

SPOTLIGHTING HUMAN RIGHTS IN SOUTHEAST ASIA

HEARING BEFORE THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED THIRTEENTH CONGRESS SECOND SESSION

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WEDNESDAY, JULY 9, 2014

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10:10 a.m. in room 2172, Rayburn House Office Building, Hon. Ed Royce (chairman of the committee) presiding.

Chairman ROYCE. This committee hearing will come to order.

This hearing today is on human rights in Southeast Asia. America's commitment to protecting human dignity and justice around the world is unparalleled. We do more than any other nation, and we should because this is the one country founded upon this ideal. But this commitment, which has long enjoyed bipartisan support here in the United States, is a key focus of this committee. We have taken legislative action on human rights violations, particularly Venezuela, Nicaragua, North Korea, and the People's Republic of China.

We are also working to strengthen the ability of the United States to promote human rights through international broadcasting.

That is one of the reasons why this committee passed legislation to overhaul our international broadcasters so that those who are doing this surrogate radio broadcasting can send a message that teaches political pluralism, that teaches tolerance, that can have the kind of effect that we had in Eastern Germany and in the rest of Eastern Europe and the former Soviet Union.

Yesterday, the House passed legislation to reauthorize the United States Commission on International Religious Freedom. As a body of experts who speak out on behalf of persecuted believers of any faith, the commission helps to ensure that the U.S. stands up for what many of us consider our first freedom.

Unfortunately, now, when it comes to Southeast Asia, a strategically important region that is home to 620 million souls, the outlook on human rights is very troubling, in particular, with respect to Vietnam.

In Vietnam, we have overwhelming evidence that the human rights situation is worsening, with the government continuing its severe crackdown on critics of the regime. We know that the Government of Vietnam suppresses virtually all dissent through intimidation, through physical violence, through very, very long prison terms. These young bloggers are typically getting 7 years in

prison if they blog about ideas like freedom of speech. In my own travels to Vietnam, I have seen firsthand the lengths that the Secret Police will go to in order to stifle any form of free speech or religious freedom. I met with the Venerable Thich Quang Do, the head of the Unified Buddhist Church in Vietnam, as well as another religious leader, who was held in prison and, basically, saw firsthand what was being done to stifle religious freedom in the country. We have had 18 meetings now of the U.S.-Vietnam Human Rights Dialogue. There is no improvement in the human rights situation. I call on the Government of Vietnam to immediately cease its human rights abuses. We call on the Government of Vietnam to release the political prisoners there.

In Burma, the regime's early progress on human rights has given way to worsening conditions for religious and ethnic minorities all over that country. The plight of the Rohingya Muslims is well documented, thanks to groups such as United to End Genocide. The Government's treatment of the Rohingya Muslims is beyond deplorable. Forced to live in what I would call concentration camps there, the Rohingya are systematically deprived of access to health care and threatened with physical harm as well as death. The expulsion of Doctors Without Borders, the only group providing health care to the Rohingya caused 150 people to die from otherwise curable diseases is another example.

It is time that we take off the rose-colored glasses and see the situation in Burma for what it is. We cannot—we, the United States, cannot continue to lavish more incentives on the government in Burma in hopes that it will one day do the right thing. And that is why I have repeatedly called on the administration to work with this committee to improve human rights in that country. We must immediately cease military-to-military cooperation with Burma until the systematic persecution of Rohingya Muslims and other minorities has ended there.

Too often the administration, like the administrations that preceded this administration, is more interested in not ruffling diplomatic feathers than carrying out the difficult, but necessary task of pressing for human rights. But human rights do not have to take a back seat to strategic considerations. The administration must recognize that its rebalance to Asia will be unsustainable without improvements in this area. Countries that do not respect their citizens' fundamental human rights will not and cannot be true enduring partners for the United States. And this isn't to say that we must cut off all ties when human rights abuses occur, but it is imperative that we speak out. And that is my point. It is imperative that we get in, lean in there, sit down with these governments and explain that these deplorable situations in Vietnam and in Burma need to be reversed. There is no excuse for silence on this issue.

Now, before I turn to the ranking member, Mr. Engel from New York, for his opening remarks, I want to take the opportunity to welcome Janet Nguyen, supervisor of Orange County's First District, to this committee. Janet's story is a story of millions of Vietnamese who fled their homeland in search of a life free from the horrific human rights abuses that we still see perpetrated today in that country. Janet has come a long way from the dangerous journey that her family took on a 30-foot raft when she was just a

small girl fleeing her war-ravaged homeland. Today Janet is the highest ranking Vietnamese-American to hold elective office in California. And just as important, Janet is a tireless advocate for the Vietnamese-American community in southern California and throughout our country. And we welcome her as well.

Mr. Engel.

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

And let me also thank our distinguished witnesses for joining us today.

In late 2011, the Obama administration announced an American strategic rebalance or pivot to the Asia-Pacific region. While the contours of the rebalance is still taking shape, the logic behind the policy shift is clear.

The Asia-Pacific is home to almost half of the world's population and more than half of global trade and GDP. This region will be a key driver of global events in the decades to come and central to America's international interests as a Pacific power.

It is important that the United States continue to strengthen our relationships with key allies in the region, including Japan, South Korea, Australia and the Philippines.

We should also deepen strategic partnerships with emerging powers in the region, like India and Indonesia, and take steps to further connect our people and our economies.

Mr. Chairman, the Asian rebalance includes important political, economic, and strategic dimensions, and these priorities are inseparable from our obligation to promote greater respect for human rights, democracy and the rule of law.

After all, when citizens enjoy full political and economic participation, it helps unleash a country's full potential.

Governments that are transparent and accountable, in turn, grow more responsive and effective. Nations become stronger partners on the world stage and project stability across regions.

So for the United States, promoting human rights in the Asia-Pacific is the right thing to do and it is also the smart thing to do. Some countries in the region have made significant progress in these areas. Others have not.

As you mentioned, Mr. Chairman, in Vietnam, for example, the Communist government continues to place severe restrictions on political rights and religious freedom. Dissenters face restriction of movement, arbitrary detention and endless harassment.

In Cambodia, human trafficking remains a serious problem, although we have seen some efforts to improve law enforcement efforts around this crime.

Still, the Cambodian People's Party continues to consolidate power, tighten its choke hold on the media, and silence human rights advocates.

The Cambodian Government also has failed to stop illegal land grabs. In January 2013, 300 families living in central Phnom Penh lost their homes to developers and, after forceful, violent removal by security forces, were relocated to squalid sites outside of the city.

With regard to Burma, I want to commend the administration for its efforts to work with the government there to enact some long overdue reforms.

At the same time, I am very concerned about the systematic human rights abuses and ethnic violence in some parts of the country.

The State Department reported last year—and I quote:

“Extrajudicial killings, rape and sexual violence, arbitrary detentions and torture and mistreatment in detention, deaths in custody and systematic denial of due process and fair trial rights overwhelmingly perpetuated against Rohingya.”

These horrendous acts of violence have displaced 140,000 Rohingya within Burma and have pushed thousands to neighboring countries, including Thailand, Bangladesh, and Malaysia.

We need to see real progress from Burma’s leaders on these human rights issues before we provide the military-led government with any further concessions.

So as we can see, Mr. Chairman, many challenges remain across the region. Tackling them won’t be easy, but it is important that the United States prioritize human rights as part of a pivot or rebalance to the Asia-Pacific.

I want to thank you again for holding this hearing, and I look forward to hearing from our excellent witnesses.

I want to call out our former colleague, Tom Andrews, with whom we have both had the pleasure to serve, and welcome all the witnesses today.

I look forward to all of your testimony.

Thank you. I yield back.

Chairman ROYCE. Thank you, Mr. Engel.

We go now to Mr. Chabot for his opening statement.

Mr. CHABOT. Thank you, Mr. Chairman. I will be brief.

I share your deep concerns about the human rights situation in Southeast Asia and strongly support your efforts to highlight the rampant abuses committed in the region.

I am particularly concerned about the deteriorating situation in Burma and Cambodia, where the ruling regimes seem to be concerned more about investment opportunities than the fundamental rights of their own people.

In Cambodia, we have seen land grabs and increasing crack-downs by the Hun Sen government. In Burma, we have been—excuse me—we have seen complicity by the ruling junta in an ethnic cleansing campaign against the Rohingya Muslims.

I have worked quite a bit with one of our panel members, Mr. Andrews, and he has spent considerable time in Burma, working to expose the horrific conditions faced by so many Burmese and trying to get them the basic assistance, especially access to medical care that every human being deserves.

Tom, thank you for your work there. We certainly appreciate it. And I will yield back.

Chairman ROYCE. Any other members on this side of the aisle like to make an opening statement?

Mr. LOWENTHAL. Thank you, Mr. Chairman.

Chairman ROYCE. Mr. Lowenthal, go ahead.

Mr. LOWENTHAL. Thank you, Mr. Chairman.

I would like to thank all the witnesses for appearing here today on this very important issue.

I especially would like to welcome Supervisor Janet Nguyen, who represents the cities of Westminster and Garden Grove in my district, home to the largest Vietnamese-American community in the United States.

We have all seen, as has been pointed out by my colleagues, how the state of human rights in many countries across Southeast Asia has deteriorated in recent years to the detriment of millions of people who call the region home. I would like to highlight two countries in particular.

In Vietnam, the one-party government rules without respect for the rights of its citizens enshrined in its own constitution. The Vietnamese Government has punished those who speak out and exercise their basic human rights with jail sentences.

As a member of the Tom Lantos Human Rights Commission, I have adopted the case of two prisoners of conscience: Blogger Nguyen Tien Trung and Pastor Nguyen Cong Chinh.

These cases highlight the Vietnamese Government's trampling of free speech and religious freedom. While Trung has been released from prison to home arrest, Pastor Chinh and hundreds of other prisoners of conscience continue to remain in prison.

Chairman ROYCE. We will go now to Mr. Smith of New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman. Thank you for calling this extraordinarily important hearing. And I will just bring focus on one issue, and that is Vietnam.

In 2004, I authored the Vietnam Human Rights Act, passed 323 to 45, no vote in the Senate. In 2007, the same bill passed 414 to 3. In 2012, the Vietnam Human Rights Act passed unanimously. And then just recently, a year ago almost, 405 to 3.

Four times I have offered the Vietnam Human Rights Act with strong support of virtually every member of this committee, totally bipartisan.

And we have written Majority Leader Reid and asked simply for a vote. You can vote against it, Mr. Senator, but please don't block a vote.

This is an idea whose time has come. Vietnam is in a race to the bottom with the likes of China and even North Korea, particularly when it comes to religious freedom, as Hoang Van Ngai was tortured to death in July 2013 and then his cousin, Hoang Van Sung was tortured to death April 2014.

Let me finally just say—because my time is running out—there is an active effort to suppress this legislation.

The Podesta Group was hired last December. They were paid \$30,000 per month through June 2nd, \$180,000 in total. And I suspect the contract has been renewed, but the filings haven't been shown yet. No wonder the Senate won't take it up.

And, unfortunately, the President—I know the President's people are here—I hope you will take it back. This is a modest, well-calibrated, piece of human rights legislation, and the people at this dais, many of whom—Dr. Thang especially—helped us write it. So it is as accurate as the day is long.

This is an idea whose time has come. Vietnam, like I said, is in a race to the bottom with some of the worst dictatorships throughout the world. It is time to pass this legislation. Just give it a vote in the United States Senate.

I yield back.

Chairman ROYCE. Thank you, Mr. Smith.

This morning we are joined by a distinguished group of witnesses.

I will start with Mr. Lorne Craner. He served as president of the International Republican Institute that oversaw elections around the world. He was Assistant Secretary of State for Democracy, Human Rights, and Labor from 2001 to 2004.

Some of us in our work and bipartisan effort—myself and Gregory Meeks and some of the other members here—had an opportunity to meet with Lorne. I think it was in 1999 when I co-led an election oversight team with General Powell on the Nigerian elections.

And I was just reflecting—I just asked my staff—over the years we have heard Lorne testify a number of times between the Senate and the House, different committees.

They did a quick tally back here, and they say you have testified over 25 times. I am glad your sons are here to hear you testify today, Lorne. Thank you.

Mr. Andrews, Tom Andrews, president and chief executive officer of United to End Genocide, was our former colleague from the state of Maine. He most recently served as national director of Win Without War.

Ms. Janet Nguyen, supervisor for the First District of Orange County, first woman supervisor to represent that district, first Asian-American, first Vietnamese-American to serve on the Board of Supervisors, as well as the youngest supervisor elected in the history in Orange County.

And we have Mr. Thang Nguyen, executive director of Boat People SOS. Many of us know him from his humanitarian work over the years. He is also the co-founder of Coalition to Abolish Modern Day Slavery in Asia.

Without objection, the witnesses' full prepared statements will be made part of the record and the members will have 5 calendar days to submit statements and questions and other extraneous material for the record.

Chairman ROYCE. Mr. Craner, if you would like. We would ask you, though, to please summarize your remarks, if you could, and then we will go to questions.

**STATEMENT OF THE HONORABLE LORNE W. CRANER
(FORMER ASSISTANT SECRETARY, BUREAU OF DEMOCRACY,
HUMAN RIGHTS, AND LABOR, U.S. DEPARTMENT OF STATE)**

Mr. CRANER. Mr. Chairman, members, thank you very much for the opportunity to testify before you. And thank you, Mr. Chairman, for your kind words.

The countries we are discussing are in different stages of democratic development, an important factor in considering policies toward them.

Let me start with Burma, where we are all familiar with the country's democratic opening, but large problems remain, including allowing Aung San Suu Kyi to run in the 2015 elections.

Less remarked upon has been the violence between Burma's Buddhists and Muslims. The Rohingya's plight is different from other Burmese ethnic groups in that they are persecuted by the country's religious majority, including many Buddhists, who had worked for a political opening.

Led by Secretary Clinton, the administration did an exceptional job in rapprochement with Burma. That said, it was a front-loaded process that left us with few carrots to encourage Yangon today.

In looking at influencing events, however, we need to remember the reasons Burma opened up: China's tight embrace and the fact that the country was declining economically.

The transition is delicate, but the likelihood of a return to China and isolation diminish by the day. We should think through thoughtful measures to help the Rohingya and encourage reform.

First, we should add those responsible for violence and their families to our visa ban and SDN investment list. Second, we should limit contacts with Burma's security forces. Third, with the spread of sectarian violence to Mandalay last week, the U.S. should look at reimposing some past sanctions.

We need to work closely with our European, Australian, and ASEAN friends, some of whom are receiving large Rohingya refugee flows, particularly on visa and investment issues.

Cambodia's sad history continues, thanks to Hun Sen, who has essentially run the country in one way or another since 1985.

The 2013 elections were clearly flawed even before they occurred, which is no small feat. After the election, the opposition CNRP, claiming widespread fraud, refused to take their seats in Parliament and began demonstrations, which were repressed by the police. The CNRP today continues its parliamentary boycott and is negotiating over arrangements for future elections.

Two important trends were obscured by these events. First, the CNRP did remarkably well in the elections, winning 44 percent of the vote to the CPP's 49. Second, there was higher-than-usual youth voter turnout, and that benefited the CNRP.

Our pivot to Asia, which we have already mentioned here today, should not inhibit actions to support democracy in Cambodia. Hun Sen remains closely aligned with Vietnam, but he cultivates a close relationship with Beijing.

The next National Assembly elections will occur in 2018, and looking at our U.S. aid funding there, there should be more youth civic education and a resumption of political party training.

Third, a congressional review of U.S. training for Cambodia's military is overdue. Fourth, we should limit contact with Hun Sen's government until negotiations with the opposition are satisfactorily included. Again, we should ask our European, Australian, and ASEAN friends to do the same.

On Vietnam, many of us had hoped that diplomatic relations and trade between our two countries would lead to more political openness. We were wrong. Vietnam is the most politically repressive country we are discussing, a one-party state that tolerates no opposition.

There have been minor changes over the last decade, but they are limited to reforms within the existing political system, not reform of the system. And over the last few years, things have worsened, with a stream of arrests and trials for journalists, bloggers, and dissidents.

We have a tendency to treat Vietnam as a special country, given our involvement there. To borrow an old phrase, in dealing with Vietnam on human rights today, we instead need to think of it as a country, not a war.

The pivot to Asia has increased Vietnam's strategic importance to the U.S. But given their long mutual antipathy with China, we need to keep in mind America's importance to Vietnam.

We should start by pressing harder for an end to the campaign against those who peacefully question the leadership and seek the release of those already in prison for such activities.

There should be more broadcasting to Vietnam by our services. We should also push for structural changes in those laws and policies that penalize such activities, again, conducted in a multi-lateral way with European, Australian and ASEAN allies.

Mr. Chairman, our economic and strategic interests are clearly trending toward the Asia-Pacific area. Our hope is to continue to shape a peaceful and prosperous future for the region.

We should seek to repeat our past successes and not our past failures in other regions by helping those who seek rights and democratic institutions. In the long run, this will be indispensable in advancing our interests in the region.

Thank you for the opportunity to testify today.

Chairman ROYCE. Thank you, Mr. Craner.

[The prepared statement of Mr. Craner follows:]

Mr. Chairman, Members of Congress, thank you for the opportunity to testify before you today about the state of human rights in Southeast Asia.

Southeast Asia is in many ways a far different place than it was a generation or two ago. With the 1993 Cambodian Accords, over fifty years of various wars ended in Indochina. The past few years of opening have eased half a century of oppression in Burma. Further afield, in Indonesia, decades of authoritarian rule ended in 1998, and today the country provides one of the best examples of a Moslem democracy.

Today we are focusing on Burma, Cambodia and Vietnam. In thinking through their problems, and how the US can best approach each country, it is useful to recognize that they are in different stages of political development:

- The surprising and rapid changes in *Burma* leave it on the verge of historic elections in 2015. That said, great problems remain, most obviously including the increasing persecution of the Rohingya minority;
- *Cambodia*, a country that endured horror in many of our lifetimes, had great promise with signing of the 1991 Paris Peace Accords, an extensive UN mission and well conducted 1993 elections, but a 1997 coup led to the return of Hun Sen's seemingly interminable authoritarianism;
- *Vietnam* politically looks much like it has for the last 60 years; the party's tight grip on power so far disproves the idea that economic liberalization leads to political reform.

Let me take these countries on by one, and suggest different achievable, effective measures tailored to these different stages of development that the US can take to better the human rights situation in each.

BURMA

After almost half a century of authoritarian rule, which intensified after the 1988 student riots, Burma began a democratic opening in late 2010. In the three and a half years since Aung San Suu Kyi was released from her latest house arrest sentence, her NLD party swept parliamentary by-elections, thousands of political prisoners have been released, exiled Burmese have been allowed to return, press freedom has been expanded, and public gatherings are again permitted.

Yet large problems remain, the most noted being the issue of amending the constitution to allow Aung San Suu Kyi to run for office in elections scheduled for 2015. Less remarked upon has been the eruption, beginning in mid-2012, of violence between Buddhists and Moslems in Burma's southwestern Rakhine state. The Rohingya Moslems have long been persecuted within Burma, even having their citizenship status revoked by the regime in 1982. Other ethnic groups in Burma of course also have been subject to persecution and have long been attacked by the central regime. The case of the Rohingya is different, however, in that they are suffering persecution widely at the hands of the country's Buddhist majority, including Buddhist

religious figures who themselves worked against the authoritarian central regime. The conflict has religious and even cultural undertones; the Rohingya, regarded as foreign interlopers, are termed "Bengalis" – natives of Bangladesh -- and are deeply unpopular in Burma. Burmese perceptions of the situation are accurate; in a 3000 person nationwide poll conducted by the International Republican late last year, 57 percent of respondents said that during the previous year, ethnic/sectarian violence had increased in the previous year, 17 percent said it had stayed the same, and only 14 percent said it had decreased.

