

Statement of Dr. Nguyen Dinh Thang

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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.