

A BAD YEAR FOR HUMAN RIGHTS IN VIETNAM

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 FIFTEENTH CONGRESS

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THURSDAY, JUNE 7, 2018

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 2:00 p.m., in room 2200 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The hearing will come to order and good afternoon. Sorry for the delay to our witnesses. We did have a series of votes and both Ms. Bass and I were delayed so I apologize for that.

It has been, ladies and gentleman, as you know, a very bad year in Vietnam for human rights. Since the beginning of 2018 alone, the Vietnamese Government has handed out sentences totaling over 100 years in prison and house arrest to human rights defenders and democracy advocates.

In the past year alone, 22 bloggers have been jailed as well as six members of the Brotherhood for Democracy. An outrageous 15-year sentence was given to Nguyen Van Dai, whose wife, Vu Minh Khanh, testified before this committee back in 2016.

I will note, parenthetically, we are hoping for his release. I would note, parenthetically, that I met with Nguyen Van Dai.

Matter of fact, Dr. Thang helped to arrange it in Hanoi in the year 2005 and virtually everyone except one other person—he was a lawyer representing a number of people on human rights cases—were all detained by police and couldn't come and meet in his Hanoi law office.

It was really very, very discouraging and also an insight into how repressive the Communist government regime is in Vietnam.

I would note that Scott Flipse, who has done yeoman's work for years and is right behind me here, met with Nguyen Van Dai in Hanoi in 2007 and 2009 while he was in prison.

So we have had a long-standing concern that we have expressed over and over again for him and for the others who have been held unjustly by the Vietnamese Government.

The Vietnamese Government has gotten a free pass on human rights for far too long. There are currently at least 169 political religious prisoners in Vietnam including bloggers, labor union activists, and democracy advocates and religious leaders.

Freedom House rates Vietnam as not free and possessing of some of the world's highest press in internet restrictions.

The U.S. Commission on International Religious Freedom again this year recommended that Vietnam be designated as a country of particular concern for egregious religious freedom abuses.

I would note that I am disappointed when the new list came out and I did personally lobby the administration. We didn't get any luck with the last administration or with the Bush administration, which took it off CPC category, and so far not yet with the new Trump administration.

U.S. policy has failed the Vietnamese people. This is a bipartisan criticism. We have enriched Vietnam's Communist leaders and coddled their interests at the expense of the hope and desires of the Vietnamese people for liberty and human rights, which they are striving to achieve but have been, unfortunately, repressed.

The Trump administration does have an opportunity to bring about real reforms in Vietnam if and only if human rights improvements are linked to better U.S.-Vietnamese relations.

The U.S. has leverage to encourage reform. Vietnam needs a strong U.S. partnership, particularly as China's aggressiveness increases.

The question is will there be leverage and will this leverage be used to help the people of Vietnam or will our acquiescence or indifference be used to help the Communist leaders?

I have been to Vietnam a number of times on human rights trips. I've met with its rights advocates—young activists—for decades. The younger generation in Vietnam—66 percent of Vietnam is under the age of 40—looks to the U.S. as a land of opportunity and a land of freedom.

This generation wants the same liberties enjoyed by their relatives living in California, Texas, Virginia, Louisiana, in my home state of New Jersey, and so many other places where former Vietnamese have flourished.

They want to speak freely, blog freely, worship God freely, and be free to choose and change their leaders. Failing to press for concrete human rights improvements underestimates U.S. leverage and will disappoint the young generation of Vietnam, who are that country's dynamic future.

The President will face pressure from his advisors and the business community, especially the business community, to look at Vietnam through the lens of trade deals and containment of China.

Hopefully, he will be able to see the situation more clearly than past administrations, and that's a bipartisan criticism. Both Republicans and Democrats in the White House have not done what they could have done to make a difference.

No government that represses its own people or restricts fundamental freedoms can be a trusted ally of the United States.

No government that censors the internet, tortures, and jails dissidents, crushes civil society should be given generous trade and security benefits without conditionality.

Robust championing of individual rights will meet with some success, if recent history is our guide. The Vietnamese Government has responded to concerns expressed by the last two administra-

tions when they linked human rights improvements to better U.S.-Vietnamese relations.

Whether to gain entry into the World Trade Organization—WTO—the TPP—Trans-Pacific Partnership—or to address U.S. concerns over religious freedom, the Vietnamese Government took steps when we insisted and when they were pressed by American Presidents.

It is when the U.S. loses interest in human rights that conditions regress, as it has in the past year. The business of the Communist party is staying in power and repressing those that they believe will challenge their power.

They will not embrace human rights improvements or the rule of law unless it's a firm condition of better relations with the U.S.

Putting human rights and the rule of law at the center of bilateral relations is the goal of H.R. 5621, the Vietnam Human Rights Act, bipartisan legislation that I introduced last month.

I will note parenthetically that that bill—there is different iterations of it but with a lot of input, including from some of our witnesses including Dr. Thang, has passed the House four times.

It always gets over to the Senate and holds are placed on it, and those holds are to the detriment of the Vietnamese people. Hopefully this year we will see a change.