There has been much criticism of President Obama's foreign policy but our diplomacy in establishing full relations with Burma should stand as an exception. The administration – led by Secretary Hillary Clinton and Kurt Campbell – was attentive to signals that the Burmese government was looking to change its diplomatic orientation and took skillful advantage of the opportunities the Burmese government offered for an internal opening and a warming of relations with the west. That said, it was very much a front-loaded process by the US. By that I mean that US (and European) sanctions were rapidly lifted, and head of state trips occurred, well before the issues such as resolution of the constitutional clauses regarding candidate eligibility and parliamentary composition, not to mention the elections themselves, had occurred. At this point, therefore, Washington and Europe have little in the way of carrots to offer the government in Yangon to encourage better treatment of the Rohingya and a fair and open election. We therefore need to ensure skillful follow up on the diplomacy that led to the breakthrough in relations between Burma and the US.

In looking at how we can influence Yangon, we need to keep in mind the principle reasons why the Burmese government opened to the west and offered internal reform. My own early analysis in 2011 was that it had much to do with Yangon's desire to take the chairmanship of ASEAN in 2014. On visits to Burma in the years since, in asking high government officials and opposition figures why Burma had changed now -- and not five years ago or hence -- I received a different answer. The unanimous answer, according to the many I asked, was that the regime was tired of China's close embrace; that Beijing, which was their prime (almost sole) patron, was arrogantly treating them as a vassal state. Burma and China have no island territorial disputes, but Yangon's complaints echo those of other Chinese neighbors in Southeast Asia. (Chinese officials initially claimed to have facilitated and be pleased by Burma's opening to the west, but deeper discussion has revealed disappointment, almost embarrassment, at having "lost" an ally. China has since gone to great lengths to try and repair the relationship. For example, Thein Sein received the red carpet treatment in June during his fifth visit as President to China, but so far this has not had an effect on Yangon's new orientation to the west). The second reason I was given for Burma's opening to the west and internally was that their new generation of leaders, starting with President Thein Sein, had travelled abroad much more than their predecessors and had seen how far Burma was falling behind economically in a globalized world. Clearly, the amount of investment offered by China during Burma's years of isolation did not lead to the desired economic growth, and the Chinese market paled in comparison to other markets that would be opened if Burma changed its

orientation. The third reason given for Burma's opening was usually the prestige of holding the ASEAN Chairmanship, which was not assured if Burma continued as it had until late 2011.

Burma's transition is delicate, and as analysts will tell you, the chances of a backlash by those in the power structure opposed to political changes still exists. The longer the reform process goes on, however, the less the chances of backtracking. Clearly, that would lead to a quick re-imposition of tough sanctions by the west; those who would end the reform process therefore must argue that foregoing political and economic ties abroad, and returning to China's suffocating embrace, best serves the country's interests. We should consequently feel confident in looking at and imposing thoughtful measures designed to help ameliorate the situation of the Rohingya and encourage further political reform.

The first measure we should look at is adding those we can identify as responsible for violence against the Rohingya to the State Department's visa ban list and the Treasury Department's Specially Designated and Blocked Person (SDN) list. It is doubtful that many of those responsible for perpetrating/tolerating such violence spend their days pining for trips to the US to visit Disneyland, but adding their families to the list would preclude sending their children to universities or careers abroad. In a country with increasing economic opportunities, cutting off the possibility of relationships with foreign investors could deter those who perpetrate/tolerate violence against the Rohingya. Second, we should limit our contacts with Burma's security forces until they are more clearly committed to ending the violence against the Rohingya. The June visit by US officials paving the way for US training of Burma's military in particular was particularly ill-timed. Such military to military engagement should be put on hold for the moment (in this vein see below my testimony on whether Congressional restrictions on training for Cambodia's security forces are being violated) and existing US sanctions against the Burmese military should be maintained. Third, with the spread of sectarian violence to Mandalay last week, the US also should begin to examine the re-imposition of some sanctions, such as broadening investment measures. Finally, elsewhere in my testimony I note the importance and efficacy of the US working in a multilateral way on human rights problems in the region. In this case we need to help ensure that our European and Australian friends are clearly engaged on visa and SDN-type bans. We should also work closely with ASEAN countries, many of which are beginning to be affected by Rohingya refugee boat people fleeing the violence. In Hard Choices, Secretary Clinton twice notes the encouragement she received from Indonesian President Yudhoyono to begin engagement with Yangon. We should work particularly closely with President Yudhoyono and Foreign Minister Natalegawa, leaders of world's most populous Moslem country, as Indonesia continues its unusually public efforts on behalf of Burma's Rohingyas.

I cannot leave the subject of Burma without again noting a poll conducted by the International Republican Institute before I stepped down as its President earlier this year. Organized by a highly reputable firm that has done accurate polling in countries such as Iraq and Pakistan, its sample was composed of over 3000 people throughout Burma. Many of the results were

surprising; I'll cite just two. While 70 percent of respondents rated the opposition NLD very or somewhat favorably, 74 percent gave the ruling USDP coalition the same rating. The NLD bested the USDP on the question of who would improve education, but scored the same on improving healthcare and lost on ending ethnic conflict, improving the economy, strengthening the nation and improving security. (The poll is available at iri.org) Aung San Suu Kyi's NLD did very well in 2012 by-elections, but we should not assume that the results of the 2015 elections are a foregone conclusion. In a relatively democratic environment, the current Burmese government is proving to be more adept than many had expected in appealing to voters. Combined with the way this transition has been structured by the government, particularly regarding the composition of the parliament and constitution, the political evolution underway in Burma could extend well beyond the 2015 elections. Burma's military has accrued great wealth and privileges during its rule, and having watched the diminution of militaries that ruled other nations, appears loathe to give them up easily.

CAMBODIA

Cambodia's sad recent history continues. After a short, bright period beginning with the 1991 Paris Peace Accords, our reaction to the 1997 coup was muted, and we have done little since to tangibly express displeasure over the course of continued authoritarianism in Cambodia. The country is run in a personalist manner by Hun Sen, who has led the country for in one way or another since 1985. For much of that time, rival political parties have been harassed, press freedoms limited, trafficking in persons tolerated, and corruption rife.

Cambodia is an example of a country trying to reap the rewards of being perceived as democratic without conducting decent national elections (it is true that elections don't equal democracy, but they are an indispensable part of it). Except for the 1993 balloting conducted under United Nations supervision, all of Cambodia's recent elections have fallen short of international standards.

Most recently, the country's July 2013 parliamentary elections were clearly flawed even before they occurred. This is an uncommon occurrence in today's world, similar to situations in countries such as Azerbaijan, Belarus and Zimbabwe. In Cambodia's case, in the months before the election, the voter registry was found to be deeply flawed, with up to a sixth of voters disenfranchised. Conversely, in some competitive constituencies, there were high levels of over-registration. The impartiality and transparency of the National Election Commission was seriously in doubt, there was gross intimidation of opposition Members of Parliament in the months before the election, clear use of state resources by the Cambodian People's Party (CPP), and inordinate media coverage of the ruling CPP compared to the opposition Cambodian National Rescue Party (CNRP).

Both the EU and the US declined to send observation mission; the EU stated that they saw little need given that their suggestions for improving the process from the 2008 elections had been ignored. Traditional US observation groups also saw no need to lend credibility to what

was clearly a flawed process. The only observers attending from abroad, a group from Central Asia and Asia funded by the Cambodian government, declared the elections "free and fair".

Domestic observer groups reported that on election day, there were widespread reports of voters unable to cast their ballots because they were not on the voter list. In addition, there were significant reports of people casting votes without having their ID checked, voter "indelible" ink being easily washed off, and failure to post voting results after balloting was completed.

After the election the opposition CNRP, claiming widespread fraud, refused to take their seats in parliament and subsequently mounted demonstrations in the capital. In January 2013, demonstrations by garment workers in Phnom Penh over wages were met by gunfire from Cambodian police, resulting in four deaths. The following day police dispersed opposition party demonstrators in Phnom Penh's "Freedom Park". The controversy continues to this day, with the opposition continuing to refuse to take its seats in parliament and negotiations between the two sides continuing over arrangements for future elections that would meet international standards.

The opposition's interest in future elections highlights two important trends obscured by the poorly run elections and subsequent conflict. First, Cambodia's opposition did remarkably well in the elections, especially considering the obstacles they faced, winning 44 percent of the vote and 55 National Assembly seats compared to 49 percent and 68 seats (a loss of 22) for the CPP. The second notable outcome of the election was a higher youth voter turnout than normal, benefitting the CNRP. Half of Cambodia's population is under 25, and 70 percent is under 35. About 20 percent of the population is now living in urban areas, and most of Cambodia's population has access to cellphones and the internet, enabling them to know of political systems in other countries, and outside views of events in Cambodia.

The next National Assembly election will occur in 2018, and the CPP now faces the difficulty of remaking itself to appeal to a younger voting base. The CPP has in the past proven quite capable of rejuvenation, so it is by no means inevitable that their vote share will continue to shrink. Hun Sen, now 61, has said that he intends to stay in power until he is 74, and there is speculation that he is grooming his oldest son, West Point educated Hun Manet, to succeed him. Finally, Hun Sen is said to have followed the Arab Spring closely, making him even less likely to tolerate political competition.

As the US considers responses to Cambodia's continued authoritarianism, our "pivot to Asia" should not inhibit our actions to support democracy in Cambodia or our frankness with Hun Sen. He may owe his status originally to, and continue to be aligned closely with Vietnam, but his government cultivates a close relationship with Beijing. At a July 2012 ASEAN Foreign Minister's meeting, for example, Cambodia took China's side and blocked consensus on including a statement regarding territorial disputes between ASEAN nations and China in the final communique. As a result, the meeting ended without a final statement for the first time in

the organization's 45 year history. For many years, any visit to Phnom Penh has shown the reward for the close relationship with Beijing: a very high level of Chinese investment in the country.

US policy should take into greater account the sad state of Cambodian democracy. For all the talk of a "pivot to Asia" Agency for International Development funding for the region has remained constant. In Cambodia the similarly relatively constant funding is thoughtfully divided between poverty, health, environmental and democracy funding. In looking at the funding, however, more money for youth civic education would not be misplaced. In addition, Congress should ask AID to assess whether it is time to resume political party training, as occurred in Cambodia in the 1990s. Less proficient political parties tend to benefit the most from such training. Third, because Cambodia's security forces are integral to the regime's repressive tactics, a Congressional review of US military training for Cambodia's military is in order. Training for Hun Sen's security forces during the recent "Angkor Sentinel" exercises (headed on the Cambodian side by Hun Manet, Hun Sen's oldest son) appear to be inconsistent with Congressional restrictions on the types of training that may be offered by the US to Cambodia. Fourth, beyond necessary day to day contact, the US should limit contact with Hun Sen's government until negotiations with the opposition and government are successfully concluded. It is almost always necessary to talk to authoritarian governments at some level, but with such widespread human rights violations and internationally substandard democratic practices, and given its international orientation, Hun Sen's government should not be treated as a friend. We should ask that European, Australian and ASEAN governments do the same.

VIETNAM

In the late 1980s and 1990s, many of us hoped that opening diplomatic relations with Vietnam and allowing trade between our two countries would lead to more political openness. We were wrong. We often speak, rightly, about the level of oppression in China. In China, however, the Communist Party has made a bet that without incremental (though often halting) political reform, their rule will end. Vietnam's Communist Party seems to have made the opposite bet, that political reform can only end badly for them.

Vietnam is the most politically repressive of the three countries we are discussing today. It is a one party state that tolerates no organized opposition, bans independent trade unions, and severely limits freedom of religion and freedom of the press.

There have been some minor changes in the last decade. Most remarked upon has been a degree of independence by Vietnam's National Assembly, which has even rejected government proposals. It has been termed the most assertive legislature in the communist world, which encapsulates the distinctiveness and limitations of this development. This is a limited reform within the existing political system, not reform of the system.

Economic reform, Doi Moi, begun in the late 1980s, has made Vietnam a much more prosperous country. GDP has increased from less than \$7 billion in 1990 to about \$150 billion

in 2012. Such change necessarily led to some press freedom for economic purposes, and more recently as a means of rooting out what has become pervasive corruption.

In recent years, however, even that limited freedom has been reduced. Beginning in 2010, and accelerating since 2011, there has been a stream of arrests and trials of journalists, bloggers and other dissidents. Initially this crackdown was thought to be related to the 2011 Communist Party Congress, but, probably because of worries after the Arab Spring, it has continued unabated, facilitated by ever increasing legal limits on freedom of expression and religion. Human Rights Watch estimates that of what it says are 150-200 political prisoners in Vietnam, 63 were convicted in 2013.

For a number of reasons, our approach to Vietnam is more complicated than that towards Burma or Cambodia. First, American policymakers, reporters and others have a tendency to treat Vietnam as a special country, given our involvement there. Rare is the policymaker's speech or newspaper article on Vietnam that does not contain some allusion to the 1964-73 war. This has not escaped the attention of Vietnam's leaders, who use it to their advantage in talks with us. In the run up to 1990s normalization with Hanoi, advocates often said that we needed to think of Vietnam as a country, not a war. In dealing with Vietnam on human rights today, we need to think of it as a country, not a war. That is, we need to deal with it as country with a human rights record among the world's worst.

Second, the "pivot to Asia" has increased Vietnam's strategic importance to the US. There are two aspects of this development worth discussion. First, a nation coming to strategic prominence inevitably leads to a psychology amongst many US Executive Branch policymakers of not wanting to raise "unpleasant" issues such as human rights, believing that it will impede progress on issues judged increasingly more important. President Obama barely publicly raised Vietnam's human rights record during Vietnamese President Truong Tan Sang's visit to the White House a year ago, but is said to have had a "candid conversation" on the subject in private. If quiet diplomacy yields better results in terms of human rights, it should be pursued. Given the worsening human rights situation in Vietnam over the past year, it is difficult to make this case. My own observation from my time in the Executive Branch is that quiet diplomacy only leads to progress if the foreign leader believes that human rights is of great importance to America's leaders, beginning with the President. Clearly, absent results, a different approach is needed. Second, given Vietnam's long history of antipathy towards China, Hanoi must balance US requests on human rights against 2000 years of intermittent conflict with its neighbor to the north, the latest after our departure from Vietnam. This simmering antipathy is heating up again today in the South China Sea. Third and related, we need to remember that in Asia's present strategic environment, Vietnam's leaders need the US more than we need them. Vietnam's proximity to China puts them in a particularly vulnerable position as Vietnam ponders responses to Beijing's actions in the South China Sea. At the moment, the US is not short of allies in the region. We need not make the mistake of trading our interest in human rights for further port visits. We can with some subtlety use our presence

to advantage regarding human rights. As my old boss Colin Powell used to say "American troops come with values". During my two tours at the State Department -- and time at the National Security Council dealing with this region -- I worked with skillful political and career leaders and diplomats who were carefully able to pursue America's strategic interests and values in places such as Latin America, China, Central Asia and the Middle East. We can apply the same standard to Vietnam.

Our requests should begin with an end to the campaign against those who peacefully question the Vietnamese leadership's policy choices. Second, we should seek the release of those individuals already in prison for such activities. Finally, we should seek structural changes in Vietnam's laws and policies that penalize activities that are tolerated or celebrated almost everywhere else on earth. Again, our approach should be conducted multilaterally with our European, Australian and to the extent possible ASEAN allies.

CONCLUSION

Mr. Chairman, America's economic and strategic interests are clearly trending towards the Asia Pacific region. Our hope is to continue to shape a peaceful and prosperous future for the region, but increasingly we need to be prepared for other eventualities. As we become more involved in the region, we should seek to repeat our past successes (and not our failures) in other regions as we help those who seek the rights and democratic institutions we have here in the United States. In the long run, this will be indispensable in advancing our interests in the region.

Congress has a vital role in this approach. Resolutions such as the recent legislation regarding the Rohingyas have an enormous impact (far beyond what we realize) in the region. Decisions regarding allocation of aid are also important. Visits by all of you to the countries in question are vital in communicating the interests of the American people. Last but not least, as I learned repeatedly during my time in two administrations, Congressional oversight -- hearings, meetings and other communications with Executive Branch officials -- is enormously helpful to those seeking to advance human rights abroad, and has a great impact on all those for whom Congressional confirmation is necessary as their careers advance.

Thank you again for the opportunity to testify today. I look forward to continuing to work with you in helping advance human rights in Burma, Cambodia and Vietnam.

Chairman ROYCE. Mr. Andrews.

**STATEMENT OF THE HONORABLE TOM ANDREWS, PRESIDENT
AND CHIEF EXECUTIVE OFFICER, UNITED TO END GENOCIDE
(FORMER UNITED STATES REPRESENTATIVE)**

Mr. ANDREWS. Thank you, Mr. Chairman, and thank you very much for convening this important hearing. It is an honor for me to be here.

I also want to thank you for the leadership that you have provided in bringing what has been an inconvenient truth about Burma to the attention of this Congress and to the public: The systematic abuse, discrimination and assault on members of minority communities, from the Rohingya ethnic minority in the west, to the Kachin and Shan ethnic minority states to the east, to Muslims, who are finding themselves threatened and under attack in communities throughout Burma.

I have traveled extensively in Burma over the last 3 years, and I can report to you, Mr. Chairman, that the brutal reality that I discovered in my travels contradicts the pervasive—the all-too-pervasive good-news narrative of a nation securely on the path to democracy, justice and the rule of law.

I made several visits to what you aptly described as concentration camps in western Rakhine that house more than 140,000 members of Rohingya Muslim community. These men, women and children were marched to these camps after violence destroyed their villages and neighborhoods in Sittwe.

They have been confined there ever since, living wretched lives in isolation with virtually every aspect of their lives controlled by government security.

Approximately 1,200,000 additional Rohingya live in other areas of Rakhine State. While their homes and villages have not been torched in ethnic violence, they, too, live in fear and face restrictions on their freedom of movement, on who they can marry, on how many children they can have, on access to education, and on the construction of religious buildings.

These unbearable conditions have led tens of thousands of Rohingya to leave at sea. The U.N. Refugee Agency estimates that some 80,000 Rohingya have fled by boats since 2012. Of those, hundreds, if not thousands, are believed to have drowned.

Those who have survived have ended up in surrounding countries, such as Thailand or Malaysia, who often fall victim to human traffickers who imprison them or force them to work on rubber plantations or as sex workers until family members come up with ransom.

I traveled to Malaysia, where I followed and met with some of these people and their families, and they told me personally, Mr. Chairman, that the risk that they took was greater than the living hell that they were bearing within Burma.

The suffering of—the decision that you mentioned, Mr. Chairman, of the eviction of Doctors Without Borders from Rakhine State continues to this day.

One hundred and fifty people, in fact, died in the first 2 weeks of that expulsion, and that was the end of February. It is unimagi-

nable how many people have died. But I have seen them. I have spoken with them. I took photographs and met with their family.

And, Mr. Chairman, when you were advancing a resolution on the Rohingya on the Floor of the House, you displayed photographs that I took in those camps of these people.

And I am afraid to say, Mr. Chairman, that some of those photographs of some of the families and people that you displayed on the Floor have since perished.

