

CONTINUING REPRESSION BY THE VIETNAMESE GOVERNMENT

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND
INTERNATIONAL ORGANIZATIONS

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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JUNE 4, 2013
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CONTINUING REPRESSION BY THE VIETNAMESE GOVERNMENT

TUESDAY, JUNE 4, 2013

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:46 p.m., in room 2172 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The hearing will come to order and good afternoon to everyone.

I do apologize for starting late. We had a series of hearings on the floor which made it impossible for all of us to be here, so thank you for your patience.

I would like to begin by recognizing the many distinguished leaders who are joining us in conjunction with the Vietnamese-American Meetup.

Many thanks to all of you for taking the time to come to Washington, to meet with your representatives here in Congress and for joining us here for this hearing that will look at some of the many human rights abuses being committed by the Vietnamese Government.

This is the second hearing held by this subcommittee, which handles human rights, on Vietnam this year. We'll be taking a greater in-depth examination of some of the fundamental human rights violations that we discussed at our first hearing in April, particularly land confiscations in the context of religious and ethnic persecution.

Although the relationship between the United States and Vietnam improved substantially in 1995 when relations were normalized, the human rights situation in Vietnam did not improve.

As the U.S. has upgraded Vietnam's trade status, the Vietnamese Government has continued to violate a wide range of fundamental human rights. To cite just one example, despite the State Department's decision in 2006 to remove Vietnam from the list of Countries of Particular Concern, or CPC, as designated pursuant to the International Religious Freedom Act, Vietnam continues to be among the worst violators of religious freedom in the world.

According to the United States Commission for International Religious Freedom's 2012 annual report,

“The Government of Vietnam continues to control all religious communities, restrict and penalize independent religious practices severely, and repress individuals and groups viewed as challenging its authority.”

The commission concludes that Vietnam should be designated a CPC country. It appears that the State Department decided to allow political considerations to trump the facts and the brutality of Vietnam’s record of religious persecution.

In the department’s latest International Religious Freedom report that was released on May 20th, Vietnam once again was a glaring omission in the list of Countries of Particular Concern.

Compared to the disturbing clarity of the U.S. Commission on International Religious Freedom report, or USCIRF, the State Department’s description of the state of religious freedom in Vietnam is a whitewash and an extreme disservice to the truth about the religious persecution that is prevalent in that country.

I repeat my past appeals to the administration to follow the letter as well as the spirit of the International Religious Freedom Act and hold Vietnam to account as a Country of Particular Concern.

I met courageous religious leaders during my last trip to Vietnam who were struggling for fundamental human rights in their country. Unfortunately, many of them, including Father Ly and the Most Venerable Thich Quang Do, remain wrongly detained today.

There are disturbing reports that Father Ly is suffering poor health. Leaders of religious organizations are not the only ones victimized by the Vietnamese Government on account of their faith. Individuals in small communities are also targeted by the regime.

Witnesses and experts at our past hearings have recounted the brutality suffered in 2010 by Con Dau parishioners at the hands of police in the course of a funeral procession.

This persecution continues to this day in response to the villagers’ opposition to the illegal and unjust confiscation of their land.

Today’s hearing will take a closer examination of ethnic and religious persecution in Vietnam, particularly through the government’s practice of confiscating land. The government has unlawfully taken property belonging to families that include many Vietnamese-Americans.

Not only is land forcibly taken but any compensation provided by the government is far below the fair market value. If the rightful owners do not accept what is offered or show resistance, security forces are dispatched to overwhelm any opposition and brutally suppress them.

The arbitrary taking of real property not only violates the Universal Declaration of Human Rights but even Vietnam’s own domestic laws. To address this and numerous other violations of human rights by the Vietnamese regime, I have reintroduced the Vietnam Human Rights Act, H.R. 1897.

This legislation, co-sponsored by a large number of members including our chairman, Chairman Royce, and members of the bipartisan Congressional Vietnam Caucus, has been reported out of this subcommittee and is awaiting consideration, hopefully soon, by the full committee.

This legislation seeks to promote freedom and democracy in Vietnam by stipulating that the United States can increase its non-humanitarian assistance to Vietnam above the 2012 levels only when the President certifies that the Government of Vietnam has made substantial progress in establishing democracy and promoting human rights including respecting freedom of religion and releasing all religious prisoners, respecting rights to freedom of expression, assembly and association, releasing all political prisoners, independent journalists and labor activists, repealing and revising laws that criminalize peaceful dissent, independent media, unsanctioned religious activity and nonviolent demonstrations in accordance with international human rights standards, respecting the human rights of members of all ethnic groups, and taking all appropriate steps including prosecution of government officials who have any complicity in human trafficking.

It also calls on the administration to redesignate Vietnam as a Country of Particular Concern for religious freedom and takes measures to overcome the Vietnamese Government's jamming of Radio Free Asia and oppose Vietnam's membership on the U.N. Human Rights Council which will be voted on this fall.

It also seeks to help those who have been denied the access to our refugee programs, many of whom, because of corruption, never got the break that they were entitled to.

We are fortunate, again, to have a distinguished panel of witnesses here today to discuss these critical issues. I, and I know my colleagues, look forward to their testimony.

I yield to my friend and colleague, the ranking member, Ms. Bass.

Ms. BASS. Thank you, Mr. Chairman.

In April, we previously held a hearing on Vietnam and the many human rights challenges faced by the Vietnamese people.

In my remarks from that day, I noted that while there have been some advances in the government's crackdown on various freedoms, this is no means widespread.

Human rights organizations including those that have presented to this committee in the past and those that are here today continue to document the full extent of the government's efforts to undermine and trample on the rights of its citizens.

Mr. Chairman, I wish to yield my remaining time to open to my colleague, Representative Alan Lowenthal, who has a large constituency of Vietnamese.

Mr. LOWENTHAL. Thank you, Mr. Chair, and thank you, Ranking Member Bass, for allowing me to address the subcommittee on this very important issue today.

First, I want to begin by thanking all the distinguished—all the members of this distinguished panel who are testifying before us today. Congressman Joseph Cao, it is an honor to see you again.

I last saw you at the last hearing and I commend your dedication to upholding human rights in Vietnam, both in and out of Congress, and I'm happy, again, as I mentioned to see you once again before this committee.

Ms. Holly Ngo, thank you for coming from all the way from Garden Grove, which is part of my district, to highlight the very, very important issue of the expropriation of property in Vietnam by the

Vietnamese Government, an issue that affects literally thousands of Vietnamese-Americans.

It's really the dedication of all of you on this panel and all of us that are in this room that continue to shine a spotlight on human rights violations in Vietnam and pressure the Government of Vietnam to put an end to these violations.

This past weekend I hosted the United States Ambassador to Vietnam, Mr. David Shear, at a town hall meeting in my district. My meetings with Ambassador Shear reassured me that the United States continues its commitment to human rights improvements in Vietnam.

Meanwhile, I'm also very much reminded by my constituents how important this issue is to them. I'm inspired—you know, one of the things it's not just those that were boat people who escaped from Vietnam but I am very inspired by the thousands of young Vietnamese-Americans who were born and raised in the United States who wish to fight for freedom and democracy in the land of their parents and their grandparents. I find that very, very important and impressive to hear that commitment.

But, sadly, we hear today that human rights violations in Vietnam continue. They continue to increase as the government targets groups that include students, religious leaders, ethnic minorities, democracy activists and even United States citizens who offer their help are targeted.

The United States and Vietnam in recent years have become closer trading partners and both have benefited from the increasing economic ties between our countries.

As the people of Vietnam enjoy the benefits of our shared prosperity, the Vietnamese Government should also join us in recognizing the freedom and rights of every human being.

As we continue to negotiate the Trans Pacific Partnership and we continue further economic ties with Vietnam, I believe we must insist that the government in Vietnam improve its record on human rights violations.

We must work together to build a lasting relationship with Vietnam that is based upon respect for the basic freedoms for all, and I yield back my time and thank you.

Mr. SMITH. Thank you very much.

Mr. Meadows.

Mr. MEADOWS. Thank you, Mr. Chairman, and thank you for being with us today. Some of you, welcome back. It's good to see you again and certainly as we look at Vietnam it is, one, a large trading partner of the United States. It's growing larger by the day.

Obviously, the Vietnamese Government has been very involved in ongoing negotiations over the Trans Pacific Partnership, TPP, and is also applying to be a recipient of the Generalized System of Preferences.

The United States is already Vietnam's largest export market. Both the TPP and the GSP status would grow that relationship. But there are certain standards that we require of countries who want our business and we must ensure that Vietnam is living up to those standards.

Vietnam is still a nonmarket economy with a large number of state-owned enterprises, as we've heard here before, and we also heard here in testimony before this subcommittee we've heard about Vietnam officials that have worked to keep international human trafficking rings operational, something that we cannot tolerate.

Ethnic and religious minorities still face persecution on a regular basis. Vietnam claims actual ownership of all land and land confiscation is often used to play favorites.

We cannot move forward with a GSP status as long as these issues are unsettled and Vietnam is unwilling to seriously address human rights issues and I look forward to hearing your testimony on how we can do that.

And with that, I yield back, Mr. Chairman.

Mr. SMITH. Thank you very much and welcome to Mr. Stockman.

I'd like to now introduce our distinguished panelists, beginning first with Congressman Anh Cao, who was born in Vietnam at the age of eight, was able to escape to the United States with his siblings.

After learning English he did well in school and earned an undergraduate and Master's degree before teaching philosophy and ethics in New Orleans. Congressman Cao went on to earn his law degree and work for Boat People SOS to help poor Vietnamese and other minorities.

He lost his home and office in Hurricane Katrina but helped lead his community as it started to rebuild. In 2008, he became the first Vietnamese-American elected to the U.S. Congress representing Louisiana's Second Congressional District, and I can say having worked so closely with him that he is and was then as a Member of Congress an outstanding champion of human rights. So welcome back, Congressman Cao.

We'll then hear from Dr. Nguyen Dinh Thang, who came to the United States as a refugee from Vietnam in 1979. After earning his Ph.D. he began volunteering with Boat People SOS in 1988.

Now serving as the head of Boat People SOS, Dr. Thang has worked for the past 25 years on virtually every human rights issue as it relates to Vietnam but especially on the resettling and helping to gain access to the U.S. tens of thousands of boat people and other refugees who escaped from Vietnam.

And I can say parenthetically that when the Clinton administration wanted to send back and close the CPA, the Comprehensive Plan of Action, and say they're all going back there, they're economic migrants, they're not true refugees, it was Dr. Thang who came to this committee and to me and to my staff, Ambassador Joseph Rees and said we believe that tens of thousands of true refugees have been improperly screened out and are going back to new economic zones or to the gulag and will be mistreated. He said that they need to be re-reviewed and reassessed because they are refugees. As a result of his intervention we held four hearings in my committee.

I offered an amendment that said no money of the U.S. will be used to forcibly repatriate any of those 40,000. The administration agreed and sent U.S. adjudicators and Embassy folks to refugee people to reevaluate and 20,000 plus people came to the United

States, and it's all become of Dr. Thang. So thank you so very much for that. He's also the leader on fighting human trafficking.

We'll then hear from the Venerable Danh Tol, who was born in 1981 in Vietnam and became a Buddhist monk in 1996. He continued his Buddhist education until '07 when he led a peaceful demonstration to demand religious freedom.

For leading this demonstration he was jailed and he was tortured until he was released almost 2 years later following pressure from the international community.

After his release he was granted refugee status and resettled abroad. Since 2010, he has met with many human rights organizations to speak about religious persecution and especially against the Khmer Krom indigenous people. Welcome to the Venerable Danh Tol.

We'll then hear from Ms. Holly Ngo, who escaped from Vietnam by boat and arrived in the Philippines in 1978. In 1980, she joined her mother and other family members in the United States, went on to earn a Master's degree in 1990.

She has been an IT professional for 27 years and has done volunteer work in the local Vietnamese community in Southern California. Recently, she joined the fight against human trafficking of Vietnamese to various countries and we certainly welcome that important advocacy.

Her family was a victim of multiple waves and forms of property confiscation by the Government of Vietnam.

Then we'll hear from Mr. John Sifton, who is the Advocacy Director for Asia at Human Rights Watch where he focuses on South and Southeast Asia.

He has extensive experience doing international human rights work with a focus on Asia, but he has also worked on issues related to human trafficking, terrorism as well as refugees.

Mr. Sifton has travelled to Vietnam where he has investigated the human rights situation and other developments and written extensively about that.

He works with a wide range of government officials from many countries to provide policy advice and raise awareness of Vietnam's human rights record. Mr. Sifton, welcome to you as well.

I'd like to now go to Congressman Cao. He is recognized.

**STATEMENT OF THE HONORABLE ANH "JOSEPH" CAO
(FORMER MEMBER OF CONGRESS)**

Mr. CAO. Chairman Smith, Ranking Member Bass and esteemed members of the subcommittee, again I would like to thank you all for your interest and for you all being the voice of the Vietnamese-American community here in the United States.

As you all know, the history of Vietnam and the history of Vietnamese-Americans is a history bathed in tears, a history of unbearable suffering but also a history with a proclamation Of hope.

April 30, 1975, was the day of infamy for the millions of Vietnamese whose future was dashed when their freedom was extinguished by the brutal assault on South Vietnam by Communist forces in blatant violation of the 1973 Paris Peace Accord.

Having known or faced Communist cruelty, thousands of Vietnamese left their homes and family, climbing and clambering over

one another to fight for space on that last plane, on that last boat to escape imminent atrocities.

What transpired in Vietnam after the Communist takeover could only be described by analogously linking the tragedy of Vietnam to such unconscionable events in human history as the Holocaust, the Killing Fields and the Great Purge.

In the aftermath of the Vietnam War, the Communist government arrested and forcefully detained hundreds of thousands of former military personnel who were loyal to the Republic of South Vietnam and threw them into Nazi-style concentration camps along with thousands of political dissidents.

Viewing religion as an existential threat to Communist orthodoxy, churches and temples were shut down and religious leaders were arrested and sent to prison like common criminals.

Economic policy lacking scientific and philosophic justification were implemented with devastating effects as countless of thousands were evicted from their homes and sent to the new economic zones where many died of malaria and other deadly diseases.

Facing starvation from ill-conceived economic policies, over 1 million Vietnamese left their home and country and set sail for the high seas, facing pirates, storms and death to seek freedom and a new future in foreign lands.

It is estimated that over 300,000 of these boat people perished in the oceans of the world. However, many successfully escaped and resettled in the United States. Through the generosity of the U.S. Government and its people, hundreds of thousands of Vietnamese were able to adjust to a new culture and become productive citizens.

I am one of the many thousands who benefited from this generosity. I can recall very vividly and endearingly an elderly couple in Goshen, Indiana, who I would come to call Mamoo and Papoo, driving me to school, taking me to shopping and buying me my very first snow sled.

I along with thousands of Vietnamese became U.S. citizens for one simple reason—to defend the Constitution of the United States and in return be defended by the same Constitution.

Vietnamese-Americans now invoke this Constitution and respectfully request this Congress to protect them against the illegal expropriation of the land left behind when they fled the evils of Communism.

Mr. Chairman, to make the story short, on April 4, 1977, the Communist Republic of Vietnam, SRV, issued an executive order placing the properties of Vietnamese who fled Vietnam under temporary state administration.

Then in 1980, the SRV declared through its constitution that land belongs to the entire people with the state as the representative owner, thereby declaring in principle its policy to nationalize all land.

On December 29, 1987, the National Assembly proclaimed Vietnam's land law to implement this new policy, placing all land under the people's collective ownership and the government's administration.

On July 14, 1993, the Vietnamese National Assembly passed a new land law declaring that the government shall not return land

expropriated to its rightful owners once that land has been assigned to other entities.

This law, however, affected only Vietnamese nationals. Not until 2003 did the National Assembly pass a resolution that allowed the state to expropriate land of Vietnamese-Americans.

The 2003 land law authorized the Vietnamese Government to spurn any claim for the return of land already placed under the state administration prior to July 1, 1991. This land law officially completed the process of nationalizing all land and housing under the administration of the state.

Mr. Chairman and esteemed members of the subcommittee, Congress has been very clear in its intent that the United States shall not provide assistance to governments that have violated the rights of U.S. citizens.

The Trade Act of 1974 requires that a beneficiary of the Generalized System of Preferences may not have nationalized, expropriated or otherwise seized properties of U.S. citizens or corporations without providing or taking steps to provide prompt, adequate and effective compensation or submitting such issues to a mutually agreed forum for arbitration.

22 USC Section 2370 is explicit in this prohibition against the granting of assistance to countries that have nationalized, expropriated or seized property of U.S. citizens, especially countries with Communist ties.

The statute mandates in pertinent parts that the President shall suspend assistance to the government of any country to which assistance is provided under this chapter or any other act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962, has nationalized or expropriated or seized ownership or control of property owned by any United States citizen.

And in the statute itself it explicitly mentions the Socialist Republic of Vietnam as one of the countries that assistance shall not be provided.

Mr. Chairman, Ranking Member Bass and esteemed members of the subcommittee, the Socialist Republic of Vietnam has failed to take appropriate steps to discharge its obligations under widely accepted general principle of international law to fully compensate Vietnamese-Americans for properties unlawfully nationalized or expropriated.

The Socialist Republic of Vietnam has failed to foster the establishment of any genuinely democratic system and respect for internationally recognized human rights including the right to own property, the right to political speech and expressions, the right to freely practice any religion or belief and the right to life.

Instead of improving its human rights record, Vietnam has increased its repression of democratic ideals since obtaining its entry into the World Trade Organization in 2007.

Its repression and aggression have been the greatest against religious institutions. As part of this wave of repression, the Socialist Republic of Vietnam has aggressively expropriated land from religious communities including the Catholics, the Montagnard Protestants, the Hmong Protestants and the Khmer Krom Buddhists.

The case of Con Dau Parish that the chairman is very familiar with illustrates the Vietnamese Government's policy of wiping out an entire Catholic parish through expropriation of farm land, cemetery plots and residential homes of parishioners.

On May 4, 2010, the authorities even prohibited the burial of a 93-year-old parishioner in the parish cemetery. To make their act even more heinous, as parishioners proceeded with the funeral the police attacked them brutally, causing injuries to over 100 parishioners including the elderly and children.

The police arrested 62 people and tortured them for days during detention, killing one of the detainees.

Mr. Chairman and esteemed members of this subcommittee, the U.S. Government should not be complicit in the repression of democratic ideals in Vietnam. This government should not be complicit in the Vietnamese Government's infringement on the rights of U.S. citizens.

We therefore request that this Congress to do the following. One, demand the administration to stop all assistance to Vietnam as required by law, not ratify any trade agreements with Vietnam until Vietnam shows concrete improvements in the promotion of democracy and religious freedom for its people and adequately compensate U.S. citizens for the land that they illegally expropriated, and three, pass the Vietnam Human Rights Act and the Vietnam Sanctions Act.

Again, I would like to thank the chairman, Ranking Member Bass and this subcommittee for providing me the opportunity to testify.

[The prepared statement of Mr. Cao follows:]

**TESTIMONY OF ANH “JOSEPH” CAO
FORMER CONGRESSMAN**

COMMITTEE ON FOREIGN AFFAIRS

**SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL ORGANIZATIONS**

CONTINUING REPRESSION BY THE VIETNAMESE GOVERNMENT

JUNE 4, 2013

Vietnam's human rights violations and neglect of the rule of law.

Mr. Chairman and esteemed members of the Subcommittee, the history of Vietnamese-Americans is a history bathed in tears, a history of unbearable suffering, but also a history with a proclamation of hope. April 30, 1975, was a day of infamy for the millions of Vietnamese whose future was dashed when their freedom was extinguished by the brutal assault on South Vietnam by Communist forces in blatant violation of the 1973 Paris Peace Accord. Having known or faced Communist cruelty, thousands of Vietnamese left their homes and family, climbing and clambering over one another to fight for a space on that last plane, on that last boat to escape imminent atrocities. What transpired in Vietnam after the Communist takeover could only be described by analogously linking the tragedy of Vietnam to such unconscionable events in human history as the Holocaust, the Killing Fields, and the Great Purge. In the aftermath of the Vietnam War, the Communist government arrested and forcibly detained hundreds of thousands of former military personnel who were loyal to the Republic of South Vietnam and threw them into Nazi-style concentration camps along with thousands of political dissidents. Viewing religion as an existential threat to Communist orthodoxy, churches and temples were shut down, and religious leaders were arrested and sent to prison like common criminals. Economic policy lacking scientific and philosophic justification were implemented with devastating effects as countless thousands were evicted from their homes and sent to the New Economic Zones where many died of malaria and other deadly diseases. Facing starvation from ill-conceived economic policies, over one million Vietnamese left their home and country and set sail for the high seas facing pirates, storms, and death to seek freedom and a new future in foreign lands. It is estimated that over 300,000 of these "Boat People" perished in the oceans of the world.