The bill emphasizes the connection between human rights improvements and U.S. interests and states that U.S. policy should prioritize the freedom of religion, freedom of the press, internet freedom, independent labor unions—which are nonexistent—the protection of women and girls from trafficking, and advances in the rule of law as critical components of both U.S.-Vietnamese relations and any U.S.-led effort to ensure free and open Indo-Pacific region.

And I mentioned the bill had passed four times—three times as a free-standing bill, once as an amendment—and even then when Frank Wolf was willing to get it into an appropriations bill, a senator, stepped in and objected and out it came. So it's time for that to end.

I would like to now yield to my good friend and colleague, Ms. Bass, for any comments you might have.

Ms. BASS. Thank you, Mr. Chairman, for calling today's hearing and bringing attention to the myriad of human rights violations in Vietnam.

Just over 1 year ago, we had an important hearing on how religious freedom and human rights in Vietnam are critical to the U.S. national interest.

Starting from the restoration of diplomatic relations with Vietnam in 1995, the bilateral relationship with the United States has grown considerably, especially in trade and investment.

Over the past decade, U.S. exports to Vietnam have increased over ninefold from \$10 billion in 2016, U.S. imports in 2016 were \$10 billion, up 43 percent from 2015 and 823 percent over the past decade.

The relationship between our two nations is animated by the increase of Vietnamese who have immigrated to the United States. Over 1.3 million immigrants call the U.S. home.

The deepening of this relationship, however, is going to depend on how much progress the Government of Vietnam makes on crit-

ical human rights, namely, free press and political descent, land expropriation, religious freedom, workers' rights, and human trafficking.

Unfortunately, the trend lines are not positive. CNN reported that six human rights activists in Vietnam have been sentenced to between 7 and 15 years in jail.

As was mentioned by the chairman, the Hanoi People's Court has given the longest sentence to human rights lawyer, Nguyen Van Dai for trying to overthrow the People's administration.

The judgment comes amid a wider crackdown on peaceful dissent that has seen several bloggers and human rights activists given long jail sentences in the last 12 months.

During 2017, authorities arrested at least 21 bloggers and activists or exercising their civil and political rights. They were arrested for national security offenses but in reality, the offenses included writing articles critiquing the government—critical of the government, and peaceful activism.

Added to this, the Vietnam—Vietnam's legislature is set to pass a Cybersecurity law that would provide the government another means by which to silence and punish those critical of the government.

This is a deeply disturbing trend and one that the Government of Vietnam needs to halt and reverse. I look forward to hearing the views, perspectives, and recommendations and I want to thank the chairman for allowing two of our colleagues, Zoe Lofgren and Alan Lowenthal, to participate in this hearing.

Mr. SMITH. Thank you.

I'd like to yield to Chairman Rohrabacher.

Mr. ROHRABACHER. Well, I was not prepared to have an opening statement but I will just speak from the heart, which is what makes us all Americans is that we believe in freedom.

That's what it's supposed to do. There are no greater champions of freedom that I know than Vietnamese Americans who have suffered tyranny and suffered under what now is not even a Communist government but a crony capitalist government that is totally oppressive of its people. There is very little difference between that and what the Communists believed except the Communists were sincere.

The gang that now—because they thought they were going to change the world by oppressing everybody and eliminating religion, getting rid of democratic notions. The group that now controls Vietnam is a group of gangsters that have their clique and they are oppressing anyone who might get in their way.

And one thing I would like to ask the panel, I know—now, Mr. Chairman, as you know, I opposed the Magnitsky Act—only the title, however.

I supported and support the idea of holding accountable those people who are committing human rights violations—those individuals and those specific offices overseas. I don't think the Magnitsky was the—was the proper name because I think that particular case is still decided as to what happened.

But the idea of punishing specific individuals overseas for their human rights violations is a good idea and I call on you, Mr. Chairman, and the rest of my members here, let's find out who specifi-

cally in Vietnam are conducting these human rights and hold them specifically accountable.

And I pledge my support to the Vietnamese community in achieving that goal. Thank you very much and thanks for holding this very important hearing.

Mr. SMITH. I'd just point out to my friend, and I'll go to Ms. Zoe Lofgren, in our new bill, as I think the gentleman knows, we do have a strong admonishment to the administration to use the Magnitsky Act and also use the tools that are in the International Religious Freedom Act, which I sponsored.

We named it after Frank Wolf, the great champion of religious freedom. But there are brand new tools that Brownback—and of course, the President—has now. Brownback is the Ambassador-at-Large for religious freedom—he can really bring to bear on Vietnam.

I do think we missed an opportunity when we did not—we, the U.S. Government—did not designate Vietnam as a CPC country. But that can be done at any time.

It doesn't have to be done annually. It can be done anytime and I think the record absolutely invites that because they have a horrific record of religious persecution.

I'd like to yield to Zoe Lofgren.

Ms. LOFGREN. Well, thank you, Mr. Chairman and Ranking Member Bass. I want to thank, you know, Chairman Smith, and Representative Lowenthal and I co-chair the Vietnam Caucus and although this is an official Foreign Affairs Committee, it's very gracious of you to allow us to participate and I appreciate it very much.