The Government of Burma claims that it can fill the gap that has been left by the expulsion of Doctors Without Borders, but I can tell you that Doctors Without Borders last year alone provided more than 400,000 healthcare consultations and over 2,900 emergency referrals. There is no way the Government of Burma can meet that need.

While the plight of the Rohingya in western Burma, of course, is the most egregious and urgent, anti-Muslim campaigns stretch across the entire country.

The infamous so-called "969 Movement" of extremist Buddhist monks, led by Ashin Wirathu, the self-proclaimed Buddhist Bin Laden, systematically exploits and fans popular fear and prejudice.

He calls Muslims dogs; African carp who breed quickly and are violent, and they eat their own kind. I am quoting now, Mr. Chairman:

Such dehumanization, the use of hate speech in well-organized campaigns, the denial of basic health care, and the systematic persecution of a specific people are all known precursors to genocide."

But Muslims are not the only people under siege. Over the last 3 years, government forces tortured and raped many in the Kachin and northern Shan states.

A report by Fortified Rights last month documented systematic use of torture and other cruel, inhumane and degrading treatment or punishment of more than 60 civilians by military authorities.

Similarly, a report by the Women's League of Burma has documented more than 100 cases of rape being committed by Burma's military. It is being used, as they say, as a tool against ethnic minorities.

I was in Kachin State when, in fact, Aung San Suu Kyi was elected to Parliament, and I saw firsthand the violence that were occurring in those villages.

It was a stark reminder to me of the dark side of developments of Burma that cannot be ignored even as we want to celebrate the positive reforms that indeed have been made.

Mr. Chairman, I believe that the disturbing conditions and trends in Burma require a fundamental reassessment and recalibration of U.S.-Burma policy. I have outlined some of those specifically.

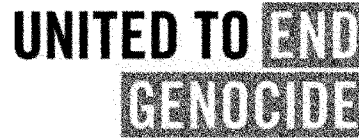
One of them is the increasing number of high-level officials of the United States going to Burma. Secretary of State Kerry is scheduled to go there next month. President Obama is scheduled to visit Burma in November.

I think all of these trips, these indicators by the United States of growing acceptance of conditions in Burma, need to be questioned and challenged and stopped.

Mr. Chairman, I appreciate you holding this hearing. I very much appreciate your concern for the people of Burma. And I will be very happy to answer any of your questions.

Chairman ROYCE. Tom, we appreciate your work on human rights.

[The prepared statement of Mr. Andrews follows:]



**Testimony of the Hon. Thomas H. Andrews
President and CEO of United to End Genocide
U.S. House of Representatives Committee on Foreign Affairs
“Spotlighting Human Rights in Southeast Asia”
July 9, 2014**

Thank you, Mr. Chairman for convening this important hearing. It is an honor for me to participate. Thank you also for the leadership that you have provided in bringing what has been an inconvenient truth about Burma to the attention of Congress and the public: the systematic abuse, discrimination and assault on members of minority communities - from the Rohingya ethnic minority in the west; to the Kachin and Shan ethnic minority states to the east; to Muslims who are finding themselves threatened and under attack in communities throughout Burma.

I have travelled extensively in Burma since important reforms took place three years ago – reforms that followed the application of clear, consistent pressure from the international community, led by the United States – reforms that led to the movement of Nobel Peace Laureate Aung San Suu Kyi from house arrest to parliament.

And while Burma’s reforms must be recognized, and we have done so consistently, the brutal reality that I discovered in my travels is inconsistent with the pervasive good news narrative about Burma and its movement forward to democracy, justice and the rule of law. The policy of the U.S. government needs to reflect this reality.

Mr. Chairman, I believe that the disturbing conditions and trends in Burma require a reassessment and recalibration of U.S. – Burma policy. There are two disturbing trajectories in Burma: the growing evidence of abuses or the failure to protect civilians by the military dominated government; and an increase in rewards and engagement by the U.S. government. The United States has lifted sanctions and made high level diplomatic and military visits. It now has plans to provide further economic rewards while pursuing steadily higher engagement over the coming months from the Assistant Secretary and Lt. General level up to the scheduled visit by the Secretary of State in August and another visit by President Obama in November.

Mr. Chairman, actions speak louder than words. The administration has expressed concerns about disturbing developments in Burma. It also pledges that administration officials will press their Burma counterparts on human rights issues. But the fact is, administration action – or inaction – undermines whatever concerns it might express privately or publicly. Action is the language that the leaders of Burma most understand.

We urge the administration and Congress to not only condemn the disturbing trends that are clearly evident in Burma but hold the government and military leaders of Burma fully accountable. At a minimum, this should include establishing a moratorium on any further concessions and rewards – such as diplomatic and military visits and eligibility for General System of Preferences (GSP) trade benefits – until specific urgent issues are addressed – including:

- The restoration of health care services in Rakhine State that were interrupted by the expulsion of Doctors Without Borders;
 - Allowing the UN Office of the High Commissioner for Human Rights to open and fully staff an office that has full access to all areas of the country;
 - Denouncing hate speech and actions that further marginalize ethnic minorities and inflame ethnic tensions and holding accountable those who are responsible;
 - Allowing credible independent investigations into the violence in Rakhine State that includes the international community; and
 - Providing a full accounting of military abuses in Kachin and northern Shan states.
- In addition, the United States should make it clear that any future bi-lateral meetings between President Obama and President Thein Sein will depend on President Thein Sein taking credible steps to fulfill the promises that he made to President Obama during his visit to Burma in November of 2012 and reiterated in President Thein Sein’s visit to the White House in 2013.
 - The United States government should update the “Specially Designated Nationals” (SDN) list to include individuals responsible for the upswing in recent hate-speech, fear mongering, and ethnic violence.
 - Engagement between the militaries of the United States and Burma should be strictly limited until the conditions cited in HR 4377, the “Burma Human Rights and Democracy Act of 2014”, introduced by Congressman Chabot, are fully met. These include the government of Burma:
 - Establishing civilian oversight of the armed forces and addressing human rights abuses by the Burmese military;
 - Taking steps to establish a fair and inclusive process to amend the Constitution of Burma, including the full participation of the political opposition and ethnic minority groups;
 - Amending the constitution and laws to ensure civilian control of the military and that the Burmese military has taken substantial and meaningful steps to divest itself from ownership of commercial businesses;
 - Promoting peace agreements or political reconciliation and addressing the resettlement and humanitarian situation of displaced persons;
 - Ensuring the Burmese military is improving its human rights record, taking steps to withdraw forces from conflict zones, and implementing a code of conduct.

There are those who argue for patience, that reform takes time. But, the fact is for millions in Burma things are getting decidedly worse, not better, as respect for human rights deteriorates and the danger of a massive loss of life gets worse.

As we have seen, strong and consistent pressure on those in power in Burma works - it made reform in Burma possible. To abandon pressure despite deteriorating conditions is to abandon those who continue to suffer in Burma because of their ethnicity and religion.

Marching to Genocide – The Plight of the Rohingya

Two months ago this Committee passed a Congressional Resolution on Burma, H. Res. 418, sponsored by Jim McGovern (D-MA), Joe Pitts (R-PA), Trent Franks (R-AZ), and Chris Smith (R-NJ). It addressed the living hell that hundreds of thousands of Rohingya are subjected to every day in Burma.

During debate on the floor of the House, led by you, Mr. Chairman, Ranking Member Engel, Chairman Chabot and Congressman McGovern, photos I had taken of Rohingya camps and communities in Rakhine State were prominently displayed.

My travels in Burma included meetings with patients and their families who had been informed that doors of the medical clinics that they depended on would no longer be open. This was not because the medical care was not available - more than five hundred health care professionals and support staff from Doctors Without Borders were in Rakhine State and they were ready, willing and able to provide that desperately needed care. Indeed, Doctors Without Borders was the principle source of health care for the Rohingya ethnic minority community. In what was tantamount to a death sentence for untold numbers of people, the government of Burma ordered them out of Rakhine State at the end of February. The suffering that followed was not because of anything that members of this minority had done, but because of who they are - their ethnicity and the god who they prayed to. This, Mr. Chairman, is unconscionable and outrageous.

It has been estimated that within two weeks of the government's expulsion of Doctors Without Borders, at least 150 Rohingya died including more than 20 pregnant women experiencing life-threatening deliveries. Last year, Doctors Without Borders provided more than 400,000 health care consultations and over 2,900 emergency referrals in eight townships in Rakhine State. While the government has claimed it can fill the gap, it has nowhere near the needed capacity and Rohingya, fearing for their safety, often refuse to visit the limited government health officials and facilities that are available.

I saw the empty clinics firsthand in Rakhine situated next to villages and families in desperate need of care.

According to a government spokesperson, Doctors Without Borders was thrown out of Rakhine State for two principle reasons: First, they reported treating some 20 people for gunshot and other wounds near a location where the UN reported a massacre of 40 people to have taken place in January 2014 – a massacre that the government denies ever occurred. And second, Doctors Without Borders hired Rohingya as staff where they were treating Rohingya patients.

A few weeks after the doors of Doctors Without Borders clinics were closed, attacks by local Rakhine Buddhists caused over 700 other foreign aid workers to evacuate. Their return has been slowed by government restrictions and the requirement of approval for return by a local committee that includes clearly biased Rakhine officials.

Approximately 140,000 Rohingya were placed in large isolated camps for Internally Displaced Persons or IDPs after the violence that destroyed entire villages and neighborhoods in 2012. The reality behind these camps is that those who live there are not only displaced – they are now living where the government clearly intends them to be confined indefinitely, totally isolated and under the control of government security. They have aptly been described as concentration camps where virtually every aspect of their lives is controlled. In addition to those living in the camps, approximately one million two

hundred thousand Rohingya live in Rakhine State. While their homes and villages have not been torched in ethnic violence, they too live in fear and under the yoke of government control and the systematic denial of what we would consider fundamental rights.

Rohingya face official restrictions on their freedom of movement, who they can marry, how many children they can have, access to education, and construction of religious buildings.

The human rights advocacy group Fortify Rights recently published a report based on leaked government documents detailing abusive “population control” measures. The group asked the question “Can the central government in Naypyidaw really be blamed for unrest in far-flung Rakhine State?” and came up with the answer, “The latest developments suggest the answer is yes and paint a dark picture of state-sponsored persecution”.

This persecution and the conditions of life in what have been referred to as open air prisons and concentration camps have led tens of thousands of Rohingya to risk their lives at sea. The UN Refugee Agency estimates that some 80,000 Rohingya have fled by boat since 2012. Of those, hundreds, if not thousands are believed to have drowned. Those who make it to surrounding countries, Thailand, Malaysia, or Bangladesh often fall victims to human traffickers who imprison them or force them to work on rubber plantations or as sex workers until family members pay large ransoms. This spring I met with some of the lucky Rohingya who had just taken the perilous journey to Malaysia. And, I visited the families of some who were anything but lucky. According to their parents, they remain captive in the jungle prisons of their human traffickers who are demanding that their families pay thousands of dollars for their release.

The U.S. State Department’s annual Trafficking in Persons reports cited treatment of Rohingya refugees in Thailand and Malaysia as among the reasons those countries’ designations were downgraded this year. The plight of the Rohingya remains a domestic, regional, and international one.

Within Burma, several pieces of legislation have been introduced into the Parliament of Burma that seek to further restrict the rights of the Rohingya, other Muslims, and other religious minorities. One proposed law, already published in draft form, would restrict religious conversions by requiring those seeking to change their religion to gain permission from panels of government officials. Further proposed laws seek population control measures and curbs on interfaith marriage. This legislation has become an organizing tool or weapon for radical nationalist monks who have allegedly collected more than three million signatures at anti-Muslim rallies held throughout the country.

The campaigns of hatred against Rohingya and other Muslims have been well organized and paired with the distribution of pamphlets and DVDs and boycotts of Muslim shops. Extreme nationalist Buddhist monks like Ashin Wirathu, the self-proclaimed “Buddhist Bin Laden”, have played to popular fears, calling Muslims “dogs” and “African carp” who “breed quickly...are very violent and they eat their own kind.” Such dehumanization, use of hate speech in well organized campaigns, denial of basic health care, and history of persecution against a specific people are all known precursors to genocide. Mr. Chairman, there is no place on earth where there are more known precursors to genocide than in Burma today.

Further details on the existence of precursors to genocide are included in a report by my organization, United to End Genocide, titled “Marching to Genocide in Burma” which I am including with my testimony for the record.

Anti-Muslim Violence

While the plight of the Rohingya in western Burma is the most egregious and urgent, anti-Muslim campaigns stretch to the rest of the country as well, threatening further violence and abuses. The infamous, so-called “969 movement” of extremist Buddhist monks has travelled throughout the country holding anti-Muslim rallies and organizing boycotts of Muslim businesses. This was first indicated through the use of “969 stickers” and has more recently taken on the slightly more subtle but equally pervasive use of Buddhist flags.

Just last week, rumor and allegations led to violent clashes between Buddhists and Muslims in Mandalay in central Burma. The very same Ashin Wirathu used Facebook to spread allegations of a Buddhist woman raped by Muslims, to call upon the Buddhist masses to seek their own justice, and to incite violence with the claim that “Muslims ‘armed to the teeth with swords and spears’ were preparing a jihad against local Buddhists.” The ensuing violence left several people injured and two men killed, one Buddhist and one Muslim.

This violence struck me on a very personal level as I learned that one of the men killed, U Soe Min, was someone I had the privilege to meet when I visited Mandalay last year. U Soe Min was among a group of Muslim leaders I met with who were seeking to promote peace and harmony in Burma. He warned of the growing storm clouds of hatred and intolerance in Mandalay and Burma.

Unfortunately, this violence was not without precedent. In March 2013, Buddhist mobs with local police officers complicit, attacked mosques and Islamic schools in the town of Meiktila in central Burma killing some 40 people including at least 20 children and four teachers. The former UN Special Rapporteur for Human Rights Tomas Quintana has reported that “police and other civilian law enforcement forces have been standing by while atrocities have been committed before their very eyes, including well-organized ultra-nationalist Buddhist mobs.”

I am disturbed by similar reports I’ve received from the ground that police have failed to act to protect Muslims from Buddhist crowds in Mandalay.

A pattern of impunity and failure to protect on the part of the Burmese government has left an environment ripe for the instigation of violence by extremists. Rather than countering the dangerous speech and actions of Wirathu, President Thein Sein has stepped up to defend and praise Wirathu as a “son of Buddha”.

Broader Abuses against Ethnic Minorities

In addition to the documented systematic persecution of the Rohingya, the central government and army have been directly implicated in systematic abuses against other minority groups throughout the country. Burma has a long disturbing record in dealing with minority ethnic and religious groups. Within the past two years, the Burmese army has bombed civilian areas in Kachin state, systematically tortured civilians, and continues to restrict international aid. Over 100,000 people remain displaced in Kachin state. In March, the UN Human Rights Council cited concerns about abuses in Kachin and Rakhine states and “remaining human rights violations including arbitrary detention, forced displacement, land confiscations, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment, as well as violations of humanitarian law.”

Much has been said by the Government of Burma about ceasefire agreements and national efforts to reconcile with various ethnic groups. The unfortunate truth is that the talks have stalled and the ceasefire agreements are largely hollow as fighting and abuses continue.

Last month marked three years since the restart of fighting between the Burmese army and Kachin rebels. In that time, torture and rape have been rampant in Kachin and northern Shan states. A report by Fortify Rights last month documented systematic use of torture and other cruel, inhuman, and degrading treatment or punishment (“ill treatment”) of more than 60 civilians by Myanmar authorities from June 2011 to April 2014. The report concluded that the abuses constituted war crimes and crimes against humanity.

Similarly, a report by the Women’s League of Burma has documented more than 100 cases of rape committed by Burma’s army since 2010, mostly in Kachin and northern Shan states, and found that the military is using sexual violence as a tool against ethnic communities.

I was in Kachin state visiting internally displaced persons on the day that Aung San Suu Kyi was voted into parliament in April 2012. Even as those promising ballots were being submitted, tens of thousands remained under siege, with artillery shells literally dropping at the very same time. It is a stark reminder of the dark side of developments in Burma that cannot be ignored even as we want to celebrate the positive reforms that have been made.

Problems with Reform

In addition to these disturbing developments, the promised reforms of Burma’s undemocratic and repressive political system remain unfulfilled. Those who have long held power have made it clear that they have every intention to maintain an undemocratic and unaccountable political system that will allow them to continue their tight grip on Burma and its people.

As a result, it is highly unlikely that Aung San Suu Kyi will be allowed to run for president in 2015. Twenty-five percent of seats in the Parliament will still be guaranteed to unelected military appointees and more than 75 percent of parliamentary votes will be needed to amend the constitution. As a result, constitutional changes will require the approval of Burma’s unelected and unaccountable military. Human rights activists and groups like Human Rights Watch have further noted backsliding on press freedoms, new instances of land-grabbing, and continued corruption and control of the economy by cronies at the highest levels.

When President Obama became the first sitting U.S. president to visit Burma in November of 2012, President Thein Sein made 11 commitments to deepen democracy and protect human rights. Six months later, as a further reward for this spirit of reform, President Obama welcomed Thein Sein to the White House, where Thein Sein reiterated his dedication to those 11 commitments. Since that pledge, only one of those commitments has been fulfilled, three have been virtually ignored, and efforts on the rest are mixed at best. Some progress has been made on a few of President Thein Sein’s commitments, such as access for the International Committee of the Red Cross to prisons and procedures to release political prisoners. But, restrictions to prisons remain and new or re-arrests of political prisoners continue to be made. Other commitments, including international humanitarian access to conflict-affected areas, the opening of an Office of the UN High Commissioner for Human Rights, and decisive action in Rakhine State have been blatantly ignored.

Conclusion

The United States cannot ignore the acute risk of genocide in Burma's Rakhine State, nor the broader anti-Muslim violence that has spread across the country, nor the ongoing serious human rights abuses against ethnic minority groups. Nor can it dismiss the government of Burma's backsliding on democratic reforms and protections of the fundamental rights of the citizens of Burma.

As bad as conditions are, they are getting particularly worse in Rakhine State. And, I fear that they will get even worse as the 2015 election season arrives and political forces appeal to the worse of human nature – fear and prejudice - as they scapegoat those who are most vulnerable. This has the danger of spreading to other Muslim communities, as we have seen recently in Mandalay. The voices of those like U Soe Min who are trying to speak the language of peace and reconciliation are, unfortunately, a small and beleaguered number. I heard over and over again, in my conversations with civil society in Burma, the voices of the international community are much needed, and those of the United States perhaps most of all.

Mr. Chairman, please do not underestimate the importance of Congressional attention and action. When the pictures of the Rohingya I met were displayed on the floor of the House of Representatives, I was able to look on from Burma. And I was not alone. The spokesman for President Thein Sein was asked directly about the Rohingya Resolution and the statements made on the House floor. He and other leading voices in the Government of Burma want the international legitimacy accorded with closer relations with the United States. They want the economic benefits of U.S. investments and special trade arrangements and the security benefits of closer relations to the U.S. military. But they must realize that such remaining rewards cannot and will not come while the conditions described in my testimony continue to deteriorate.

How much suffering will millions in Burma need to endure for the United States and other members of the international community to demand accountability of the government and a reversal of repressive and lethal policies and practices? When will the United States insist that President Thein Sein of Burma fulfill the unkept promises that he made to President Obama in November of 2012?

Mr. Chairman, it is time for change in U.S. - Burma policy. The U.S. Congress has played an important role in helping to bring a hidden and brutal reality to light. We look to you now to insist on action.

