

Helen Hieu Nguyen

Wife of Michael Phuong Nguyen, US Citizen, held in Vietnam

HOUSE FOREIGN AFFAIRS COMMITTEE

July 25, 2019

Human Rights in Southeast Asia: A Regional Outlook

Opening Statement (only) by brother in law, Mark Roberts

ATTACHMENTS TO THIS TESTIMONY

- **VIETNAM 2017 HUMAN RIGHTS REPORT (Country Reports on Human Rights Practices for 2017) United States Department of State, Bureau of Democracy, Human Rights and Labor, with most relevant and most egregious items highlighted. Pages 1, 2, 3, 4, 5, 8, 11 & 12**

ATTACHMENTS SENT SEPARATELY (NOT PERMITTED TO ENTER INTO RECORD DUE TO LENGTH)

- **A short biography of Michael Phuong Nguyen**
- **VIETNAM 2017 HUMAN RIGHTS REPORT (as noted above, but FULL REPORT)**
- **August 9, 2018 Letter from House Members to Secretary of State Pompeo**
- **October 1, 2018 Letter from House Members to Secretary of State Pompeo**
- **February 25, 2019 Letter from House Members to President Trump**
- **February 19, 2019 Letter from the Congressional Caucus on Vietnam to President Trump**
- **Photos of Michael at “trial” (4)**
- **Family photos of Michael & Helen Nguyen’s family (3)**

The loss of a parent is a tragic occurrence in any person’s life and the loss of a person’s father is a tragedy beyond recovery. Michael Phuong Nguyen is the father

of my 4 daughters and he is the backbone of our family. As a mother, I am the emotional support, while Michael, is the pillar of strength in the face of any calamity. The past 12 months, my daughters and I have felt empty, heartbroken and incomplete without Michael, the father and husband that we so love. It doesn't matter whether your father was an old man with a full and happy life behind him or a young man with his whole life un-lived ahead. Without Michael being at home and by our side, is like losing a part of our soul. This is how my 4 daughters and I have felt these past 12 months. Not everyone can relate to the heartache and pain that my immediate and extended family are enduring, but the countless families that have been unlawfully and painfully torn apart by corrupt governments can relate to this nightmare that we live every day. This is my story.

- **Michael left on June 27, 2018 to Vietnam, with an expected return date of July 16.**
- **Michael had contacted me every few days during his trip**
- **The last known communication from Michael that I received was on July 5th, which would have been July 6th in Vietnam**
- **Our primary means of communication was Viber, which relies on internet and wifi access.**
- **There was no communication after that, which I attributed to possible internet access not being available, either shut down by the VN govt for some reason, or due to third world infrastructure, where it sometimes is down for days at a time.**
- **On July 16th, while worried that I had not heard from him in about 10 days, considering that internet can be unreliable in Vietnam, I was not overly concerned. One of Michael's friends had planned to pick him up at LAX that day, which I thought would be the end of my worries. But Michael was not on the plane. I started to get a sick feeling in my stomach, and that same day, I contacted American Airlines to see if Michael was on the plane. American Airlines confirmed to me that he was not on the flight manifest. I assumed that he took a different flight, as on his initial flight from LAX to HCMC, that flight was overbooked, and he volunteered himself to be bumped**

and take the next flight, getting a valuable travel voucher in return. I was worried, and maybe looking for excuses not to be too worried.

- By the next day, still not hearing from my husband, the sick feeling in my stomach came back, and a fear crept into my soul. I reached out to some of my husbands Facebook friends in Vietnam, who provided me with un-confirmable, but in hindsight, credible information about his situation and whereabouts. At this point, I became very concerned, and my terror turned into action. All I could think about was our 4 girls, all young, all innocent, all who deeply love and miss their daddy. I did the only thing I could think of at that point, and I looked through Facebook to see if I could find any information at all. I found a Facebook post from July 6th, that Michael and a few others, were taken off a bus and was missing somewhere near Saigon. At this news, inside of me, I wanted to cry. I felt fear and terror. I didn't know who took my husband; I didn't know if they harmed him, or would harm him, I didn't know if he was even alive. It took every ounce of inner strength along with my prayers to God, yet my heart dropped...I didn't know how I could possibly tell my girls this. Yet, I had to quickly come to realize that I was the only parent to our children. With faith in my heart, I knew that I had to plow forward to find my husband, to find daddy.
- On July 18th, I reported him as a Missing Person, with the State Department in Washington DC. They advised me that they do not have Michaels name on any list of overseas arrested citizens. I felt both extreme frustration as well as panic, but I have 4 girls whose daddy is missing and no one knows anything, thus, I knew I had to be strong.
- The same day, I also reported Michael missing with the US Consulate in Saigon.
- On about July 19th, I called multiple local police offices in Saigon, to report a missing person. They were not cooperative, nor would they even acknowledge his identity or whereabouts, and, shockingly, they even stated that I would be required to inquire in person, not over the phone!!
IN PERSON!
- Daily calls to the US Consulate in Saigon were made but no information was given out. I was referred to the 1994 Privacy Act agreement between the United States and Vietnam, where no personal information can be given out about any US Citizen, to anyone, without that Citizens written consent. I told them this is my husband, and father of our 4 girls, but this was no help at all. I even offered to fax or email them our marriage license. Still no luck.