This is an important topic how the government in Vietnam is using Article 79 to oppress people and to suppress free speech. Some of the tools that we might have that have not yet been utilized amid the Human Rights Act that we have passed repeatedly, the Magnitsky Act that has been mentioned.

I look forward to hearing from the witnesses and so we can get to them sooner. I would just like to ask unanimous consent to put my remarks in the record.

Mr. SMITH. Without objection, so ordered, and thank you.

I'd like to yield to Mr. Garrett? No?

Mr. GARRETT. I would yield back my time.

Mr. SMITH. Mr. Lowenthal, the gentleman from California.

Mr. LOWENTHAL. Welcome, ladies and gentlemen. Thank you for all attending and I thank also the chairman, Chairman Smith, for inviting me to participate and I appreciate that and also Ranking Member Bass, I appreciate that.

As one of the co-chairs of the congressional Vietnam Caucus, I've advocated in Congress on the issue of the human rights abuses in Vietnam.

During my time in Congress, I have adopted several Vietnamese prisoners of conscience who are unfairly and unjustly jailed for their political and religious beliefs. Two of my prisoners of conscience, Pastor Nguyen Cong Chinh and Nguyen Tien Trung, have been released.

I want to thank BP SOS for their work in helping to relocate the pastor, Pastor Nguyen Cong Chinh, to the United States.

Unfortunately, this is not the fate of the many of the others who have been imprisoned for their act. I want to highlight and point out the case of Nguyen Van Dai, a pro-democracy activist, co-founder of the Brotherhood for Democracy.

Mr. Nguyen is one of my current prisoners of conscience. He's a human rights lawyer, a blogger who was recently sentenced to—unjustly to 15 years in prison for what? For speaking out against human rights abuses.

He traveled throughout Vietnam to teach law students and to train young human rights defenders on human rights reporting mechanisms, how to deal with police interrogation, and then he was tried for conducting propaganda against the state. He was sentenced to prison and forced to close his office.

You know, throughout the Tom Lantos—through the Tom Lantos Human Rights Commission I've advocated for the release of Mr. Nguyen.

I want to also acknowledge Mr. Anthony Le, who is here today. He's a spokesperson for the Brotherhood for Democracy, and I look forward to hearing from his testimony.

Again, I just want to—in concluding, I want to highlight another prisoner of conscience of mine, the Most Venerable Thich Quang Do, the Supreme Patriarch of the United Buddhist Church of Vietnam.

The Patriarch has been jailed numerous times for leading non-violent protests against the Vietnamese Government and for calling for religious freedom.

He is currently under house arrest. It is unconscionable that the Venerable—the Supreme Patriarch is kept in jail or at least under house arrest now.

And then I want to thank—and I'll just end—Chairman Smith and the other co-chairs of the Vietnam Caucus for Chairman Smith's work on H.R. 5621. I am glad to participate in that and to help.

It imposes, among other things, it would invoke sanctions per the Magnitsky Act. It would impose financial and travel restrictions for human rights abusers and it calls for the release of religious and political prisoners and designates Vietnam as a country of particular concern.

I look forward to the testimonies and, again, I thank the chair for inviting.

Mr. SMITH. Thank you, Mr. Lowenthal.

Mr. Garrett.

Mr. GARRETT. Thank you, and reclaiming my time. I just felt like saying that.

I want to speak briefly because I know that sometimes in this body it's frustrating. We don't feel like we are getting things done.

But I do that people in the Republic of Vietnam watch these hearings and so I want to take this opportunity in front of this assembled group as well as these distinguished guests to speak to my vision at it relates to our interaction with the nation of Vietnam.

I had the honor with the ACYPO prior to my entry into this August body to visit Vietnam and what I watched was a dynamic emerging economy with opportunity and all sorts of good leading indicators for the future.

However, the good facts as it relates to Vietnam as well as their geographic location adjacent to China, who seems more and more bent on hegemonic behavior within the region and the emerging economy will not aid in relations with the United States, despite the fact that we want to encourage those would stand against that hegemonic behavior by China, those who would engage in good international economic relations, and those economies that are vibrant and emerging to do so so long as human rights violations persist.

And I stress that point and that is the only reason that I reclaimed time so that those in Vietnam who are watching this understand that the people in this body on both sides of the aisle appreciate the tools that are at our disposal.

I don't know what took us so long to get Global Magnitsky but I think now that we have it we need to be willing to use it—that we should engage in trade relations with nations who honor basic human dignities and rights, which include the freedom of expression, the freedom to love who you wish, worship how you want, or behave how you will so long as you do not harm another, and these things aren't occurring in Vietnam.

So, in essence, Mr. Chairman, as long as Vietnam recognizes basic fundamental human rights it's exciting to think about the prospects going forward and the relations between our nations, particularly in light of the history between our two nations.

But so long as they stymie the basic expression of individuals and disallow individuals from seeking their own conscience, soul, and self-determination as it relates to their beliefs, then this will stymie this relationship.

And let that, if I have any contribution to this body today, be the message that I send.

We want to work with you. We want to trade with you. We want to be friends with you.

But if we are who we aspire to be as a nation, we will not, until you recognize basic human liberties.

Thank you.