Thank you, again, for holding this important Congressional hearing and for the opportunity to participate. I will be happy to answer any questions.



MARCHING TO GENOCIDE IN BURMA:

**FUELED BY GOVERNMENT ACTION AND A SYSTEMATIC CAMPAIGN OF HATE
AIDED AND ABETTED BY THE DIVERTED EYES OF THE WORLD**

**Hon. Thomas H. Andrews
Daniel Sullivan**

March 24, 2014

**UNITED TO END
GENOCIDE**



ABOUT THE AUTHORS

Thomas H. Andrews is President and Chief Executive Officer of United to End Genocide and former Congressman from Maine. He is long-time advocate of democracy and human rights in Burma. Tom has worked closely with the National Coalition Government of the Union of Burma, facilitated the creation of the European Burma Network and served as General Secretary of the Nobel Peace Laureate Campaign for Aung San Suu Kyi. Tom is a Senior Advisor to the National Democratic Institute for International Affairs, chaired by former U.S. Secretary of State Madeleine Albright.

Tom was elected to the Maine House of Representatives in 1982, the Maine Senate in 1984 and the United States House of Representatives in 1990. He has worked to promote democracy and human rights throughout the world including Indonesia, Cambodia, Yemen, Algeria, Serbia, and Ukraine among many others.

Dan Sullivan is the Director of the Policy and Government Relations at United to End Genocide. Dan manages the organization's conflict analysis and development of policy recommendations related to Sudan, Syria, Libya, Democratic Republic of Congo, Burma, and prevention of genocide and mass atrocities. He also plays a leading role in outreach to the U.S. administration and Congress and coordination with international non-governmental organizations and civil society groups.

Previously Dan worked for Human Rights First, the Brookings Institution and the Albright Stonebridge Group, where he assisted former Secretary of State Madeleine Albright in her role as co-chair of the Genocide Prevention Task Force."

ABOUT UNITED TO END GENOCIDE

United to End Genocide is the largest activist organization in America dedicated to preventing and ending genocide and mass atrocities worldwide. The United to End Genocide community includes faith leaders, students, artists, investors and genocide survivors, and all those who believe we must fulfill the promise the world made following the Holocaust – "Never Again!"

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MARCHING TO GENOCIDE IN BURMA: FUELED BY GOVERNMENT ACTION AND A SYSTEMATIC CAMPAIGN OF HATE AIDED AND ABETTED BY THE DIVERTED EYES OF THE WORLD

EXECUTIVE SUMMARY

United to End Genocide completed a four week fact-finding mission to Burma on March 16, 2014. What we discovered was alarming. Nowhere in the world are there more known precursors to genocide than in Burma today. Hundreds have been killed with a death toll mounting daily, tens of thousands have fled under the most hazardous conditions, and 140,000 have been forced into horrible, overcrowded camps where they face severe restrictions and are denied basic necessities including medical care.

Deteriorating conditions have put Burma on a downward trajectory that could end in the world's next genocide without immediate action by the United States and the international community.

One hundred and forty thousand Rohingya Muslims live in conditions of segregation, marginalization and desperation in Internally Displaced Persons (IDP) camps. Thirty thousand attempted to flee these conditions last year by boat – a rate that has doubled in 2014 – preferring to be victims of human trafficking or death rather than remain in what many described as brutal “concentration camps”.

An alarming rise in ethnic and religious tensions and systematic human rights abuses are being fueled by well organized and financed campaigns of hatred led by extremist nationalist Buddhist Monks. The government of Burma has been linked to these campaigns, has failed to protect Muslims under attack and is seeking to establish even more repressive laws against Muslims.

During United to End Genocide's visit, the government abruptly terminated all services by the only provider of health care for hundreds of thousands of Rohingya Muslims living in Rakhine State – the Nobel Peace Laureate organization Doctors Without Borders. The death toll from this decision mounts daily with no end in sight.

United to End Genocide's President Tom Andrews met with dozens of Rohingya and their families whose lives depended on these services. Many were waiting to die. Andrews' recounted his experience: “I was followed by children in each of the eight camps that I visited housing 90,000 Rohingya. Hello! Hello! Hello!” they shouted as they ran to follow me. But their bright faces belied the suffering that surrounded them and that their older siblings, parents and grandparents described in heartbreaking detail. Hopelessness, resignation, fear, anger, frustration and bitterness were all evident: ‘Your country is our only hope’ I was often told. ‘If you will not help us, please bomb these camps. End this, please.’”

The international community – and particularly the United States – is in a strong position to alter the course of these events. But, it is failing to do so.

Few within Burma are willing to stand up to repressive government policies or speak out against campaigns of hate and bigotry. But it is clear that government, business and military leaders of Burma value international legitimacy and the opportunities that the opening to the international community has generated. With that comes leverage which can alter the calculations of Burma's governing and military elite away from the current trajectory of repression, hatred and violence.

What is required is the will to exercise that leverage. But that requires attention and recognition of what remains hidden behind the persistent rosy narrative of Burma's progress, other world events and indifference to the plight of those in the cross-hairs of the warning signs of genocide.

United to End Genocide is therefore launching a public campaign calling for immediate action by President Obama and the U.S. Congress. It is reaching out to its 500,000 members, its network of allied organizations and human rights advocates, Members of Congress and all men and women of conscience to act now to stop the march to genocide in Burma.

We call on President Obama to take the following immediate steps:

1. Demand that President Thein Sein act immediately to protect the Rohingya Muslim ethnic minority from further attacks.
2. Demand that the government of Burma rescind the order expelling Doctors Without Borders from Rakhine State and allow the organization's 500 staff to reopen all of its health clinics and services which provide the only life-saving care and medicine to which hundreds of thousands of Rohingya have access.
3. Demand that there be a credible investigation of the violence against Muslims -- that includes international investigators -- and that those found responsible be held fully accountable.
4. Suspend official government-to-government functions including meetings between military leaders until the above-mentioned concerns are addressed. Stop the movement of closer military-to-military relations between the United States and Burma until basic standards of behavior are met. Rescind the invitation of the Burmese Defense Minister to Hawaii for the ASEAN meeting of Defense Ministers April 1-3.
5. Update the targeted sanctions list of Specially Designated Nationals to include anyone responsible for perpetrating violence and announce consideration of renewal of U.S. sanctions and continued suspension of trade benefits under the Generalized System of Preferences.

We call on the U.S. Congress to immediately pass the bi-partisan HR 418, now pending before the House Foreign Affairs Committee: "Urging the Government of Burma to end the persecution of the Rohingya people and respect internationally recognized human rights for all ethnic and religious minority groups within Burma".

BURMA'S MARCH TO GENOCIDE:

Nowhere in the world are there more known precursors to genocide than in Burma today. The deteriorating conditions observed by United to End Genocide have put Burma on a trajectory to mass violence.

Former U.S. Congressman and United to End Genocide President Tom Andrews and United to End Genocide Policy Director Dan Sullivan just returned from Burma after spending nearly a month on a fact finding mission. Mr. Andrews had conducted a similar mission last summer. The trip included visits with citizens, local civil society leaders, Buddhist monks, Muslim leaders, government officials and international and local experts from the troubled Rakhine state in the west to the sites of anti-Muslim violence in central Burma.

As a group dedicated to monitoring the warning signs of genocide and mass violence throughout the world, what United to End Genocide saw and heard was deeply troubling.

The government's decision to prohibit the delivery of the life saving services of Doctors Without Borders in Rakhine State – which was made and implemented while United to End Genocide was in Burma – is a clear example of “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”. This Nobel Peace Laureate organization is the only provider of vital health care services for hundreds of thousands of desperate men, women and children. This decision is a death sentence for many of the people United to End Genocide visited.

These and other serious human rights abuses occur in the context of organized campaigns of hatred by community leaders and extremist nationalist Buddhist Monks and long-standing central and state government policies of discrimination and repression.

A recently released report of the human rights group Fortify Rights reveals the clear intention of government officials that underlie these policies including the desire to prevent births and create conditions to bring about the groups destruction at least in part (see Appendix 2).

Mass atrocities have repeatedly taken place in Rakhine State, including a breakout of violence in January that left some 40 men, women and children massacred as reported by the United Nations. The Government of Burma continues to deny that such killings occurred, despite reports by the UN and the revelation by Doctors Without Borders that it had treated 22 people for stab and gunshot wounds in the area where the massacre is reported to have taken place. This was a principle reason cited by the government of Burma for the expulsion of Doctors Without Borders. Another was that Rohingya were hired as local staff.

One hundred and forty thousand people, most of whom are Rohingya Muslims, live in conditions of total segregation, marginalization and desperation in Internally Displaced Persons (IDP) camps that are aptly described by those who live there as “concentration camps”.

Genocide

“any of the following acts committed with the **intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:** (a) killing members of the group; (b) Causing serious bodily or mental harm to members of the group; **(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;** (d) Imposing measures intended to prevent births within the group; (e) Forcibly transferring children of the group to another group.”

– UN Convention on the Prevention and Punishment of Genocide

THE UNHEEDED WARNING SIGNS OF GENOCIDE

Genocide and mass atrocities do not happen without warning. There are clear signs that emerge in advance that provide opportunities to take steps to avert disaster – but only if the warning signs are recognized and heeded.

There are clear warning signs of genocide in Burma. They include:

Hate Speech and Dehumanization of the Other

From stereotypes of Muslims as violent and evil to narratives of an existential threat to Buddhist Burman culture, one would be hard pressed to find a level of dangerous speech as prevalent as in Burma today. Prominent nationalist monks like Ashin Wirathu describe Muslims as “dogs” and “African carp” who “breed quickly and they are very violent and they eat their own kind” in rallies and sermons that he conducts in the most volatile areas of Burma.

Organized Campaigns of Hate

Extremist nationalist monks have been touring the country, giving speeches and handing out DVDs with messages stoking popular fears of an existential threat to Burmese Buddhist culture by rapidly multiplying Muslims seeking to rape and force conversion of Buddhist women. Outbreaks of violence have often followed recent visits by nationalist monk leaders like Ashin Wirathu.

Wirathu held events in several towns during United to End Genocide’s fact-finding mission in what many consider the epicenter of hatred toward the Rohingya – Rakhine States’ capital city, Sittwe. There were events also in Thandwe, the site of violence against non-Rohingya Kaman Muslims last October.

Otherwise well-educated and moderate individuals in Burma express racist vitriol and refuse to refer to the Rohingya by name, rather calling them Bengali or “kalar”, the equivalent of the worst racial slurs in the United States.

In many places throughout the country there are ongoing boycotts of Muslim businesses, some still demarcated by the now infamous “969 Campaign” stickers and many more by a more subtle, but no less effective, Buddhist flag campaign marking Buddhist shops and homes. This campaign was on full display in Meiktila, the site of a massacre of Muslims that left over 40 people dead last year, and where tens of thousands remain displaced with many homes and businesses destroyed or taken over by Buddhists.

The Elimination of Independent Observers and Witnesses

Independent observers and witnesses are being denied access to the most volatile and dangerous areas of Burma. More non-governmental organizations (NGOs) are being threatened as protests against “foreigners” in Rakhine State are systematically organized and financed. United to End Genocide met with staff members of NGOs who reported a marked increase in the level of tension and intimidation. “Things are bad and getting worse,” said one who was preparing to travel to northern villages of Rakhine: “I don’t know how much longer I will be here.”

President Thein Sein broke the public pledge that he made to President Obama in November of 2012 to allow the UN High Commission for Human Rights to open a permanent office in Burma with access to Rakhine and other volatile and dangerous areas. Indeed, he has fulfilled only one of eleven pledges made during President Obama’s visit (see Appendix 2).

The Government of Burma continues to deny a United Nations report of a break out of violence in Rakhine State in January that left 40 men, women, and children massacred. Doctors Without Borders reported that it had treated 22 people for stab and gunshot wounds in the area where the massacre is reported to have taken place. This revelation was cited by the government as one of the principle reasons for the expulsion of Doctors Without Borders from Rakhine State. The loss of 500 Doctors Without Borders staff means the loss of 1,000 eyes on the ground.

Increasing Exodus of Rohingya by Boat Face High-risk of Drowning or Human Trafficking

In 2013, the UN estimated that some 30,000 Rohingya fled conditions in Burma by boat. Other observers have estimated the number at 75,000 or even above 100,000, with hundreds, perhaps thousands having drowned. So far this year, tens of thousands more are believed to have taken the same risk. Apart from the risk of drowning, many of those who flee fall into the hands of human traffickers in Malaysia or Thailand, forced to work on rubber plantations or in the sex trade. While very effective at restricting the movement of Rohingya within Burma, the government has shown little effort to prevent the flow of this imperiled population onto this perilous course. "We cannot pass the gate leading to town," we were told by camp residents. "But the guards are happy to turn the other way if we are heading to sea."

The Intimidation and Silencing of Political Voices of Opposition

Politicians starting with Aung San Suu Kyi have been largely silent in the face of this crisis. Many fear that they will pay a political price for standing up for Muslims in general and Rohingya in particular. United to End Genocide met with civil society leaders, monks and Members of Parliament who were distressed with the conditions facing Muslims but who cited pressure to remain silent, describing the backlash they faced from extremist elements in the country.

In Sittwe, the capital of Rakhine State, observers described an exodus of more moderate Buddhist Rakhine and warned that containing extremist sentiments would only become more difficult. As protests against Rohingya and international NGOs perceived to favor them increase in size and frequency – featuring uniform posters and t-shirts – Rakhine who might otherwise have declined to participate find themselves under immense pressure to prove their patriotism or risk being perceived as sympathizers and ostracized. Communities in other parts of Rakhine State that chose not to protest reportedly saw an influx of protesters shipped in from the capital Sittwe.

MPs described the political pressure that they were under, particularly as the 2015 election year approaches.

They told how opposition to proposed repressive legislation that would "protect Buddhism" by restricting interfaith marriages between Muslims and Buddhists would put their political careers in jeopardy. President Thein Sein has advanced the legislation in Parliament and it has become an organizing tool of nationalist Buddhists. Three million petition signatures in support of the legislation have reportedly been collected by the monks in rallies across the country. 10,000 Buddhist monks reportedly participated in a conference in January where they not only endorsed the legislation but announced their support for legislation that would restrict Rohingya Muslims from voting.

Looming Triggers of Violence – the National Census and 2015 Election

Highly contested elections are one of the most common triggers of violence related to genocide and mass atrocities. Nearly everyone we spoke with registered a clear sense of rising tensions and a belief that risks of violence would only increase as the 2015 elections approach.

International and domestic observers alike warned about the national census beginning on Sunday, March 30. With an underreported Muslim population in the last census over 30 years ago of around 4%, the latest numbers are sure to show a significant increase that feeds into dangerous narratives about the existential threat of a rapidly growing Muslim population intent on destroying Buddhist culture.

The census does not include Rohingya as one of the ethnic groups that are listed as options for census respondents. The Rohingya have indicated that they will check "other" and specify "Rohingya". Protests, led by nationalist monks like Ashin Wirathu, have been organized to oppose providing Rohingya with any option for an ethnic identity other than "Bengali" – a pejorative term that reinforces their contention that Rohingya are foreigners.

Beyond stoking anti-Muslim hatreds, the census also risks increasing tensions with ethnic minority groups throughout the country who have decried a lack of consultation from a government known to have

manipulated ethnic categories and tensions for its own advantage in the past.

Restriction of Rights Based on Identity

This element is most starkly seen in northern Rakhine State where a state policy of persecution has limited the rights of Muslim Rohingya to marry, have children, work, move, and gain access to education. While we were in Burma, Fortify Rights released a report based on several leaked government documents laying out how engaged government officials have been in creating and enforcing these policies (see Appendix 2).

Denial of Readily Available Healthcare Causing Great Suffering and a Mounting Death Toll

The Nobel Peace Laureate Doctors Without Borders was thrown out of Rakhine State putting the lives of thousands of Rohingya Muslims in peril. The death toll of this decision mounts daily and is the latest manifestation of the increasing persecution of the Rohingya and a policy of apartheid that threatens to lead to genocide.

Abuse and Repression of Ethnic Minority Groups at the Hands of Burma's Military

Recent reports out of Kachin and Shan states document ongoing widespread cases of rape, torture, and attacks on civilian areas. Such abuses have been met with virtual impunity. Meanwhile, some 100,000 people remain displaced in Kachin State, displaced as recently as October and November 2013. The Burmese government continues to deny unfettered humanitarian access to those in need (see Appendix 2).

Government Policies and Statements that Condone the Actions of those Inciting Hatred and Violence

Hate speech is becoming more pervasive and dangerous in Burma. Well organized gatherings and rallies are held in the most volatile areas that feature the vitriol of radical nationalist monks. Reports of violence often follow in their wake. One of the most incendiary of these monks is Ashin Wirathu who has described himself as "the Burmese Bin Laden". When asked to comment on Wirathu and his pervasive hate speech, President Thein

Sein defended him as a "son of Buddha" and lashed out at those who criticize him. Last month Thein Sein endorsed and sought to advance legislation to "protect race and religion" which included provisions that would prohibit the marriage of Buddhist women with Muslim men. The legislation has become a rallying cry and organizing tool for extreme nationalist monks and their rallies.

Government Failure to Protect Civilians

The central government and army have failed to provide for the security of those under immediate threat and failed to address the humanitarian crisis of what was to be temporary shelters and are now permanent camps for internally displaced persons. The failure of security forces and police to protect Muslims – and their complicity in violent attacks – has been well documented (see Appendix 2).

Muslims we spoke with cited worsening conditions and greater levels of intimidation and fear. Everyone believed that greater violence was inevitable and expressed the strong sentiment that the violence against Muslims would stop if the government and military wanted them to.



“Never Again?”: The International Community’s Failure to Act

Caught in the “good-news” narrative of a nation that has undergone significant reforms, including the release of Nobel Peace Laureate Aung San Suu Kyi and her election to Parliament, and seemingly focused on other world events, the world has been quick to declare the transformation of Burma a foreign policy success. In so doing, the international diplomatic community has willfully ignored – or failed to adequately address – the warning signs of genocide and mass violence.

Should the conditions cited in this report erupt into mass violence questions will be asked, as they always are, about what the world could have done to stop the killing. Why were the clearly visible warning signs not heeded? Why did the world fail to act, yet again, to stop genocide?

First and foremost, it ignored them. United to End Genocide has begun to consult and brief officials, policy makers and advocates of its findings in Burma. What has been striking is how surprised many are. A Member of Congress responded with shock: “I pride myself in keeping abreast of important world developments,” he said, “but I had no idea that this was going on.”

This is a common response to genocide and mass atrocities: “How could this have happened?” “Why was nothing done?” And, finally: “Never again!”

These responses most often come after the massive loss of human life. While many lives have been lost and hundreds of thousands are at risk in Burma, the good news is that there is still time and opportunity to avert an even greater catastrophe. But the United States and the world must act now.

When informed of who we were and where we were from, many of the Rohingya who we met as we visited their IDP camps told us that the international community – and the United States in particular – was their only hope: “If you will do nothing to help us”, they pleaded, “than please bomb the camps. Please end this!”

WHAT THE WORLD AND THE UNITED STATES CAN DO

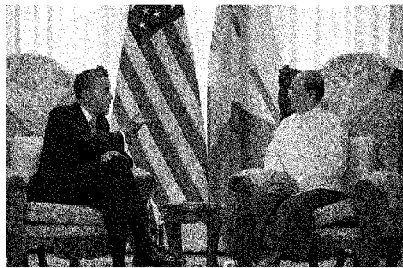
The policies of the United States and other governments of the world have failed to alter these dangerous and deteriorating conditions in Burma, despite options and opportunities to do so. A change of course is imperative.