- **On July 20th, I started online requests for help from various Representative offices, including Representative Mimi Walters, Secretary of State Mike Pompeo, the President and Vice President.**
- **On July 20th and 22nd, I called the US Consulate in Saigon, to try to obtain any information. Still, even though Michael is my husband of almost 20 years, no information was given to me due to the Privacy Act of 1994. At this point, I knew I had to have a talk with our 4 girls, and I needed to have a strong front when I found the words to tell the girls that their daddy is missing, somewhere half way around the world, and we know next to nothing about the situation. My insides were churning, but I knew I also needed to involve our kids to help find their daddy. We are a close knit family, who pray together; go to church regularly together, we all try to eat together as often as possible. When I told the girls, they were visibly frightened, and at night, I could hear them crying in their beds. To this day, this seems to be one of the hardest parts, seeing my girls crying at unexpected times, the cause I know due to their internal fear of what has happened to their dad, and if or even when they will ever see him again.**
- **On July 23rd, I contacted Representative Mimi Walters office (Jefferson Cha), to plead for help because the Privacy Act had become a complete roadblock to me, which I could no longer tolerate. Mr. Cha scheduled a meeting at their Irvine offices for July 27th; I attended, with my sister Christine, brother in law Mark, and 2 friends for additional support.**
- **July 25th, I received a response from Justin Brown from the US Consulate in Saigon, again, stating in more detail, that even though Michael is my husband of many years, they could not provide any information due to the Privacy Act of 1994. Mr. Brown also provided two phone contacts for a possible detention center in/around Saigon.**
- **July 26th, I called these detention facilities, and was basically given the run around, with no information other than more phone numbers to call, to no avail. I felt like no one cared, not anyone in Vietnam, not even my own government would give me any information at all about my husband, who at that point, I had to assume, was taken off a bus somewhere in central Vietnam some 10 days ago. I was sick to my stomach with what was happening. The terror made me feel the blood running through my veins. Thank God for my faith. Thank God for my 4 girls, because of both of these things, I knew I have to be strong, and not stop for anything.**
- **The July 27th meeting with Representative Walters office staff gave the family confidence that locating Michael would somehow be possible. They indicated that they were contacted by Long Beach Congressman Lowenthal's staff, that they were also aware of the case.**

- **By July 28th, when we still did not really know anything concrete, we started a Change.org petition to Free Michael Nguyen, which ultimately has received well over 100,000 signatures. Looking for more ways to get any sort of information and help, we decided we needed to make people in the community aware of this awful situation. We printed posters and petitions, and my girls, many of their cousins, aunts & uncles, went out to the Little Saigon area of Orange County and started to gather signatures. Our oldest daughter, Eileen, who was 15 at the time, went with her uncle Mark. They found mostly rejection from people who were too afraid to sign a petition, out of a natural fear from their homeland. Eileen started to cry, telling her uncle, that even here in Little Saigon, nobody cares or wants to help her dad, who has been part of this community for so long. They sat down and had a talk, and decided that the only way to help her dad, was not to give up, and to change their methods, with my 15 year old daughter taking the lead, telling them about her dad's plight, and her uncle trying to encourage signatures after Eileen told the story of her dad. Eileen made me proud that at 15, in the face of an almost hopeless situation, we never give up, our faith never fails us, and we always keep going, doing something! That weekend, with much of the extended family and friends out on the streets of Little Saigon, and at local Churches, working hard, successfully gathered hundreds of signatures.**
- **Finally, on night July 31st I recognized an incoming call as being from Vietnam. It was American Citizen Services, part of the U.S. Consulate in Saigon. When I answered the call, I was filled with so many emotions, I could hardly think. Fear, anxiety, hope...all these feelings felt overwhelming. On the other end of the phone, was the steady voice of Franc Shelton, Consulate General in Saigon. I held my breath when he told me that Michael is in Ho Chi Minh City, that he is alive and appears to be in good health. I think that was when I started breathing again. He told me that my husband is being held in a local detention facility in Ho Chi Minh City, and that he met with Michael in person on July 31st for about an hour.**
- **He confirmed that Michael signed a Privacy Act Waiver, authorizing the State Dept to speak with his family, US Law enforcement agencies and Congressional Representatives and their staffs. Mr. Shelton told me that the Vietnamese government arrested Michael on July 7th in central Vietnam, and also, that the Vietnamese government did not bother to advise the Embassy or Consulate there until July 19th, 12 days later! When I learned that Michael had the foresight to request a health evaluation from the authorities there, I knew my husband was thinking about all the terrible things that have been reported to have happened in Vietnamese prisons (See pages 1,2,3,4**

