

Nguyen Dinh Thang, PhD

President & CEO, BPSOS

Spokesperson, Coalition for a Free and Democratic Vietnam

Testimony at Congressional Hearing on

“The President's Visit to Vietnam: A Missed Opportunity to Advance
Human Rights”

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

Committee on Foreign Affairs

House of Representatives

June 22, 2016

Mr. Chairman and distinguished members of the Committee:

Thank you for holding this hearing at this time. Exactly a month has passed since President Obama announced, in Ha Noi, the total lifting of the U.S. arms embargo against Vietnam. Vietnam offered no human rights concession in return. It is therefore important for Congress to take action and ensure that further expansion of partnership with Vietnam will promote our core values of liberty and human dignity.

President Obama could have insisted that ending the arms embargo be contingent on the unconditional and immediate release of political and religious prisoners. That was not the case. And we saw the rise in the number of arrests and prison sentences in the months preceding his trip to Vietnam.

President Obama could have used the recent environmental disaster that had resulted in 80 million tons of dead fish to test the Vietnamese authorities' commitments to the environmental protection clause of the Trans-Pacific Partnership. That clause requires government's transparency and public participation. Responding to popular demand for transparency, the Vietnamese government arrested hundreds of peaceful protesters the weekends before and after the President's state visit. Many of them were bloodily assaulted by the police.

As a public affront to the United States, Vietnamese police blocked or kidnapped civil society activists who had been invited to a personal meeting with President Obama in Ha Noi. The following day in Saigon, they arrested a college student while he was waiting in line, with invitation letter in hand, for a town meeting with President Obama. President Obama could have insisted on "no interference" as condition of his state visit, but he did not.

President Obama could have spoken out against the persecution of independent religious communities, especially because such persecution had been intentionally conducted in plain sight and in the face of our government.

Last August, Mr. Ma Van Pa, a Hmong Christian, was arrested the day after his meeting with commissioners of the U.S. Commission on International Religious Freedom (USCIRF) in Tuyen Quang Province. For two days he was subjected to torture – the police wanted to know what had been shared with the U.S. delegation. He suffered severe head injuries and had to be hospitalized.

Then in March of this year, Montagnard Pastor Y Nuen Ayun was arrested after having met with U.S. Ambassador David Saperstein. Thanks to listening devices, the police knew that he had reported the death by torture of a fellow Montagnard pastor two months earlier. At the end of two days of interrogation, the police told him that they can make him disappear and harm his wife and children anytime.

Mrs. Tran Thi Hong, the wife of imprisoned Lutheran Pastor Nguyen Cong Chinh and a human rights defender herself, fared even worse. Two weeks after Ambassador Saperstein had visited her at her home in Kontum, the police subjected her to repeated beatings and torture. Her meeting with the U.S. Ambassador violated Vietnam's law, she was told. Her daily "working" session with the police was suspended just prior to President Obama's arrival and resumed

immediately after his departure. It stopped in early June, after strong intervention by the U.S. State Department and our embassy in Vietnam.

I believe it's not pure coincidence that persecution has increased in recent months. The government wants to prove to the Vietnamese people, particularly human rights advocates, that it can get all the benefits it wants from the United States without making any concessions on human rights in return. Unfortunately, President Obama's Vietnam visit has lent credibility to that message.

Testifying before this same Committee last week, Ambassador Saperstein correctly pointed out that, in the context of Vietnam, promises are meaningless without verifiable implementation. Problematically, the Vietnamese government only makes vague and unverifiable promises.

As you may remember, Mr. Chairman, in 2006 Ambassador John Hanford recommended lifting the CPC designation for Vietnam because its government had agreed to a long list of promises. But Vietnam insisted that these promises be kept confidential, which made verification practically impossible.

A fiasco ensued. The Vietnamese government issued Ordinance on Belief and Religion and the implementation decree. Both were designed to manage and control religious activities rather than to respect and protect the right to freedom of religion or belief. Yet the Bush Administration still lifted the CPC designation. A few months later, in early 2007, Vietnam turned around and brutally persecuted independent churches and religious communities. Hundreds of political dissidents and faith leaders were sent to prison, and the crackdown continues to this day.

It appears that we are setting ourselves up for a repeat of that catastrophic experience. The Vietnamese government now promises to pass its first law on religion. The current draft, however, would only cement the status quo and in certain aspects would even make it worse.

According to legal experts who examined this draft law, it maintains the government's approach of regulating and controlling religious affairs, lacks the necessary safeguards to protect against the abuse of power, and contains ambiguous language and administrative burdens. Compared to prior draft versions, the latest iteration is worse as it creates more bureaucratic layers of registration requirements and removes the section on compliance with international standards. Unless it is fundamentally and drastically modified, this draft law should be abandoned.

Fool me once shame on you, fool me twice shame on me. Let us not fall into that trap again. Congress can act to ensure that U.S. interest in human rights is an integral part of bilateral relations with Vietnam and improvements are measurable and verifiable, by:

- (1) Requesting the Administration to duly enforce existing statutes, including to designate Vietnam as a country of particular concern and to place under visa ban Vietnamese government officials who have egregiously violated religious freedom;
- (2) Enacting legislations with stricter monitoring and reporting requirements and more effective sanction measures against perpetrators of human rights abuses – such as the

Frank R. Wolf International Religious Freedom Act, the Vietnam Human Rights Sanctions Act, and the Vietnam Human Rights Act;

- (3) Delaying the ratification of the Trans-Pacific Partnership (TPP) to allow time for a thorough study of Vietnam's intention to comply with its commitments to the right of workers to form free and independent unions, the right of all religious communities to practice their faith without interference or suppression, and environmental protection; and for the Vietnamese government to demonstrate good faith by freeing all prisoners of conscience unconditionally;
- (4) Reaching out to and dialoguing directly with members of Vietnam's civil society and thus giving them the recognition that they deserve but have been denied by the Vietnamese government. This can be readily done with today's information and communication technologies. Tomorrow, as part of this year's Vietnam Advocacy Day, we will conference in a dozen of Vietnamese civil society leaders so that they can speak directly to interested members of Congress;
- (5) Supporting civil society networks such as Bloc 8406, Vietnamese Independent Civil Society Organizations Network (VICSON), and Vietnam Multi-faith Roundtable. These networks represent Vietnam's budding civil society and their efforts to form a collective voice. They need recognition, visibility and protection. The more interactions they have with the U.S. government, UN agencies and international organizations, the less likely they will be crushed by the government;
- (6) Coordinating intervention with established networks such as International Panel of Parliamentarians for Freedom of Religion or Belief or ASEAN Parliamentarians for Human Rights, or directly with individual like-minded members of parliaments. A number of German legislators have adopted prisoners of conscience in the model of the Tom Lantos Human Rights Commission's Defending Freedom Project, and some of them are actively working to free Lawyer Nguyen Van Dai; they would be interested in collaborating with U.S. members of Congress.