There is little domestic space within Burma to stand up to repressive government policies or speak out against campaigns of hate and bigotry. This has to do with a complex mix of popular fears, opportunistic hate mongering and self-interested political calculations.

But it is clear that government, business and military leaders value international legitimacy and the promise of wealth and prestige that the recent opening to the international community has begun to bring. With that comes leverage which can alter the domestic calculations away from the current trajectory of repression, hatred and violence and towards one of respect for human rights and the prevention of genocide and mass atrocities.

The U.S. government has a range of readily available options to act. Among them:

- Issuing a public demand from President Obama to President Thein Sein to restore health care services immediately to Rakhine State by allowing Doctors Without Borders to unconditionally re-open all clinics and restore all healthcare services to those in desperate need;
- Demanding a credible independent investigation – including international observers and partners – into recent violence in Northern Rakhine and holding perpetrators



of violence and those inciting violence with campaigns of hate speech accountable;

- Generating greater public attention on the crises and pressure on those who are responsible. President Obama should begin immediately by speaking up and out against these alarming trends calling on President Thein Sein to act on his long-delayed promises including the opening of a UN Office of the High Commissioner for Human Rights with a full mandate and access;
- Suspending diplomatic and military meetings until immediate concerns are addressed, starting with rescinding the invitation of the Defense Minister of Burma to Hawaii for the ASEAN meeting of Defense Ministers April 1-3;
- Stopping the movement of closer military-to-military relations between the United States and Burma until basic conditions and standards of behavior are met. Adhere to conditions for future engagement such as laid out in the Burma Human Rights and Democracy Act of 2014 (see Appendix 2);
- Update the targeted sanctions list of Specially Designated Nationals to include anyone responsible for perpetrating violence and announce consideration of renewal of U.S. sanctions and continued suspension of trade benefits under the Generalized System of Preferences;
- Announcing the strengthening of the few sanctions that remain on Burma including the long-delayed update of the Specially Designated Nationals (SDN) list;
- Putting Burma on the UN Security Council agenda to address the deteriorating conditions that are already severely impacting the nations of the region, including the refugee crises caused by the growing numbers of those risking their lives to escape Burma.

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A CITIZENS CALL TO ACTION

United to End Genocide is issuing a call to its 500,000 members, its network of allied organizations and human rights advocates, Members of Congress and all men and women of conscience to act now to stop the march to genocide in Burma.

They can do so by taking two immediate steps:

1. Sign the petition to President Obama to take action; and,

2. Contact Members of Congress to urge their support of H.R. 418, now pending before the House Foreign Affairs Committee: "Urging the Government of Burma to end the persecution of the Rohingya people and respect internationally recognized human rights for all ethnic and religious minority groups within Burma."

We are united to end the threat of genocide in Burma.

Dear President Obama:

The government of Burma has ordered Doctors Without Borders, the only source of medical care for hundreds of thousands of the Rohingya ethnic minority, to close its doors in Rakhine State. As you know, this decision is a death sentence for many.

The expulsion of Doctors Without Borders is the latest policy of persecution against the Rohingya population amid long-standing state policies of discrimination. It's part of a series of deteriorating conditions sending Burma on a downward trajectory that could end in the world's next genocide without immediate action.

I am writing to urge you to immediately use the leverage and influence of the US government to protect the Rohingya. You must make it clear to President Thein Sein – protect the Rohingya from further attacks or face economic and diplomatic consequences from the United States and others. Specifically, I am asking you to:

- 1) Demand that Burma immediately rescind the order expelling Doctors Without Borders and allow the organization to reopen all of its health clinics and services;
- 2) Demand a credible independent investigation including international observers and partners into the violence against Burma's Muslim minority and hold perpetrators accountable;
- 3) Rescind the invitation to the Defense Minister of Burma to attend the ASEAN Defense Ministers meeting April 1-3 in Hawaii and suspend official engagements;
- 4) Update the targeted sanctions list of "Specially Designated Nationals" to include individuals responsible for perpetrating recent violence.

Nowhere in the world are there more known precursors to genocide than in Burma today. There are few voices calling for a stop to the killing of the Rohingya, the U.S. must be one of them.

Addendum**EYEWITNESS TO SUFFERING: AFTERMATH OF THE GOVERNMENT'S EXPULSION OF DOCTORS WITHOUT BORDERS FROM RAKHINE STATE**

Former Congressman and United to End Genocide President Tom Andrews released the following statement from Burma immediately following the announcement that Doctors Without Borders was being forced out of Rakhine State by the government of Burma:

"Today's action by the government of Burma to shut down the health services of Medicines Sans Frontières (MSF) is outrageous.

MSF has been found guilty of telling the truth about attacks against the Rohingya last month. For this, the lives of tens of thousands of desperate people have been put at risk.

The international community cannot turn its back on the latest assault by the government of Burma on the most persecuted and neglected people in the world. Their only crime is their ethnicity and religion.

A strong and immediate response by the U.S. government and the international community is imperative. This is not only a matter of right and wrong but life and death."

Congressman Andrews travelled to Rakhine State two days after the announcement. What he saw was deeply troubling. The human suffering and death toll in the wake of the expulsion of doctors and other health care has begun. It will continue to rise until the expulsion order is reversed.

Here is part of Congressman Andrews' eyewitness account:

I travelled to all of the IDP camps in the Sittwe – housing over ninety-thousand men, women and children – over four days. I sought out those whose lives were being impacted by the decision to deny health care for otherwise readily treatable conditions. I met patients, young and old, and

members of their families. I spoke to many near the closed doors of a shuttered Doctors Without Borders clinic. I listened to their stories and took their photos.

They included:

- A one-and-a-half-year-old child suffering from pneumonia who was in the middle of her treatment with two days of medication remaining. Her mother was told to come back to the MSF clinic to check on the condition of the child and receive additional care and medicine. The closure of the clinic makes this no longer possible. As the child coughed, her mother told me that her little girl had blood in her stool and been suffering from fever. The family is at a loss as to what to do.
- A forty-three-year old mechanic with an open wound on his abdomen who had arrived at the MSF clinic on Friday was told that the staff could not help him because the clinic was no longer open. His deteriorating condition was linked to complications of an emergency appendectomy that he had at Sittwe General Hospital. He told me that he would never go back there again. I was told by several who had experience with Sittwe General that, unlike MSF, they had to buy food and also pay bribes for their security. They feared for their lives and the safety of their family and mistrusted those providing treatment. Unable to walk, the man was emaciated and weak. He said he had little hope left and was ready to die. His wife, who sat beside him, wept as she told me how sad and afraid she was for her family.
- A ten-year-old boy was suffering from what MSF doctors suspected was tuberculosis. An outpatient, the boy was receiving daily treatment that included injections, pills and nutritional supplements. He was told to return to the clinic on Monday for observation and

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treatment but the clinic was closed. He had two weeks of medication left. His mother said that with no money or property to sell – her husband is unemployed – they have no options and little hope if their son's condition does not improve on its own.

- A forty-year-old mason went to the clinic to be treated for chronic lung disease. His difficulty breathing had gotten worse and needed treatment. The treatment began weeks ago and required him to come to the clinic regularly for check-ups and medication. The treatment, including the inhaler that the clinic gave to him, seemed to be working. He was to return the clinic the week I met him but was told it was closed. His pills and inhaler will soon run out. Looking for options he went to the Daiping Emergency Hospital but was told that they can only provide cough medicine, not treatment for the disease. He told me that he is afraid what will happen when his inhaler and pills run out. He is at a loss as to what to do.
- A fifty-five-year-old farmer was being treated for diabetes at the MSF clinic when he was turned away because of its closure on Friday. His right leg had been amputated three months ago and gangrene had set into his left leg. He told me that he had decided that it was better to die than go back to Sittwe General Hospital particularly if MSF would not be there to take care of him afterward. With little hope that MSF clinic would re-open, he and his wife were preparing to return home where they said he would die. The pills that MSF had given him for his treatment would be gone in a few days and he had enough pain medication to last a few days beyond that.

The loss of life because of the loss of health care in Rakhine State is the latest development in a deeply disturbing trend that I have witnessed here in Burma. An increasingly toxic mix of hatred and intolerance is threatening not only the Rohingya, but all Muslims. I have seen a notable increase in tension and fear among the Muslim community in Burma since I visited last June. Indeed, I was informed that some of the

community leaders who I met with last summer had closed down their business and taken their families out of the country. Things were getting worse, not better, I was told.

Meanwhile, staff members of NGOs working in Rakhine State described their increasing level of fear and intimidation. They told of the growing number of well organized and funded protests against the presence of "foreigners" in Rakhine State.

It is clear that the expulsion of Doctors Without Borders is not just about the loss of healthcare. It is about the expulsion of witnesses. When I asked why, I was told that the pressure to eliminate witnesses was growing along with the threat of even greater mass violence. Indeed, large areas in northern Rakhine State are now inaccessible raising fears and speculation about the fate of those who are under threat and in the shadows. If the MSF expulsion is allowed to stand, I was told, more expulsions of NGOs and witnesses will very likely follow.

The warning signs of mass violence are clear. It is imperative that these warning signs be heeded. After nearly four weeks here in Burma, I fear that we could be one incident away from a conflagration of violence and a significant loss of life.



Appendix 1

H.RES.418: URGING THE GOVERNMENT OF BURMA TO END THE PERSECUTION OF THE ROHINGYA PEOPLE AND RESPECT INTERNATIONALLY RECOGNIZED HUMAN RIGHTS FOR ALL ETHNIC AND RELIGIOUS MINORITY GROUPS WITHIN BURMA

Urging the Government of Burma to end the persecution of the Rohingya people and respect internationally recognized human rights for all ethnic and religious minority groups within Burma.

Whereas over 800,000 Rohingya ethnic minority live in Burma, mostly in the western Rakhine state;

Whereas currently, approximately 140,000 Rohingya are internally displaced in central Rakhine state and hundreds of thousands have fled to neighboring countries, including at least 231,000 in Bangladesh, at least 15,000 in Malaysia, and many more in Thailand and Indonesia;

Whereas the Burma Citizenship Law of 1982 has long excluded from approved ethnic groups the Rohingya people, despite many having lived in northern Rakhine state for generations, and has thereby rendered Rohingyas stateless and vulnerable to exploitation and abuses;

Whereas the Rohingyas have historically experienced other particularized and severe legal, economic, and social discrimination, including restrictions on travel outside their village of residence, limitations on their access to higher education, and a prohibition from working as civil servants, including as doctors, nurses, or teachers;

Whereas authorities have also required Rohingyas to obtain official permission for marriages and have singled out Rohingyas in northern Rakhine state for forced labor and arbitrary arrests;

Whereas the Government of Burma has forcefully relocated Rohingyas into relief camps, where they lack decent shelter, access to clean water, food, sanitation, health care, the ability to support themselves, or basic education for their children;

Whereas a two-child policy sanctioned solely upon the Rohingya population in the districts of Maungdaw and Buthidaung in northern Rakhine state restricts the rights of women and children, prevents children from obtaining Burmese citizenship, denies Rohingyas access to basic government services, and fosters discrimination against Muslim women by Buddhist nurses and midwives;

Whereas the United States Department of State has regularly expressed since 1999 its particular concern for severe legal, economic, and social discrimination against Burma's Rohingya population in its Country Report for Human Rights Practices;

Whereas the level of persecution, including widespread arbitrary arrest, detention, and extortion of Rohingyas and other Muslim communities, has dramatically increased over the past year and a half;

Whereas communal violence has affected both Muslims and Burma's majority Buddhist population, but has overwhelmingly targeted Burma's ethnic Muslim minorities, which altogether comprise less than 5 percent of Burma's population;

Whereas violence targeting Rohingyas in Maungdaw and Sitwew in June and July of 2012 resulted in the deaths of at least 57 Muslims and the destruction of 1,336 Rohingyas homes;

Whereas on October 23, 2012, at least 70 Rohingyas were killed, and the Yan Thei village of the Mrauk-U Township was destroyed;

Whereas violence has also targeted Muslims not of Rohingya ethnicity, including riots in March 2013 in the town of Meiktila that resulted in the death of at least 43 Burmese Muslims, including 20 students and several teachers massacred at an Islamic school, the burning of at least 800 homes and 5 mosques, and the displacement of 12,000 people;


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FACES OF THE ROHINGYA

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THEIR LIVES ARE NOW AT RISK



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Chairman ROYCE. Janet.

STATEMENT OF MS. JANET NGUYEN, SUPERVISOR, FIRST DISTRICT, ORANGE COUNTY BOARD OF SUPERVISORS

Ms. JANET NGUYEN. Good morning, Honorable Chairman Royce, and members of the House Committee on Foreign Affairs.

I want to particularly thank Chairman Royce for your decades of leadership in support of the County of Orange and the cities and residents you represent, particularly your effort in fighting for human rights in Vietnam.

I also want to thank Congressman Rohrabacher and, also, Congressman Lowenthal. Your representation and leadership in Orange County and, also, for the people of Vietnam is greatly appreciated.

It is my honor to be here before this esteemed committee to comment on the continuing violations of religious freedom and individual rights in Vietnam.

In the end, I request your assistance in fighting for greater respect for personal liberty by the Government of Vietnam and the release of human rights advocates, who are currently in prison throughout Vietnam, by supporting H.R. 4254, which has been introduced by Chairman Royce and which I have had the distinct privilege of assisting in drafting. It has also been approved by the Orange County Board of Supervisors.

Despite Vietnam's status as one of the U.S.' normal trade partners, Vietnam has not reduced its oppression of its people, including journalists, dissidents and human rights advocates.

As a county supervisor, whose district includes the Little Saigon community, which is the largest Vietnamese community outside Vietnam, I speak for many in voicing our concerns about the continuing political oppression which exists in Vietnam and hope that we in the United States will stand up and demand that Vietnam respect the basic tenets of freedom and democracy that we, as a Nation, expect from our trade partners.

As a beacon of civil liberties around the world, our country has never shied away from its commitment to basic human rights. We will not stand idly by while tyrants repress their people, least of all our own trade partners.

Access to our economy and the opportunity has for financial benefits that such access presents—must be earned through compliance with the basic rules of human dignity and fairness we live by.

Unfortunately, Vietnam has continued to push the limits of our tolerance in this regard. Almost 4 decades after the Vietnam war, Vietnam has continued its use of force, intimidation and imprisonment to silence and oppress its people.

The incarceration of songwriter Tri Minh Vo, also known as Viet Khang, who has been sentenced to 4 years in prison, is a prime example of the political oppression that the Vietnamese people must continue to live under.

There are also other examples of oppression in legal detention and suppression of free speech and religious figures throughout Vietnam, such as the Venerable Thich Quang Do, Reverend Nguyen Van Ly, Reverend Nguyen Cong Chinh, Blogger Dieu Cay,

also known as Nguyen Van Hai, as well as countless other human rights fighters.

We believe the United States alone has the unique power to effectuate political change in Vietnam. And for that reason, we appeal to this committee to lend your support to this noble cause.

As the highest ranking Vietnamese-American elected official in California, I humbly ask that you support H.R. 4254. This action will send a clear message to the Government of Vietnam and the officials engaging in the violation of human rights that United States has no tolerance for intolerance and political suppression and that we will hold those officials personally accountable for their actions.

I hereby submit a representative number of signatures from thousands of community members from around the country which has been displayed to show the overwhelming support for H.R. 4254.

I also submit a list of names of Vietnamese citizens who we believe have violated the basic human rights of other Vietnamese citizens. A case summary with evidence of each of their violations is included for your review.

Given their blatant disregard for human rights, these individuals should not be allowed entry into the United States of America, nor should they have the ability to use our financial system for their own personal benefit.

Therefore, I urge you to consider adopting the list of individuals who are complicit in human rights abuses under H.R. 4254 and adding these individuals to that list for sanction.

I would also like to take this opportunity to express the concerns of Vietnamese-Americans everywhere that, despite international condemnation, China has become more militarily aggressive against its neighbors over the past few years.

China's aggression has escalated and now includes the violation of Vietnam's territorial rights and the capsizing of a Vietnamese fishing boat on May 26th this year with ten fishermen onboard.

This conduct is unacceptable and poses a threat to the stability of the region. These actions are hostile and detrimental to the sovereign interests of Vietnam.

An example of these actions include China deploying an illegal deepwater oil rig in Vietnam's Exclusive Economic Zone, ramming into Vietnamese private fishing boats, and firing a water cannon at a Vietnamese naval patrol ship, which injured several sailors.

Given China's increasing aggression, I am fearful that these aggressions could soon result in a loss of life and escalate tension in the South Asia Sea.

I ask that this committee also look into this issue, as it may significantly impact our Nation's interests in the Pacific Rim.

Again, thank you for your time and your attention and for the opportunity to speak to you today. And I am available for any questions.

Chairman ROYCE. Thank you, Supervisor Nguyen.

[The prepared statement of Ms. Janet Nguyen follows:]



JANET NGUYEN
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The Honorable Janet Nguyen
Supervisor, First District
County of Orange

House Committee on Foreign Affairs
July 9, 2014
"Spotlighting Human Rights in Southeast Asia"



JANET NGUYEN
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July 9, 2014

Good morning Chairman Royce and Members of the House Committee on Foreign Affairs,

It is my honor to appear here today before this esteemed Committee to comment on the continuing violations of religious freedom and individual rights in Vietnam. In the end, I request your assistance in fighting for greater respect for personal liberty by the Government of Vietnam and the release of human rights advocates, who are currently imprisoned throughout Vietnam, by supporting H.R. 4254, as introduced by Chairman Royce, which resolution I had the distinct privilege of assisting in the drafting of.

Despite Vietnam's status as one of the U.S.'s Normal-Trade partners, Vietnam has not reduced its oppression of its people, including journalists, dissidents, or simply human rights advocates. As a County Supervisor whose district encompasses the Little Saigon Community, which is the largest Vietnamese Community outside of Vietnam, I speak for many in voicing our concerns about the continued political oppression which exists in Vietnam and hope that we in the U.S. will stand up and demand that Vietnam respect the basic tenets of freedom and democracy that we, as a nation, expect from our trade partners.

As a beacon of civil liberties around the world, our country has never shied away from its commitment to basic human rights. We will not stand idly by while tyrants repress their people, least of all from our trade partners. Access to our economy and the opportunity for financial benefits that access presents must be earned through compliance with the basic rules of human dignity and fairness we live by. Unfortunately, Vietnam has continued to push the limits of our tolerance in this regard. Almost four decades after the Vietnam War, Vietnam has continued its use of force, intimidation and imprisonment to silence and oppress its people.

The incarceration of songwriter Tri Minh Vo (aka Viet Khang), who was sentenced to four years in prison, is a prime example of the political oppression that the Vietnamese People must continue to live under. There are also other examples of oppression, illegal detention, and suppression of free speech and religious figures throughout Vietnam, such as the Venerable Thich Quang Do, Reverend Nguyen Van Ly, Reverend Nguyen Cong Chinh, Blogger Dieu Cay Nguyen Van Hai, as well as countless other human rights fighters. We believe the U.S. alone has the unique power to effectuate political change in Vietnam, and for that reason we appeal to the Committee to lend your voice to this noble cause.