& 5 of U.S. State Department Human Rights Practices for 2017 attached). He told me that Michael is under investigation for Article 109 (Activity against the Peoples Government) which made no sense to me, because I knew he went to Vietnam to see his older family members and to tour part of the country.

- For the past year, my 4 girls, Michaels elderly parents, and the rest of our families, along with me, have lived with the fear, knowing that an Article 109 conviction could receive a sentence of up to Life in Prison, or even Death! Imagine not only my horror, but that of our 8 year old, 10 year old, 13 year old and 15 year old daughters must feel, and how this affected them.
- Mr. Shelton explained to us, the legal process over there, including that the investigation could last 3-5 months, and could even be extended if they choose. Within that timeframe, he would NOT be allowed any family visits, No Lawyers, only once a month visit from the Consulate. Nor could we send him any letters or written communication, even from his children. It was shocking to me that we could not personally communicate with him in any way, that we could not see him at all, not really knowing if he is really OK. I was stricken with fear and anxiety, about how I was going to tell our girls this and how they would react.
- I was told that the detention center will provide him with 1 basic meal a day, and that he is allowed to purchase from the canteen there, additional food, but the maximum money he can spend on food or other necessities is about \$80 per month, or about \$2.67 per day. This made me sick, as not only that amount of money in Vietnam today would buy about one bowl of soup of mostly broth and a few noodles, but we had heard about prisoners getting insects, pebbles, and worse mixed in with their rations. **(See pg. 5 of U.S. State Department Human Rights Practices for 2017 attached)** I was completely disgusted.
- At that point, NO FORMAL CHARGES HAD BEEN FILED AGAINST MICHAEL, and during the 3-5+ month investigative stage (which turned into over 10 months), they do not have bring any specific charges against him, allowing them (according to their legal system as I was to understand) to deny Michael the access to anything even resembling due process and legal justice that we so value here in the United States.
- I knew we needed to escalate our activities to a higher level. Soon there after, we organized a press conference which Representative Walters attended. That was August 2nd. Local media showed up, particularly the local Vietnamese media. I did multiple interviews with various news

outlets, TV, newspaper and online. We started to get some national media attention, which I felt helped expose what was happening to Michael and my family.

- My sister Christine, and brother in law Mark, have been my closest advisors, and the 3 of us would (and still) take regular monthly calls from the Consulate in Saigon, giving us the only updates about Michael available.
- Some of the concerns we voiced to the consulate, was the fact that we had heard about many previous cases, where prisoners would have, what I would call “fake accidents” or “manufactured suicides”. I even feared they might slowly poison him with the food they give him.
- We learned from the Consulates confirmation, that when they arrested my husband, he had about \$1,200 dollars, a cell phone and some personal items on him. Yet the local Vietnamese, State controlled media put out that he had on him \$1,600,000 dollars along with various recording equipment. I knew this was all nonsense because we don’t have that kind of money and I know he left Los Angeles with a backpack and 1 carry on luggage. I have no idea how large of a box or carrying case 1.6 million dollars would need, but I would think it would be huge.
- In August of 2018, Christine, Mark, my 4 girls and I met with 4 of our local Members of Congress; Rep. Walters, Rep. Lowenthal, Rep. Correa and House Foreign Affairs Chairman (at the time), Rep. Royce. They all were very supportive and pledged to work together to bring my husband home.
- August 9, 2018, a Congressional Letter was sent to Secretary of State Pompeo, signed by Representatives Walters, Royce, Lowenthal & Correa
- In early September of 2018, Representative Walters held the first of many Special Orders in Congress. I was heartened to hear the speeches from Representatives Walters, Royce, Lowenthal, Correa, Green and Gohmert.
- In late September, my sister Christine and Michael’s Houston, TX sister Mindy went to Washington, DC for a few days to broaden support for my husbands release and to personally thank the Members who were already actively involved. They met with the State Department team working on my husband’s case, as well as many House Members, including Representatives Walters, Green, O’Rourke, LaMalfa, Speier, Aguilar and Gohmert.
- As now the only breadwinner for my family, with 2 jobs at 2 different hospitals, it was difficult for me to make the trip. I was grateful to my sister and my sister in law for going to the expense and putting their heart into bringing my girls daddy home. I held a lot of hope in their DC mission.