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

I'd like to now introduce our distinguished panel, beginning from my left, your right. It is a high honor and privilege to welcome back Anh Joseph Cao, the first Vietnamese American to be elected to the United States Congress, representing the 2nd Congressional District of Louisiana.

At the age of eight, Anh Joseph Cao was placed by his mother onto a U.S.-bound plane fleeing Saigon with his 4-year-brother and 14-year-old sister.

His mother stayed behind to raise five children while her husband spent 7 years in reeducation camps where he was tortured repeatedly.

In the United States, Anh was separated from his siblings and raised by an uncle. Later, he moved to Falls Church, Virginia, where he volunteered with Boat People SOS, working to protect the last boat people stranded in Southeast Asia and Hong Kong, and to secure the resettlement of reeducation camp survivors.

In the fall of 1997, Anh returned to New Orleans to attend law school and join the board of directors of Boat People SOS there.

We appreciate his service here in Congress. He was an absolute leader on human rights in general but especially for the Vietnamese. I thank him for the insights that he has provided years to date and I know will again today.

Next, we will hear from Dr. Nguyen Dinh Thang. Dr. Thang left Vietnam with his family as a boat person in 1978 and arrived in the United States in 1979 after 7 months in a refugee camp in Malaysia.

He graduated with a Ph.D. in mechanical engineering in 1986 and worked for 15 years at a research lab out of the United States Navy.

For the past 35 years, he has been involved in community services, refugee protection, and human rights advocacy in the United States and in Asia.

Under his leadership, Boat People SOS has grown into an international organization with operations in 14 locations in the U.S. and in Asia.

In 2008, he co-founded the Coalition to Abolish Modern-Day Slavery in Asia called CAMSA, which has so far rescued and/or assisted over 5,000 victims of labor and sex trafficking.

He travels extensively to Asia and closely monitors the human rights conditions of Vietnam, and I would just note parenthetically before going on to our other very distinguished witness—Dr. Thang—when the comprehensive plan of action was being closed with about 40,000 stranded refugees in Southeast Asia, we had very credible insights and information that many of the people who were true refugees had been improperly screened out by the Clinton administration.

I held five hearings. Dr. Thang provided insight at those hearings that pointed out—which became something that we acted upon—that many people were intimidated if they got anything wrong in their interviews, which were very, very hostile.

They weren't U.S. adjudicators. They were people from Hong Kong and elsewhere who didn't want them there, and I remember going to High Island in Hong Kong and seeing refugees there and being told how hostile it was.

We had one man who was a double amputee who said, "I have a target on my back if I go back. I fought in the war and they are trying to forcibly repatriate me," and they were calling it voluntary repatriation.

So from those hearings, Dr. Thang and Joseph Rees, who was then our chief of staff, and I worked on an amendment that led to the ROVR program and over 20,000 Vietnamese people were actually given asylum here as a direct result of that program.

That would not have happened without Dr. Thang and I want to thank him for that. I remember offering the amendment on the floor and it passed, against all odds. It wasn't supposed to pass.

And one of the things that they told us—and this is part of the disinformation campaign that some even—well, many people told us that anybody who was going back would have a repatriation monitor.

So I had a hearing on repatriation monitors. Turns out there were seven of them, and what did those seven do? When they

would go back and talk to someone who was forcibly repatriated, right next to them would be someone from the secret police.

Who in their right mind is going to say, "I am being discriminated against, or hurt, or in any way maltreated," with that person sitting there?

So when the repatriation monitor exits the town or hamlet, whatever it might be, or a village, they are left to deal with those consequences. It was a farce. We used that in our debate and, thankfully, we got the ROVR program out of it.

I would now like to welcome Dinah PoKempner, who is general counsel for Human Rights Watch. Her work has taken her to Cambodia, the Republic of Korea, Vietnam, the former Yugoslavia, and elsewhere, and documenting and analyzing compliance with international humanitarian law, war crimes, and violations of civil and political rights.

She has written on freedom of expression, peacekeeping operations, international tribunals, U.N. human rights mechanisms, cyber liberties and security in refugee law, among other human rights topics, and oversees the organization's positions on international law and policy.

A graduate of Yale and Columbia University School of Law and a member of the Council on Foreign Relations, Ms. PoKempner also teaches at Columbia University. We welcome her here and are grateful that she's here today to testify.

We will then hear from Anthony Le, who is here today as spokesman for the Brotherhood for Democracy. He has participated in the struggle for the basic civil rights of the Vietnamese workers, farmers, and fishermen under the Communist regime.

He and other assigned members have organized regular workshops for workers about their rights and advocacy skills for their rights and interest in addition to equipping them with the knowledge about organizing independent labor unions that currently do not exist, as I said earlier, in Vietnam.

We deeply appreciate his presence here today, and I also would like to welcome Angela Huyen, who will be acting as his translator today.

Congressman Cao, the floor is yours.

**STATEMENT OF THE HONORABLE JOSEPH CAO, FORMER
MEMBER OF CONGRESS**

Mr. CAO. Thank you very much, Chairman Smith.

First of all, I would like to thank Chairman Smith and Ranking Member Bass for holding this important hearing today concerning Vietnam's human rights abuses this past year.