As the highest-ranking Vietnamese American elected official in California, I humbly ask that you support H.R. 4254. This action will send a clear message to the Government of Vietnam and the officials engaging in violation of human rights that the United States has no tolerance

for intolerance and political suppression and that we will hold those officials personally accountable for their actions. I hereby submit a representative number of signatures from community members to show the overwhelming support for H.R. 4254. I also submit a list of names of Vietnamese citizens who, we believe, have violated the basic human rights of other Vietnamese citizens. A case summary with evidence of each of their violations is included within for your review. Given their blatant disregard for human rights, these individuals should not be allowed entry into the United States of America, nor should they have the ability to use our financial system for their own benefit. Therefore, I urge you to consider adopting the 'List of Individuals Who Are Complicit in Human Rights Abuses' under H.R. 4254 and adding these individuals to that list for sanctions.

I would like to take this opportunity to express the concerns of Vietnamese everywhere that despite international condemnation, China has become more militarily aggressive against its neighbors over the past few years. China's aggression has escalated and now includes the violation of Vietnam's territorial rights and capsizing of a Vietnamese fishing boat on May 26, 2014 with 10 fishermen on board. This conduct is unacceptable and poses as a threat to the stability of the region.

These actions are hostile and detrimental to the sovereign interests of Vietnam. Examples of these actions include China deploying an illegal deep-water oil rig in Vietnam's Exclusive Economic Zone, ramming into a Vietnamese private fishing boat and firing a water cannon at a Vietnamese naval patrol ship which injured several sailors. Given China's increasing aggression, I am fearful that these aggressions could soon result in the loss of life and escalate tension in the South Asia Sea. I ask that this Committee also look into this issue as it may significantly impact our national interests in the Pacific Rim.

Thank you for your time and attention. I am available if you have any questions.

Chairman ROYCE. Thang, go ahead with your testimony, please.

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

Mr. THANG NGUYEN. Thank you, Mr. Chairman and distinguished members of the committee.

Vietnam has one of the worst human rights records in Southeast Asia. From time to time, its government releases a number of prisoners of conscience.

However, over the same period of time, they usually arrest and detain a lot more. So the list of prisoners of conscience has grown longer and longer.

There is no freedom of expression, including freedom of Internet, or peaceful assembly or association in Vietnam, and that affects the entire society.

Most affected are the faith communities, particularly those located in remote regions and those among ethnic minorities.

Decree 92, which took effect in January 2013, has been used by the authorities to sanction and restrict religious activities and, at times, even to eliminate independent religious groups.

On July 3rd of last year, for instance, the police in Tien Giang Province supported members of the Caodai Governance Council, which was set up by the government, to forcefully take over the Long Binh Temple using violence. And Long Binh Temple was one of the few temples that was still operated by independent Caodai followers.

The attackers knocked down the front gate of the temple and assaulted with clubs and rocks the 20 Caodai leaders and followers who were conducting a religious ceremony inside the temple.

And this is the picture of these attackers. They were surrounding the temple and, eventually, they took it over, with the support of the police. And, amazingly, the police arrested not the attackers, but the victims.

The Vietnamese Government continues to force ethnic Christians to renounce their faith. For example, earlier this year, in January, the authorities in Dak Lak Province—that is in central Vietnam—arrested, detained and tortured Pastor Y Noen Ayun and Missionary Y Jon Ayun—they are both Montagnards of the Vietnam Evangelical Church of Christ—until they had to sign a statement agreeing to renounce their faith.

Likewise, the authorities have systematically forced Hmong Christians in central Vietnam and, also, in northern Vietnam to return to the so-called ancestral beliefs, which means forced renunciation of their faith.

On March 17th of last year, the local authorities in Dak Nong Province, central Vietnam, tortured to death Hoang Van Ngai, a Hmong Protestant deacon. That is the case mentioned by Chairman Smith. And this is a picture of Deacon Ngai when he was still alive, standing right at the center here in front of his church.

And then 3 months ago the authorities in Cao Bang Province, all the way in the north, detained Ngai's cousin because he was suspected by the authorities of having initiated a complaint which was signed by all family members and relatives of Ngai about his death.

Ten days later the police delivered Ngai's cousin's body in a sealed coffin to his family and ordered the family not to open it. The police stood watch until after the burial to ensure that the coffin was never opened.

Then the police in both Dak Nong and Cao Bang Provinces—this shows clearly there is coordination among the provinces—went after all the relatives of Ngai who had signed the complaint.

Last month our office in Bangkok received 55 relatives of Ngai, who had to flee their villages to Thailand to seek protection, along with Ngai's children and wife.

Those relatives of Ngai who remain in Vietnam are now being hounded by the police, harassed, threatened and persecuted by the local authorities.

The situation of religions in Vietnam is best summed up by Hua Phi, a clergy member of the independent Caodai sect:

“In Vietnam, only the religious sects that follow the directions of the government will be allowed to function. Those that do not will meet harassment and repression.”

Over the next 6 months, there will be a number of opportunities for this Congress to act on Vietnam to make sure that human rights will be a cornerstone in U.S. policies toward that country, namely, the Nuclear Cooperation Agreement with Vietnam, the lifting of the ban on sale and transfer of lethal weapons to Vietnam and, most importantly, negotiations with Vietnam on its participation in the Trans-Pacific Partnership, or TPP.

We should demand fundamental improvements, to include the unconditional release of all prisoners of conscience, the elimination of all the instruments of repression that have been used by the government in Vietnam to arrest and detain and imprison these dissidents and, also, the full respect of the right of workers to form and join free and independent labor unions.

With that, I would like to thank you, Mr. Chairman, and all the members of the committee. Thank you.

Chairman ROYCE. Thank you, Mr. Nguyen.

[The prepared statement of Mr. Thang Nguyen follows:]

Statement of Dr. Nguyen Dinh Thang

CEO & President, Boat People SOS

Co-founder, Coalition for a Free and Democratic Vietnam

Before the House Committee on Foreign Affairs
Spotlighting Human Rights in Southeast Asia
July 9, 2014

Nguyen Dinh Thang, PhD, left Vietnam with his family as a boat person in 1978 and arrived in the United States in 1979 after seven months in a refugee camp in Malaysia. He graduated with a PhD in Mechanical Engineering in 1986 and worked for 15 years at a research lab of the U.S. Navy. For the past 35 years he has been involved in community services, refugee protection and human rights advocacy in the United States and Asia. Under his leadership, BPSOS has grown into an international organization with operations in 14 locations in the United States and Asia. In 2008 he co-founded Coalition to Abolish Modern-day Slavery in Asia (CAMSA), which has so far rescued and/or assisted over five thousand victims of labor and sex trafficking. He travels extensively to Asia and closely monitors the human rights conditions in Vietnam. In 2011 he received, on behalf of BPSOS and CAMSA, the Asia Human Rights and Democracy Award from Taiwan President and Speaker of the House.

Mr. Chairman and distinguished Committee members,

Experts on Southeast Asia would agree that Vietnam is the worst violator of human rights and worst enemy of democracy in the region. In 2012 while Indonesia, the Philippines and Thailand advocated with the Association of Southeast Asian Nations (ASEAN) to adopt high standards for human rights, Vietnam reportedly fought back. The resulting ASEAN Human Rights Declaration, in the words of Human Rights Watch, “undermines, rather than affirms, international human rights law and standards.” The Vietnamese government not only commits grave violations of human rights in Vietnam but also seeks to stymie efforts to advance human rights in Southeast Asia.

At this time we have a good opportunity to effect positive and irreversible changes in Vietnam. I therefore urge the U.S. Congress, through this Committee, to include fundamental improvements in human rights as an integral part of our negotiations with Vietnam for lifting the ban on the sale and transfer of lethal weapons to Vietnam, the nuclear cooperation agreement with Vietnam, Vietnam's participation in the Trans-Pacific Partnership (TPP).

At last, there are encouraging signs that the Administration is taking a firmer stance on human rights towards Vietnam. At the human rights dialogue held in Washington DC in May, the U.S. delegation made it clear to their Vietnamese counterparts that expanded trade and security relationship must be pre-conditioned on significant improvements in human rights. Ted Osius, nominated to be the next Ambassador to Vietnam, echoed this position at his Senate confirmation hearing last month.

However, false perception about the realities in Vietnam persists. At that hearing, Mr. Osius stated that the Vietnamese government has made improvements on labor rights, treatment of people with disabilities, allowing more space for civil society and for churches to operate. That is an overly optimistic view.

A few weeks ago Vietnam rejected 45 key recommendations made at the Universal Periodic Review by the UN Human Rights Council, including recommendations made by the United States about respecting internationally recognized workers' rights. Right after the latest round of TPP negotiations with the U.S., Mr. Truong Dinh Tuyen, former Vietnamese Minister of Trade and current senior advisor on international negotiations, publicly declared that no independent labor union should be allowed because all workers must remain under the control of the Vietnamese Communist Party. There has been not even a shadow of progress in labor rights.

Even though the Vietnamese government has touted progress made in the field of disability rights, it's hardly the case. So far the U.S. government has funded Vietnam at least US \$30 million for projects to assist people with disabilities. USAID just announced another \$21 million for services to people with disabilities in Vietnam. Yet a very large number of known people with disabilities have been excluded from services and benefits with U.S. tax dollars: they are disabled veterans of the Army of the Republic of Vietnam who once fought alongside U.S. servicemen. At the end of the war in April 1975 there were well over 100,000 of these disabled veterans. The only assistance they have received so far comes from charity groups in the United States, founded by American veterans and Vietnamese Americans, that

raise money from individual donations here in the United States. It is a disheartening fact that former U.S. allies are discriminated against in U.S.-funded projects.

There is no true civil society in Vietnam. The Vietnamese government tightly controls all organizations that are allowed to operate. The Vietnam Fatherland Front, an arm of the Vietnamese Communist Party, is the umbrella organization overseeing all socio-political organizations. As a matter of fact, most of these organizations are organized by the government. We call them GONGOs, for “government-organized non-governmental organizations.” Their leaders are appointed by the Communist Party and their salaries paid by the government. These GONGOs serve as instruments for repression, used by the government to squeeze out emerging independent groups, and also as receptacles for funding pouring in from the United States and other Western countries. Funding for the disabled is a good illustration: Tens of millions of U.S. tax dollars have gone to the GONGOs.

The space for independent churches to operate, which was already minute, has been shrinking rapidly since January 2013, when Decree 92 (full reference 92/2012/ND-CP) on “*Directives and measures for implementing the Ordinance on beliefs and religion*” took effect. Replacing an earlier decree, Decree 92 adds new obligations and vaguely-worded provisions that give the authorities greater leeway to sanction and restrict religious activities. Its purpose is essentially to eliminate all independent religious activities. The government only allows the registration of those religious organizations that were created by it or that agree to its control. No independent religious organization may operate legally. Decree 92 is designed to bar them from even conducting informal, home-based religious activities. Their only option is to allow themselves to be absorbed into the government-created or sanctioned churches or go out of existence.

As illustration, on July 3, 2013 the government of Tien Giang Province supported the Caodai Governance Council, which was set up the government, in its forceful takeover of the Long Binh Temple, which was among the few temples still under the management of independent Caodai followers. Escorted by the police, members of the Governance Council knocked down the front gate of the temple, assaulted with batons and rocks the 20 Caodai leaders and followers who were conducting a religious ceremony inside. They took over the temple by force while the police arrested six clergy members and followers of the independent Caodai group for questioning at the police station.

[Enclosed pictures: (1) Vans and trucks transporting members of the Caodai Governance Council, (2) these members readying to attack the Long Binh Temple, (3) Caodai follower Le Thi Ket, (4) Caodai follower Nguyen Van Em.]

The government continues to force Khmer Krom, Montagnard and Hmong Christians to renounce their faith. Earlier this year for example, the authorities in Dak Lak Province arrested, detained and tortured Pastor Y Noen Ayun and Missionary Y Jon Ayun of the Protestant Church of Christ in the Central Highlands until they signed a statement renouncing their faith. The authorities in Northern provinces have systematically destroyed funeral storage facilities of the “Duong Van Minh” Protestant sect (named after its leader) in order to force his followers to return to their “traditional” beliefs. On March 17 2013, the local authorities in Dak Nong Province tortured to death Hoang Van Ngai, a Hmong Protestant

Deacon. Enclosed are pictures showing the injuries inflicted by torture. In April of this year, the authorities in Cao Bang Province detained his cousin, Hoang Van Sung, for having initiated a group complaint regarding the death of Ngai. After ten days of detention, on April 13 the police notified Sung's family of his death and delivered his remains in a sealed coffin. The police ordered his family not to open his coffin and stood watch until after the burial to ensure that the coffin was not opened.

[Enclosed pictures: (1) Hmong Protestants, (2) Hoang Van Ngai (center), (3) his body delivered to his family, (4) injuries inflicted on his body, (5) his crushed thumb, (6) his surviving wife and children.]

The police in Dak Nong and Cao Bang then went after all relatives of Ngai who signed the complaint. Just a month ago, 55 relatives of Ngai, including his wife, children and siblings and families, had to flee their villages. They just arrived in Thailand, except for Ngai's younger brother's family of five. Their whereabouts are unknown.

The situation of religions in Vietnam is best summed up by Sub-dignitary Hua Phi, a clergy member of the independent Caodai Sect: *"In Vietnam, only the religious sects that follow the direction of the government will be allowed to function. Those that do not will meet with harassment and repression, such as occurred at Long Binh Temple."*

Some people may point out that in the first six months of this year, Vietnam set free a handful of prisoners of conscience, including prominent ones like Dr. Cu Huy Ha Vu, labor organizer Do Thi Minh Hanh and human rights defender Nguyen Tien Trung. These three were all adopted by U.S. members of Congress in the Defending Freedom Project of the Tom Lantos Human Rights Commission. Clearly international pressure, particularly from the U.S. Congress, worked.

However, over the same period of time, the Vietnamese government has sentenced five Hmong Protestants to imprisonment and arrested and detained at least 13 human rights defenders and people of faith – they are awaiting sentencing. So, the list of prisoners of conscience is getting longer, not shorter. Vietnam clearly wants to maintain its stockpile of political prisoners and other prisoners of conscience so as to continue to suppress the formation of civil society and also to trade for benefits and other concessions from the United States and the free world.

Recommendations:

Congress should send a clear and firm message to the Vietnamese leadership that expanded trade and security partnership with the United States is contingent upon Vietnam's significant improvements in human rights. The benchmarks to measure progress should at least include:

- The unconditional release of all political prisoners and other prisoners of conscience.
- The elimination of all instruments for repression such as articles 88, 258 and 79 of Vietnam's Penal Code, Decree 72 restricting the use of internet, and Decree 92 restricting religious activities; and the use of torture.
- Full respect of the right of workers to form or join free and independent labor unions.

One way to send that clear and firm message is through the passage of both the Vietnam Human Rights Act, which has passed the House overwhelmingly, and the Vietnam Human Rights Sanctions Act, which has been introduced in both the House and the Senate. These bills would make human rights an integral part of U.S. policy towards Vietnam. They would also give a major moral boost to the human rights defenders and pro-democracy advocates that continue their struggle despite the on-going brutal repression in that country.

Congress should also use its oversight authority to ensure accountability for all U.S. tax dollars that go to GOGNOs in Vietnam, particularly with respect to the next round of funding, totaling US \$21 million, in disability services.

I would like to thank Mr. Chairman for convening this very important hearing at this critical juncture where we have a real chance to promote positive changes in Vietnam.

Chairman ROYCE. I was reading this Human Rights Watch report, and it says,

“The situation in Vietnam deteriorated significantly in 2013. The year was marked by a severe and intensifying crackdown on critics, including long prison terms for many peaceful activists whose crime was calling for political change.”

We are aware of that crackdown because we have had hearings and been shown photos of what has happened to those students and religious leaders who have called for religious liberty or freedom of speech.

Supervisor Nguyen—you are in a unique position of speaking with people from Vietnam. A lot of people have family back in Vietnam.

Do they see the trend lines in Vietnam? What do they share with you about their hopes, aspirations, what they think is happening? Maybe you could just give us the insight from the community.

Ms. JANET NGUYEN. Thank you, Mr. Chairman.

Because of what is going on with China, there has been more and more willingness to come out and speak against China.

However, the country of Vietnam has not been very supportive of that. So there is a greater mix of concerns within Vietnam that freedom and democracy are not going to change.

In the United States, with your leadership and this committee, we need to force the country of Vietnam to allow the freedom of speech.

Chairman ROYCE. How do you see efforts in Congress, such as H.R. 4254, the Vietnam Human Rights Sanctions Act, trying to target or list those who are involved specifically in human rights abuses—how do you see that impacting change in Vietnam?

Ms. JANET NGUYEN. It will have a great impact, Mr. Chairman, because H.R. 4254 particularly targets individuals, not the country of Vietnam, but the individual who imposes these violations.

Whether they are judges, elected officials, police officers, or chiefs of police, these individuals will now have a responsibility and have to think twice before taking any kind of actions against individuals and citizens of Vietnam. If not, they will not be allowed in our great country or be able to use our financial institution.

And so now we are looking at targeting individuals, and, hopefully, this will make them think twice, three times before they impose actions against individuals.

Chairman ROYCE. Targeting those who use the truncheons or those that order the beatings—

Ms. JANET NGUYEN. Yes.

Chairman ROYCE [continuing]. Or order the arrests of people, young bloggers, for simply talking about an issue like freedom of speech.

Ms. JANET NGUYEN. Yes. And not only that, Mr. Chairman, but, also, individuals such as judges who do not allow the court system to be fair.

Chairman ROYCE. Right. Right. Right.

Okay. Let me ask Mr. Craner.

Lorne, I was going to ask you about Cambodia. I have been speaking to our Ambassador there and our undersecretary about the situation that exists with respect to violence directed at the political opposition and the sense of fear and, again, you know, the amount of violence and the lack of respect for the political process, for the democratic process, by the government in power, to say nothing of the land grabbing or whatever you want to call the process whereby land is routinely taken from people in the countryside and turned over to those who are politically well connected to the government or to generals.

What can be done in terms of additional pressure to call international attention to this and end this egregious process? Because it is affecting families all over Cambodia today.

Mr. CRANER. I think a couple of things beyond the measures that I outlined. And I think one thing that we all have in common is a belief that the United States should not extend courtesies, recognition, by meetings and other methods, to governments like this, and I think in the particular case of Hun Sen.

I think in this case, also, we need to bring in our European allies and our regional allies, Australia and ASEAN, in trying to put pressure on the Cambodian Government to begin to open up the system.

It is one thing if the U.S. is pushing for that. It is another thing if we can get other countries engaged. But we need to recognize, I think, as long as Hun Sen is in control in Cambodia, very little is going to change.

And he is saying that he intends to stay until he is 74 years old, which is another 13 years. So we also need to be engaged, as I outlined, in trying to make the democratic system better there.

Chairman ROYCE. So his intention would be violence against protesters calling for fair elections, continue to subvert the elections, as he has, for the next 13 years?

Mr. CRANER. The CPP has learned that they either hang together or they hang apart. And for all the years since 1991, they have been a very cohesive group.

Until there is more political openness and the possibility of political change in Cambodia, that is not going to—that is not going to change.

Chairman ROYCE. Yeah. The problem is that, with the opposition, candidates can't even go into these areas to campaign because the police and ruling party supporters come out and block passage and beat people.

And so, you know, you don't have an opportunity to conduct a fair election—

Mr. CRANER. And that is why—

Chairman ROYCE [continuing]. To say nothing of the ballot count, which is truly preposterous.

Mr. CRANER. Yes. That is why all of the countries—Europe, the United States, Australia, Japan and others—and, hopefully, people in the region—countries in the region need to be engaged before the next election.