- **On October 1, 2018, a 2nd Letter to the Secretary of State was signed this time, by 19 Members from the House of Representatives.**
- **In October, by brother in law, Mark had a month long business trip to China. He asked the Consulate if they could arrange for a meeting with Mark and anyone of authority in Vietnam, to both discuss Michael's case, and to hopefully see Michael, even if briefly. While I was cautious and concerned for Mark's safety if he did fly from China to Saigon, I was also hopeful that somehow, a breakthrough of some kind might occur. But this meeting was denied, and nothing happened.**
- **With the election season going on, things seemed to slow down in October and November.**
- **December was an eventful month. Representative Walters, even though she lost her election, held another Special Order in Congress, co-hosted by Rep. Al Green of Houston, where many of Michael's family resides.**
- **The day after Christmas, I met with incoming Congresswoman Katie Porter. Christine, Mark, my brother Marcel, and my 4 daughters came with me to what turned out to be an hour plus long meeting with the incoming Representative, who said among other things, that this was one of her top priorities. I felt a personal connection to Rep. Katie Porter as she told me that she is a single mother of 3 kids, similar in age to my girls, and I realized at that moment, that I too am basically a single mom now. I had confidence and hope with the smooth transition from one Representative to the next.**
- **In early January, we heard that the United States Ambassador to Vietnam, Daniel Kritenbrink, would be coming to Orange County later in January to meet with the large Vietnamese community of Orange County. We immediately contacted everyone we could, to get his attention and to obtain a personal meeting. Eventually, we were assured he would meet with us privately, but due to the Government Shutdown, this trip was cancelled. So again, my hopes were cut short.**
- **At the very end of January 2019, Representative Katie Porter invited me, as her guest, to attend the State of the Union address. With only days to go, Mark & I got tickets and went to Washington for 2 very eventful days.**
- **With Representative Porters Legislative Director, Briana Marticorena, along with staff from Rep. Lowenthal, Green and Correa's office, we met for an 1.5 hours with the State Department team working on Michael's case.**

- In addition to numerous media interviews, we met of course with Rep. Porter, along with Rep.'s Lowenthal, Yoho, Gomez, Sherman, Lieu and Green.
- We were also both invited to the Speakers Reception before the SOTU address, where we got to meet Majority Leader Hoyer, Speaker Pelosi and many other House Members in a more informal setting. I was heartened that Rep. Porter introduced me to so many Members who showed genuine concern for my plight.
- Late February of 2019 brought my family and I more hope. President Trump had an upcoming summit in Hanoi for a few days. I believed with all my heart, that the President would be bringing my husband home on Air Force One. A letter was written to the President, and signed by 27 Members of Congress, urging him to push for Michael's release.
- A second letter to President Trump, signed by Co-Chairs of the Congressional Caucus on Vietnam, also was delivered to the President, to expose Vietnam's poor human rights record, including my husband's case. While I learned later that Secretary of State Pompeo did bring up my husband's case with his counterparts in Vietnam, again, nothing concrete happened.
- In April of 2019, we learned that just after Easter, Senator Patrick Leahy and 8 or 9 other Senators would be going to Vietnam on a good will mission, with hundreds of millions of dollars in funding to provide clean up of Agent Orange to the benefit of the Vietnamese people. Senator Leahy and his staff have taken on an active and great interest in my husband's case. I learned that Senator Leahy has a long history of wanting to improve bilateral relations between Vietnam and the United States, spearheading at least two major initiatives, including remediation projects to restore lands contaminated by poisons. I hoped his decade's long, close relationship with Vietnam, along with his Senior Foreign Policy Aid, Tim Riser's active involvement, would somehow be the breakthrough I keep waiting for. I hoped Senator Leahy and Senator Kaine and the other Senators who made the April trip to Vietnam would be bringing my husband home on their plane. But still, nothing happened.
- In early to mid June 2019, my congressional Representative, Katie Porter along with Representatives Lowenthal, Correa and others, again gave speeches on the House floor in support of getting my husband home to his family, in addition to being critical of the many abuses Vietnam has imposed on my husband, my family, and other Citizens.
- Around this same time, the HCMC Consulate confirmed to me that Michael's "trial" would be held June 24th and if necessary, continues through the 25th. The days and weeks before the trial