However, many successfully escaped and resettled in the United States. Through the generosity of the U.S. government and its people, hundreds of thousands of Vietnamese were able to adjust to a new culture and become productive citizens. I am one of the many thousands who benefited from this generosity. I can recall very vividly and endearingly an elderly couple in Goshen, Indiana, who I would come to call “Mamoo” and “Papoo”, driving me to school, taking me shopping, and buying for me my very first snow sled.

I, along with thousands of Vietnamese, became U.S. citizens for one simple reason—to defend the Constitution of the United States and in return be defended by the same Constitution. **Vietnamese-Americans now invoke this Constitution and respectfully request this Congress to protect them against the illegal expropriation of the land they left behind when they fled the evils of Communism.**

Mr. Chairman, to make this story short, on April 4, 1977, the Socialist Republic of Vietnam (SRV) issued an Executive Order placing the properties of Vietnamese who fled Vietnam under temporary state administration. Then in 1980, the SRV declared through its Constitution that “land belongs to the entire people with the State as the representative owner,” thereby declaring in principle its policy to nationalize all land. On December 29, 1987, the National Assembly promulgated Vietnam’s Land Law to implement this new policy, placing all land under the people’s collective ownership and the government’s administration. On July 14, 1993, the Vietnamese National Assembly passed a new Land Law declaring that the government shall not return land expropriated to its rightful owners once that land had been assigned to other entities.¹ This law, however, affected only Vietnamese nationals. Not until 2003 did the National Assembly pass a resolution that allowed the State to expropriate land of Vietnamese-Americans.

¹ The 1993 Land Law officially effected the nationalization of land of Vietnamese in Vietnam but did not resolve the issue of land left vacant by those who had left Vietnam. Not until 2003 did the National Assembly pass Resolution to declare no return of land or homes to those living overseas.

The 2003 Land Law authorized the Vietnamese government to spurn any claim for the return of land already placed under State administration prior to July 1, 1991. This land law officially completed the process of nationalizing all land and housing under the administration of the State.

Mr. Chairman, Congress has been very clear in its intent that the United States Government shall not provide assistance to governments that have violated the rights of U.S. citizens. The Trade Act of 1974, (19 USC 2462(b)(2), requires that a beneficiary of the Generalized System of Preferences “may not have nationalized, expropriated or otherwise seized property of U.S. citizens or corporations without providing, or taking steps to provide prompt, adequate, and effective compensation, or submitting such issues to a mutually agreed forum for arbitration.”

22 U.S.C § 2370 is explicit in its prohibition against the granting of assistance to countries that have nationalized, expropriated or seized property of U.S. citizens, especially countries with Communist ties. The statute mandates, in pertinent parts:

(e)(1) The President shall suspend assistance to the government of any country to which assistance is provided under this chapter or any other Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

(A) has nationalized or expropriated or seized ownership or control of property owned by any United States citizens or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or association not less than 50 per centum beneficially owned by United States citizens, or ...

(f)(1) No assistance shall be furnished under this chapter, (except section 2174 (b) of this title) to any Communist country. This restriction may not be waived pursuant to any authority contained in this chapter unless the President finds and promptly reports to Congress that:

(A) such assistance is vital to the security of the United States;

(B) the recipient country is not controlled by the international Communist conspiracy; and

(C) *such assistance will further promote the independence of the recipient country from international communism. For the purposes of this subsection, the phrase "Communist country" includes specifically, but is not limited to, the following countries:*

*Democratic People's Republic of Korea,
People's Republic of China
Republic of Cuba,
Socialist Republic of Vietnam,
Tibet,*

Mr. Chairman, the Socialist Republic of Vietnam has failed to take appropriate steps to discharge its obligations under widely accepted general principle of international law to fully compensate Vietnamese-Americans for properties unlawfully nationalized or expropriated. The Socialist Republic of Vietnam has failed to foster the establishment of a genuinely democratic system, and respect for internationally recognized human rights, including the right to own property², right to political speech/expressions³, right to freely practice any religion or belief⁴, and the right to life⁵. Instead of improving its human rights record, Vietnam has increased its repression of democratic ideals since obtaining its entry into the World Trade Organization in 2007. Its repression and aggression has been the greatest against religious institutions.

² Article 17 of the *Universal Declaration of Human Rights* (UDHR) stipulates that everyone has the right to own property and no one shall be arbitrarily deprived of his/her property.

³ Right to speech is enshrined in Article 19 of the International Covenant on Civil and Political Rights; Article 10 of the European Convention on Human Rights; Article 13 of the American Convention on Human Rights; and Article 9 of the African Charter on Human and Peoples' Rights.

⁴ The freedom of religion and belief is protected by Article 18 of the International Covenant on Civil and Political Rights (ICCPR); Also see, UN General Assembly resolutions: Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

⁵ *Universal Declaration of Human Rights* (1948) (article 3); International Covenant on Civil and Political Rights (1966) (article 6).

As part of this wave of repression, the Socialist Republic of Vietnam has aggressively expropriated land from religious communities, including the Catholics, the Montagnard Protestants and Catholics, the Hmong Protestants, and the Khmer Krom Buddhists. The case of Con Dau Parish that the Chairman is very familiar with illustrates the Vietnamese government's policy of wiping out an entire all-Catholic parish through expropriation of farmland, cemetery plots, and residential homes of parishioners. On May 4, 2010, the authorities even prohibited the burial of a 93-year old parishioner in the parish's cemetery. To make their act even more heinous, as parishioners proceeded with the funeral, the police attacked them brutally, causing injuries to over a hundred parishioners including the elderly and children. The police arrested 62 people and tortured them for days during detention killing one detainee.

Mr. Chairman, the U.S government should not be complicit in the repression of democratic ideals in Vietnam; this government should not be complicit in the Vietnamese government's infringement of the rights of U.S. citizens. We therefore suggest this Congress to do the following: 1) demand the Administration to stop all assistance to Vietnam as required by law; 2) not ratify any trade agreements with Vietnam until Vietnam shows concrete improvements in the promotion democracy and religious freedom for its people, and adequately compensate U.S. citizens for the land that they illegally expropriated; 3) pass the Vietnam Human Rights Act, and the Vietnam Sanctions Act.

Mr. SMITH. Congressman Cao, thank you very much for your testimony.

Dr. Thang.

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

Mr. THANG. Chairman Smith, Ranking Member Bass, Congressman Meadows, Congressman Lowenthal and other distinguished members of this subcommittee, from cities across America today some 800 of us, Vietnamese-Americans, gather in the halls of Congress to demand human rights for the 90 million Vietnamese people in Vietnam, our loved ones and also for the hundred of thousands of U.S. citizens that have been affected—that is, ourselves here in America.

Confiscation of land has been used by the Government of Vietnam as a tool for corruption and also to repress the independent churches.

However, it's a little known fact that over the past 38 years the Vietnamese Government has also violated the rights and interests of U.S. citizens by illegally confiscating land, real estate and other properties of up to ½ million U.S. citizens of Vietnamese origin.

We estimate the total amount of compensations owed by the Vietnamese Government to be between 50–100 billion U.S. dollars.

Many of the victims, ardent U.S. citizens, are here in the audience. In 1975 and ensuing years, the Communist Government of Vietnam occupied land and homes left vacant by those who left the country in the face of persecution.

However, the government only nationalized these lands and homes in November 2003 under a resolution already mentioned by Congressman Cao.

But by that time, some 600,000 Vietnamese refugees in the U.S. had already become naturalized U.S. citizens.

So essentially that new law, that resolution, nationalized the properties of U.S. citizens. This confiscation of the properties of U.S. citizens continues to this day.

For example, in the same case of Con Dau referred to by Congressman Cao in Da Nang City the government has used force to evict the parishioners in order to take over their lands and homes, some of which belonged to U.S. citizens through inheritance.

Right at this moment as we speak, government workers escorted by the police are about to bulldoze their ancestral home that belong to Vietnamese-Americans present in this audience. I have here a picture of the bulldozer escorted by the police right now in Vietnam.

With the chairman's permission, I also would like to include for the hearing's record the report by the Association of Con Dau Parishioners that has been submitted to the U.N. Human Rights Council for the UPR review of Vietnam.

Mr. SMITH. Without objection, so ordered.

Mr. THANG. Thank you, Mr. Chairman.

U.S. laws are very clear toward a government—from governments that confiscates the properties of U.S. citizens. The Federal Claims Settlement Commission has the responsibility to adjudicate claims of U.S. citizens against foreign governments.

The Foreign Assistance Act stipulates that the President shall suspend all assistance to a country the government of which has appropriated the properties of U.S. citizens and the U.S. Government shall vote against loans to that government from international financial institutions such as the World Bank and the Asian Development Bank.

The Trade Act already mentioned by Congressman Cao bars the U.S. President of according GSP to a foreign government that has nationalized, expropriated or otherwise seized properties of U.S. citizens or corporations.

I have personally helped numerous Vietnamese-Americans, including my own parents, to write to the State Department's Legal Adviser's office.

In response, this office has provided a list of law offices in Vietnam and told claimants to contact—verbatim to contact and hire an attorney in Vietnam to help pursue any rights and remedies that you may have with regard to your property under domestic law in the local jurisdiction. We expected a lot more from own government.

I have also helped these same Vietnamese-Americans to write to the U.S. Trade Representative asking him to include compensations for confiscated properties of U.S. citizens as part of the ongoing trade negotiations with Vietnam including the TPP.

According to the USTR's response, again verbatim, the United States has a broad and multifaceted relationship with Vietnam. Vietnam's participation with us on a range of trade initiatives creates significant new possibilities for U.S. exporters.

No mention about the properties of thousands—tens of thousands and potentially hundreds of thousands of U.S. citizens that have been confiscated illegally by the Vietnamese Government.

And last August, our organization, BPSOS, launched an online petition using the White House's We The People Web site, calling on our own President to defend the rights and properties of U.S. citizens of Vietnamese origin.

No response so far after 10 months. It is understandable why our administration has not taken an interest in defending the rights and properties of U.S. citizens of Vietnamese origin. Doing so might derail its policy of strategic engagements with the Socialist Republic of Vietnam.

I therefore would like to call on Congress through this committee, subcommittee, to one—number one, request that the USTR includes immediately in the TPP negotiations with Vietnam our Government's demand that the Vietnamese Government must, first, agree to pay compensations for all affected U.S. citizens including those of Vietnamese origin; to request of the Legal Adviser's office at the State Department to espouse the claims of U.S. citizens against the Vietnamese Government; to negotiate with that government's terms of settlements and demand the suspension of all land expropriations from now on, at least temporarily, throughout the country until a process is in place to ensure that no properties of U.S. citizens will be further expropriated without due and fair compensations.

We call on the President to immediately suspend all assistance to Vietnam pending the results of such negotiations. We also call

on Congress to authorize the U.S. Federal Claims Settlements Commission to start adjudicating claims by Vietnamese-Americans against the Socialist Republic of Vietnam, and finally, to commission the GAO, the General Accountability Office to study the different forms of confiscation of properties employed by the Vietnamese Government over the past 38 years and also to assess the respective impact on U.S. citizens.

Thank you.

[The prepared statement of Mr. Thang follows:]

Statement of Nguyen Dinh Thang, PhD

CEO & President, Boat People SOS

Before the

COMMITTEE ON FOREIGN AFFAIRS
Subcommittee on Africa, Global Health, Global Human Rights,
and International Organizations

Continuing Repression by the Vietnamese Government
June 4, 2013

Mr. Chairman and distinguished members of the Committee:

Since the most recent Congressional hearing on Vietnam less than two months ago, the human rights conditions in that communist country have already deteriorated significantly.

On May 5, the police blocked or dispersed "human rights picnics" in Ha Noi, Hai Phong, Nha Trang and Saigon, detaining and beating up many rights activists in public areas or at the police stations.

On May 16 the People's Court sentenced Nguyen Phuong Uyen, a 20-year old college student, to six years and Dinh Nguyen Kha, a 25-year computer technician, to eight years in prison on subversion charges. All they did was to speak out against China's expansionism.

Then on May 26 the police arrested and detained Truong Duy Nhat, a well-known blogger who set up a public vote of confidence of government leaders, on charges of abusing democratic freedoms. His survey showed that only 7% of the respondents had confidence in Prime Minister Nguyen Tan Dung, and 9% in the National Assembly Speaker Nguyen Phu Trong.

On May 29, eight Montagnard Catholics were sentenced to between three and 11 years for "undermining national unity."

Repression and persecution have intensified right on the heels of the latest U.S.-Vietnam human rights dialogue. This intensification is deplorable but not surprising. In April a U.S. delegation led by the State Department was in Ha Noi for a one-day dialogue on human rights. It was attended by Vietnamese rank-and-file government officials. Ten days later a large U.S. delegation led by the Acting US Trade Representative spent 3 days in Vietnam to negotiate Trans-Pacific Partnership; they met with the Vietnamese President, a Deputy Prime Minister, several ministers and deputy ministers. The message to the government of Vietnam was very clear: The U.S. cares more about trade than human rights.

Some policymakers may argue that U.S. policies on human rights must be calibrated to accommodate a wide array of national interests. No other national interests should trump the rights and interests of U.S. citizens. The government of the Socialist Republic of Vietnam (SRV) has massively violated the rights and interests of U.S. citizens.

Over the past 38 years the Vietnamese government has illegally confiscated land, real estate and other properties of up to half a million U.S. citizens of Vietnamese origin. We estimate the total amount of compensations owed by the Vietnamese government to be between \$50 billion and \$100 billion.

In 1975 Communist troops from the North invaded the Republic of Vietnam, aka South Vietnam. As a result over a million South Vietnamese fled or were evicted from the country. Most of them later resettled in the U.S. as refugees. They left behind so many vacant real properties that on April 14, 1977 the Vietnamese government issued Executive Decision 111/1977/CP to place

them under temporary management by the state. The Executive Decision, in pertinent part, states that: *“All residential housing, land and properties absent of owners who are Vietnamese or foreigners are directly administered by the government. When these owners return, the government will resolve [the matter] with them. No one may unilaterally expropriate, transfer ownership, sell or buy residential housing or properties in the absence of their owners without authorization of the government agencies with proper jurisdiction.”*

Many Vietnamese Americans did return to Vietnam to reclaim their properties. A very small number of them, after paying hefty bribes to influential government officials, got their properties back.

For the remaining victims, their slim hope of ever reclaiming their properties vanished in late 2003 when Vietnam’s National Assembly passed Resolution 23/2003/QH11. Article 1 of this Resolution states that the Vietnamese government will no longer entertain any claim for the return of land or residential housing already placed under state management. In other words, this Resolution changed the status of these vacant properties from being “managed” to being “nationalized”. By then, some 600,000 Vietnamese refugees in the U.S. had already become naturalized U.S. citizens. We estimate, conservatively, that some 100,000 such vacant properties belonged to U.S. citizens when they were nationalized.

Through research we have found that this Resolution affected properties of U.S. citizens not only in South Vietnam but also in North Vietnam. In 1954, when the country was divided into North and South, some one million North Vietnamese evacuated to the South, leaving behind their land and real estate. The Communist government in the North “managed” those vacant real properties until they became nationalized in November 2003.

The confiscation of the properties of US citizens continues to this day in many different forms. Below are prevalent ones.

- (1) When real property in Vietnam that is jointly owned by a US citizen is sold, the Vietnamese government would automatically keep the share that belongs to the US citizen.
- (2) After 1975 the Vietnamese government ordered wealthy families in South Vietnam to deposit gold, jewelry and cash into state banks. They were issued a depository certificate, which a number Vietnamese Americans still hold on to. For years they have attempted in vain to demand the return of their assets deposited at Vietnamese state banks. These properties have never been nationalized.
- (3) Many Vietnamese Americans have lawfully inherited real estate in Vietnam from their deceased parents. As the Vietnamese government sweepingly expropriates entire areas, including parishes and villages, for commercial purposes or simply to target non-

conformist religious denominations, an increasing number of U.S. citizens are robbed of their properties with little or no compensation. The case of the all-Catholic Parish of Con Dau in Da Nang City serves as vivid illustration. In May 2010 the government of Da Nang City used force and violence to evict residents from their 135-year old parish. There are many US citizens with properties in Con Dau Parish. Right at this moment, government workers escorted by the police are about to bulldoze the ancestral home that belong to Vietnamese Americans present in the audience. With the Chairman's permission I am including for the hearing's Congressional record the report of the Association of Con Dau Parishioners that has been submitted to the UN Human Rights Council for the Universal Periodic Review of Vietnam.

US laws are very clear towards a foreign government that confiscates the properties of US citizens:

- (1) In 1949 Congress passed the International Claims Settlement Act to establish the U.S. Federal Claims Settlement Commission, the function of which is to adjudicate the claims of U.S. citizens against foreign governments.
- (2) The Foreign Assistance Act of 1961, as amended in 1964 (22 USC 2370(e)), stipulates that the President shall suspend all assistance to a country the government of which has expropriated the properties of U.S. citizens, and the U.S. government shall vote against loans to that government from international financial institutions such as the World Bank and the Asian Development Bank.
- (3) The Trade Act of 1974 bars the U.S. President from according Generalized System of Preferences (GSP) to a foreign government that has "*nationalized, expropriated or otherwise seized property of U.S. citizens or corporations without providing, or taking steps to provide prompt, adequate, and effective compensation, or submitting such issues to a mutually agreed forum for arbitration.*"

From 1980 to 1995, the U.S. government successfully enforced these laws to compel the Vietnamese government to pay US \$208 million in compensations to close to 200 U.S. citizens whose properties had been confiscated by the invading Communist troops in 1975. There was no naturalized U.S. citizen of Vietnamese origin among those benefiting from this successful intervention by the U.S. government.

Repeated appeals by Vietnamese Americans for equal treatment have been ignored by the present Administration. The U.S. Department of State Legal Adviser's Office, which is tasked with the responsibility of representing U.S. citizens in disputes with foreign governments, has set three conditions for its espousal of the claims of U.S. citizens.

- (1) The claimant must be a U.S. citizen at the time the claim arose and continuously thereafter. As already explained, by the time the Vietnamese government officially nationalized land and real estate that belonged to Vietnamese refugees in the U.S., most of these Vietnamese had already acquired U.S. citizenship. I am not aware of any Vietnamese Americans who have ever renounced their U.S. citizenship.
- (2) The expropriation is a violation of international law that is attributable to the foreign government. Title VII of the International Claims Settlement Act of 1980 found that international law entitles U.S. nationals to just compensation for their expropriated property in Vietnam, and that the Communist authorities' expropriation of American property after the fall of the South Vietnam was not a lawful taking because the invasion which led to the taking violated the 1973 Paris Peace Accords and the U.N. Charter. This served as the basis for our government to pursue claims against the Vietnamese government between 1980 and 1995.

The same basis should apply for naturalized US citizens of Vietnamese origin. The Communist government of North Vietnam not only broke the Paris Peace Accord and invaded South Vietnam but also executed some 60,000 South Vietnamese prisoners of war, sent over a million members of the South Vietnamese government and military to "re-education" camps where detainees were subjected to torture, evicted millions of South Vietnamese city dwellers to the "New Economic Zones" – the Vietnamese version of the Soviet Gulag, and committed other atrocities against people of faith, intellectuals, journalists, business owners, indigenous peoples, ethnic minorities, and Amerasians -- children of US servicemen and Vietnamese women born during the Vietnam War, among others. In 1978 the Vietnamese government started to evict Vietnamese citizens of Chinese origin from Vietnam, pushing them out to sea which resulted in the Vietnamese "boat people" saga. Over a million Vietnamese left their country by sea or by land between 1975 and 1990. The Communist authorities occupied and "managed" the land and homes they left behind. Such taking is clearly in violation of international law.