And it is especially important that, as the rules are drawn up in terms of the National Election Commission for the next election,

that all of these countries remain engaged to try and make it a better system.

Chairman ROYCE. Yeah.

Let me go to Mr. Engel of New York.

Thank you, Lorne.

Mr. ENGEL. Thank you, Mr. Chairman.

Why don't I start with you, Mr. Craner. I believe that the promotion of human rights and democracy and the rule of law cannot be separated from our foreign policy toward the Asia-Pacific region.

Would you agree with that statement? And how can we improve our efforts to ensure that the respect for human rights is part of our larger Asia pivot strategy?

Mr. CRANER. You have a critical role in doing that, both in terms of the resolutions that you offer, in terms of the aid decisions that you make, in terms of visits by all of you to these countries.

But most of all—and I can tell you, having been in the bureaucracy a couple of times—there is nothing like a hearing to focus the mind of an executive branch diplomat on what should be happening.

And if every time somebody—the Assistant Secretary for Asia or DAS from Asia comes up here they are questioned intensely by you on human rights, I can guarantee you they will return to the State Department and say, “We really need to look into this because I don't want to be up there again 3 months from now getting hammered on this issue.”

So you have a critical role to play in that. Absent that, the incentive in the executive branch is to get along with a country, good, bad or ugly.

Mr. ENGEL. Thank you very much.

Mr. Andrews, the Constitution forbids Aung San Suu Kyi from running for President next year.

Given the popularity, what impact will this provision have on the elections or stability in Burma?

Mr. ANDREWS. Well, Congressman Engel, first of all, let me thank you for your leadership and concern on what is happening in Burma on a full range of issues. But the one that you mentioned is a very important one.

Burma is not a democracy. Let's be very clear about that. The military of Burma have a guarantee of 25 percent of the seats in the Government of Burma. They are not going to give that up. They have a guaranteed veto over any changes to the Constitution in Burma.

In order for Aung San Suu Kyi to be eligible to run for President, that constitution is going to have to change, and there has been absolutely no indications if they are going to allow that to happen.

So many of the repressive policies and practices in Burma are being driven by a very unbalanced political system, a very unfair political system.

And, really, those that were responsible for many of the atrocities that we have discussed and many of those that existed before this major reform are still there.

They might have changed their clothes. They may no longer have their uniforms on. But they are still in control, and that remains the fundamental problem.

Mr. ENGEL. Let me ask you another question about Burma. We mentioned—I mentioned it in my opening statement.

Can you explain why the government is instigating violence against the Rohingya and why does the government apparently feel it is to their benefit to do so.

Mr. ANDREWS. It is a very good question, Congressman Engel, and I have asked of that many people.

There is a variety of reasons. But one of them relates to your first question, and that is this idea that the military likes to discuss what they call disciplined democracy, that if you allow too much freedom, too much democracy, that things can get out of hand, there can be violence, and, therefore, a justification for an increased role and a strong role for the military and a further excuse not to move forward with these reforms.

This is not the first country in the world in which politicians have appealed to the darker nature of human beings, to bigotry, to racism, to fear, and that is very much in effect.

And what my deep concern is is that this is going to continue and intensify as we move forward to the 2015 elections and political leaders and military leaders feel that they need to continue to use that card as those elections get closer.

Mr. ENGEL. Thank you.

Let me ask Ms. Nguyen or Mr. Nguyen questions about Vietnam. Two things.

Does worsening China-Vietnam ties present an opportunity to the United States to fully engage with the Vietnamese Government on human rights issues?

They are actually appealing to us to side with them against China. China's being very aggressive in the South China Sea, and both Vietnam and the Philippines have been besieging us to help them.

Does this present an opportunity for us to say, "Okay. You want our help, we want to see an improvement on your human rights abuses?"

Ms. JANET NGUYEN. Congressman, absolutely. This is the opportunity to tell the country of Vietnam and the Government of Vietnam that, "We are here to help and support your cause and to protect the Pacific Rim, but you also need to honor our own liberty and our rights and everybody's rights." And so, yes.

Mr. ENGEL. Mr. Nguyen, would you agree with that?

Mr. THANG NGUYEN. Yes. I fully agree with the assessment of Supervisor Nguyen. And I think there are two reasons why this is a golden opportunity for this country to demand a certain minimum standard of human rights as a contingency for Vietnam to expand ties with the U.S.

One is that, for a long time, there has been an opinion among some decision-makers in our own Government that, if we are too strong on Vietnam in terms of human rights and democracy, then that might push Vietnam further into the orbit of China. That argument or opinion no longer has a basis because there is no way for Vietnam to come any closer to China at this time.

Secondly, Vietnam now needs the U.S. not only because its economy is in shambles, but also because Vietnam needs legitimacy, needs recognition by the U.S. and the free world as it faces China.

So this is a great time for us to demand that Vietnam makes real and irreversible concessions on human rights.

Mr. ENGEL. Thank you.

Let me ask one final question on Vietnam. Because I am old enough to remember the Vietnam war, and I think that it is ironic that China and Vietnam are clashing and that Vietnam is now looking for protection from the United States for China. I think there is a lot of irony in there.

But we keep getting reports of increased infighting within the Communist Party of Vietnam. And would any of you care to comment on the tensions? And with this infighting, will it have any effect on human rights issues?

Ms. JANET NGUYEN. I believe so, Congressman. One other thing that we should ask of Vietnam: To immediately release the people who have been speaking out against China's aggression the last 2 years.

They have been put in prison by the Government of Vietnam just for those reasons, trying to protect their own homeland. So the Government of Vietnam ought to—the very first step is to release those whom they have imprisoned for protecting their own country. That is the first step. And we need to take this opportunity.

The infighting within the Vietnam Government and the people of Vietnam is rising, but they need the support of the United States.

It is our opportunity to say, "We will help, but only, and only, when you start setting the stage for releasing individuals for exercising their basic human rights and allow the people of Vietnam to enjoy what we enjoy in the United States."

Mr. ENGEL. Thank you.

Mr. THANG NGUYEN. Yes. My take is that there might be internal differences among the members of the Politburo. However, they still act as one block. They make decisions together.

However, there are very few options left for the leadership of Vietnam these days. They cannot lean on China anymore, and the only option is to come closer with the U.S.

And, therefore, this is the time for us to shift the entire block of the Politburo membership toward the west. And we have seen some movement in that direction. Now we need to expedite that process further.

Mr. ENGEL. Thank you.

I know my time is up. I just—not asking a question. I just want to say that we are in the process of negotiating with them, with Vietnam and other countries, the TPP, the Free Trade Agreement. I personally think this is also a good time to put pressure on them because they really want this agreement.

Thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Engel.

Mr. Smith.

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

Let me ask—and maybe start with Dr. Thang—four basic questions and then go from my right to left.

The U.S. Commission on International Religious Freedom's report on Vietnam couldn't be clearer. They say the Vietnamese Government continues to imprison individuals for religious activity or religious advocacy.

They talk about the fact that the situation remains poor for all human rights, including religious freedom, and has deteriorated, it is going in the wrong direction.

They make a very strong recommendation that the Country of Particular Concern designation be applied to Vietnam.

After the bilateral agreement where there was undue euphoria that somehow things would matriculate from dictatorship and repression to an openness and it absolutely has not happened. It has gotten worse. And some of the worst of the worst offenders have gotten richer and now have large bank accounts because of that.

So CPC, your thoughts on that.

Secondly, on human trafficking, a few weeks ago the TIP Report came out, and I applaud much of what is in the TIP Report. I think Secretary Kerry has done a wonderful job with regard to most countries.

I disagreed with China, but also with Vietnam, which was designated as Tier 2, even though the narrative makes very clear that NGOs report that trafficking-related corruption continues to occur and there is minimal progress in prosecuting labor trafficking.

Even though they cite the new law and very often the law becomes a pretext for easing up on designations, it is all about implementation.

They signed U.N. covenants. They passed laws. Certainly their Constitution looks a lot like ours in terms of respect for fundamental human rights, but that is the old Soviet game. You put it on paper. It is a paper promise that does not have meaning.

I have visited many of the people who are now in prison, many of whom are under pagoda or house arrest, on one of many trips to Vietnam: The Venerable Thich Quang Do, he was under pagoda arrest; Father Loi, under house arrest in Hue; and Father Ly.

And Father Ly, as we all know, was re-arrested and has been subjected to unbelievably cruel and harsh treatment just for speaking out. And he submitted testimony to this Congress several years back—an unbelievably brave move—and for that he gets more prison time as part of a cumulating, ever-worsening situation for him vis-à-vis the Government of Vietnam.

So Tier 2, do you believe it ought to be Tier 3, as I do?

I wrote the Trafficking Victims Protection Act. The minimum standards prescribed in that act couldn't be clearer: Government complicity. It is government complicity and then some.

We have had several hearings. Dr. Thang testified at one and was very eloquent at pointing out both sex and especially labor trafficking, how things have actually gotten worse there.

Third, the Senate vote on the Vietnam Human Rights Act, we have asked with deep respect to Senator Reid. Just post it for a vote. Your thoughts on that.

And, finally, the Podesta Group I mentioned in my opening, they are getting \$30,000 per month to advise the government in Vietnam and the Embassy here on how to handle these issues.

And I believe they are icing the puck over on the Senate side. Just don't bring it up. There is no vote. And that will be the end of it.

So your thoughts, Dr. Thang.

Mr. THANG NGUYEN. Thank you, Mr. Chairman. I would like to address the first two questions first and go to the others if there is still time. About the CPC designation, I think that Vietnam clearly deserves to be redesignated as a Country of Particular Concern. Clearly, the atrocities against the communities of faith have exceeded the threshold for designation. We talk about the forced renunciation of faith; we talk about torture, sometimes leading to death; we talk about the wiping out of entire religious communities, such as the Con Dau Parish or the Hmong villages or Christian villages in the northern western region of Vietnam.

So clearly, however, I think that our own State Department has been duped into believing that the increase in the number of registration of religious organizations is a good benchmark. It is not, for one good reason: These organizations that have been registered by the government in Vietnam to officially operate are usually those set up by the Government of Vietnam itself as instruments to control the independent groups. And therefore, with Decree 92, these independent religious communities may not even conduct activities at home, in their own privacy at home.

So they have only two choices: Either to join the government-sanctioned and registered churches or they have to go out of existence. So that is not freedom of religion. That is controlled religion. So we are asking Vietnam to increase its control of religion. So we are asking the wrong question. And therefore I would propose that we demand that Decree 92 be abolished. And, two, we should present Vietnam with a list of genuine religious organizations, and we would want to see those and only those to be registered.

In terms of human trafficking, thanks to the ranking of Russia in Tier 3 last year, the Government of Russia stepped up its crackdown on a number of sweatshops owned by Vietnamese around Moscow in the last 4 months of 2013. The Government of Russia raided almost 60 sweatshops owned by Vietnamese in Moscow, liberating almost 6,000 Vietnamese workers held in slavery.

And we are talking about slavery, because many of these victims had never seen sunlight for 2 or 3 years. They are kept in captivity underground. And yet, none of them has been—and all of them have been repatriated—and none of them has been recognized by the Vietnamese Government as a victim of labor trafficking. No labor export company has been investigated, let alone prosecuted. So clearly Vietnam hasn't done its job at all to fight human trafficking.

Ms. JANET NGUYEN. Congressman, thank you for your questions. I have been an advocate for years, have asked our Government to put Vietnam back on the CPC. Violation of human rights, religious rights, and also human trafficking, as you have stated, have increased. They have not decreased. They need to be placed back on the CPC. We need to put the human trafficking issue at Tier 3. H.R. 4254 seeks to achieve specific targeted goals to achieve greater human rights in Vietnam and does not interfere with our Nation's bigger strategic concerns. We need to put these individuals who violate the human rights and religious freedom of the people of Vietnam on target—tell them you will not be allowed in the United States, nor will you be allowed to use our financial system.

And with regards to human trafficking, it is not just human trafficking for labor, but children are exploited for tourism, for sex slavery. So many, it is incredible. I have two young children. I cannot fathom the idea that anything could happen to my children or any children in the world to be used in these ways. So we need to protect those children, give them a future, give them a life.

Chairman ROYCE. Well, Mr. Smith, if I could explain a point. You are raising this issue in terms of people registering, but the problem, for example, the Buddhist text, the head of the Hoa Hoa Church, as well as Thich Quang Do, both showed me copies. Their Buddhist texts don't match up well with the Communist Manifesto. And so the problem was the party rewrote the text, and so as a consequence they feel that their faith dictates that they keep their historical text. And so as a consequence, they can't be registered.

So this is not really religious freedom. And for our Government to be talking about the fact that, look how they have signed up, we have got these different religious leaders that the party is putting forward, the recognized leaders of both of those churches are not on the list because they are in prison, as you visited them both.

We will go now to Mr. David Cicilline of Rhode Island.

Mr. CICILLINE. Thank you, Mr. Chairman.

Thank you to the witnesses for this very important testimony.

I would like to first ask you, Mr. Andrews, and Mr. Craner, there has obviously been a lot of reporting about the human rights and democratization reforms in Burma and that they have stalled and there has been significant backsliding. And, in fact, a former U.N. Special Rapporteur for Human Rights said that there was an element of genocide in the attacks against the Rohingya population.

So I want to ask you whether you think that is an accurate assessment, and what can we do as a country to effectively encourage the Burmese Government to stop engaging this kind of mistreatment of a very vulnerable population?

Mr. ANDREWS. Well, thank you, Congressman. Let me go first.

I have in my testimony and certainly will be happy to discuss with you further the report that we issued after one of my trips, "Marching to Genocide in Burma." The people in Burma, the Muslim minorities and others, they are being targeted not because of anything that they have done, but because who they are, their ethnicity and the God that they pray to. And because of that, all the things that we have described have been inflicted upon them, and that is not simply a matter of inter-ethnic tensions or religious tension. This is being done systemically with the support of the government. And that is where I think the United States needs to play a role. The Government of Burma needs to be held accountable.

President Thein Sein of Burma made 11 specific pledges to President Obama back in November 2012. He has come through with only 1 of those 11 commitments, including the commitment to allow the U.N. Office of High Commissioner to have free access to the areas that are under siege, to restore the healthcare services to Rakhine State that we just mentioned, to allow credible independent investigations into these areas.

And by the way, people that told me about the problem of having Doctors Without Borders thrown out, they said it is not just that.

It is these independent eyes that have now been expelled from those very areas where this violence is continuing.

So it is incredibly important that we establish those standards and then take action. I mean, there are various tools that we have at our disposal. We mentioned them. I mentioned them very specifically in my testimony. Specially Designated Nationals list needs to be identified, whether or not you qualified for the General System of Preferences.

Having standards for the military-to-military relations and not allowing it to go further unless those standards are met, for example, the Burma Human Rights and Democracy Act of 2014. Congressman Chabot is the sponsor of that. H.R. 4377 outlined specifically the conditions that we would set in order for there to be continued relations between the two militaries. All of these things could help to move us in a better direction.

Mr. CICILLINE. Thank you.

In addition to the concerns that this hearing has raised with respect to Burma and Vietnam, I also want to focus for a moment on another human rights situation in the region, that is in Thailand. I am particularly concerned about the prevalence of human trafficking in that country. In the State Department's most recent TIP report it downgraded Thailand to Tier 3. It was reported that there is a significant portion of labor trafficking victims within Thailand, that they are exploited in commercial fishing, fishing-related industries, low-end garment-production factories and domestic work. And many of these workers are coming from other countries in the region, such as Vietnam and Burma.

American consumers should not be incentivizing this horrendous behavior. And so I would like to know whether you think we are currently doing enough to ensure that goods that are produced by forced labor or even trafficked labor are not available on the U.S. market. That is for anyone who has a view on that.

Mr. THANG NGUYEN. Well, we have operations in Malaysia and Thailand and Taiwan to fight human trafficking. We do not have the full expertise on human trafficking in Thailand, however. But we know in cases that we have worked on in Malaysia where Thai fishing vessels have been intercepted and very young boys, underage, Cambodians, have been kept for years on those vessels, and we rescued them.

Yes, there are some adults from Cambodia and other countries, the Philippines and Vietnam, who are on those vessels. And I think, I am guessing, that there is a lot more of those incidents that haven't been caught.

So that is an area that is very murky because we don't know which country has jurisdiction, and therefore we really need to step up, and there ought to be a region-wide effort to fight that form of trafficking on fishing vessels.

Mr. CICILLINE. Yeah. And also we need to be doing more to make sure that we are not making those products available in the U.S. markets.

I just want to, with my few seconds left, ask one remaining question. I recently introduced H.R. 4907, the Global Respect Act, which would ban entry into the United States of those who commit serious human rights violations against members of the lesbian,

gay, bisexual, and transgender community. And while the region has a good deal of positive news, a number of countries, such as Malaysia, Indonesia, and particularly Brunei, are moving in the wrong direction. And I am particularly concerned about efforts in Brunei to further criminalize same-sex relations and possibly to include the death penalty.

And I wonder if the witnesses could share whether or not you think we as a government and this body as the Congress are doing enough to support the human rights and fundamental freedoms of LGBT persons throughout the world and what more can and should be done to protect basic human rights of people from this community.

Ms. JANET NGUYEN. Congressman, I just think in general our country needs to do a lot more when we have trade partners around the world. They need to also honor our liberty, our rights, and human rights that we give to our people. And so regardless of the individual, I think everybody deserves their human rights and basic human freedom. And so I think that we should demand more from these countries.

Mr. CICILLINE. Thank you.

Chairman ROYCE. Thank you.

We go now to the chairman of the Asia Subcommittee, Steve Chabot from Ohio.

Mr. CHABOT. Thank you very much, Mr. Chairman. And thank you very much for holding this important hearing. I really think we are discussing an awful lot of very important issues, and I want to thank the panel and you for that.

Earlier this year, I introduced bipartisan legislation, which Mr. Andrews has referred to already, along with our colleague Joe Crowley, H.R. 4377, the Burma Human Rights and Democracy Act of 2014, to prohibit military assistance to the Burmese Government and restrict engagement with the junta until certain necessary reforms in that country are made.

Mr. Andrews, I want to thank you for your support of that particular measure.

Engagement with the Burmese military ignores the fact that the junta still has considerable leverage over the government, is obstructing constitutional reforms, and is complicit in human rights abuses against ethnic and religious minorities, something that has not changed and unlikely, unfortunately, it appears to change anytime in the near future.

Tom, in your testimony, you described in great detail the abuses being committed against ethnic minorities, particularly the Rohingya Muslims in Burma. Would you go into more detail about the Burmese military's role in these abuses and what they are doing to impede further democratic reforms? And also would you comment on our military-to-military engagement with Burma and perhaps give your thoughts about the legislation that we have discussed as well?

Mr. ANDREWS. Yes. Thank you, Mr. Chairman. Let me say that I think that the legislation, 4377, is extremely important, and I think it is important for all of us to recognize the difference between the relationship between our Congress and our military and what happens over in Burma. I used to serve on the Armed Serv-

ices Committee. And in Burma, the military is not accountable to the Parliament; in fact, the military has veto power over the constitution of the country. They have enormous economic power. So they are not being held accountable.

And one of the key provisions of your legislation is the demand that there be constitutional reforms so that there is accountability of this military and it does come under the government and the Parliament, much as our military functions here in the United States. It is extremely important. And the role that they play in all of these various areas is multiple.