were very difficult for my whole family, my parents, Michael's parents, everyone in our families, especially our 4 daughters. It is hard to put into words, the anxiety, the fear, the waiting for "trial", one I already knew would be pre-determined with his "guilt." I prayed to God that they would not put my husband to death, or give him a life sentence. I was terrified for myself and my daughters.

- His "trial" on June 24, 2019, included the 3 other people arrested with him on the bus a year ago. That "trial" of 4 persons, lasted a total of 4 hours, so about one hour per person, which I assume included the reading the "Indictment". The 3 others were represented by 1 private lawyer. Michael had a court appointed lawyer. I don't think any of the lawyers had any reasonable opportunity to provide even a remote form of defense, as it is common knowledge within the Vietnamese community that lawyers in these types of cases are subject to losing their license, harassment or worse. (See pages 8, 11 & 12, Country Reports on Human Rights Practices for 2017, U.S. Department of State). All "defendants" were convicted and sentenced to many years in prison each.
- I know my husband is innocent of these charges. While he believes in freedom as does virtually everyone else in the world, he is not trying to subvert or overthrow governments anywhere. Michael is the father of my daughters. With my job as a surgery room nurse in highly specialized surgeries, I am most always on call as open heart surgery, or an organ transplant just happens, so there are many, many times, I have to drop everything, and rush to the hospital. Michael is "Mr. Mom" most of the time. He would make breakfast every day and take the girls to school each morning. He was there to pick them up, to take them to after school events, to take them to Vietnamese Mass at church every Tuesday night, to Doctor's appointments and anything else that was needed. My girls loved their "taco Tuesday" nights, or ice cream treats with their dad somewhere close by.
- I miss the movie nights where we would all lay on our bed together, the 6 of us and watch movies.
- For the past year my family has been torn apart. Memories have been taken away from us. My oldest daughter Eileen was sad that her dad was not home to celebrate her "Sweet 16" birthday and the milestone of getting her drivers license soon after. Our daughter Elaine is the athletic one. She misses her dad going to her basketball games and taking her to practice. The youngest 2, Emily and Evelyn, did not fully participate in their schools annual Father/Daughter luncheon,

which they went to sad, and came home sad, knowing that their dad is locked up somewhere on the other side of the planet, accused of something they know he did not do, made worse by the fact that they can't see or speak to their own father.

- My husband, like many others, has been detained by the Vietnamese government to, what I and many others believe, is to do their bidding by systematically controlling and oppressing their own people. This flagrant disregard for human rights must not be ignored. The United States, a country founded on the preservation of individual freedoms and universal civil liberties, should use its position as a global leader, to hold violators accountable for their unwillingness to ensure basic human rights.
- Human rights violations committed around the world have been overlooked, unrecorded, and unreported. It needs to end today. With the United States at the forefront of overseeing the promotion of global human rights, every country must be held accountable, *especially* our trade partners and international allies. Increased trade relations with Southeast Asian countries and throughout the world should go hand in hand with the evolution of human rights. The United States should uphold the ideals of universal human rights promised in our Constitution. The Vietnamese government has openly defied the Universal Declaration of Human Rights which encourages all nations to continuously work towards freedom, peace, and security. As a part of the United Nations, they must be held accountable for their membership of such a well-respected organization. The world must recognize that those who deny fundamental human rights are not welcomed as allies let alone economic partners. Let us stand today to liberate those denied of respect and dignity. Let us stand today to bring justice for the families torn apart.
- Thank you for including me in this important Hearing, including the highlighting of my husbands case. For Michael's and my 4 daughters, we thank you very much.