- (3) The claimant must exhaust local remedies in the relevant country, or demonstrate that doing so would be futile. Resolution 23/2003/QH11, passed by the Vietnamese National Assembly passed in November 2003, made any attempts at seeking local remedy futile. The Vietnamese government has since 2003 cited this resolution to dismiss claims made by Vietnamese Americans. There is presently no local remedy available under Vietnamese law.

I have personally helped numerous Vietnamese Americans, including my own parents, to write to the State Department's Legal Adviser. In response, the Legal Adviser's office has provided a list of law offices in Vietnam and told claimants to "*contact and hire an attorney in Vietnam to*

help pursue any rights and remedies that [you] may have with regard to [your] property under domestic law in the local jurisdiction.”

I have also helped these same Vietnamese Americans to write to the U.S. Trade Representative, asking him to include compensations for confiscated properties of U.S. citizens as part of the on-going trade negotiations with Vietnam. The U.S. Trade Representative’s response is very clear: *“The United States has a broad and multifaceted relationship with Vietnam. Vietnam’s participation with us on a range of trade initiatives creates significant new opportunities for U.S. exporters while also providing a unique opportunity to press for real change on longstanding concerns on labor, human rights and other concerns...”* Just compensation for properties taken from U.S. citizens is evidently not one of those concerns.

Last August BPSOS launched an online petition using the White House’s “We The People” website calling on the President to defend the rights and properties of U.S. citizens:

“Our President should demonstrate his commitment to defending the rights and interests of US citizens by applying the prohibition clause of the Foreign Assistance Act (22 USC 2370(e)) to Vietnam, calling on its government to freeze further expropriations of US properties, and conditioning GSP or any further trade benefits on the return of all properties that belong to US citizens or payment of fair compensation.”

Even though the White House had promised to answer any petition that collected 25,000 signatures within 4 weeks and even though our petition campaign exceeded this threshold within 3 weeks, to this day there has been no response from the White House.

Apparently our Administration is dodging the issue, possibly fearing that it might derail its plan to pursue, in the words of the U.S. Trade Representative, *“a wide array of economic, security, and strategic interests with Vietnam.”* The rights and the properties of U.S. citizens should be national interests of highest priority for both the Administration and Congress.

The right to own property and the right to be protected against being arbitrarily deprived of one’s property is enshrined in Article 17 of the Universal Declaration of Human Rights.

A hundred thousand U.S. citizens being deprived of their rightful properties in the range of U.S. \$50 - \$100 billion is no small matter of national interest.

I therefore would like to call on Congress, via this Committee, to:

- (1) Request that the U.S. Trade Representative includes in the Trans-Pacific Partnership (TPP) negotiations with Vietnam our government’s demand that the Vietnamese government first agrees to pay compensations for all affected U.S. citizens. A number of members of Congress are concerned about the potential loss of \$4 billion over 8 years for

the U.S. textile industry if Vietnam were to join the TPP. That certainly is an issue of national interest. And so should be the actual loss of \$50 - \$100 billion affecting an estimated 100,000 U.S. citizens spread out in practically every Congressional district and state.

- (2) Request that the Legal Adviser's Office espouses the claims of U.S. citizens against the Vietnamese government, negotiates with the Vietnamese government terms of settlement, and demands the suspension of all land expropriations throughout the country until a process is in place to assure that no properties of U.S. citizens be expropriated without due compensations.
- (3) Call on the President to immediately suspend all assistance to Vietnam pending the results of the negotiation over compensations.
- (4) Authorize the U.S. Federal Claims Settlement Commission to start adjudicating claims by Vietnamese Americans against the Socialist Republic of Vietnam.
- (5) Commission the GAO to study the different forms of confiscation of properties employed by the Vietnamese government over the past 38 years, and to assess their respective impacts on U.S. citizens.

Mr. SMITH. Dr. Thang, thank you so very much.
Ms. Ngo.

**STATEMENT OF MS. HOLLY NGO, VICTIM OF PROPERTY
CONFISCATION**

Ms. NGO. Mr. Chairman Smith and members of the committee, thank you for allowing me to speak on behalf of my family and many other Vietnamese-American families that are similarly situated.

My name is Holly Ngo. I escaped from Vietnam by boat in December 1978 and arrived at a refugee camp in the Philippines. I was resettled as a refugee to France in 1979 and stayed in Paris until September 1980.

I then joined my family in the U.S. in October 1980 and became a U.S. citizen in 1985. I live in Garden Grove, California, and I'm currently working for Avery Dennison in Brea, California, as a senior Peoplesoft technical developer.

My mother, Kim Hoang, fled Vietnam by boat in May 1979 and stayed in a refugee camp in Malaysia. She arrived in the U.S. in 1980. She acquired U.S. citizenship in September 1996.

My father stayed behind in Vietnam until 1991 and he joined our family in the U.S. in 1991 and became a U.S. citizen in January 2000.

On behalf of our family, I am seeking congressional intervention in the matter that affects our family and many Vietnamese-Americans.

In 1979, one of our houses was placed under state management because we did not live in the house. In 2003, the Government of the Socialist Republic of Vietnam nationalized our land and our house and this is the English translation of the title of our real property in Vietnam.

This is the bill of sale in 1970 and this is worth at least 800,000 U.S. dollars now in Vietnam.

In 1977, the Vietnamese Government forced my family to deposit 2.384 kilograms of gold at the National Bank. They have not returned that gold, which is worth at least \$135,882 at the present market value, and this is the receipt of our deposit dated February 1, 1977. This is the original.

In other words, the Vietnamese Government is unlawfully withholding access of U.S. citizen with no intention to return it. And my parents also has a second house in Vietnam.

When my father sold it in 1990 to migrate to the U.S. the government kept 50 percent of the sale proceeds because my mother was in the U.S. at that time.

They said they kept it for my mother but they never returned the money to her and at that time it was approximately 5,000 U.S. dollars in 1990 and this is the receipt. As I said, they kept 50 percent for my mother.

On September 10, 2012, I sent a letter to Senator Barbara Boxer, Senator Dianne Feinstein, Congresswoman Loretta Sanchez, Ambassador Ron Kirk of the Office of the United States Trade Representative, and Mr. Hongju Koh, the Legal Adviser of the Department of State, to ask them to raise this issue to the Vietnamese Government at every possible occasion encouraging the Vietnamese

Government to send delegation to meet with our family and our legal counsel to discuss the return or the fair compensation of our property.

I believe that my mother's claim met all the three standard criteria that the Department of State used to assess the merit of similar claims. I have spent the past decade to seek local remedy.

The Vietnamese Government will not entertain any claim for the return of land or residential housing already placed under state-management such as the case of our family.

U.S. law is very clear that when a foreign nation expropriates property of a U.S. citizen the Foreign Assistance Act of 1961 stipulates that the President shall suspend all assistance to a country the government of which has expropriated the property of a U.S. citizen and the U.S. Government will vote against loan to that government from international financial institutions.

Congress is in the position to demand that our State Department apply U.S. law passed by Congress. Please forward our case and the case of so many other Vietnamese-Americans to the Legal Adviser for the Department of State and the U.S. Trade Representative and ask them, number one, what are their procedure and criteria they would use to assess the merit of our claim against the Vietnamese Government; number two, what is the threshold to apply the Trade Act of 1974 regarding not granting the Generalized System of Preference to the government that has expropriated property of a U.S. citizen; number three, what is the threshold to apply the Foreign Assistance Act of 1961 regarding the suspension of foreign assistance to a government that has expropriated property of a U.S. citizen.

I know that the Clinton administration intervened on behalf of an American and successfully secured of U.S. dollars like \$200 million in compensation for an American whose property has been expropriated by the Socialist Republic of Vietnam.

We expect the Obama administration to show the same treatment toward Americans of Vietnamese origin and we expect equal protection of rights and property of all Americans. However, this is not the case.

I therefore am very grateful for this opportunity to appeal to our Congress to do what is right to protect the rights and the property of the U.S. citizen.

Thank you very much.

[The prepared statement of Ms. Ngo follows:]

Name : HOLLY NGO

Title and organizational affiliation: N/A

House Committee on Foreign Affairs

Date of Committee hearing : June 4, 2013

Chairman Smith and members of the Committee,

Thank you for allowing me to speak on behalf of my family and many other Vietnamese American families that are similarly situated.

My name is Holly Ngo. I escaped from Viet Nam by boat in December 1978 and arrived at a refugee camp in Philippines. I was resettled as a refugee to France in 1979 and stayed in Paris until September 1980. I then joined my family in the US in October 1980 and became US citizen in 1985. I currently live in Garden Grove, California. I am currently working for Avery Dennison in Brea, California as a Senior Peoplesoft technical developer.

My mother Kim Hoang fled Viet Nam by boat in May 1979 and stayed in a refugee camp in Malaysia. She arrived in the US in 1980. She acquired US citizenship in September 1996. My father stayed behind in Viet Nam until 1991. He joined our family in the US in 1991 and became naturalized US citizen in January 2000.

On behalf of our family, I am seeking Congressional intervention in a matter that affects our family and many Vietnamese-Americans.

In 1979, one of our houses was placed under state management because we did not live in the house. In 2003, the government of the Socialist Republic of Vietnam nationalized our land and our house. We are enclosing a notarized copy of the title to our properties in Vietnam. Enclosed is the English translation of the title to our real property in Vietnam. It is worth at least 800,000 USD now.

In 1977 the Vietnamese government forced my family to deposit 2.384 Kg of gold at the national bank. They have not returned that gold, which is worth \$135,882 at the present market value. Enclosed is the receipt of our deposit dated Feb 1, 1977. In other words, the Vietnamese government is unlawfully withholding asset of US citizens with no intention to return it.

My parents also had a second house in Viet Nam. When my father sold it in 1990 to migrate to the US, the government kept 50 % of the sale proceeds because my mother was in the U.S. at that time. They said they kept it for my mother, but they never returned the money to her. It was approximately 5000 USD in 1990.

On Sep 10, 2012, I sent letters to Senator Barbara Boxer, Senator Diane Feinstein, Congresswoman Loretta Sanchez; Ambassador Ron Kirk of the Office of the United States Trade Representative; and Mr. Hongju Koh , Legal Adviser, Department of State to ask them to raise this issue to the Vietnamese government at every possible occasion, encouraging the Vietnamese government to send delegations to meet with our families and our legal counsel to discuss the return of or the fair compensations for the expropriated properties.

I believe that my mother's claims meet all three standard criteria that the Department of State uses to assess the merits of similar claims:

- (1) My mother is a U.S. citizen at the time the claim arose and continuously thereafter to this day.
- (2) The act of expropriation is a violation of international law that is attributable to the foreign government. The government of the Socialist Republic of Vietnam nationalized our real properties through its law in 2003. According to international law the expropriation of alien property is lawful only if prompt, adequate and effective compensation is provided for. In our case, the government of Vietnam has offered no compensation whatsoever.
- (3) My mother's case meets the Department of State's requirement that "the claimant must exhaust local remedies in the relevant country, or demonstrate that doing so would be futile." There is no possible local remedy. On 26 November, 2003, Vietnam's National Assembly promulgated the 2003 Land Law (13/2003/QH11) along with Resolution 23/2003/QH11, Article 1 of which affirms that the Vietnamese government will not entertain any claim for the return of land or residential housing already placed under State administration prior to that date. Any attempts at seeking remedy through local lawyers would constitute waste of time and money.

I have spent the past decade seeking local remedies. The Vietnamese government will not entertain any claim for the return of land or residential housing already placed under State management such as the case of our family.

U.S. law is very clear when a foreign nation expropriates properties of U.S. citizens. The Foreign Assistance Act of 1961, as amended in 1964 (22 USC 2370(e)), stipulates that the President shall suspend all assistance to a country the government

of which has expropriated the properties of U.S. citizens, and the U.S. government shall vote against loans to that government from international financial institutions. Congress is in a position to demand that our State Department applies U.S. laws passed by Congress.

Please forward our case and the cases of so many other Vietnamese Americans to the Legal Adviser for the Department of State and the US Trade Representative and ask them:

- What are their procedures and criteria they would use to assess the merits of our claims against the Vietnamese government?
- What is the threshold to apply The Trade Act of 1974 (19 USC 2462(b)(2)) regarding not granting Generalized System of Preferences (GSP) to governments that have expropriated properties of U.S. citizens?
- What is the threshold to apply the Foreign Assistance Act of 1961, as amended in 1964 (22 USC 2370(e)), regarding the suspension of foreign assistance to governments that have expropriated properties of U.S. citizens?

The Clinton Administration intervened on behalf of and successfully secured over US \$200M in compensation for Americans whose properties had been expropriated by the Socialist Republic of Vietnam. We expect the Obama Administration to show the same treatment towards Americans of Vietnamese origin. We expect equal protection of rights and properties for all Americans. However this has not been the case. I therefore am grateful for this opportunity to appeal to our Congress to do what is right to protect the rights and the properties of U.S. citizens.

Sincerely yours,

HOLLY NGO

Mr. SMITH. Ms. Ngo, thank you very much for your testimony and for asking such pertinent questions of the U.S. Department of State and of the administration.

I think such a violation of your rights and the rights of your mother, as you pointed out, cannot go unanswered. So thank you so very much.

I'd like to now yield to the Venerable Thich Danh Tol.

**STATEMENT OF THE VENERABLE DANH TOL, VICTIM OF
RELIGIOUS PERSECUTION**

[The following testimony was delivered through an interpreter.]

Ven. TOL. Mr. Chairman, I would like to take this opportunity to thank the committee, the chairman, for inviting me to come here and testify before your subcommittee.

Before I present my statement and recommendation, I wish to offer my prayers and my thoughts to the victims of the Oklahoma tornados. I wish them speedy recoveries.

I wish to summarize my statement and I wish to include my written statement for the record.

Mr. SMITH. Without objection, yours and all of the witnesses' full statements and any attachments will be included in the record.

Ven. TOL. My name is Venerable Danh Tol. I'm a Khmer Krom Buddhist monk in Vietnam. I was ordained into the monkhood in 1996.

I led a peaceful and nonviolent demonstration on February 8, 2007, in Soc Trang with over 200 monks—Khmer Krom monks in order to demand the freedoms of religion to practice Theravada Buddhism.

I was arrested, defrocked by force and imprisoned on February 26, 2007, for 4 years. Others arrested and imprisoned were the Venerable Kim Moul, Venerable Thach Thuong, Venerable Ly Hoang and Venerable Ly Suong.

Mr. Chairman and members of the subcommittee, I would like to inform you that I was tortured and beaten incessantly by the police forces and I was in general tortured and interrogated at night time. I was tortured and I was interrogated and forced to admit the wrongdoings of which I did not commit.

The Vietnamese Government have the police forces to arrest the Buddhist—the Khmer Krom Buddhist monks as well to torture them in order to force them to admit the wrongdoings which they did not do and during the tortures, beatings and sufferings have incurred.

For approximately up to 6 months, I was held in isolation, in darkness and naked. During the imprisonment I was held and I was beaten incessantly and I suffered mentally, emotionally, physically, and was forced to admit what I did that I didn't do.

After the interrogation and tortures I was bleeding and was left unconscious. After waking up I was tortured again and again and I did nothing wrong. The thing what we did—I didn't do anything wrong and they kept forcing me to admit wrong things.

I was imprisoned for 4 years. I was in prison for 4 years. I was released on January 17, 2009. Under the pressure from the foreign interventions I was released on January 17, 2009.

On April the 20th, I fled the country and into Thailand. I was released—I was never convicted. I left Thailand in 2009. Mr. Chairman and members of the subcommittee, I would like to inform you that even right now the Vietnamese authority is still accusing other Khmer Krom Buddhist monks for peaceful religious activities, in violation of their human rights.

Even right now the Government of Vietnam has arrested three Khmer Krom Buddhist monks and they are Venerable Lieu Ny, Venerable Thuol, and Venerable Chanh Da.

Even the followers of the Theravada Buddhism were arrested for supporting the Khmer Krom monks. Three women and three follower men have been arrested but I just can't remember all of the names of the prisoners being held by the Vietnamese Government right now.

My apology, Mr. Chairman. I am really emotional and at this time I would like the committee—would like your support to allow the Khmer Krom Buddhist monks—I would like the committee to urge the Vietnamese Government to unconditionally release Venerable Lieu Ny, Venerable Thach Thuol, Venerable Phum Rich, and Thach Tha.

I believe that while they were in prison they would be tortured incessantly just what they did to myself. I believe that the other two venerables are being imprisoned right now, Venerable Lieu Ny at the Tra Set Temple and the Venerable Thach Thuol also at the Tra Set Temple and also Venerable Ly Chanh Da at the Prey Chop Temple.

Also in this regard, I would like to recommend the committee to urge Vietnam to allow Khmer Krom Buddhist monks to create an independent religious organization free from interference from the Government of Vietnam.

We would like to have the violations of human rights against Khmer Krom Buddhist monks stopped and I would urge the committee to advise the U.S. State Department to redesignate Vietnam as a Country of Particular Concern for the violations of the Khmer Krom Buddhist monks.

And I would urge Vietnam to respect the human rights of the Khmer Krom people as well as the Khmer Krom Buddhist monks in the Mekong Delta, to avoid violation and stop violations of the human rights of the Khmer Krom people and Khmer Krom Buddhist monks.

Again, I would like to thank the chairman and members of the subcommittee for the opportunity for me to be here.

[The prepared statement of Ven. Tol follows:]



សហព័ន្ធនៃកម្ពុជាក្រចក

KHMERS KAMPUCHEA-KROM FEDERATION

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COMMITTEE ON FOREIGN AFFAIRS

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations

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Written Statement

On behalf of the Khmers Kampuchea-Krom Federation (KKF), I would like to bring to your attention regarding to the Human Rights abuses that our unfortunate Khmer-Krom people living in our homeland, Kampuchea-Krom (Southern Vietnam), are facing. They are the poorest of the poor people in Mekong Delta. Their fundamental rights are violated, because of their own safety, they fear to speak up to defend for their rights.

Kampuchea-Krom is the Khmer name for the Mekong Delta and surrounding region of the current state of Viet Nam. The Indigenous Peoples of Kampuchea-Krom are the Khmer-Krom, the ancient descendents of the people of Nokor Phnom (or Funan in the Chinese translation) empire. During colonization of France, Kampuchea-Krom was called Cochin China.

The KKF has brought the Khmer-Krom Human Rights violations to the United Nations in New York and Geneva and provided possible recommendations to the Vietnamese government. Unfortunately, the Vietnamese government still denies having an open dialog with the KKF and has also tried to silence KKF even at the United Nation level. Vietnam launched a vehement campaign to request the member states of ECOSOC not to grant consultative status for KKF even KKF was already granted the special consultative status by the ECOSOC NGO committee on May 22, 2012.

It obviously shows that the voiceless Khmer-Krom people do not have the fundamental rights to live on their ancestral land as briefly discussed below:

Right to Preserve Khmer-Krom Identity and Culture

Vietnamese government continues to erase the identity of Khmer-Krom people as Indigenous Peoples of Mekong Delta. Vietnam forbids the Indigenous Khmer-Krom Peoples to be referred to as “Khmer-Krom” and label them as “Dân Tộc Thiểu Số Khmer” (ethnic minority Khmer).

The false history of the Khmer-Krom is taught in public school. Vietnamese

government does not allow Khmer-Krom to call their village, districts, and provinces in their Khmer language.

From December 2-4, 2011, Vietnam organized the Fifth Festival Culture, Sport and Tourist for the Khmer-Krom to perform to lure tourists into the region. Besides exploiting the culture of the Khmer-Krom for economic benefit, Vietnam forces Khmer-Krom to perform its culture and music that are not based on the Khmer-Krom culture at all. They have to sing a song in both Vietnamese and Khmer and the content of the songs are to thank the Vietnamese government and its communist party. This is clearly a sign of oppression toward a culture. When the Khmer-Krom performed a cultural event about Sen Don-Ta Festival (Pay Respect to their ancestor), the Khmer-Krom performers had to put incense on the altar to pay respect to their ancestors. The Khmer-Krom audiences were shocked and very upset when the picture on the altar was the picture of Ho Chi Minh. It was insulting to the Khmer-Krom because Ho Chi Minh is not the Khmer-Krom's ancestor. Even though they were not happy, they could not complain or seek any recourse because they live in fear. The Fifth Festival of Culture and Sport is nothing more than exploitation and a mockery toward the Khmer-Krom culture.