Indeed, it was a bad year for human rights in Vietnam. Fortunately, the Vietnamese American community has Chairman Smith and members of this subcommittee who have been champions for human rights in Vietnam and around the world for as long as I can remember.

As Chairman Smith stated, my first encounter with him came in 1996. I first met Chris Smith as an intern of Boat People SOS to advocate for the rights of Vietnamese refugees.

He listened attentively to an unknown 29-year-old Vietnamese American who had little experience lobbying for human rights on Capitol Hill.

I returned to Washington, DC, 13 years later as a Member of Congress and there was Chris Smith, serving as my colleague and guide on the legislative process to bring about changes to the human rights conditions in Vietnam.

Today, I appear before this subcommittee as a former Member of Congress and here is Chris Smith, still listening with the same attentiveness and determination to make this world a better place.

Thus, my relationship with Chairman Smith spans over two decades, and with the help and sometimes even the lead of other human rights advocates such as Tham Nguyen, Dr. Tram Ho, Reverend Tam Huu Pham, Mr. Truc Ho, and countless others, we were able to bring about some changes, but change has been slow.

Severe human rights abuses continue in Vietnam and data suggests these abuses are mounting. Mr. Chairman, the principles of religious freedom, freedom of expression, freedom of conscience, freedom to organize, and the freedom to own property have served as the bedrock of our great nation for over two centuries.

Not only do we defend our citizens against those internal forces that seek to suppress these freedoms, we fought and have given our lives to defend these freedoms against foreign nations that threaten to destroy these values.

We have demanded of ourselves that these freedoms must be preserved at all costs and we demand the same from those nations with whom we associate.

In the case of Vietnam, the U.S. Congress has repeatedly required that the Vietnamese Government adhere to universal standards on human rights for decades, but little has been achieved.

The Vietnamese Government, in 2017, committed what is regarded as an outright assault on freedom and universal human rights.

Instead of using the Asia-Pacific Economic Collaboration Summit, which was held in Vietnam, to demonstrate its adherence to universal standards on human rights, the government amplified human rights abuses including against freedom of religion or belief.

According to the USCIRF, the assault on the freedom of religion, expression, association, and assembly was nationwide, signifying a concerted effort to suppress and silence critics and peaceful activists.

Vietnam systematically harassed, arrested, imprisoned, and tortured dissidents, democracy activists, bloggers, and religious leaders on an unprecedented scale not since the end of the Vietnam War.

Thus, the Vietnamese Government's previous willingness to engage in dialogue on issues of human rights and religious freedom was only a ruse to gain benefit, and after the benefits have been gained, it reverts back to its old ways.

But Vietnam has gotten smarter. To be able to wash their hands of the crimes committed against those who love freedom, they conspire with thugs and criminals to silence dissent.

One through of such thugs is the Red Flag Association, a militant pro-government mob aimed at harassing Catholics. As a Catholic myself, I find this particular distasteful.

The Red Flag Association's goal is to suppress and hamper protests against the Formosa Steel Plant, whose illegal toxic dumping caused one of the greatest environmental disasters in Vietnam and brought suffering to the hundreds of thousands of Vietnamese who depended on the rivers and seas for their livelihood.

Moreover, they sowed division between Catholics and non-Catholics, intimidate parishioners, vilify priests, attack lay leaders, and desecrate churches and homes.

The association's membership consists of local security forces, government employees, members of government-sponsored organizations, unemployed adults, and street thugs.

The Red Flag leaders, among others, consist of Tran Nhat Quan, Le Thi Quynh Hoan, Nguyen Trong Nghia. According to the USCIRF, the harassment and assaults carried out by the Red Flag Association were government directed or government tolerated.

An egregious incident involving the Red Flag Association occurred recently in Nghe An Province. On December 23rd, 2017, a group of thugs belonging to the association went to Ke Gai Parish and harassed, intimidated, and assaulted the parishioners while they were working on an irrigation project on their land near the church.

A criminal complaint was filed with the Nghe An police against the perpetrators. Instead of arresting the thugs, Nghe An Province police prosecuted the victim and all witnesses of the criminal incident.

Groups belonging to the Red Flag Association also carry out acts of harassment and violence in Song Ngoc, Van Thai, and Doing Kieu Parishes in Nghe An Province.

Acts were also carried out in Vinh Diocese in central Vietnam and Tho Hoa Parish in Dong Nai Province.

However, these actions are only the tip of an iceberg. Government-sanctioned land grab against religious institutions continues unabated for personal profits and economic gains of corrupt officials.

One example is Thu Thiem Convent belonging to a congregation of Catholic nuns who, on May 1st, 2018, received a notice from the People's Committee of Ho Chi Minh City requiring that the church be moved or face confiscation because the church is located on a block of land illegally auctioned to a developer, who intends to convert the land into a marketplace.

Furthermore, how ironic that the APEC Summit, attended by President Trump in November 2017 was held at a resort in Da Nang City, owned by the very developer that took over the land illegally seized with the use of harassment, detention, and torture from Con Dau Parish, and incident that I, and Chairman Smith, condemned but was unable to prevent as we looked on helplessly.