Mandalay, last week, the violence in Mandalay, I got calls and emails from Mandalay. As you know, there was religious violence there. Wirathu had one of his rallies. He posted on his Facebook page that there was a jihad that was happening, a Muslim jihad right then and there and they were out to destroy all of the Buddhists. Mobs formed and violence ensued. One of the people who I knew and worked with there was killed on his way to a mosque.

What I heard was, was that the security forces, while they eventually came in and had a curfew, it took them quite a while. They were very close by to where this violence occurred. It took them quite a while to appear, and that is the pattern that we have seen in many other places.

But perhaps one of the most egregious examples is in Kachin State where I visited a few years ago. I mean, literally, these villages, I went into villages that were completely wiped out, not a single person to be seen. I mean, there were literally shells falling while I was in Kachin State. And the attacks on these villages by the military and the systematic use of rape as a means of intimidation and control continue to this day. So it is an out-of-control institution that has too much power, and we have got to address it directly or we are not going to see the kind of changes that we want.

Mr. CHABOT. Thank you.

Mr. Craner.

Mr. CRANER. It is way premature to be having relations with the Burmese military. I noticed that there was a senior U.S. delegation through Yangon about 2 weeks ago, including I believe it was the Chief of Staff for the CINCPAC, and some State Department officials paving the way for U.S. military training of the Burmese military, which I just think at this point is, as I said, extremely premature. We have already frontloaded this Burmese process, trying to have a rapprochement with them. We don't need to keep adding to it.

Mr. Royce referred earlier to a Human Rights Watch report. There is another one on what are called the Angkor Sentinel Exercises, which are joint U.S.-Cambodian exercises, that I think is worth your looking at. Their congress imposed restrictions, saying that the training could only be about human rights, democracy, et cetera. And Brad Smith of Human Rights Watch has shown that that is not what is going on in our training of the Cambodian military. That is a cautionary tale for working with Burma's military.

Mr. CHABOT. Thank you.

Mr. Chairman, I see my time has expired. Thank you.

Chairman ROYCE. Thank you. Thank you very much.

We go now to Mr. Alan Lowenthal of California.

Mr. LOWENTHAL. Thank you, Mr. Chair.

You know, Mr. Chair, you mentioned earlier the importance of broadcasting in alternative views into countries that have great human rights violations. And I want to raise to either Secretary Craner or Supervisor Nguyen or Dr. Nguyen, the Broadcasting Board of Governors recently issued numerous cuts to shortwave broadcasting across the globe, including the cessation of all shortwave into Vietnam.

Do you think this was a wise decision, and do you think shortwave as a medium for disseminating independent information is important at this time? The issue is, how important is this? We have just received this notice. I would like to be able to respond to that. And so I would like to hear if there are any points of view on the cessation of shortwave broadcasting into Vietnam.

Mr. THANG NGUYEN. I believe that that decision was made on the assumption that now the Internet is widespread everywhere, but that is not the case at all. For the Hmong Protestants, for instance, that we are talking about, all the way up in the mountains, the northwestern region of Vietnam, for the Montagnard Christians in the Central Highlands, or the Khmer Krom all the way down south, in remote areas, they don't have access to the Internet. So shortwave radio is the only windows to the outside world. So I think it is very imperative that Radio Free Asia, for instance, continues to broadcast into Vietnam. And not only in Vietnam, but in other countries in Southeast Asia.

I would like to take this opportunity to again commend the chairman and the committee members here for holding this hearing at this time. This is very critical time, because countries in Southeast Asia, 11 countries are taking steps to come together as one single bloc in the model of the European Union. So this is the time for us to really influence and promote human rights and democracy, so that we will see one day a stable, trustworthy, democratic bloc being our ally in the region instead of seeing the entire region descending into the darkness of dictatorship and chaos.

Mr. LOWENTHAL. Supervisor.

Ms. JANET NGUYEN. Thank you, Congressman.

Limiting any kind of broadcasting limits the freedom of speech and views. So I absolutely agree that we need to allow shortwave radios across the country because that is when we allow the freedom of speech and the freedom of the press to be able to give different opinions to the people of Vietnam. And so we need to support allowing that.

Mr. LOWENTHAL. Thank you.

I have a question for Secretary Craner. You mentioned the numerous flaws in Cambodia's recent elections and some of the issues. And the question I would like to know is, what specific actions—and you talked about what we might do—but what specific actions do you think the United States at this moment can do to promote free and fair elections in Cambodia, and what are the options, and do you think the prospects for international monitors in future elections?

Mr. CRANER. International monitors had visited past Cambodian elections. The reason they didn't visit this most recent election in 2013 was that the U.S. and the Europeans both said there is no

point in going. This process is already so flawed because of the voter registration list, the intimidation of the opposition, that even if the election day looks good, it is an illegitimate process.

What can we do to help—

Mr. LOWENTHAL. What can we do, specifically?

Mr. CRANER. What can we do to help make it better? There is no reason for any country these days not to have a technically good election. And here again pressure needs to come, more pressure from the United States, but also pressure from Europe and pressure from countries within the region to say there needs to be a decent election in Cambodia. There hasn't been a good election in Cambodia since 1993.

Mr. LOWENTHAL. Should we be calling for an earlier election?

Mr. CRANER. No. That is between the, I would say, between the opposition and the government to decide in their current negotiations. But as I said, there shouldn't be any high-level contact with Cambodia until those negotiations are resolved well.

Mr. LOWENTHAL. I would also like to ask Supervisor Nguyen and Dr. Nguyen, we talked about trade relations between the United States, and I think Ranking Member Engel brought up the TPP. What would you like to see this Congress do in terms of the TPP negotiations between Vietnam as one of the 13 nations in the TPP? Would you like us to take a statement on that?

Mr. THANG NGUYEN. Yes.

Mr. LOWENTHAL. Either one.

Mr. THANG NGUYEN. Yes, yes, definitely. This is the time for Congress to come out and make a very strong statement, unmistakably clear to Vietnam, and also to our own administration, that human rights concessions to the extent that they should be irreversible be considered as a condition, precondition for any further approachment with Vietnam on TPP, and it should be part of the ongoing negotiations with Vietnam.

For instance, the basic, fundamental rights of Vietnamese people must be respected. That is the freedom of expression, the freedom of peaceful assembly, and the freedom of association. And also, there should be benchmarks. For instance, the release of all prisoners of conscience or the vast majority of the prisoners of conscience before Vietnam be admitted into TPP.

The abolition of all instruments of violence and force that have been used by the Government of Vietnam to repress, arrest and imprison dissidents must be in effect. In November of this year, the National Assembly of Vietnam will convene and that would be a great opportunity for them to revisit all these laws that, by the way, are now out of line with their new constitution. And clearly, they should respect the full freedom of all workers to form their own free and independent labor unions.

Mr. LOWENTHAL. Thank you.

I have used up my time, so, Supervisor Nguyen, do you just want to briefly respond to that?

Ms. JANET NGUYEN. Yes. I agree, as well. We need to make Vietnam accountable. In order for them to enjoy the trade with our great Nation, they have to also honor our liberty and give the people of Vietnam basic rights and release the prisoners.

Mr. LOWENTHAL. So if you were looking at the actions by the Congress, you would not support a fast tracking of this agreement unless there were definite changes in their human rights?

Ms. JANET NGUYEN. Yes.

Mr. LOWENTHAL. Thank you.

I yield back.

Chairman ROYCE. Thank you, Mr. Lowenthal.

We go now to Mr. Dana Rohrabacher of California.

Mr. ROHRABACHER. Thank you, Mr. Chairman. And I want to thank you for the leadership you have provided. When we are talking about broadcasting, we are actually talking about Ed Royce over there. I mean, he came to Congress with the idea we are going to make sure that we broadcast the word of freedom to the people of the world, especially Southeast Asia. So he put a lot of time and effort into that, and we are very grateful to him for it.

In terms of Burma, and, Mr. Andrews, thank you for your testimony today. I think it is really significant that we have Muslims and Christians being attacked. This is a military attack on the Christians, I understand that, and perhaps with the Muslims what we have is the government standing back and letting mobs of people murder Muslims. We need to make sure that message gets through to the Government of Burma that they are now not considered a government in transition to freedom as long as these murders are taking place. And I have been watching this very closely. Thank you for your testimony today.

Let us hope the people of Cambodia understand they are not being forgotten, as well, today, because what we have had in Cambodia is a regime that actually exploits the tyranny on its own borders because people then come there and are exploited by people who are in a clique with Hun Sen, and Hun Sen has run that government as his own personal clique for a long time.

The fact is there isn't democracy in Thailand today, and we want the people of Thailand to understand that is of grave concern to us that they are in a state where the military now is controlling their government and that we are watching that very, very closely and care about it. Thailand was such a wonderful example of what could work for so many years.

And finally, about Vietnam, I find it fascinating that we have this dedication to Marxism-Leninism that motivates these people to murder and to suppress religious believers in that country. Yet, they are not so dedicated to Marxism-Leninism that they can't make deals with businessmen and set up corporations in order to rip off people who aren't able to form labor unions and to negotiate their contracts or to have strikes or to even criticize the government or those businesses.

So this type of hypocrisy that we see in Vietnam, I join with you today in calling for the Government of Vietnam, at the very least they should, if they no longer are committed to Marxism-Leninism, which is clear by their economic policies, let them step back from the part of Marxism and Leninism that has motivated them to attack people's religious freedom. Let religious freedom go off of their agenda. They have felt compelled to force people to renounce their faith, as we heard in testimony today. This is absurd for a govern-

ment that is permitting big business to come in and set up business in their country.

And finally, Ms. Nguyen, Janet, your concept of making sure that our very first demand on Vietnam is they let those, especially young people go, who are doing nothing more than standing up against Chinese aggression is a very significant point that I share; I join you in that demand.

And finally, I just would like to say about the Montagnards, because I spent some time in the Montagnards in 1967, and to hear that they are now being tortured and being basically forced to renounce their faith is appalling. They are wonderful people. These are basically native peoples to that part of the world, friendly, and have a wonderful and positive and peaceful culture. So I am sorry to hear that. And I hope that we pay back some of the debts that we owe to the Vietnamese people and to the Montagnards for what they did to stand beside us in the battle against Communist tyranny when the Cold War was at its hottest.

Thank you very much, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Rohrabacher.

I believe there was a follow-up. Two of the members of our panel had been asked a question, Mr. Smith.

Mr. SMITH. Thank you very much.

Chairman ROYCE. And you wanted that question answered, I think, by the other two.

Mr. SMITH. Yes.

To Congressman Andrews and Secretary Craner, on the CPC for Vietnam, secondly on trafficking, I believe it ought to be Tier 3. Your thoughts? The point that I brought out about the Podesta Group getting \$30,000 per month to kill the bill in the Senate, the Vietnam Human Rights Act, your thoughts on that?

And then an appeal to Majority Leader Reid to just post it for a vote. It has been since 2004. Republicans owned the Senate then, so this is a bipartisan angst that I have had that we have not been able to get this bill up for a vote in the Senate, and it has been iced, and now we know the Podesta Group is playing a key role. Your thoughts?

Mr. CRANER. First of all, I never understood how Vietnam got off CPC status. We had an Ambassador For Religious Freedom at that point, as you will remember. I believe it happened in about 2005, something like that. But I never understood how they managed to get off.

Your TTIP bill was incredibly well constructed because it actually has penalties if you are in Tier 3, as you know. And so my observation, while I was in government, was that the State Department and countries involved would do almost anything to get out of Tier 3 and that by doing almost anything they could get out of Tier 3. In other words, you don't have to do much to get out of Tier 3, and I think that may be the problem.

I don't think I ever saw as many cables go between here and Uzbekistan as I saw one summer when they were threatened with Tier 3 status. It was pretty amazing. So it was a well-constructed bill, like I said. It is amazing to me that the VHRA cannot get through the Senate, that it can't even be brought up for a vote. I think that is stunning. And I would hope there would be some peo-

ple with good conscience over there who would be willing to help out. Thank you.

Mr. ANDREWS. Congressman, I think, first of all, you are right, I think Tier 3 is appropriate. But from my vantage point, focusing on the case of Burma and the families who have been trafficked, in fact I actually, when I was traveling in the region, tracked down traffickers and talked to them about how they make their living and the booming market that exists for them, just horrendous.

I also believe, and I would encourage Congress to focus also on the supply side of this, that the reason that this trafficking has occurred and there is a significant increase coming from places like Burma is precisely because of the conditions in Burma. And when I sat down and met with some families in Malaysia, for example, who by the grace of God made it through and were safe, I said, how could you put your—and I am sitting there with young children, a mother and a father who put these kids on a boat and risked their entire family's life to get out of the country. And they said, you know, we had a family meeting about this. We knew we might die. But if we died on the sea we would die together. We are dying in these camps right now. It was a horrendous thing.

So if we can deal with the supply side, if we can confront the conditions that are driving these people out of places like Burma, we would be doing a major, major service and making major strides in a very important issue that you that you have championed, Mr. Chairman.

Mr. SMITH. So nobody wants to raise the Podesta Group or speak to that? Okay.

Mr. THANG NGUYEN. Well, talking about Podesta Group I have a tangential answer only.

To also add on to the answer to the question that was posed by Mr. Chairman sometime ago about the two issues that are on the mind of most Vietnamese-Americans these days are (1) the acts of aggression of China in the South China Sea; and (2) human rights in Vietnam, violations of human rights in Vietnam. So those are the two major issues on the mind of most Vietnamese-Americans. And next week there will be about 500 Vietnamese-Americans coming from across the country to walk the halls of Congress and to meet with Members of Congress, and that is our way to counter the Podesta Group.

Chairman ROYCE. I want to thank all our witnesses for making the trip out here today to testify. And this committee hearing stands adjourned.

[Whereupon, at 11:47 a.m., the committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE RECORD

**FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-6128**

Edward R. Royce (R-CA), Chairman

July 9, 2014

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Wednesday, July 9, 2014
TIME: 10:00 a.m.
SUBJECT: Spotlighting Human Rights in Southeast Asia
WITNESSES: The Honorable Lorne W. Craner
(Former Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, U.S. Department of State)

The Honorable Tom Andrews
President and Chief Executive Officer
United to End Genocide
(Former United States Representative)

The Honorable Janet Nguyen
Supervisor, First District
Orange County Board of Supervisors

Thang D. Nguyen, Ph.D.
Executive Director
Boat People SOS

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202-225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS
MINUTES OF FULL COMMITTEE HEARING

Day Wednesday Date 07/09/14 Room 2172

Starting Time 10:10 a.m. Ending Time 11:47 a.m.

Recesses 0 (___ to ___) (___ to ___) (___ to ___) (___ to ___) (___ to ___) (___ to ___)

Presiding Member(s)

Edward R. Royce, Chairman

Check all of the following that apply:

Open Session
Executive (closed) Session
Televised

Electronically Recorded (taped)
Stenographic Record

TITLE OF HEARING:

Spotlighting Human Rights in Southeast Asia

COMMITTEE MEMBERS PRESENT:

See Attendance Sheet.

NON-COMMITTEE MEMBERS PRESENT:

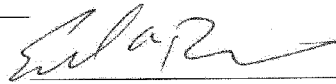
None.

HEARING WITNESSES: Same as meeting notice attached? Yes No
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Connolly

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED 11:47 a.m.



Edward Burrier, Deputy Staff Director

HOUSE COMMITTEE ON FOREIGN AFFAIRS
FULL COMMITTEE HEARING

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Statement for the Record

Submitted by Mr. Connolly of Virginia

U.S. diplomacy does not and should not ever close the book on human rights in countries abroad. We can turn the page and close ugly chapters in a country's history by recognizing progress when it is made, but there always exists a struggle for the attainment and definition of human rights in any society. Acknowledging this eternal struggle keeps us vigilant both at home and abroad against the encroachment of human rights abuses.

Southeast Asia offers examples of the progress and subsequent backsliding on human rights that necessitates the constant attention of our foreign policy apparatus.

For five decades, the people of Burma knew only the brutal oppression of a despotic military regime. In May 2011, the ruling military junta relinquished power and ushered in what many hoped would be an era of democratic transition and the opening of a once closed society. Without a doubt, Burma started a new chapter in its history in May 2011. The Administration further engaged Burma to encourage continued progress towards democracy, and President Obama became the first sitting president to visit the country in November 2012. While, there have been encouraging improvements, to include the release of political prisoners, transparent elections, and anti-corruption initiatives, there have also been some deeply disturbing developments.

Most notably, the continued humanitarian and human rights crisis in the western Rakhine State where the Rohingya, an Islamic ethnic minority, endure the abuse and oppression Burma should have left behind with the military junta. Violence in the region has resulted in almost 140,000 internally displaced persons in Rakhine State, and despite their desperate situation, the Rohingya face restrictions on their movement, occupations and status in society. The plight of the Rohingya and other ethnic minorities in Rakhine State warrants the attention of Congress. For this reason, I am a cosponsor of H.Res. 418, urging the Government of Burma to end the persecution of the Rohingya people and respect internationally recognized human rights for all ethnic and religious minority groups within Burma.

In June 2014, the Committee called attention to another human rights regression in Southeast Asia that cautions the temptation to declare "Mission Accomplished" on the issue of human rights, even in a country that has remained a close U.S. ally since 1954. In the hearing titled "Thailand: a Democracy in Peril," the Committee examined the military coup carried out in May 2014 against a democratically elected Thai government. In that hearing, I noted that we preserve democracy at home and promote it abroad, because we believe in "democracy as a means to [provide] security, stability and prosperity" to the lives of all people of all nations, and when we fall short there is a human cost to our failure. That human cost is sadly being tallied in Thailand with each extrajudicial killing, violently suppressed protest and trafficked person.

Trade is an additional tool the U.S. has at its disposal to safeguard human rights abroad. The United States and 11 other nations are currently negotiating the structure and terms of the Trans-Pacific Partnership (TPP) which would impact 40 percent of world GDP and a third of its trade. Among the partner nations involved in the trade deal is Vietnam. The Vietnamese Communist Party continues to restrict the freedom of expression by arresting members of the media and harassing those critical of the government. Greater access to the U.S. market, which is already the number one destination for exports from Vietnam, is a carrot we can use to influence greater respect for human rights. This should be part of our calculus in negotiations with Vietnam, with the understanding that the carrot must be attainable for it to incentivize good behavior.

As the Administration rebalances energy and resources to Asia we will find that both our longstanding allies and our most recent regional acquaintances are constantly wrestling with the issue of human rights. Our mission abroad must include the singling out of bad actors that use violence and oppression to subdue civilian populations while engaging and encouraging the countries that are making an earnest effort to promote human

rights. I look forward to testimony from our witnesses that offers insight into how we can best reconcile this mission with the often dynamic and hardly black-and-white human rights conditions most countries experience.



Insert for the Record

Submitted by Thang D. Nguyen, Ph.D.



Members of the government-sanctioned Caodai Governance Council, with police support, raided Long Binh Caodai Temple, beat up the independent Caodai followers inside and took over the temple, Tien Giang Province, July 3, 2013.

Insert for the Record

Submitted by Thang D. Nguyen, Ph.D.



Hoang Van Ngai (center), Hmong Protestant Deacon, was tortured to death, Dak Nong Province, March 17, 2013.



[NOTE: Material submitted for the record by the Honorable Tom Andrews, president and chief executive officer, United to End Genocide (former United States Representative), titled "Marching to Genocide in Burma: Fueled by Government Action and a Systematic Campaign of Hate Aided and Abetted by the Diverted Eyes of the Word," is not reprinted here but is available in committee records.]