Right to Learn the International Law

Vietnam adopted the UNDRIP, but the UNDRIP is not allowed to distribute freely in Kampuchea-Krom. Most of the Khmer-Krom don't even know the existence of UNDRIP and the Universal Declaration of Human Rights (UDHR). The Human Rights workshop to educate Khmer-Krom about their basic rights is not allowed.

Right to Represent and Defend in front of the Vietnamese Legal System

The Khmer-Krom people are living in FEAR on their ancestral land in Vietnam. They are treated as the second class. When the Khmer-Krom people are facing the legal issues, they have no voice in the legal system of Vietnam:

On September 2, 2010, twenty-two Khmer-Krom rubber plantation workers in Tay Ninh province were off work on the **Vietnam's National Day** holiday. They decided to explore a local market in the Vietnamese-populated town. Unfortunately, the Vietnamese locals attacked them because they are Khmer-Krom. Mr. Chau Net, who answered to the Vietnamese mob that he is Khmer-Krom, was murdered right away. Mr. Chau Net's skull was sliced in half by an axe. He was then horrifically beheaded with a Samurai sword. Mr. Chau Phat and Chau Keo were severely injured. Other people managed to escape with minor injury. This is a serious crime against the innocent Khmer-Krom workers, but the Vietnamese authority has not taken any serious actions to arrest the killers to bring them to face justice. Mr. Chau Net's parents were threatened by the government to stop filing complaints to find justice for their son.

Vietnam uses the so called "ethnic minority agency" (Ban Dân Tộc) to represent for the rights of the Khmer-Krom. In reality, this is an agency that Vietnam uses it to

propagate the state's policies and uses the indigenous peoples who work for that agency to oppress its own people if their people stood up for their rights:

Mr. Huynh Ba, a Khmer-Krom land rights activist, led the Khmer-Krom farmers from Soc Trang province to demand returning their confiscated farmlands many times at the ethnic minority agency in Can Tho province. The ethnic minority agency has no power to resolve any issue and threatens the Khmer-Krom farmers to go back to their village or face arrest. Because Mr. Huynh Ba was the leader, he was arrested on May 30, 2009 and released on February 2011 without a free and fair trial. He had no lawyer or right to defend in front of the Vietnamese court. As of today, the confiscated farmlands of the Khmer-Krom farmers have not yet been returned. The Khmer-Krom farmers have nowhere to turn to for justice.

Venerable Danh Tol, Ven. Kim Moul, Ven. Ly Hoang, Ven. Thach Thuong and Ven. Ly Suong were arrested, defrocked, and imprisoned in 2007 because they led a peaceful demonstration to demand the freedom to practice Theravada Buddhism. After being released in February 2009, Ven. Danh Tol and Ven. Kim Moul appealed the Vietnamese government to be re-ordained as Buddhist monks, but they were denied. Vietnamese authorities ordered the Khmer-Krom people who work for the government such as: Mr. Son Song Son, Mr. Thach Kim Sen, and Mr. Lam Ren to bring in Ven. Kim Moul and Danh Tol for prolonged intimidation and integration, depriving them of rest and food. The Khmer-Krom people who serve as "public servants" for the Vietnamese government are puppets who do whatever the government tells them to do. They are scared to speak up for their own people's rights.

Vietnam invited UN Independent Expert on Minority Issues, Ms. Gay McDougall to visit Vietnam from July 5-15, 2010. According to an official report of Ms. McDougall's trip to Vietnam published on January 21, 2011, the Vietnamese government arranged for her to visit and meet only the ethnic minorities who work for the government, *"during her visit, she was largely confined to meetings arranged by the Government, encountering obstacles that limited opportunities for unaccompanied meetings outside of the presence of Government officials. She therefore does not believe that she had full, free and unfettered access to all parties whom she wished to consult. This impeded her ability to obtain perspectives other than those in consonance with official Government positions"*

Right to Learn and Use Khmer Language

The Indigenous Khmer-Krom Peoples are not allowed freely to learn and use their Khmer language. The current teaching of the Khmer language in public schools attended by Khmer-Krom students is not a program that actually enables Khmer-Krom children to know their mother language. There are no Khmer programs in Primary Public School, where most of the Khmer-Krom children must leave school at the last class to help their parents either in the farm works or as an unskilled worker because of the conditions of poverty in which their families live. From some junior public high schools provide just two to three hours of unreliable programs per week for Khmer-Krom students to learn Khmer, which is not an adequate amount of time to learn any

language. Therefore, most of the young Khmer-Krom now cannot read nor write their own language.

The Vietnamese government forbids the Khmer-Krom from bringing Khmer text books from Cambodia to Vietnam for the Khmer-Krom students to study. In recent years, Vietnam published the Khmer text books for Khmer-Krom students to study. The text books' contents contain propaganda to brainwash the Khmer-Krom students. The text books are written by the Vietnamese who do not know the Khmer language well. Thus, the text books have many grammatical errors and incorrect spelling. This is the reason why the Khmer-Krom students want to study the Khmer text books from Cambodia, which Vietnam does not allow.

Right to Own Land

When the Khmer-Krom people have a dispute with Vietnamese citizens or the Vietnamese government, the Khmer-Krom victims have no right to file complaints to seek justice. When they stand up for their rights, they face imprisonment:

On April 22, 2010, Mrs. Tran Thi Chau was arrested and later sentenced by the Court of Tra Vinh for two and half years in prison. Mrs. Tran Thi Chau had a land-grab dispute with the local authorities at the Nhi Truong market in Nhi Truong village, Cau Ngang district, Tra Vinh province. The authorities arrested her on her way to a wedding and then accused her with the alleged crime of retaking her land.

On March 31, 2011, Mr. Chau Hen was sentenced for two years in prison by the Court of Tri Ton district, An Giang province. Mr. Chau Hen had organized peaceful demonstrations to demand the return of confiscated Khmer-Krom farmlands in the Tri Ton district in 2007 and 2008. Because he led the demonstrations, he was accused of public disturbance and suffered unjust imprisonment.

Recent news from Tra Vinh province (the Mekong Delta), a Khmer Krom local named Mr. Thach Khemerabot reported that since the Vietnamese/Chinese New Year in January, 2012, the price of rice in the Mekong Delta region has outrageously gone down in an unpredictable manner, while the world price of rice has gone up in contrast.

Many poor and helpless Khmer-Krom farmers in the Mekong Delta have historically been relying heavily on their rice production as their main source of income and livelihood and to pay back loans they took during rice plantation season to purchase fertilizers and chemicals.

The Khmer-Krom local farmers have suspected there must be some kind of politically-motivated schemes being carried out by the Hanoi communist regime against the poor and helpless Khmer-Krom local farmers in the Mekong Delta region, so in the end the highly-in-debt Khmer-Krom farmers would have to sell their traditional farmlands to pay down their debts. The local Khmer-Krom farmers have expressed that they are victims in this grand scheme, and have sought international help on stopping this

inhuman and racially-motivated acts against them. They have also expressed grave concern for the future of their children whom might have to drop out of school in order to support their poor family, because their traditional farming businesses unjustly forced out of business by the State.

On International Women Day—March 8, 2012, Mrs. Neang Sen, a Khmer-Krom woman from An Giang province has expressed grave concerns over helpless and abject poverty due to loss of her ancestral land to the Vietnamese authorities' extortion scheme during the period 1979 to 1983, when Mrs. Neang Sen's families and the Khmer-Krom villagers were forced out to live in Hau Giang province instead. On their return to hometown few years later, Mrs. Neang Sen and others learned that their farmlands and properties have been confiscated by the Vietnamese authorities and Vietnamese newcomers and to this day their calls for return of their lands receive no response from the Vietnamese authorities. Not only their calls for justice have been ignored, but Mrs. Neang Sen and villagers have accused for disturbing public order and being discriminated as unruly and second-class citizens by the Vietnamese authorities.

Right to be Free from Torture

After living in fear and oppression, Ven. Danh Tol and Ven. Kim Moul escaped Vietnam to seek refugee status in Thailand via Cambodia. They were granted asylum status to live in Sweden in September 2009. When they reached to the free world, they told their stories about how they were treated and tortured by the Vietnamese police and guards while in prison.

Mr. Chau Hen used to be a healthy person. After being arrested and imprisoned, he has been tortured and has not been allowed to speak to his wife when she visits.



Mr. Chau Hen was leg cuffed at a hospital when he was sick

Right to Travel from and to Their Ancestral Land

The Khmer-Krom people have to ask for permission if they need to travel within

Vietnam or abroad:

On October 29, 2011, Venerable Ly Le in Vinh Chau district, Soc Trang province, asked permission to travel to Cambodia, but the Vietnamese government refused, alleging the crime of being caught while talking online with the Khmer-Krom abroad on April 23, 2011.

Venerable Socun Ty, a Khmer-Krom Buddhist monk, had left his family in Soc Trang province to live in Cambodia in 2003 and became a Cambodian citizen in 2004. On May 27, 2010, he went back to visit his parents. The Vietnamese police seized his Cambodian passport and subjected him to a full day of interrogation.

To closely monitor the Khmer-Krom visiting Vietnam from abroad, Vietnam requires the Khmer-Krom visitors to register with the local authority where they visit. The Vietnamese authority even sends police to “visit” the Khmer-Krom visitors making them feel uncomfortable and concerned for their safety. Those who do not register with the local authorities are fined. Mr. Tran Van Lyo, a Khmer-Krom from California was fined one million two hundred fifty thousand Dong (about 50 US dollar) on December 10, 2010 because he forgot to register with the local authority when he visited his hometown in Travinh province.

On November 8, 2011, while visiting Cambodia, Ms. Thach Bopha from the United States wanted to go to Vietnam to visit her relatives. She went to apply for a visa at the Vietnamese Embassy in Cambodia. She was totally shocked when a staff at the embassy told her that the embassy cannot issue visa for her because of her Khmer-Krom last name, **Thach**.

On March 22, Mr. Son Subert, an adviser to the King of Cambodia, and his friends were stopped at the border and not allowed to enter Vietnam even they had Visa issued by the Vietnamese Embassy in Cambodia. Mr. Son Subert planned to travel to Vietnam and visit his relatives in Preah Trapeang (Tra Vinh) province.

On April 12, 2013, Mr. Ly Chhuon, an Editor-in-Chief of the PreyNokorNews magazine in Cambodia, his wife and his daughter left Phnom Penh, Cambodia, to visit his relatives in Kampuchea-Krom (Mekong Delta) during the Cambodian New Year. His family wants to celebrate Cambodian New Year with his relatives in his homeland. Unfortunately, the Vietnamese authority detained them for three days and then deported them back to Cambodia.

Right to Freely Practice Theravada Buddhism

Practice Theravada Buddhism in Fear

The Khmer-Krom Buddhist monks and followers of Theravada Buddhism must use caution when worshipping in the Kampuchea-Krom region. The Vietnamese government has embedded their agents inside of Khmer-Krom temples to monitor and

report all the activities of monks and followers. The purpose of this surveillance is to ensure that all Khmer-Krom temples are following the stringent orders that the Patriotic United Buddhist Association (PUBA) has ruled.

These agents are monks, and high-ranking members of the temple, such as Abbots and Head Monks, most of them are forced to do so under duress. These operatives are pressured to accept these monitoring positions because of political pressure or financial gain. Whether or not employed under duress, they receive a monthly salary from the government; this act alone defies several of the most central Buddhist beliefs. Knowing that spies are constantly watching, **the Khmer-Krom Buddhists now practice their religion in fear.**

Though most of these spies involuntarily work for the government, some have been more than happy to take advantage of this system of control. Vietnam allows the Khmer-Krom Buddhist monks to become members of Congress. Such is the case of Venerable Thach Houll, who after being elected, had no qualms oppressing his own fellow Buddhist monks. In addition, he serves as a mouthpiece for governmental propaganda. It is officials like Ven. Thach Houll who maintain the image of "religious freedom" in Vietnam while covering the constant suppressions of indigenous peoples.

The Khmer-Krom monk students in the Pali school in Soc Trang province are being monitored particularly heavily. They must report wherever they go. Moreover, all the foreigners who come to this school are monitored heavily. In September 2010, a Buddhist delegation from Thailand was not allowed to visit this school without a proper explanation.

The Theravada Buddhist monks and followers are afraid to speak freely. Those who have expressed interest in their rights to freely practice as they wish quickly cease for fear of being arrested.

Imprisonment for demanding Religious Freedom

Since Kampuchea-Krom has been taken, the Khmer-Krom monks have peacefully demonstrated in order to restore their manner of worship. These non-violent protests lead to unjust arrests. The Vietnamese government cites these arrests as "Disturbing the Vietnamese Society" and "Involving with Anti-Vietnamese Government Activities" as stated under Articles 87 and 88 of the Vietnamese Penal Code.

Despite being formally disbanded, the Khmer-Krom Buddhists have continued to rally together in order to protect their rights to practice religion in a traditional manner. They have peacefully protested and have attempted to further their religious studies; however, governmental authorities have prevented this expression of free speech and religion. They have stemmed protests with military force, and restricted the transfer of information between Khmer-Krom localities.

One example of suppression of protestors occurred on February 8, 2007. A non-violent demonstration took place in front of the Pali School in Soc Trang. The purpose of this

protest was for the Khmer-Krom community to regain their rights to form an independent religious organization, to perform ceremonies as defined by religious and cultural customs, and to practice Buddhism without interference from the Vietnamese government. Over two hundred Khmer-Krom Buddhist monks participated in the protest.

The peaceful demonstrators were met with fresh waves of oppression. The Vietnamese authorities used military force to demobilize them. Ultimately, nine monks were arrested, forced to disrobe, and detained. Five of them, Ven. Kim Moul, Ven. Danh Tol, Ven. Ly Suong, Ven. Thach Thuong, and Ly Hoang, were sentenced from two to four years of imprisonment without a fair trial. The remaining monks have been placed under temple arrest and are subjected to daily interrogation and heavy surveillance even to this day. Some of them escaped to Cambodia and Thailand.

In addition to restricting free speech, the Vietnamese government has prevented freedom of religious practice. Because PUBA has replaced all of the other religious associations in the region, the Khmer-Krom have limited methods by which they can learn traditional Khmer-Krom Buddhism. They must rely on information from abroad. Therefore, the Khmer-Krom Buddhist monks want to study in Cambodia or Thailand and really want to listen to foreign news stations in order to receive information from Khmer-Krom brethren in other nations.

An exemplary case was that of Thach Sophon, a former Khmer-Krom Buddhist monk, defrocked on July 22, 2010. He was arrested by the Vietnamese government on July 29, 2010, for the alleged crimes of sending Khmer-Krom Buddhist monks to study abroad without permission from the Vietnamese government, and for accessing "restricted information" via satellite to listen to the news about Khmer-Krom living abroad. He was released on September 27, 2010 and then remained under house-arrest for another nine months.

Recent Arrested of Khmer-Krom Buddhist monks and Khmer-Krom Buddhist followers

On March 26, 2013, the Vietnamese authority summoned representatives of ninety two Khmer-Krom Buddhist temples in Soc Trang province to attend a meeting at the "Political School of Soc Trang". The summoned letter was sent to all Khmer-Krom temples in Soc Trang province just a day before the meeting. The Vietnamese Authority used this meeting and tactics to intimidate, harass, and threaten the Khmer-Krom Buddhist monks and committee members of Khmer-Krom temples in Soc Trang province for exercising their rights and for standing up to demand for freedom of religion and their religious belief.

The Vietnamese authority accused Venerable Thach Thuol for contacting the Khmer-Krom media and Khmer Krom living abroad to provide information about human rights violations against the Khmer-Krom. Venerable Lieu Ny was accused of not obeying the Vietnamese authority to defrock Venerable Thach Thoul by force. Additionally, Venerable Lieu Ny was ordered to resign as the Abbot of Ta Set temple in Vinh Hai village, Vinh Chau District, Soc Trang province.

The freedom of opinion and expression of Ven. Thach Thuol has been violated merely because he was contacted and interviewed by the Voice of Khmer-Krom "VOKK" and the Khmer-Krom living abroad. The Vietnamese authority keeps oppressing the Khmer-Krom Buddhist monks at Ta Set temple, because these monks have refused to join the Patriotic United Buddhist Association (PUBA - Hội Đoàn Kết Sư Sãi Yêu Nước).

The Vietnamese authority has threatened to defrock Ven. Ly Chanda at Prey Chop temple, Lai Hoa commune, Vinh Chau district, Soc Trang province.

On April 12, 2013, Mr. Ly Chhuon, the Editor-in-Chief of the PreyNokorNews magazine in Cambodia, his wife and his daughter left Phnom Penh, Cambodia, to visit his relatives in Kampuchea-Krom (Mekong Delta) during the Cambodian New Year. His family wants to celebrate Cambodian New Year with his relatives in his homeland.

When Mr. Ly Chhuon and his family arrived at the border of Cambodia and Vietnam, they were not allowed to enter Vietnam and had been detained and searched by the Vietnamese custom officers. They have been interrogated.

There were many cases that the Khmer-Krom living abroad had been issued the Visa to visit their relatives in Mekong Delta, but when they arrived at the Ho Chi Minh airport or at the border checkpoints, they were denied the entry to Vietnam.

On May 13, 2013, at 4pm local time, the Vietnamese polices of Soc Trang province arrested three Khmer-Krom women at Prey Chop commune, Lai Hoa village, Vinh Chau district, Soc Trang province. These women are:

1. Mrs Lam Thi Xang Lan, born 1957
2. Mrs. Ly Thi Danh, born 1970
3. Mrs. Ly Thi Sa Bon, born 1965

Mrs. Lam Thi Xang Lan and Mrs. Ly Thi Danh were arrested at their home and taken to imprison in Soc Trang province. Mrs. Ly Thi Sa Bon was summoned, arrested, and imprisoned at the prison of Vinh Chau district, Soc Trang province. The Vietnamese authority arrested the above three Khmer-Krom women because they supported Venerable Ly Chanh Da. They did not want Vietnamese authority to defrock Ven. Ly Chanh Da because he does not violate any Buddhist rules.

On May 14, 2013, The Patriotic United Buddhist Association (PUBA - Hội Đoàn Kết Sư Sãi Yêu Nước) which is a Buddhist organization controlled by the Vietnamese government issued an Announcement (Số: 01/TB-HĐKSSYN) to defrock three Khmer-Krom Buddhist monks who practice Theravada Buddhism:



1. Venerable Lieu Ny, born 1986, at Ta Set temple, Vinh Hai commune, Vinh Chau district, Soc Trang province;
2. Venerable Thach Thuol, born 1985, at Ta Set temple, Vinh Hai commune, Vinh Chau district, Soc Trang province;
3. Ven. Ly Chanh Da, born 1988, at Prey Chop Temple, Lai Hoa commune, Vinh Chau district, Soc Trang province.

On May 16, 2013, Venerable Ly Chanh Da was arrested, defrocked, detained and tortured. He was forced to confess his alleged crimes on the Vietnamese Television.

The latest information from the villagers of Ta Set commune has revealed that Venerable Thach Thuol and Lieu Ny and two other persons, Thach Phum Rich and Thach Tha have been apprehended by Vietnamese Authorities on the evening of 20 May 2013. Their where about location and condition are unknown at this point.

Right to Education

The Khmer-Krom children are not able to learn the rights of the child, as stated in the Convention on the Rights of the Child, in their Khmer language. The Khmer-Krom children are not allowed to study their true history in their language.

There are no magazines or booklets in the Khmer language, for Khmer-Krom youth to express their opinions that are independently produced without the interference of the Vietnamese government. Khmer-Krom youth who are in high school have very limited access to public forums to express their opinion, especially on the internet.