However, we are no longer helpless. The passage of the Global Magnitsky Human Rights and Accountability Act, which President Obama signed into law on December 23rd, 2016, now enables this House to bring justice to the victims of Con Dau Parish.

Pursuant to the Global Magnitsky Human Rights and Accountability Act, I would like to submit the following officials who were involved in the illegal land grab of Con Dau Parish for sanction, and for the sake of brevity I'll just simply mention their names.

First is Nguyen Ba Thanh, Tran Van Min, Van Huu Chien, Vo Van Thuong, Le Quang Nam, Nguyen Van Tien, Le Van Tam, Tran Muu, Huynh Duc Tho, Nguyen Dieu, Nguyen Van Toan, Le Viet Lam, Ho Thi Nga, Le Viet Hieu, Phan Huu Phung, Dang Hong Phuc, Nguyen Ngoc Tuan.

The incidents enumerated above is but a fraction of the abuses that the Vietnamese Government has inflicted on its own people in the past years.

USCIRF annual report 2018, Vietnam chapter, outlines numerous accounts of other acts, which I will not enumerate here, and Dr. Thang Nguyen will direct this subcommittee's attention to Vietnam's law on belief and religions implemented in January of this year, which could open the door to further oppression and restriction on the freedom of religion.

I commend President Trump in his meeting with Prime Minister Nguyen Xuan Phuc on May 31st, 2017, which stressed the importance of protecting and promoting human rights in Vietnam.

However, I believe more must be done. In agreement with the USCIRF, I suggest, one, Vietnam be redesignated as a country of particular concern; two, economic and trade negotiations must address human rights and religious freedom abuses in Vietnam; three, Vietnam must be required to provide concrete benchmarks in the promotion of human rights and religious freedom; four, Vietnam promptly release prisoners of conscience and democracy activists who were arrested and imprisoned under dubious laws; five, return and/or adequately compensate victims of illegal land grab; six, a transparent system of compensation for the victims of the Formosa environmental disaster be implemented; and seven, the passage of the Vietnam Human Rights Act.

In closing, I would like to once again thank Chairman Smith and members of the subcommittee for holding this important hearing.

In due respect, I would like to direct the subcommittee's attention to the work of Queen Rania Al Abdullah of Jordan. When you deprive people their rights to live in dignity, to hope for a better future, to have control over their lives—when you deprive them of that choice, then you expect them to fight for these rights.

Staying faithful to the principles that make our nation great, we will fight for the rights of those who do not have a voice.

We ask that this House and this administration will heed the voice of the oppressed around the world, particularly those of the people of Vietnam.

Thank you very much.

[The prepared statement of Mr. Cao follows:]

TESTIMONY OF FORMER CONGRESSMAN ANH "JOSEPH" CAO

DATE: JUNE 7, 2018

TOPIC: A BAD YEAR FOR HUMAN RIGHTS IN VIETNAM

COMMITTEE/SUBCOMMITTEE: SUBCOMMITTEE AFRICA, GLOBAL HEALTH,
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS

Chairman Smith and distinguished members of the Subcommittee:

First, I would like to thank Chairman Smith and Ranking Member Bass for holding this important hearing today concerning Vietnam's human rights abuses this past year. Indeed, it was a bad year for human rights in Vietnam. Fortunately, the Vietnamese-American Community has Chairman Smith, who has been a champion for human rights in Vietnam and around the world for as long as I can remember. In the summer of 1996, I first met Chris Smith as an intern of Boat People S.O.S. to advocate for the rights of Vietnamese refugees. He listened attentively to an unknown 29-years old Vietnamese-American who had little experience lobbying for human rights on Capitol Hill. I returned to Washington, DC 13 years later as a member of Congress, and there was Chris Smith serving as my colleague and guide on the legislative process to bring about changes to the human rights condition in Vietnam. Today, I appear before this Subcommittee as a former Member of Congress, and here is Chris Smith still listening with the same attentiveness and determination to make this world a better place. Thus, my relationship with Chairman Smith spans over two decades and with the help, and sometimes even the lead, of other human rights champions like Dr. Thang Nguyen, Dr. Tram Ho, Rev. Tam Huu Pham, Mr. Truc Ho, and countless others, we were able to bring about some change, but change has been slow. Severe human rights abuses continue in Vietnam and data suggest these abuses are mounting.

Mr. Chairman, the principles of religious liberty, freedom of expression, freedom of conscience, freedom to organize, and the freedom to own property have served as the bedrock of our great nation for over two centuries. Not only do we defend our citizens against those internal forces that seek to suppress these freedoms, we fought and have given our lives to defend these freedoms against foreign nations that threaten to destroy these values. We have demanded of ourselves that these freedoms must be preserved at all cost, and we demand the same from

