christian funeral to incite people and cause chaos, cynically attempting to turn a sacred religious ceremony into a place to vent their hostility.

Ky Dong: In the past, the Redemptorist Church donated the house at No. 8 Ba Huyen Thanh Quan Street, which was just in front the house at No. 38 Ky Dong, District 3, Ho Chi Minh City, to the government to turn it into a school. Now the school has been renovated and has become 'Pre-school No. 9'. The Redemptorist Church would like to now change its mind and has asked for the building back. However, as the transfer was voluntary and accomplished in accordance with Vietnamese law and the building is now properly being used as a school for the education of the children of the district, the church has no legal or other claim as to the site.

Conclusion

Vietnam is a diverse country of many nationalities, cultures and religions. We treasure this diversity, including the many religions and faiths that arise from our history and shape our future. In recent years, our laws have developed in parallel with our commitment to freedom of religious expression and worship. As is the case with every country, not every law is always perfectly applied in practice in every instance. However Viet Nam aspires and is working to apply our laws in keeping with our policy of guaranteeing religious rights to our people!