The Khmer-Krom people are hard-working farmers but some of them do not even have enough rice to eat because the expenses of farming are too high. The Khmer-Krom people are the poorest people in the Mekong Delta region. The poverty of the Khmer-Krom affects the livelihoods of the Khmer-Krom youth and their future. In recent years, the percentages of Khmer-Krom students dropping out of school are alarming. They have to help their parents on the farm or look for employment to help their

families make ends meet. Without education, the future of Khmer-Krom youth is bleak.

There are millions of Khmer-Krom people in Kampuchea-Krom, but very few hold a Master Degree or Ph.D. Vietnam has sent thousands of Vietnamese students to study abroad, especially in the United States, Canada, and Australia. But the Khmer-Krom students do not receive those benefits.

Khmer-Krom students receive no benefit from scholarships that are generously offered by international governments and organizations due to the repressive policies of the Vietnamese government. Outside efforts to support the Khmer-Krom advancement of education is blocked because the government of Vietnam ties these efforts to political motives.

Right to Freedom of Expression, Press and Information

All the media in Vietnam is controlled by the government to propagate the state's policies. There is no independent newspaper, magazine or television. The Vietnamese government even blocks the Khmers Kampuchea-Krom Federation Website (<http://www.khmerkrom.org> or <http://www.khmerkrom.net>) in Vietnam.

On January 8, 2012, A Khmer-Krom man (who has asked to remain unnamed for fear of his own safety) in Tra Vinh province told VOKK that the Vietnamese authorities ordered him to take down his Satellite dish because he watches television program broadcasts from Cambodia. He refused to take it down because he just wants to watch cultural programs from Cambodia. He's urged the international community and the Khmer-Krom in Vietnam to protect the basic right to receive information.

Since the Khmer-Krom Buddhist monk students of a Pali school in Khleang (Soc Trang) province organized a peaceful protest to demand for their rights to practice their Theravada Buddhism in 2007, the Khmer-Krom students are not allowed to talk to the foreigners because the government scared the foreigners who represent for the foreign Embassies in Vietnam or foreign reporters come to find out the truth about the living situation of the Khmer-Krom Buddhist monk students.

On March 20, 2012, ten Khmer-Krom locals of **Hoa Lac B** hamlet, **Binh Phu** commune, **Cang Long** district, **Tra Vinh** province have been summoned to the district office and the whole province of Tra Vinh has been harassed and intimidated by the Vietnamese authorities and the spy agents on ground that the Khmer-Krom locals have been using satellite-TV receivers to receive TV signals from Cambodia. The Cambodia's TV signals broadcast Khmer cultural shows and Theravada Buddhist teaching directly from Cambodia which are of great interests to the Khmer-Krom locals in the Mekong Delta who have tried to revive Khmer-Krom identity under the Hanoi's repressive regime. The Vietnamese authorities have just issued a ban to the locals that they will be fined \$200-to-\$300 per person and/or face with jail term if any they ignore the State's order.

Right to Form Association

Vietnam does not allow Khmer-Krom to form any association. Throughout Mekong Delta, there is neither independently Khmer-Krom association nor Khmer-Krom student club.

The Khmer-Krom people have two traditional sports: Dragon Boat Racing and Ox Racing. Vietnam just allows them to organize the teams for competition to lure the tourist to bring benefits for the government. These sport teams are under heavily monitored by the local authorities.

Right to Health

Vietnam has ratified three international conventions that explicitly guarantee the right to health: The International Covenant on Economic, Social and Cultural Rights, The Convention on the Elimination of all forms of Discrimination Against Women, and the Convention on the Rights of the Child. Most of the Khmer-Krom people do not know of the existence of those international conventions. They do not understand that the health problems they face are human rights violations.

Since 2003, the blindness issues of the Khmer-Krom in Soc Trang province are still prevalent. There are thousands of Khmer-Krom people who are affected by blindness of either the left or right eye, and in some case both eyes. The main problems that cause the blindness are from contaminated drinking water from their surroundings which are largely polluted by pesticides, herbicides and fertilizers. This problem has been reported to the Vietnamese government, but the Vietnamese government has taken no actions about it because the victims are primarily Khmer-Krom.



Blind victims in Soc Trang and Bac Lieu provinces

Vietnam claims that it provides free healthcare services to the ethnic minority populations, but the free healthcare service is not really free as the government claims. In order to receive a free Health Insurance card, the Khmer-Krom must be from a Khmer-Krom family that is categorized as "Hộ Nghèo" which means a "household poverty". When they are sick, they go to the hospital and are treated as "second-class citizens" because they only pay about 5% of the total bills. Thus, despite the claim of free healthcare, they still face charges and discrimination. Some Khmer-Krom patients cannot even afford to pay that 5% and end up selling their farmlands or worthy belongings in order to get the treatment or receive the medication.

If the Khmer-Krom families are not categorized as a household poverty, their family

members have to buy insurance. The Khmer-Krom people are poorest people in the Mekong Delta region. They barely make enough money to have food for their family. Thus, most of them do not have insurance. When they are sick, they go to the local hospital in their village. Some diseases cannot be treated by the doctors at the local hospital and they are sent to the hospital in the City, but many Khmer-Krom patients cannot afford the treatments and die as a result.

Weight Loss Abnormally of Khmer-Krom Workers at a Cashew Factory

There is a cashew factory called, Nong Gia 2, at Chau Lang village, Tri Ton district, An Giang province. There are about 400 workers working in this factory and most of them are Khmer-Krom. The working condition in this factory is horrible that is why only Khmer-Krom workers working there because they need a job to earn money to support their family.

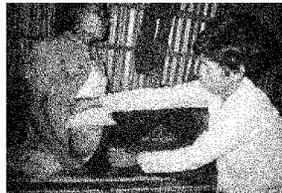
According to a woman who has her sons working for that cashew factory, the workers have to start working around 7am and finish their work around 6pm or 7pm. The workers work at least 11 hours a day, but they only make about \$100 a month. Whoever get sick and cannot come to work, they are fined about \$1 for each sick day. If they are sick more than three days, they are fired.

Besides working long hours every day, the Khmer-Krom workers also expose to the bad smell from the cashew. The Khmer-Krom workers told their parents and relatives that they usually have bad sinus, coughing, and keep losing weight. They are all very skinny and their faces look pale. Because of scaring losing their job and do not have money to see Doctors, the Khmer-Krom workers do not know what kind of disease that they are having.

Khmer-Krom Women Face Double Discrimination

The Khmer-Krom women face many obstacles in all facets of the Vietnamese society. Institutionalized discrimination and lack of access to education keep Khmer Krom women in gendered roles with little opportunity to advance up the social and economic ladder.

The Khmer-Krom women participating in peaceful protests have been beaten with electric baton and interrogated for watching human rights related activities. In 2008, a young Khmer-Krom woman, Mrs. Neang Savong helped her father, Mr. Chau In, to lead the Khmer-Krom farmers to demand returning confiscated farmlands in An Giang province. She was beaten by Vietnamese police and got sick after that. She was discriminated and ignored for her treatment at the Vietnamese hospital in Tri Ton district and Sai Gon city. Unfortunately, she passed away on Saturday, September 25, 2010.



Mrs. Neang Ni injured after an electric baton was used to silence her protests to demand returning her confiscated farm land in 2008.

The lack of job opportunities in the provincial region has meant Khmer Krom girls have been forced to travel outside of their region and become victims of trafficking rings. A 20 year old Khmer-Krom woman, Mrs. Thach Thi Hong Ngoc left a poor village in Can Tho province to look for work in Saigon city. She fell into the arranged married trap to marry a Korean man, Jang Du Hyo, 47 years old, without knowing anything about him. She married him to get \$500 for her family and left to live with him in Korea. Unfortunately, on July 8, 2010, shortly after her arrival in Korea, she was killed by her Korean husband. The Vietnamese government just media reports that she was a Vietnamese girl, not a Khmer-Krom girl.

The Khmer-Krom people are living in POVERTY and FEAR. They mentality believe that they are just the second citizen in Vietnam. Whatever they demand, it would never be heard and might cause them to be imprisoned for just standing up for their fundamental rights.

In this regards, the Khmers Kampuchea-Krom Federation would like to ask for your support to urge Vietnam to:

- Respect the Khmer-Krom identity and culture. The Indigenous Khmer-Krom people should be allowed to refer to themselves as "Khmer-Krom". The Vietnamese government should stop using Khmer-Krom as puppet performers to entertain tourists for the Vietnamese government's benefit. Khmer-Krom history should be taught in public schools. The name of villages, districts and provinces where the Khmer-Krom people are living should converted back to their original Khmer names.
- **Unconditionally release Venerable Lieu Ny, Venerable Thach Thuol, Thach Phum Rich and Thach Tha.**
- **Be held accountable for the torture of Venerable Lieu Ny and Venerable Thach Thuol.**
- Stop and eliminate all forms of arbitrary summons, arrests, detention, torture and confession by force of the alleged crimes that Vietnam allegedly accuses Khmer-Krom of, just like Vietnam did to Ven. Ly Chanh Da of Prey Chop temple.
- Be reminded that religious freedom is a right, not a privilege granted by government.
- Allow the Khmer-Krom to have basic freedoms so they are not living in fear. They should be allowed to freely defend themselves in front of the Vietnamese judicial system. The Vietnamese government should stop accusing Khmer-Krom people of "disturbing the Vietnamese society" using Article 87 of Vietnam's Penal Code to imprison them whenever they stand up for their fundamental rights.
- Ratify the Convention Against Torture so Vietnamese police do not use torture against prisoners.
- Provide a political environment to allow the people in Vietnam to freely exercise their rights to vote for the people and party that they want without interference from the government.

- Stop using Khmer-Krom officers who work for the government to oppress their own people. The Khmer-Krom officers should represent the Khmer-Krom to raise their voice and protect their rights.
- Allow Khmer-Krom to travel abroad freely and stop monitoring and sending police to intimidate Khmer-Krom who come from abroad to visit their relatives in Vietnam.
- Allow Khmer-Krom Buddhist monks to create an independent religious organization free from interference from the government. Allow Khmer-Krom to freely practice their Theravada Buddhism. They should not have to ask for permission to practice or even just to organize a simple Buddhist ritual. Remind Vietnam that religious freedom is a right, not a privilege granted by government.
- Allow Khmer-Krom to have freedom of press, freedom of expression, and freedom of belief. Also allow the freedom to organize the associations that are already stated in the Universal Declaration of Human Rights, (and even in Vietnam's constitution).
- Strengthen the pro-poor health policies to ensure that all Khmer-Krom people have access to quality health services.
- Implement policies and legislation to protect Khmer-Krom girls and provide active educational campaigns and informational sessions in both Vietnamese and Khmer so that they can be better informed of the danger of human trafficking.
- Allow the Khmer-Krom children to freely study their native language in public schools starting from kindergarten. The Khmer language should be recognized as an official language in Kampuchea-Krom. All applications including forms, signs and legal documents should be written in both Khmer and Vietnamese.
- Establish an Independent International Human Rights Institution that would work with the State party. Through this institution, the Indigenous Peoples, especially the Khmer-Krom, would be able to address their concerns and needs. The institution would also serve as an ideal place for the wide dissemination of the steps that have been taken to ensure de jure and de facto equality of Indigenous Peoples, as well as the further steps that are required.



Kim Moul, Danh Tol, Ly Suong, Thach Hoang, Thach Thuong
Arrested, Disrobed, Trial 05/10/07 and Prison 2 – 4 years

Mr. SMITH. Venerable Danh Tol, thank you very much for your testimony and for sharing with us the horrific experience that you encountered as your religious freedom was violated.

Mr. John Sifton.

**STATEMENT OF MR. JOHN SIFTON, ASIA ADVOCACY
DIRECTOR, HUMAN RIGHTS WATCH**

Mr. SIFTON. Thank you, and thank you for inviting me to testify as well in today's hearing. Today's date is June 4th. It's, of course, a day of infamy among human rights groups and it's fitting and proper that we remember why for a moment.

It was on this day in 1989 that the Chinese Army in a vanguard of tanks and bullets pushed across the streets of Beijing to end the massive protest at Tiananmen Square and countless people were killed on that day 24 years ago calling for democracy and freedom.

That quest, the quest for human rights, is, of course, not limited to China and it didn't die at Tiananmen. In Vietnam today, people from really across the spectrum of society are regularly engaging in protests and other forms of free speech.

All kinds of people—students and workers and teachers and farmers and bloggers and religious leaders and even former police and soldiers, Vietnam's citizens criticizing their government, reporting on corruption and poor governments or even mocking the Communist Party's stridency.

There was a protest just 2 days ago in Hanoi criticizing the government for its China policy and, of course, it bears remarking here that many of these protests are resulting in arrests and convictions. They're involving dissidents protesting land seizures. A lot of these protests are about that.

The record is getting worse. We now know that in 2012 40 people are known to have been convicted and sentenced to prison for peaceful dissent cases.

This was an increase from 2011 which itself was an increase from 2010 and already this year, in the first 5 months of this year, more than 50 people have been convicted now in political trials which more than matches last year's record.

So to repeat that, in the first few months of this year more people have been convicted in political trials than in the whole of last year in Vietnam.

Since I last testified in April there have been almost no improvements, just more prison sentences. On May 16th, two activists, Nguyen Phuong Uyen and Dinh Nguyen Kha, were sentenced to 6 years and 8 years in prison respectfully.

These women were sentenced—this one woman and one man were sentenced for handing out pamphlets. A 21-year-old woman is going to jail for 6 years for handing out pamphlets.

On May 26th, just a week ago, police arrested blogger Truong Duy Nhat and charged him with abusing democracy and infringing on the interests of the state, a violation of Article 258.

And on May 28th, just a few days ago, there was a trial of eight ethnic Montagnards arrested in June of last year. They were convicted of violating Article 87, undermining national unity.

Most of them received sentences of 7 to 11 years in prison, and on May 5th, earlier in the month, the case of these human rights

picnics occurred. In four separate cities police broke up peaceful human rights picnics at which young bloggers and activists were disseminating and discussing the Universal Declaration of Human Rights.

Peaceful protests where people were sitting in parks reading aloud the Universal Declaration of Human Rights were broken up violently and some of the people had their laptops confiscated and when they went to police stations to attempt to get them back one of them was punched in the face, his mother was burned with a cigarette on her forehead and her sister had her teeth knocked out.

This was on May 5th. The anti-China protests I mentioned just this past Sunday ended with arrests and more beatings by police as well. So in summary, the trend lines are showing a worsening situation.

It's not just another bad year in Vietnam. I also want to give the subcommittee a update with respect to media freedom, an important issue that's come up lately. As Human Rights Watch and other groups have reported previously, the government continues to engage in blocking and filtering of Internet Web sites but recently the authorities also tightened rules on television.

Authorities promulgated a new restriction known as Decision 20, requiring that outside broadcast companies licensed to carry cable or broadcast in Vietnam, for instance CNN and BBC, they have to pay for translational editing of their content.

This is censorship, the editing part at least, and this will be performed by a Vietnamese agency licensed by the government.

The regulation also notes that content can only be broadcast which is appropriate to the people's healthy needs and does not violate Vietnamese press law.

There are, of course, many other human rights issues to discuss with Vietnam, religious persecution chief among them, land evictions, which we've already heard about, a ban on all unauthorized unions and other labor organizations and administrative detention and forced labor for alleged drug users—40,000 people in administrative detention without due process for alleged drug use.

Some of them are drug users. Others are not. But either way, forced labor in forced labor camps. Show trials with courts that lack independence continue and in addition to all this the basic brutality. Police regularly engage in mistreatment, sometimes torture. They beat detainees and even produce fatalities.

So this is Vietnam today. The nation's governance is characterized by brutality and systematic suppression of freedom of expression, association, peaceful assembly with frequent persecution of those who question the government's actions or call for democratic alternatives.

So what can the United States do about it? It's time for the United States Government to see things for what they are.

There was a hope a few years ago among administration officials that attempting a military strategic dialogue with Vietnam and opening trade negotiations in the context of a bilateral investment treaty or in the Trans Pacific Partnership might serve as an incentive to the government to make changes and perhaps soften its authoritarian edge.

It now appears that that hope was misplaced. Vietnamese authorities have not unclenched their fists. So Human Rights Watch would urge this subcommittee and the other subcommittee in tomorrow's hearing to keep asking the Obama administration very, very tough questions about its continuing dialogue with Vietnam.

And I think it might be useful to talk realistically about what exactly the United States can do to change the Vietnamese Government's behavior and weigh what kinds of things would impact them more than others.

Cutting all assistance to Vietnam in the generality might sound good but in practice it means cutting assistance to Agent Orange remediation, to PEPFAR for vital HIV/AIDS interventions, to global health programs for drug-resistant tuberculosis.

These are things which perhaps the Vietnamese Government would care less if the United States cut them and yet doing so would have real impacts for ordinary Vietnamese citizens.

So it might not be appropriate to just cut all U.S. assistance. Instead, the right questions would be asking the administration what really hurts the Vietnamese Government.

Is it suspending negotiations with Vietnam in the context of bilateral trade investment treaties, the TPP? If the Pentagon pulls back on its engagement? If the Pentagon puts up a complete brick wall to any discussion of lethal arms transfers ever and makes it very clear that none of that will happen unless very stringent standards are met?

We at Human Rights Watch think the time has come to start asking those kinds of tough realistic questions about what exactly the U.S. hopes to do to get Vietnam to change its behavior.

It's not just another year in Vietnam's long sad history. It's been one of the worst years in quite a long time and I think it's time for U.S. foreign policy to change.

Thank you for your time.

[The prepared statement of Mr. Sifton follows:]



Committee on Foreign Affairs

**Subcommittee on Africa, Global Health,
Global Human Rights, and International Organizations**

Hearing of June 4, 2013: Continuing Repression by the Vietnamese Government

**Testimony of John Sifton
Asia Advocacy Director
Human Rights Watch**

Thank you for inviting me to testify in today's hearing. Today's date, June 4, is of course a day of infamy among human rights groups. Early in the morning on this day in 1989, the Chinese army, a vanguard of tanks, batons, and bullets, pushed through the streets of Beijing to end a massive protest in Tiananmen Square. Countless people were killed on that day 24 years ago, calling for democracy and freedom.

But that quest, the quest for human rights, is of course not limited to China and it did not die at Tiananmen. In Vietnam today, people from across the spectrum of society regularly engage in protests and other forms of free speech—students, workers, teachers, journalists, farmers, musicians, bloggers, lawyers, former police and former soldiers—Vietnamese citizens criticizing their government, reporting on corruption and poor governance, or mocking the Communist Party's stridency. There was a protest just two days ago, in Hanoi, criticizing the government in relation to its China policy.

Protests in Vietnam, however, do not go unmolested. Acts of dissent in Vietnam are met with repression, and over the last year, more and more Vietnamese dissidents have been convicted and sent to jail. Acts of dissent are violations of Vietnam's authoritarian penal code, which prohibits public criticism of the government and the communist party. As Human Rights Watch has reported previously, in 2012, at least 40 people are known to have been convicted and sentenced to prison for peaceful dissent, an increase from 2011, which itself was an increase from 2010. And in the first five months of this year alone, more than 50 people have been convicted in political trials, more than matching the total for 2012. To repeat: in the first few months of 2013, more people have been convicted in political trials as in the whole of the last year. In addition, as I noted in testimony earlier this year, thuggish harassment of dissenters also seems to be on the rise.

Since I last testified, a few months ago, there have been almost no improvements, just more prison sentences. On May 16, two women bloggers, Nguyen Phuong Uyen and Dinh Nguyen Kha, were sentenced to 6 years and 8 years in prison respectively. On May 26, 2013, just a few days ago, police arrested blogger Truong Duy Nhat and charged him with "abusing democracy [and] infringing upon the interests of the state," under article 258 of the penal code. On May 28 the authorities also held a trial of eight ethnic Montagnards who had been arrested in June 2012. The eight were convicted for violating article 87 of the penal code, undermining national unity, and most of them received sentences from 7 to 11 years in prison. And on May 5, 2013, authorities in four cities broke up peaceful "human rights picnics" at which young bloggers and activists planned to disseminate and discuss the Universal Declaration of Human Rights and other human rights documents. The anti-China protests just this last Sunday ended with arrests and more beatings by police.