those nations with whom we associate. In the case of Vietnam, the U.S. Congress has repeatedly required that the Vietnamese Government adhere to universal standards on human rights for decades, but little has been achieved. The Vietnamese government in 2017 committed what is regarded as an “outright assault on freedom and universal human rights.”¹ Instead of using the Asia-Pacific Economic Cooperation (APEC) Summit, which was held in Vietnam, to demonstrate its adherence to universal standards on human rights, the government “amplified human rights abuses, including against freedom of religion or belief.” According to USCIRF, the assault on the freedom of religion, expression, association, and assembly was nationwide, signifying a concerted effort to suppress and silence critics and peaceful activists. Vietnam systematically harassed, arrested, imprisoned, and tortured dissidents, democracy activists, bloggers, and religious leaders on unprecedented scale not seen since the end of the Vietnam War. Thus, the Vietnamese government’s previous willingness to engage in dialogue on issues of human rights and religious freedom was only a ruse to gain benefits, and after the benefits have been gained, it reverts back to its old ways. But Vietnam has gotten smarter. To be able to wash their hands of the crimes committed against those who love freedom, they conspired with thugs and criminals to silence dissent. One group of such thugs is the Red Flag Association—a militant, progovernment mob aimed at harassing Catholics.² As a Catholic myself, I find this particularly distasteful. The Red Flag Association’s goal is to suppress, and hamper protest against the Formosa Steel Plant, whose illegal toxic dumping caused one of the greatest environmental disasters in Vietnam and brought suffering the hundreds of thousands of Vietnamese who depended on the rivers and seas for their livelihood.³ Moreover, they sow division between Catholics and non-Catholics; intimidate parishioners, vilify priests, attack lay leaders, and desecrate churches and homes.⁴ The association’s membership consists of local security forces, government employees, members of government-sponsored organizations, unemployed adults, and street thugs. Its leaders, among others, consists of: Tran Nhat Quang (Red Flag Association in Ha Noi), Le Thi Quynh Hoan (Red Flag Association in Nghe An Province), and Nguyen Trong Nghia (Red Flag Association in Dong Thap Province). According to the USCIRF, the harassment

¹ USCIRF Annual Report 2018, Vietnam Chapter, available at <http://www.uscifr.gov/countries/vietnam>.

² “Red Flag Associations: An emerging threat to Catholic communities in Vietnam”, available at <http://dvo.org/wp-content/uploads/2018/03/BPSOS-Report-on-Red-Flag-Associations-03-27-18.pdf>.

³ Based on information and belief, the Formosa Steel Plant has paid \$500 million to compensate the victims of the Formosa disaster. Typical of the Vietnamese Government, there has been a lack of transparency on how the money has been dispersed to those who were affected by the worst environmental disaster in the history of Vietnam. Tragically, the victims living in Nghe An Province, which was at the epicenter of the disaster, were not even on the list of those should be compensated. Based on information and belief, only small amount of the \$500 million has been dispersed to the victims.

⁴ See, “Red Flag Associations: An emerging threat to Catholic communities in Vietnam.”

and assaults carried out by the Red Flag Association were government-directed or government-tolerated.⁵ An egregious incident involving the Red Flag Association occurred recently in Nghe An Province. On December 23, 2017, a group of thugs belonging to the Association went to Ke Gai Parish and harassed, intimidated, and assaulted the parishioners while they were working on an irrigation project on their land near the church. A criminal complaint was filed with the Nghe An Province Police against the perpetrators. Instead of arresting the thugs, Nghe An Province Police prosecuted the victims and/or witnesses of the criminal incident. Groups belonging to the Red Flag Association also carried out acts of harassment and/or violence in Song Ngoc, Van Thai, and Dong Kieu Parishes in Nghe An Province, Vinh Diocese in central Vietnam, and Tho Hoa Parish in Dong Nai Province.

However, these actions are only the tip of an iceberg. Government sanctioned land-grab against religious institutions continues unabated for personal profit and economic gains of corrupt officials. One example is Thu Thiem Convent belonging to a congregation of Catholic nuns who on May 1, 2018 received a notice from the People's Committee of Ho Chi Minh City requiring that the church to be moved or face confiscation because the church is located on a block of land illegally auctioned to a developer who intends to convert the land into a marketplace. Furthermore, how ironic that the APEC Summit attended by President Trump in November 2017 was held at a resort in Da Nang City owned by the very developer that took over the land illegally seized, with the use of harassment, detention, and torture, from Con Dau Parish, an incident and I and Chairman Smith vehemently condemned but was unable to prevent as we looked on helplessly. However, we are no longer helpless. The passage of the Global Magnitsky Human Rights and Accountability Act, which President Obama signed into law on December 23, 2016, now enables this House to bring justice the victims of Con Dau Parish. Pursuant to the Global Magnitsky Human Rights and Accountability Act, I would like to submit the following officials who were involved in the illegal land-grab of Con Dau Parish for sanctions:

- 1) The Estate of Nguyen Ba Thanh: Mr. Nguyen Ba Thanh was a member of the Vietnamese Communist Party Politburo, Chair of Central Internal Affairs, who was known as "Mr. Ten Percent" because he allegedly charged a 10% "commission" for any development approved in Da Nang City.
- 2) Tran Van Minh: A former chairman of the People's Committee of Da Nang City and deputy head of the Communist Party's personnel committee, Mr. Tran Van Minh authorized and supervised the attack on Con Dau parishioners on May 4, 2010.

⁵ See, USCIRF Annual Report 2018, Vietnam Chapter.