So the trend-lines show a worsening situation. But it should still be noted that none of this is new. Vietnam has unjustly imprisoned political prisoners for decades. Several of its current political prisoners have been in detention for decades. And in some instances these prisoners have been denied proper medical care for deteriorating health conditions.

One update is necessary with respect to media freedom. As Human Rights Watch and other groups have reported previously, the government continues to engage in blocking and filtering of internet websites. Recently, Vietnamese authorities also tightened rules on television, promulgating a new restriction, known as "Decision 20," requiring that outside broadcast companies licensed to be

carried by cable or local broadcast in Vietnam—for instance CNN and BBC—pay for translation and editing, and thus censorship, for their content, to be performed by a Vietnamese agency licensed by the government. The regulation also allows only content which is “appropriate to the people’s healthy needs and does not violate Vietnamese press law.” And all commercials running on foreign channels must be made in Vietnam.

There are, of course, many other human rights issues to discuss with respect to Vietnam. Religious persecution. Land evictions without process. A ban on all unauthorized unions and other labor organizations. Show trials, with courts that lack independence and trials that do not meet fair trial standards. And in addition to all this, the routine brutality: police regularly engage in mistreatment of those in their custody, and sometimes torture and beat detainees, even producing fatalities.

Administrative detention and forced labor for alleged drug users is another major problem. Vietnamese laws and regulations continue to authorize mass detention of drug users and alleged drug users, more than 40,000 in 2012. Over 120 centers across the country hold people, including children, pursuant to this administrative regime, run by Vietnam’s Ministry of Labor and not subject to any form of due process or judicial oversight. Detainees in the system, as Human Rights Watch has reported in the past, are subjected to forced labor—or “labor therapy” at the government euphemistically calls it. The labor includes cultivation and processing of agricultural and other products—some of which have entered the US trade stream.

So this is Vietnam today: a nation’s governance characterized by brutality and systematic suppression of freedom of expression, association, and peaceful assembly, with frequent persecution of those who question the government’s actions or call for democratic alternatives.

What can the United States do about it?

It is time for the United States government to see things for what they are. There was a hope, a few years ago, that attempting a military strategic dialogue with Vietnam, and opening trade negotiations in the context of the Trans-Pacific Partnership, might serve as an incentive for Vietnam to make changes, and perhaps soften its authoritarian edge. It now appears that this hope was misplaced. Vietnamese authorities have not unclenched their fists.

Human Rights Watch would urge this subcommittee, and the full committee, to ask the Obama administration tough questions about its continuing dialogue with Vietnam. At what point, one might ask, should the U.S. government take action in relation to Vietnam’s continued intransigence? At what point, for example, might the U.S. government consider bypassing Vietnam in TPP and other bilateral trade negotiations, and begin reviewing its military engagements?

From the perspective of Human Rights Watch, we believe that time is now.

Thank you for allowing me to testify today.

Mr. SMITH. Thank you so very much, Mr. Sifton.

It is an honor to recognize the chairman of the full committee, Congressman Ed Royce.

Mr. ROYCE. And I appreciate that and let me share with you all why I think it's so important, Chris, that you've held this hearing today.

The subcommittee chairman has held this hearing because tomorrow at 2 o'clock o'clock we're going to have the State Department here with us as I'm sure he's mentioned and what I really want to glean from this hearing today is—goes to the issue of is it the problem of the State Department not pushing hard enough in these meetings?

Is it a question of not having an agenda for the meetings that they'll have coming up with the government in Hanoi? What specifically should we be saying?

I know one thing is for sure and that is the report that I have read is the antithesis of the report from Human Rights Watch.

Human Rights Watch documents the same types of abuses that I hear from my constituents and that I see in the press. On the other hand, the State Department reports that the government continued to ease restrictions placed upon most religious groups.

In other words, what I am reading in the State Department report from last year I no longer believe and I thought I'd start, Mr. Sifton, by asking you because you've read the report.

The government generally respected the religious freedom of most registered religious groups, says State, and then I go through Human Rights Watch and these other reports as well as the reporting from the international news media and I get the facts.

And how do we—how do we try to determine what the purpose is of the State Department in understating the human rights abuses? What's your read on that?

Mr. SIFTON. Well, obviously, I would defer—I would ask that that question be placed firmly into the State Department's court tomorrow—is there any reason we can trust that this is an accurate report, given the discrepancies that you've mentioned.

The key word in the passage you just mentioned was registered. It's easy enough to say that Vietnam respects the rights of registered religious groups.

Mr. ROYCE. Well, this was the point that the Venerable Thich Quang Do made to me when I visited him. He was under house arrest and he said the reason we're not going to register, the reason—we don't want to change our text.

We don't want to change our holy books to what the party wants us to do because this is our religion. It's not the Communist Party manifesto, essentially.

He didn't use those words but he said this is our religion so we want to—we don't want to make these changes, and I gather from what I've heard from the Hoa Hao and the Cao Dai Buddhist Church and what I've heard from others is that when you come under the control of the government it means that you also have to suppress part of the teachings in order to—and so if we're overlooking everybody who's independent it means we're overlooking everybody who's trying to exercise their religious—their religion independent of state control.

Maybe I could ask some of the other participants about that and, John, do you have any other observations on that?

Mr. SIFTON. All I would say is I think the report does contain some information about some of the abuses that are happening and the main State Department report obviously is pretty unvarnished.

I should also note that the U.S. Commission for International Religious Freedom has an excellent report.

Mr. ROYCE. Yeah, they have an excellent report. Yeah.

Mr. SIFTON. At the end result, though, the question is what is the State Department going to do about it. I think that they are pushing hard and they do have an agenda.

The question is when do you give up and when do you say Vietnam, you're not negotiating with us in good faith. We don't get a sense that you're going to change your behavior and when do you then change your context and say I'm going to stop negotiating with you. We're not going to keep expanding these Pentagon mil-to-mil relationships—

Mr. ROYCE. Yes.

Mr. SIFTON [continuing]. Until you get better.

Mr. ROYCE. Let's hear from some of the other panelists.

Mr. THANG. Yes, I would like to follow up on your question, Mr. Chairman.

One question that should be asked tomorrow of the State Department officials is that how many registered churches there are in Vietnam compared to how many churches that have tried to register but have not been allowed to, such as the Khmer Krom Buddhist Church has not been allowed to and we have a list—about 651 Hmong Protestant Churches that have tried for many, many years to register but they have not been allowed to.

The same question would be like this. Now since the State Department doesn't have access directly to those members of the unregistered churches, have they tried to talk to people like the Venerable Danh Tol right here?

We brought him to the State Department last year suggesting that they should interview him and others like him to obtain accurate information for the next report on international religious freedom.

They didn't do that. The copy that they just released didn't contain any interviews with the witnesses that are available here right here in the U.S. So why—how many have they interviewed, have they talked to? Those would be the two questions I'd like to suggest.

Mr. ROYCE. Other observations? The Venerable Danh?

Ven. TOL. First, I would like to—first of all, I would like to stress that the violations of the Khmer Krom Buddhist monks in particular are ongoing.

And the reason why the Khmer Krom Buddhist monks doesn't want to register their faith with the Government of Vietnam it will slow down—it will force all the Theravada Buddhism faith to have to ask for the permission from the government for any ritual.

The arrest of the Khmer Krom Buddhist monks by the Vietnamese Government is to eliminate their belief of the Theravada Buddhism of the Khmer Krom Buddhist monks.

The reason why the Khmer Krom Buddhist monks exist at this moment just because of the existence of the Khmer Krom temples in the Mekong Delta. The customs, the cultures and the practices of the Khmer Krom people are emanated from the Khmer Krom temples.

This is the reason why they're forcing the registrations of every Buddhist, of every religious sect is in order to eliminate the religious faiths of the followers.

The Khmer Krom Buddhist monks have not been able to access any public media either through Internet or through the public media or to newspapers and the reason why the Government of Vietnam does not want them to know about it is in order to force them not to recognize the Buddhist.

And we'd also like to thank our Vietnamese brothers and sisters for being here with us and to support the reporting on the violations of the human rights of the Government of Vietnam. And Khmer Krom is also a human being—one of the human—of the family of human beings.

Thank you very much, Mr. Chairman.

Mr. ROYCE. Yeah, let me close with this. One of the—one of the cases that really captured my attention was the Reverend Nguyen Hong Quang who was interrogated over 200 times, beaten several dozen times and we talked about the disparate sentencing. His latest sentencing was 15 years.

So, clearly, for those who are not knuckling under to the regime the consequences can be brutal. I've seen photographs after the beating and—beatings, I should say. I mean, it's relentless.

So given this reality, I think it's important—and I know the State Department is following this hearing today—I think it's important that when they come here tomorrow they have a concrete idea of how to explain the agenda, a concrete agenda, in what they're going to say and do in these negotiations and what we're going to offer up by way of leverage in order to get to some modicum of humanity in terms of the way people are treated with respect to religious liberty and other freedoms in Vietnam.

And Mr. Chairman, I yield back. Thank you.

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

And let me just ask a couple of questions and I'll yield to my colleagues. And, you know, Mr. Sifton, you mentioned, that if we enforce some of the current laws including the Foreign Assistance Act of 1961 as amended in 1964, then that might be counterproductive.

And I know you know this—the Vietnam Human Rights Act makes it very clear that humanitarian and health initiatives including the Agent Orange, HIV/AIDS, and the combatting human trafficking moneys that we provide to Vietnam would be exempted.

The idea is to really hold this country and this government to account in a very calibrated and focused way. So, I think your point was very well taken.

Dr. Thang, you do point out that the U.S. laws are very clear toward any foreign government that confiscates the properties of U.S. citizens and you cite the 1949 International Claims Settlement Act, the Foreign Assistance Act and the Trade Act, which precludes conferring GSP if a country has nationalized, appropriated, or otherwise seized property of U.S. citizens or corporations without pro-

viding or taking steps to provide prompt, adequate and effective compensation or submitting such issues to a mutually agreed forum for arbitration.

It is beguiling and disappointing that the administration has not used existing law to really aggressively push the interests of American citizens as you all have so eloquently stated in your testimonies. If you want to elaborate on that, I would welcome you to do it.

And Dr. Thang, you point out that repeated appeals by Vietnamese-Americans for equal treatment have been ignored by the present administration.

The U.S. Department of State Legal Adviser's office, which is tasked with the responsibility of representing U.S. citizens in disputes has set three conditions. You go through those three conditions, which have been met by Ms. Ngo, as she pointed out.

But then you make a very, very important point, that the Legal Adviser at the State Department said contact and hire an attorney in Vietnam to help you pursue any rights and remedies, and as you point out, there is no local remedy. It does not exist.

I would point out for the record that when I met with Nguyen Dai, a lawyer in Hanoi who subsequently was arrested, harassed, he was trying to raise simple human rights issues and for that the fist of the dictatorship came down upon him extraordinarily hard.

This needs to be a government-to-government endeavor, not "Here, go find yourself a lawyer somewhere in Vietnam and good luck," because as you say, there is no remedy.

If you could expand on that. Not only does it put the lawyer and the individual at risk, it is a fruitless endeavor and I'm amazed that the Legal Adviser would make such a suggestion.

Mr. THANG. Actually, Attorney Nguyen Van Dai, whom you have met, tried to help on a number of cases and again and again the government said no, and not only that, as Congressman Cao—

Mr. SMITH. Cases of—

Mr. THANG. Yes, of confiscated properties of U.S. citizens. And Congressman Cao pointed out that there was a resolution passed by the National Assembly of Vietnam on November 26, 2003, declaring without any ambiguity that the Vietnamese Government will not return the properties that they have confiscated from anyone who had left Vietnam including hundreds of thousands potentially of Vietnamese-Americans, period.

So there's no point in spending and wasting more time and money hiring lawyers in Vietnam to fight the system that has declared that they are not going to return the properties.

And therefore that's why we really need the intervention of this government, and the laws are very clear. They have been implemented multiple times including against Vietnam for claims against Vietnam.

How come that when it comes to Vietnamese-Americans the same laws don't apply? And we wonder very much about that.

Mr. SMITH. You mentioned that Boat People SOS launched an online petition to President Obama on the We the People Web site and you stated our President should demonstrate his commitment to defending the rights and interests of U.S. citizens by applying prohibition clauses of the Foreign Assistance Act to Vietnam, call-

ing on its government to freeze further expropriations of U.S. properties and conditioning GSP or any further trade benefits on the return of all properties that belong to U.S. citizens or payment of fair compensation.

You say that you collected well in excess of 25,000 signatures within 3 weeks' time and to this date there is no response?

Mr. THANG. There has been no response 10 months later.

Mr. SMITH. Let me ask the Venerable Danh Tol—one of the issues that I've raised repeatedly with interlocutors in Vietnam and with the State Department is about the registry. I thought your question was great for tomorrow, Dr. Thang, but as we all know, the Vietnamese Government sets up parallel faith bodies.

That's why the Venerable Thich Quang Do can't operate anymore because they just outlawed the Unified Buddhist Church of Vietnam and then they turn around and set up a shell of an organization that they control.

What has been your response if any and anyone's response from the State Department in doing this? You know, it seems to me that when we talk about registering and not registering well, the real issue is that they're setting up bogus organizations to be the faith community for that particular denomination or belief system.

Ven. TOL. I believe that—I believe that if they register and the inclusions of the Theravada Buddhism together with the United Buddhist Church Association in Vietnam I believe that the Government of Vietnam will continue to oppress and then stop oppress the Khmer Krom Buddhist monks, never stop—never stop oppressing them.

Another reason is that the Government of Vietnam right now just don't want to help the Theravada Buddhism faith in existing in the Mekong Delta.

And another reason I would like to leave here with the committee that there is also demonstrations in Vietnam from various sects of the Buddhist monks but why there were not any forced defrocks of the Buddhist monks with the exception of the Khmer Krom Buddhist monks have been forced to defrock and to tortures and to be imprisoned.

This is to show that the Government of Vietnam just does not want to see the Khmer Krom Theravada Buddhism's continued existence in the Mekong Delta.

That's why I would like to urge the committee to help Vietnam respect and then having the Khmer Krom Buddhist monks forming its own independent organizations independently from the government Buddhist organizations right now and to respect the religious belief of the Khmer Krom Buddhist monks.

Thank you, Mr. Chairman.

Mr. SMITH. Let me just ask one final question and then I'll yield to Mr. Meadows.

Dr. Thang, in your testimony you talked about how on the heels of the U.S. human rights dialogue that the violation of human rights actually intensified.

It's deplorable, as you put it, but not surprising and you point out—and this is a very important paragraph—in April the U.S. delegation led by the Department of State was in Hanoi for a 1-day dialogue on human rights.

It was attended by Vietnamese rank and file government officials. Ten days later, a large U.S. delegation led by the acting U.S. Trade Representative spent 3 days to negotiate the Trans Pacific Partnership. They met with the Vietnamese President, the Deputy Prime Minister, several ministers and deputy ministers.

The message to the Government of Vietnam was very clear. The U.S. cares more about trade and, I would add, profits, than human rights. It's all about prioritization. Would any of you like to respond to that?

They are your words, Dr. Thang, but it just sums it all up. They take the measure, they look us in the eyes and we say we've got to do an obligatory human rights dialogue, have a nice day, go and abuse all you'd like, and we don't really care.

And as you pointed out, up to a ½ million U.S. citizens of Vietnamese origin have had their properties confiscated.

That's very serious, plus, of course, the torture and the ongoing repression. It's all about priorities and I am sickened at heart by the lack of prioritization of human rights toward Vietnam.

And as Mr. Sifton pointed out, it is other countries as well. We had a hearing yesterday about Tiananmen Square twenty-four years later and Sophie Richardson from your organization testified about it and Wei Jingsheng and some of the great leaders of the Tiananmen Square movement which continues to this day as well as the repression.

Again, no prioritization of human rights. It's a bullet somewhere on a page, and that is so unfortunate, unnecessary and I would say deplorable. If any of you would like to respond—Mr. Sifton and then Dr. Thang.

Mr. SIFTON. I would like to say that that's exactly the right question to be asking the State Department. All I would say in their defense is that they're not monolithic. The folks that went for that 1-day dialogue did raise human rights and they raised the issues and they pushed the issues and even Ambassador Shear pushes the issues.

The question is priorities. There are other parts of the State Department which are prioritizing trade preferences and improving all of that.

So there's a fight even within the State Department in which I think this committees and—the full committee and the other sub-committee can play a huge role in strengthening those parts of the State Department that actually want to do the right thing.

But it might be useful to just focus for a second on what exactly is going on here with the religious persecution. You know, it looks like the government distrusts unregistered groups because they're worried that they're politically active and a risk to the party and they're worried about them in the same way they're worried about unions because whenever people without the approval of the government get together and start organizing it's a threat to the party, and that's what they're worried about.

To get them to not do that is going to require a heavy amount of pressure from outside authority because they really do fear—perhaps very paranoid but they do fear that unregistered religious groups are somehow a threat to their rule.

Mr. THANG. Yes. Mr. Chairman, last year before the publication of the annual report of the State Department's on international religious freedom the director of the Office of International Religious Freedom of the State Department went to Vietnam, met with the leadership of a Buddhist Church.

And when we found—we asked—I talked to her and it turned out that she talked with the leadership of the Vietnamese Buddhist Sangha which was set up by the Government of Vietnam. She did not have any chance to talk to Venerable Thich Quang Do, for instance.

She came back and a few weeks later the report was published and, clearly, the content was disappointing. And that's why we brought a number of Khmer Krom Buddhist monks who have suffered, are witnesses and victims and we suggested that her office interview them to improve on the quality and the accuracy of this year's report. Nothing happened, and they are here available.

And I would like to say that your remark, Mr. Chairman, that the Vietnamese Government has been very deft at setting up bogus religious organizations to present to the world and that applies to many religions in Vietnam including the Cao Dai Church, whose representatives are back here.

You see those men and women in white tunic right here sitting right here. They set up a bogus Cao Dai Church, likewise a bogus Hoa Hao Church—Buddhist Church, so on and so forth.

So it is very imperative that we talk to the right churches that are truly independent, that are truly promoting religious freedom in Vietnam and not the ones that are set up by the government in Vietnam to cover up the abuses against religions.

Now, I'd like to point out one other thing. Yes, we understand that there's a need to balance concerns about human rights against other concerns, other strategic priorities of national interests of this governance and to the American people.

However, I truly believe that defending the rights and the properties, the assets of American citizens, should not be trumped by any other national interest. It should be of the highest priority for this government.

Mr. MEADOWS. Thank you, Mr. Chairman.

Thank each of you for your testimony and I want to follow up a little bit on what you just highlighted, Mr. Sifton, if I can.

You talked about we needed to put an emphasis to strengthen, I guess, the priority within the State Department where human rights gets the same, I guess, influence that the trade side of the State Department gets.

How will—you know, if you were sitting in my seat how would you go about doing that?

Mr. SIFTON. Well, unfortunately, I don't think there's any mechanical way to do it. But every time a House member a set of members or a hearing asks tough questions and pushes on the State Department, it reverberates around their offices in ways that perhaps you never get any feedback on.

But I do know that the pressure gets to them and gets under their skin, and when there are questions about the human rights priorities not getting enough prioritization, it has an effect on the

prominence that the trade part of the package is given—a negative impact. It just does.

The problem is there are a lot of incentives behind that. I mean, there's an enormous amount of money at stake and huge amounts of added profits that would accrue to Vietnamese business interests as well as American if GSP, for instance, goes forward.

So on that side you have a lot of incentives that are financial and on the other side what you have is civil society and religious groups and human rights groups, and although they're well organized and fervent and devoted, they just don't have the same amount of resources.

If you look at the comments from the GSP in 2008 that were solicited by the USTR, the majority of them are from corporations and trade groups and things like that and only a few are from civil society. That tells you—

Mr. MEADOWS. Are you suggesting that corporations aren't civil society?

Mr. SIFTON. What I mean is we will do our best but at the end of the day I think Congress will play a huge role in balancing the equation so that human rights are prioritized just as much because the 3-day to 1-day ratio is—

Mr. MEADOWS. Right.

Mr. SIFTON [continuing]. Obviously inappropriate, given the severity of the abuses that are underway.

Mr. MEADOWS. So are you saying that what the chairman pointed out in the 1-day versus 3-day priority that that is systemic?

Is that something that you've seen over and over again, not just with Vietnam but with other countries where human rights abuses still occur?

Mr. SIFTON. It's certainly a problem worldwide but I think rather than focus on pushing each of the sides of the State Department as—to balance it out there's another issue that needs to be discussed too, which is that there is a one-government policy in the administration.

In reality, according to the policy, the U.S. Trade Representative is supposed to raise human rights issues. That's how it's supposed to work now.

Every part of the U.S. Government, from the Commander in Chief of the Pacific Command to the U.S. Trade Representative to a visiting Under Secretary for who knows what who goes into Hanoi is supposed to raise human rights concerns in the context of whatever it is their dialogue is about.

Unfortunately, that often doesn't happen as much as it needs to.

Mr. MEADOWS. Well, Chairman Royce pointed out earlier that maybe it does get raised but what the State Department is reporting back is that everything is looking rosy and that according to your testimony is not happening.

Mr. SIFTON. I don't think they say it's looking rosy but definite—because let's be honest about that. The Embassy does put out statements and is pretty good and the rights report was pretty tough hitting. But in the grand scheme of things, no, the message is not coming back about the severity.

There is a deteriorating situation. It's not just another bad year in Vietnam. We have a trend line going down. More people going to jail, closing space, more and more tension.

The economic concerns are obviously causing instability and then last but not least this land crisis—as land gets taken away in increasing amounts of hectares it's going to cause more and more unrest and that's going to have repercussions.

Mr. MEADOWS. Well, with that trend trending down, I mean, would you say that that's due more to civil unrest or government enforcement?

Mr. SIFTON. It's probably a perfect storm both of folks speaking out more but the government becoming more sensitive at the same time. So it's kind of both sides are amplifying their actions and it's going to cause further intensification.

I mean, we've already gotten to 50 convictions this year. That puts us on par for about 120 by the end of the year—

Mr. MEADOWS. Right.

Mr. SIFTON [continuing]. Which is an exponential increase since last year in political show trials.

Mr. MEADOWS. So let's go—and this is for the entire panel—let's talk a little bit more because each one of you have highlighted about this confiscation of land.

When they do that, when the government takes this land what do they do with it? Are they making money on it? Do they sell it to somebody? I mean, what happens?

Mr. THANG. I can see two major reasons for the act of confiscating properties of Vietnamese people inside Vietnam of the different churches or that would have an impact also on Vietnamese-Americans.

The first one is corruption, greed. They want to take away land from the poor farmers to sell it back to developers and making a lot of money. They're paying dirt cheap for what they took and they're selling the land back to developers, like, 300 to 400 times more expensive.

Mr. MEADOWS. Alright. So greed is—

Mr. THANG. That's one. And also they're using that as a tool for suppression, especially against the independent churches such as the Catholic Church, the Protestant Churches. If you don't have land—you have property they evict you from your own parish there's no way for that church to continue to function.

That applies to the Khmer Krom Buddhist Church. That applies to the Cao Dai Church and the Hoa Hao Buddhist Church. It's across the board. So land confiscation has been used as a tool for persecution against the churches.

Mr. MEADOWS. So it's basically, say, if you do it our way then we'll let you keep your land. If you don't do it our way, we're going to take it away and there's always that threat. So they essentially have compliance because of the threat of taking it away. Is that correct?

Mr. THANG. That's pretty much the case, Congressman.

Mr. MEADOWS. Alright.

Ms. NGO. I think the government claimed that the government owned the land and the owner of the land just has the right to use it only.

Mr. MEADOWS. Right. So they own it and they give you a permit to be able to farm it or whatever—

Ms. NGO. Yes.

Mr. MEADOWS [continuing]. And so it's taking away that permit so it's not actually confiscating the land but just the right to make a living on that land?

Ms. NGO. Yeah. You rent the land for 20 years and after 20 years the government can take it back because they are the owner.

Mr. MEADOWS. Alright. So do they—do they always keep that—if they limit it to you for 20 years will they let that term expire or they'll break the lease?

Ms. NGO. Well, after 20 years if the owners obey and follow the rules—

Mr. MEADOWS. So if they are compliant.

Ms. NGO. Yeah, compliant then they may extend the lease.

Mr. MEADOWS. I see the Doctor is shaking his head.

Mr. THANG. Well, in 2003 the same—they also issue a law, pass a law, the Land Law of 2003 allowing the government to recover—that's what they call it—recover the land that had been assigned to the people to use.

Even though they might—the people have the right to use land but through the recovery process the government can take back, and that land law would allow the government to use coercion and force to recover the land from the people.

Mr. MEADOWS. Okay.

Mr. SIFTON. I just want to explain there is a—the crisis is brewing precisely because a lot of the leases I guess you would call them were given 20 years ago and are now coming up all at once right now.

Mr. MEADOWS. So that's part of this perfect storm is is that we're right here and they're about to be able to decide who goes forward and who doesn't and—

Ven. TOL. I would like to inform the committee that even in my village where I was born there's a confiscation of land of the Khmer Krom temples. The confiscation of land is the government used that land in order to build schools and a public school for the students.

And then the followers of the temples was not able to demand a return of the land back to the temple for fear of persecution and arrest, and the use of the lands is for other purposes.

The question is we would like to ask the committee to help us and to demand the government to return the land back to the temple. Thank you.

Mr. MEADOWS. Thank you. Let me finish with this and I'm going to yield back to the chairman after this—after I ask for your help on something.

We've had a number of hearings here and as we have had these hearings one of the things that continues to come out is that the abuses are getting worse, not better.

We are continuing to see over and over abuses that we would not tolerate in our country and yet Vietnam has kind of for a large part gone underneath the radar in terms of being highlighted as a particular area of concern even though, obviously, it is.

Because of the TPP and because of the request for the GSP right now, we're in a unique position to start to really highlight these human rights abuses. The perfect storm, as Mr. Sifton had talked about on other issues, I think we have a perfect storm right now as it relates to Vietnam.

They can make a choice to go forward and prosper economically in ways that they have never even imagined or they can continue the human rights abuses that we're seeing in—not only in this hearing but also in a previous hearing that—if they continue that.

I can tell you there are a number of members who are willing to say no, who are willing to say that we are not going to go with a TPP. We're getting lobbied on both sides already.

The message needs to be clear back to their government that it is not a slam dunk. It is not something that is inevitable. But for me and many of my colleagues human right abuses are critical—a critical component.

There will not be a negotiation on economics only. It has to have a human rights aspect and the more than you can send us in terms of real stories, in terms of abuses—the pictures you showed today are a powerful testimony of what's happening currently. You know, this is not years ago.

It's happening today, and we have to say enough is enough and stand by those who perhaps do not have a voice. I thank each of you for coming today and being that voice and I look forward to working with you to please get that to the committee and they will forward it on to us so that we can tell your story better.

Thank you, and with that, Chairman, I yield back to you, Mr. Weber.

Mr. WEBER. Thank you, Mr. Meadows, and I will go to my colleague on the right, Steve Stockman.

Mr. STOCKMAN. Always on the right. I have a quick question.

When I was there in Saigon, I was—I travelled outside and they had a very Western style suburban homes that American-Vietnamese were purchasing and I think they were purchasing them in cash, and they were very expensive even by American standards—\$200,000, \$300,000.

I guess, Dr. Thang, how can those houses be—is that one of the reasons driving the confiscation of the land the development of suburban type homes there?

Mr. THANG. There are a number of reasons. That's one of the reasons. For instance, in the case of Con Dau Parish who are Catholic, they are a 135-year-old Catholic parish. In 2010, May 2010, the government of Da Nang City sent troops, hundreds of troops and tried to evict an entire village.

They took over the village and the lands and turned that in an eco-tourism development project to be sold back to others—investors.

So that could be one of the reasons but there are many other reasons. As mentioned before in my testimony, confiscation of land has been used consistently, repeatedly, routinely as a tool of persecution against the churches, the independent churches.

So sometimes the land doesn't have much value. Still, the government confiscates it just to push the church out and exterminate

its existence. Without property, without an infrastructure, the church cannot exist anymore.

Mr. STOCKMAN. I went to the Catholic Church there in Ho Chi Minh.

Mr. Sifton, I have a question. It's a little bit of a tangent. But how are the Vietnamese Government treating the government and the people of Laos?

Mr. SIFTON. That's a difficult question that our research doesn't go into. But I would focus, again, on the land confiscation and just broaden out from something you said, which is it's something which is affecting really all parts of society but it's also affecting all the countries in the region, including Laos and Cambodia next door.

And it might be useful to look at this not just from a Vietnamese perspective but look at it from the perspective of the Asian Development Bank and the World Bank funding projects, infrastructure projects—roads, water projects, other projects across this whole region, all of which involve moving people out of their homes and all of which involve the government being responsible for doing that work.

And in all of these countries—Vietnam, Cambodia, and Laos—there are these problems with land confiscation. It's just that in Vietnam there is absolutely no capacity to fight back and not be crushed by the authoritarian regime.

Mr. STOCKMAN. How come they don't combine the two delegations? I mean, that would make sense to me. No? Okay.

Well, my question to follow up, I guess, is you talked about bloggers being caught. What kind of technology does Vietnam have to catch the bloggers and is it sold by American companies?

Mr. SIFTON. Yeah, that's a very, very good question. There are two things going on here. There's filtering, which is not so much where the bloggers get caught but just Vietnamese Web sites are blocked and can't be accessed from ISPs, from Internet service providers, inside of Vietnam.

That blocking is becoming increasingly sophisticated. It's still not very sophisticated if you compare it to China, but it's getting better.

The software and the hardware that's required for that is coming from a panoply of companies, some in Europe, some in China, and there are—we don't know directly whether U.S. companies have sold directly to the Vietnamese Government.

But we do know that there are U.S. companies which manufacture software that the Vietnamese Government potentially would be interested in, which is why we supported efforts in Congress to introduce a licensing structure for software that can be used both for filtering and for identifying bloggers and other Internet users.

This is basically software that can be used by authorities to either intercept communications and determine things about the users or software that can be used for filtering, for blocking sites.

It would be a great idea if Congress passed a law that licensed the export of that software to make sure it doesn't fall into the hands of governments like Vietnam's.

Mr. STOCKMAN. Well, I have a question which you may or may not— it may not be your expertise but what's the percentage of coffee that is bought by Starbucks from Vietnam?

Mr. SIFTON. I can't answer that.

Mr. THANG. Well, we don't know. We don't have those statistics. However, there is—it's a widespread practice in Vietnam for the Vietnamese Government to confiscate land especially lands of the Montagnard because they live in high elevation areas.

Mr. STOCKMAN. Right.

Mr. THANG. And that's very good conditions to grow coffee and that's why many Montagnard at our village have been displaced to be turned the land, their land, ancestral land, that they lived on for hundreds of years. Of course, they don't have any title to their land and they have been pushed away from that ancestral lands across Central Highlands.

Mr. STOCKMAN. May I make a recommendation to your community? We have in this country just a large number of news outlets and information, a number of cable stations and you get information overload, and like light that's dispersed it only works when you focus the light and it can cut metal.

And I would tell you this. I think—you can correct my statistics on this—but I think Starbucks buys a large amount of coffee from Vietnam, and if you want to highlight your activity just a suggestion—I know how much trouble I'm going to get for this—but I think you ought to focus your efforts in communicating that and that they bring economic activity bearing down on the company that's doing business with Vietnam.

They and the Vietnamese Government understand money and I think that if we could somehow communicate that through that aspect I would just make a recommendation that you can apply pressure and the American companies will listen, and I will check those statistics but I believe it's fairly high.

I know that the beans in Vietnam are a little bit more bitter than some of the other beans around the world but they still make up a blend in the Starbucks coffee.

That's just my own personal take on it and—but I appreciate you guys coming out and I really am very grateful that you give us suggestions.

All of you have gave us suggestions and many panels don't do that on what we can do and I appreciate you extending to us advice.

Mr. Sifton, also you've given us good advice on the software and you've also given us advice and all of you. I appreciate it, and we are very much in sympathy with you and we appreciate you taking the risk coming out here because I know that extended families could be persecuted for your stance and I appreciate your bravery coming out.

And I yield back the balance of my time. Thank you very much.

Mr. WEBER. Thank you, Mr. Stockman. Golly, let me follow up on what he just said, then I'll yield to Mr. Rohrabacher here in a little bit, give him a minute to catch up.

While he was talking about Starbucks I did a Google search on their Web site and found that they have a chairman's report, and

if you want something interesting on their Web site they have the following quote:

“If everybody says I’m going to change one person at a time before you know it we’ve changed a neighborhood. We’ve changed a town. We’ve changed a city. We’ve changed the nation.”

You might think about getting a hold of Starbucks, follow up on what Congressman Stockman said and say, you know, you guys are buying coffee, and maybe they could bring—they could bring some pressure to bear.

Maybe they’ll wake up to that fact. I have a couple questions for you myself that I’d like to—and I don’t know who to direct it to. Perhaps you, Mr. Sifton, or maybe Dr. Thang.

Is it—how many registered churches—you all talked about churches being registered and then the government registers fake churches. How many churches would you say are registered and then write them down for me.

Mr. THANG. I don’t have the statistics on hand but I know that from the last count there were not more than scores of churches that have been registered compared to hundreds that have not been allowed to register.

Mr. WEBER. Okay. And is there an underground church movement?

Mr. THANG. That’s what this is called for the Protestant Church, for instance. That’s called the house churches and they are being persecuted severely because the government doesn’t want the spread of house churches that they cannot control.

Mr. WEBER. Would you hazard a guess? Is it 100,000, 10,000, 1,000,000?

Mr. THANG. Followers? Yes. I would say at least a few hundred thousand of the members of the house churches that are underground.

Mr. WEBER. Okay. And forgive me, I don’t know, but how many people—what’s the population of Vietnam?

Mr. THANG. It’s about 90 million.

Mr. WEBER. 90 million. Okay. Victims of human trafficking—do they have a really big problem with human trafficking?

Mr. THANG. I think that Vietnam is the only country in the world that we know of where the government officially runs a trafficking ring through the labor export program.

Mr. WEBER. That’s what I figured. What international organizations are there that have really taken that cause up and are trying to bring attention to it?

Mr. THANG. There is the IOM, the International Organization of Migration, and they are funded by our own State Department to do anti-trafficking work in Vietnam. However, they may not have access to victims to assist, especially if those victims become victims under the government—

Mr. WEBER. The official government—

Mr. THANG [continuing]. Labor export program.

Mr. WEBER. Sure.

Mr. THANG. So far, they have not been able to serve too many if at all victims under the program. So they are not allowed by the

Government of Vietnam to access the victims to provide the services.

Mr. WEBER. How large is the Vietnamese population in the United States?

Mr. THANG. There are about 1.6 million Vietnamese-Americans.

Mr. WEBER. 1.6 million. And where would you say the largest concentration is?

Mr. THANG. I think that's in the district of Congressman Rohrabacher.

Mr. WEBER. Okay, which is why he's here, by the way. Let me say it this way.

How often does that population get involved in petitioning the State Department or demanding some action? Is this—do they do it on a monthly basis? Is there a concerted effort?

Mr. THANG. Yes. There has been a concerted effort. For instance, last year in March we launched a major campaign to the White House asking the President not to neglect human rights when his administration engages the Vietnamese Government in trade negotiations and unexpectedly we obtained about 150,000 signatures. We expected only 30,000 and the response was overwhelming—150,000 signatures.

Mr. WEBER. Well, that was a petition but how about a march or an activity where they show up at the White House? Any event being planned?

Mr. THANG. Yesterday, there was a delegation of 150 of us at the White House.

Mr. WEBER. Right.

Mr. THANG. Last year we also came to the White House, a very big delegation of 150 or 160 Vietnamese-American advocates from across the country that came to the White House last year and we returned to the White House just yesterday.

Mr. WEBER. I notice from just a little bit of research that David Shear, the Ambassador to Vietnam, apparently speaks Chinese and Japanese.

Has he been brought into the conversation? Are people going to him and saying Mr. Ambassador, you know, you are our, I guess, head guy from the United States, head diplomat. Has he been made aware of this?

Has there been a conversation with him that highlights this problem? Who does that?

Mr. THANG. Well, I personally talked to him and pointed to him that all the convictions that the Vietnamese Government has claimed so far—for instance, against the traffickers—only involve the small fish sex traffickers.

No prosecutions so far against the big fish that involves the government, the systemic problem of labor trafficking under programs run by the government, and Ambassador Shear did acknowledge that.

There were zero prosecutions against labor traffickers and that was last year.

Mr. WEBER. Did you raise the issue of the State Department's report and what did he say about that?

Mr. THANG. I raised it many, many times with the State Department, with his office, and they said that well, that's according to their own data.

We make the request that they should intervene people like the Venerable Danh Tol right here because we have legal team—a legal team in Thailand working to help to protect refugees who are fleeing out of Vietnam because the increasing persecution against political dissidents, against religious leaders, against bloggers.

So we have victims who have been resettled in the U.S. so we are more than willing to provide them to the State Department to intervene and to collect information directly from the horse's mouth.

But so far there has been no intention or effort to talk to the victims who know very much about what's going on on the ground.

Mr. WEBER. Zero interest on the part of the State Department?

Mr. THANG. We have seen zero interest so far.

Mr. WEBER. Who is Vietnam's largest trading partner?

Mr. THANG. I am not sure about that, but the U.S. is ranked among the top.

Mr. WEBER. Mr. Sifton, would you know?

Mr. SIFTON. The United States is Vietnam's largest export market. As for informal trade across the Chinese border, a lot of it's not magnified so it's very difficult to know for sure about overall trade. But the U.S. is their biggest overseas export market.

Mr. WEBER. And what's the number-one economic enterprise in Vietnam?

Mr. SIFTON. That's tough. I mean, look, I think in terms of the exports; the ones to focus on with Vietnam are seafood and clothing—textiles and finished clothing.

Mr. WEBER. I guess my question is have you identified those companies that do business with Vietnam and of the 1 million plus Vietnamese that are here are we putting pressure on those companies not to buy products from slave labor, for example?

Mr. SIFTON. Here's the thing. When I think about what the regime would be most impacted from it would certainly be the case the Vietnamese tycoons would be upset if trade preferences weren't extended and the export market didn't grow as fast as they wanted it to and it might have an impact and they would then pressure their friends in the Politburo and so on and so forth.

But when I think about a more direct pressure I just simply think that the Vietnamese military wants to buy lethal hardware from the United States military and the Pentagon is in fact holding the keys to the kingdom in terms of incentivizing them.

And so far they've resisted that and there is no such lethal aid going to them. But they are the ones who are standing at the gatepost and the threshold and are the ones who can bring the message better than any U.S. corporation can about what Vietnam needs to do in order to get what it wants.

Mr. WEBER. Does the Vietnamese Government respect intellectual property rights or are they more like the Chinese Government in that regard?

Mr. THANG. No, sir. I went to Vietnam long ago and I came back with bootlegged pirated products of the U.S. and we continue to

raise this issue with our own U.S. Trade Representative multiple times.

There's no true respect of intellectual property rights in Vietnam. There's a lot of bootlegged application software in Vietnam.

You can buy for \$5 a DVD with all sort of applications from Microsoft, for instance, very cheaply inside Vietnam and there are so many DVDs produced by entertainment industry basing out of Orange County and there are bootlegged copies almost overnight. Millions of copies sold in Vietnam—

Mr. WEBER. Okay.

Mr. THANG [continuing]. Illegally.

Mr. WEBER. Alright. Thank you.

Mr. Rohrabacher, I'm going to yield time to you now.

Mr. ROHRABACHER. Thank you very much and let me just note that I do represent a very large contingent of patriotic Americans who happen to trace their roots back to Vietnam and perhaps some of the most patriotic Americans because unlike their fellow citizens they know what it's like not to have freedom and they also know first hand what is going on and what evil the tyrants are doing to other people in their ancestral homeland even as they succeed and become a more important part of the American system here in our American scene.

I'd like to ask the panel this question about the Vietnamese community and are you recommending—just give me a very short answer please because I want to get this from all of you—are you recommending that we limit the amount of money invested in the Vietnamese economy by American capitalists?

Should we—or is this something that we should be—some people think we should encourage in that type of investment, and just give me a very short answer for each one of you, please.

Mr. THANG. I'll go first. It should be conditioned on promoting human rights conditions in Vietnam.

Mr. ROHRABACHER. So we should not be encouraging them unless—

Mr. THANG. Unless.

Mr. ROHRABACHER [continuing]. There are major human rights concessions?

Mr. THANG. Exactly.

Ms. NGO. I agree with that.

Mr. ROHRABACHER. Okay.

Ms. NGO. We should put the condition of human rights before we invest more money to Vietnam.

Mr. ROHRABACHER. Alright.

Ven. TOL. I agree with the position of the other panel with the exception that the other countries should put more pressures on Vietnam to tie the economic tie—that economic prosperity to the human rights.

Mr. SIFTON. I don't think there are any investment restrictions right now. But one thing that I assume U.S. apparel and other suppliers and buyers would be interested in is loosening the trade preference rules that would basically allow Vietnamese goods to be even cheaper and imported into the U.S. and they would like that, and they—and as the co-panelists have said, it would be a good idea to put human rights restrictions on that.

But I continue to believe that the bigger incentive to the regime to change is on the military front. That is the one area—

Mr. ROHRABACHER. We'll talk about that in a minute. Okay. So your answer is what?

Mr. SIFTON. The GSP seems like a nonstarter right now. The Trans Pacific Partnership is floundering. There's a bilateral investment treaty which is—

Mr. ROHRABACHER. So we should not or should we encourage the American—

Mr. SIFTON. None of those things should go forward without stringent human rights standards.

Mr. ROHRABACHER. Alright.

Mr. SIFTON. None of them.

Mr. ROHRABACHER. Considering the fact that those human rights standards aren't in existence now are you telling the American people not to buy products that say made in Vietnam? Right down the line. No, no, let's start over here.

Mr. THANG. Well, what I'd like to point out it cannot be a short answer about—

Mr. ROHRABACHER. It's got to be because I want everyone to comment on it. Do you want people—if the answer is yes, they should be able to—they should go ahead and buy or no, that's—it's one or the other. I mean, you can't have it both ways.

Mr. THANG. It depends. For instance, cashews, for instance. Human Rights Watch came out with their good report on cashews being produced using forced labor massively in Vietnam. So we are against buying cashews from Vietnam.

Mr. ROHRABACHER. Cashews?

Mr. THANG. Yes.

Mr. ROHRABACHER. You mean as in nuts?

Mr. THANG. Nuts.

Mr. ROHRABACHER. Okay. And so you think that we should—they should go product by product?

Mr. THANG. Yes.

Mr. ROHRABACHER. How about clothing?

Ms. NGO. Clothing—if I go to Sears or Macy and I see the clothes made in Vietnam I won't buy them.

Mr. ROHRABACHER. What about you? Clothing?

Mr. THANG. I don't buy my own clothes, actually.

Mr. ROHRABACHER. Alright. You're going to dodge that question. This guy doesn't have to worry about clothing here.

Ven. TOL. All the products I'm wearing are not made from Vietnam so we're not buying a product from Vietnam, period.

Mr. ROHRABACHER. Okay. And what are you recommending? Don't buy—don't buy the suit? Buy the cashews or don't buy the cashews or—

Mr. SIFTON. Cashews are a special case because forced labor was involved.

Mr. ROHRABACHER. Okay.

Mr. SIFTON. But no, I don't think boycotts usually are effective and—

Mr. ROHRABACHER. Okay. The answer is just go right ahead and buy that Vietnamese product even though there's no unions that

are permitted, even though if they tried to have a strike they'd be beaten down and arrested.

Mr. SIFTON. I'd rather have that raised by the U.S. Trade Representative than by the American consumer because I don't think the American consumer has the might to actually make it impact Vietnamese—

Mr. ROHRABACHER. Well, we can see how much that influence with our Government wading in on the side of freedom has had such an impact in China over the years with all of the freedom they have there now.

But, again, but there's been some American companies that have made a lot of good money off that lack of freedom in China. I don't think we should continue that trend in Vietnam.

The Vietnam regime has learned that if they loosen the chains a little bit around the necks of their slaves, of their prisoners, that they'll get more work out of them if they loosen the chains a little bit.

I don't think that we should be buying products from a country that has their population in chains. We should be for eliminating the chains that bind the people of Vietnam and elsewhere.

So there's—and let us note there has been all this optimism that more—as in China we all thought well, with more prosperity there's going to be more freedom. And what have we heard today and I've been listening in off and on all day and there is not more freedom.

There has actually been a crackdown and a decrease in the level of freedom in recent years. And so that theory that we're going to have the World Trade Organization bureaucrat come over and have a nice cup of tea with the Communist Party boss that overseas the—you know, the conditions of labor in his country, that's not going to work.

We've—back to the Internet freedom issue here, I think it is despicable that we have high-tech American companies providing technology and know-how that will permit dictatorships like Vietnam to track down dissidents.

This is—again, but if we just have this idea well, we can buy and sell and deal with them just like we're talking about dealing with Belgium or someplace like that, well, that doesn't work to further the cause of freedom or do you disagree with that?

Mr. SIFTON. No. I think Congress should definitely consider the current pending legislation to license the software—this type of software for the filter. These softwares have legitimate purposes in the abstract for law enforcement, for filtering child pornography.

The problem is if you put them in the wrong hands—

Mr. ROHRABACHER. That's right, and I would suggest that what we've seen in recent years is a crackdown on Internet freedom. I've been to hearings.

We've heard about that today—a crackdown on the very piece of technology that we were assured would bring a liberalization to countries like Vietnam and China and we also have seen a crackdown on religious freedom at a time when we were told, well, Communism will outlive this.

They don't—you know, they will—there will be a new era because the Communists will wake up and they will no longer be

Communists because we will have hugged them and made them friends of ours and patted them on the back and ignored all the fact that they're killing their neighbor's dog or they're beating up on their neighbor's children or they're suppressing demonstrations in the street or they're putting people in work camps or they're taking religious believers and destroying their churches in the Central Highlands, et cetera, et cetera.

No, we can ignore all of those things that show that you got brutal people who hold power in Vietnam—brutal tyrannical people who still oppress the population of Vietnam after all these years.

I'm very grateful that the Vietnamese-American community is educating us to this important stand that we as a nation must make.

We need to be on the side of those who long for freedom and oppose their tyrants who oppress them. And thank you for your testimony today. We will continue working in this.

Mr. WEBER. Thank you, Mr. Rohrabacher.

That seems like a good note to end on. This subcommittee hearing is adjourned.

[Whereupon, at 5:02 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

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

Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Christopher H. Smith (R-NJ), Chairman

May 30, 2013

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 by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at www.foreignaffairs.house.gov):

DATE: Tuesday, June 4, 2013

TIME: 2:30 p.m.

SUBJECT: Continuing Repression by the Vietnamese Government

WITNESSES: The Honorable Anh "Joseph" Cao
(Former Member of Congress)

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

The Venerable Danh Tol
Victim of religious persecution

Ms. Holly Ngo
Victim of property confiscation

Mr. John Sifton
Asia Advocacy Director
Human Rights Watch

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 SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and International Organizations HEARING

Day Tuesday Date June 4, 2013 Room 2172 Rayburn HOB

Starting Time 2:46 p.m. Ending Time 5:01 p.m.

Recesses 0 (to) (to)

Presiding Member(s)

Rep. Chris Smith, Rep. Weber

Check all of the following that apply:

Open Session

Electronically Recorded (taped)

Executive (closed) Session

Stenographic Record

Televised

TITLE OF HEARING:

Continuing Repression by the Vietnamese Government

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Meadows, Rep. Bass, Rep. Cicilline, Rep. Stockman

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.)

Rep. Lowenthal, Rep. Royce, Rep. Rohrabacher

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.)

Con Dau Parishioners Association Submission to Universal Periodic Review

TIME SCHEDULED TO RECONVENE _____

or

TIME ADJOURNED 5:01 p.m.

Gregory B. Simpkins
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY NGUYEN DINH THANG, PH.D., EXECUTIVE
DIRECTOR, BOAT PEOPLE SOS

CON DAU PARISHIONERS ASSOCIATION

Submission to the Universal Periodic Review of the Socialist Republic of Vietnam

1. We are an association of more than 200 members, primarily former residents of Con Dau Parish, Da Nang City who are living in the United States, Australia and Thailand, consisting of:
 - a. Refugees who escaped Vietnam in the aftermath of the end of the Vietnam War;
 - b. Recent refugees and asylum seekers who have fled the country since May 2010; and
 - c. Individuals not from Con Dau Parish but who are similarly situated.
 We are submitting the following comments on behalf of ourselves and on behalf of Con Dau parishioners in Vietnam. The plight of Con Dau parishioners is typical of millions of other Vietnamese.
2. Of all the recommendations in the 2009 UPR of the Socialist Republic of Vietnam (SRV), our submission focuses on the following: “*Fully implement the land law passed (Switzerland)*”. Not only has the Socialist Republic of Vietnam (SRV) violated its own land law referred to in that recommendation, this land law itself is in violation of international laws and international agreements.

Violation of Domestic Laws

3. Ever since the passage of its 1980 Constitution, the SRV has passed laws to nationalize properties of individual citizens as well as religious institutions, causing tremendous suffering to farmers, infringing on the rights and properties of religious congregations, and displacing entire communities of indigenous peoples. Confiscating land has become a tool of repression to target religious congregations, the Montagnards in the Central Highlands, the Hmongs in the Northwestern Mountainous Region and the Khmer Krom communities in southern provinces.
4. We would like to use our Con Dau Parish to illustrate this area of persistent violations of human rights, which have been going on for almost four decades. Con Dau is a village and a coterminous Catholic parish in the Diocese of Da Nang, Central Vietnam. It has 135 years of history. The area was originally a swamp with low, uncultivable land due to salt water coming in during the full moon. The ancestors of the residents of Con Dau built a dam to prevent seawater and turned Con Dau into a habitable area. French and Vietnamese priests led this effort to build a beautiful and prosperous parish. The century-old cemetery of the parish, in which generations of parishioners have been buried, is located about 1km from the parish’s church. This cemetery, property of the parish, is a beautiful 10 hectare park with more than 2000 burial plots. In the middle of the cemetery is a concrete plaza with a chapel where parishioners gather for evening prayers. Because the cemetery is over 100 years old, it was designated a national historic heritage site under Vietnamese law.
5. On 26th of June 2008, the People’s Committee of Da Nang City issued Decision No. 5111/QD-UBND to confiscate the entire parish, thus displacing all two thousand of its

residents and wiping out this historical Catholic parish, purportedly for an eco-tourism development project. This was a clear violation of Vietnam's own laws regulating the land "recovery" process as laid out in Decree No. 181-2004. This decree allows for government's "recovery" of lands for the following purposes only: national defense, national security, national interest, public benefits, and economic development projects that belong in "Group A". Group A projects do not include urban development unless they involve infrastructure for a new urban area. The eco-tourism project in Con Dau does not qualify under Group A.

6. Furthermore, it is a development project of a private company to turn a profit for its owners or stockholders, having nothing to do with public interests or benefits. The government should have let this development company negotiate directly with residents of the Con Dau Parish. Instead, on May 4, 2010 the government of Da Nang City sent in hundreds of police to block the funeral of a 93-year old woman parishioner, claiming that the Parish' cemetery must be relocated and therefore off-limit to the parishioners. Over one hundred parishioners, including men, women, children and seniors, were brutally beat up. Sixty two parishioners were taken to the police station, where they were repeatedly tortured for days and some for weeks. Seven of them were sentenced to prison terms. On July 1, 2010 the militia caught and tortured Nguyen Thanh Nam to extract information about parishioners who posted photos and videos of police brutality on the internet. The next day he died of bleeding injuries. Some 90 parishioners trekked across Laos to seek refugee protection in Thailand. The United Nations High Commissioner for Refugees (UNHCR) has recognized the vast majority of them as victims of persecution and granted them refugee status.
7. After the May 4 raid, the police then rounded up parishioners and, threatening imprisonment and other retaliatory measures, forced them to surrender their land and homes for insignificant compensation, at approximately \$12 USD/m². The developer then turned around and posted billboards placing the Con Dau Parish on sale, in the form of residential plots. The sale price was \$400 USD/m², or 33 times the level of compensation. Some of the parishioners inquired about purchasing their own land, even at the much higher price, but were told that they may not – the only option available to them was to relocate outside of Con Dau Parish.
8. The police continue to resort to intimidation and threats so to coerce parishioners to surrender their real properties. In many instances, the police have summarily evicted the residents to allow the developer's contractor to bulldoze their homes. As recent as December 19, 2012, the police surrounded a home in Con Dau Parish while the thugs accompanying them broke into it, disrupted the family during lunch, and beat up the wife in front of her husband and two daughters. The couple managed to escape from Con Dau Parish on the same day, went into hiding in another village and then fled to Thailand. Their two daughters later joined them in Thailand. The entire family is now seeking protection from the UN High Commissioner for Refugees.
9. This confiscation of land and real properties not only violates Vietnam's own laws but also infringes on the properties of citizens of other countries. Many members of our

Association are US citizens; we have retained our original ownership of real properties in Con Dau Parish while allowing relatives to live in our homes or cultivate our farmlands. Many others among us have inherited real properties from our Vietnamese relatives. As the government continues its efforts to expropriate additional land in Con Dau Parish, the SRV practically continues to violate the right to own property of non-Vietnamese citizens, which is a violation of international laws. This is happening not only in Con Dau Parish but throughout the country.

Violation of International Laws

10. Article 17 of the Universal Declaration of Human Rights stipulates that: (1) Everyone has the right to own property alone as well as in association with others; and (2) No one shall be arbitrarily deprived of his property. Accordingly, governments have come to agreements on certain norms and rules of conduct relating to the protection of their citizens' properties: the expropriation of alien property is lawful only if prompt, fair and effective compensation is provided for. A number of governments have promulgated laws to protect the properties of their citizens. For example, the U.S.' International Claims Settlement Act of 1949 established the Foreign Claims Settlement Commission to arbitrate claims of U.S. citizens and U.S. companies against foreign governments over expropriated properties. The U.S. Foreign Assistance Act of 1961 as amended in 1964 (22 USC 2370(e)) stipulates that the President suspends all assistance to a country the government of which has expropriated the properties of U.S. citizens, and the U.S. government votes against loans to that government from international financial institutions such as the World Bank and the Asian Development Bank. The Trade Act of 1974 (19 USC 2462(b)(2)) stipulates that the President shall not grant Generalized System of Preferences (GSP) status to a government that has "*nationalized, expropriated or otherwise seized property of U.S. citizens or corporations without providing, or taking steps to provide, prompt, adequate, and effective compensation, or submitting such issues to a mutually agreed forum for arbitration.*"
11. The SRV's land laws of 1993 and 2003 have arbitrarily expropriated the property of foreign nationals without compensation. Furthermore, such expropriation is unlawful because it involves violations international agreements.
12. In 1975, the Democratic Republic of Vietnam (North Vietnam) breached the Paris Peace Accords and invaded the Republic of Vietnam (South Vietnam). Some 130,000 South Vietnamese fled by sea and were evacuated by the US 7th Fleet. Responding to the large number of real estates left vacant by Vietnamese who had left the country in the days leading to the fall of South Vietnam and afterwards, the government of a unified Vietnam on April 14, 1977 issued Executive Decision 111/1977/CP (Chapter II) to place such real estates under temporary State administration. It stated that "*All residential housing, land and properties absent of owners who are Vietnamese or foreigners are directly administered by the government. When these owners return, the government will resolve [the matter] with them. No one may expropriate, unilaterally transfer ownership, sell or buy residential housing, or properties in the absence of their owners without the authorization of the government agencies with proper jurisdiction.*" This Executive

Decision also placed real estates owned by certain mid- to high-ranking officials of the South Vietnamese government or military under State's direct administration, without disputing their ownership.

13. Executive Decision 111/1977/CP also applied to the hundreds of thousands of Vietnamese who later fled the country by sea (known as the "boat people") or by land, the hundreds of thousands of Vietnamese who were sent to "New Economic Zones" and the hundreds of thousands of South Vietnamese government officials or military personnel sent to "re-education" camps. Many of these Vietnamese nationals later resettled to other countries as refugees from May 1975 to around 2000.
14. On the 18th of December 1980, the National Assembly of the unified Vietnam passed the new Constitution, which declared, for the first time, that "*land belongs to the entire people with the State as the representative owner,*" thus nationalizing all lands. By that time, many among the 130,000 evacuees and the early "boat people" had already acquired citizenship of countries where they were residing. There were also Vietnamese other than evacuees who had become citizens of other countries whose land was affected by the 1980 Constitution. For example, many South Vietnamese government officials working or exchange students studying in Western countries were recognized as "*sur place*" refugees in May 1975. By the time the 1980 Constitution was passed, many of them had already acquired citizenship of these countries.
15. Furthermore, the 1980 Constitution's provision on the State ownership over all lands did not come into effect until much later. In 1987 the National Assembly promulgated Vietnam's Land Law to place all land under the people's collective ownership and the government's administration; individuals, organizations and agencies have the right to land use but may no longer own land. While the 1987 Land Law nationalized lands, it did not address lands that had been placed under State administration after their rightful owners had fled Vietnam. In fact, in a communique dated November 11, 1989 to the Chairman of the People's Committee of Ho Chi Minh City, Deputy Prime Minister Nguyen Huu Tho asserted that only the People's Court may strip a person's of his/her ownership of real estate, which is protected by the Constitution. The communique requested that the said People's Committee return to return the relevant real estate, which had been placed under State administration, to its rightful owner.
16. The SRV's 1992 Constitution re-asserted the government's role in administering all lands and in assigning land use rights to individuals and entities. The following year, the SRV's National Assembly passed the new Land Law to implement the 1992 Constitution, declaring that the government will not return land placed under State administration to its original owners once it had been assigned to other entities, effectively nullifying Executive Decision 111/1977/CD. In other words, lands that belonged to Vietnamese who evacuated in April 1975 and refugees who left the country afterwards and that had been placed under State administration were effectively nationalized in 1993 (on 14th of July, 1993 to be exact). By that time hundreds of thousands of Vietnamese had already acquired citizenship of countries where they resided.

17. On November 26, 2003, the National Assembly issued a new Land Law (13/2003/QH11) along with Resolution 23/2003/QH11, declaring that the government no longer entertains any claim for the return of land or residential housing already placed under State administration. This Resolution officially nationalized all residential housings of Vietnamese who had left the country and placed under State Administration. By that time, millions of Vietnamese had already acquired citizenship of countries where they resided.
18. In summary, in 1980 the SRV declared that all lands belong to the State but only in 1993 did it officially nationalize lands left vacant by owners who fled to other countries, and only in 2003, other similarly situated real properties. Throughout those two and a half decades, a growing number of the 3 to 4 million Vietnamese who had fled the country, as the direct result of the breach of the Paris Peace Accord, had acquired foreign citizenships.
19. As the SRV continues to expropriate properties of lay communities and religious congregations, it continues to violate the right to property of foreign nationals. For example, many Vietnamese who have assumed citizenship of a foreign country have inherited real properties from their deceased parents in Vietnam. When the SRV confiscates these properties without fair and prompt compensation, it again violates international laws governing the properties of foreign nationals. As Vietnamese provincial and local authorities increasingly expropriate farmlands and real properties, they continue, aggravatingly, to violate international laws on the right to property of not only their own citizens but also citizens of other countries.

Recommendations

We would like to respectfully make the following recommendations to the SRV:

20. Immediately suspend all further expropriations of lands so as not to violate the properties of additional foreign nationals.
21. Set up a transparent process for local, provincial and national governments to announce their intention to expropriate lands and other real properties not only to Vietnamese citizens but also to Vietnamese living abroad, and allow sufficient time for them to verify and assert their ownership over the targeted real properties.
22. Set up an independent body to arbitrate all disputes over real properties.
23. Collaborate with foreign governments in determining the compensations for potentially hundreds of thousands real properties already confiscated from their citizens over the past 38 years.