- 3) Van Huu Chien: A former chairman of the People's Committee of Da Nang City, Mr. Van Huu Chien signed orders to illegally confiscate properties belonging to Con Dau Parishioners; he was arrested by the police on April 17, 2018 for mismanaging and misusing state property.
- 4) Vo Van Thuong: A former chairman of the People's Committee of Cam Le District, Dan Nang City, and a current Party Secretary and chairman of the People's Committee of Hai Cahu District, Mr. Vo signed orders to illegally expropriate land from Con Dau parishioners as part of deal with Sun Group to develop an eco-resort.
- 5) Le Quang Nam: A current director of the Department of Natural Resources and Environment of Da Nang City, Mr. Le Quang Nam was responsible for formulating policy to evict and relocate Con Dau parishioners; he currently works with Sun Group through various investment banks to lands illegally expropriated from Con Dau parishioners to private investors.
- 6) Nguyen Van Tien: The present commander of the Cam Le District Police Department, Mr. Nguyen Van Tien ordered the arrest, interrogation, and torture of Con Dau parishioners.
- 7) Le Van Tam: A current Commander of the Da Nang City Police, he ordered the use of force and violence against Con Dau Parishioners.
- 8) Tran Muu: A current Deputy Commander of Da Nang City Police, he led his security force to attach mourners of a funeral procession in Cau Dau; he ordered the arrest and torture of 62 Con Dau parishioners.
- 9) Huynh Duc Tho: A current Chairman of the People's Committee of Da Nang City, Mr. Huynh continues his predecessor's illegal policy of land expropriation of Con Dau Parishioners.
- 10) Nguyen Dieu: Before retirement, Mr. Dieu was the Director of the Department of Natural Resources and Environment of Da Nang City, and in that capacity, he officially transferred the illegally expropriated land of Con Dau Parish to the Sun Group.
- 11) Nguyen Van Toan: A current Party Secretary and Chairman of the People's Committee of Hoa Xuan Ward, he supervised the ordered the removal of 1,600 tombs from the Con Dau cemetery, and ordered the demolition of hundreds of homes of parishioners.
- 12) Le Viet Lam: CEO of Sun Group, Mr. Lam was behind the forced expropriation of Con Dau Parish land and sub-divided the lots for resale and great profit.
- 13) Ho Thi Nga: Allegedly an assistant to late Nguen Ba Thanh, Mr. Ho used fraud to obtain land use rights of Con Dau parishioners.
- 14) Le Viet Hieu: A Lieutenant Colonel of the Cal Le District Police, Mr. Le personally tortured a number of Con Dau parishioners.
- 15) Phan Huu Phung: A Lieutenant Colonel and Head of the Cam Le District Criminal Police Team, Mr. Phan personally tortured a number of Con Dau Parishioners.

- 16) Dang Hong Phuc: A police officer of Cam Le District, Mr. Dang personally tortured Con Dau parishioners.
- 17) Nguyen Ngoc Tuan: A police Lieutenant of the Cam Le District Police, he tortured a number of Con Dau parishioners, including Nguyen Huu Liem.

The incidents enumerated above is but a fraction of the abuses that the Vietnamese government had inflicted on its own people the past years. USCIRF Annual Report 2018, Vietnam Chapter, outlines numerous accounts of other acts which I will not enumerate here, and Dr. Thang Nguyen will direct this Sub-Committee's attention to Vietnam's Law on Belief and Religion implemented in January of this year which could open the door to further oppression and restriction on the freedom of religion.

I commend President Trump, in his meeting with Prime Minister Nguyen Xuan Phuc on May 31, 2017, for stressing the importance of protecting and promoting human rights in Vietnam. However, I believe more must be done. In agreement with the USCIRF, I suggest that: 1) Vietnam be re-designated as a "Country of Particular Concern" under IRFA; 2) economic and trade negotiations must address human rights and religious freedom abuses in Vietnam; 3) Vietnam be required to provide concrete benchmarks in the promotion of human rights and religious freedom; 4) Vietnam promptly release prisoners of conscience and democracy activists who were arrested and imprisoned under dubious laws; 5) Vietnam return and/or adequate compensate victims of illegal land-grab; 6) a transparent system of compensation for the victims of the Formosa environmental disaster be implemented; and 7) the passage of the Vietnam Human Rights Act.

In closing, I would like to once again thank Chairman Smith and members of this sub-committee for holding this important hearing. In due respect, I would like to direct this sub-committee's attention to the words of Queen Rania Al Abdullah of Jordan: "When you deprive people their rights to live in dignity, to hope for a better future, to have control over their lives, when you deprive them of that choice, then you expect them to fight for these rights." Staying faithful to the principles that make our nation great, we will fight for the rights of those who do not have a voice; we ask that this House and this Administration will head the voice of the oppressed around the world, particularly those of the people of Vietnam.

Mr. SMITH. Congressman Cao, thank you very much for your eloquent statement and, again, for your leadership.

Dr. Thang.

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

Mr. THANG. Mr. Chairman and distinguished members of the subcommittee, thank you for using this timely hearing to shine a spotlight on the worsening human rights condition in Vietnam and also thank you for bringing us together because this is an opportunity for me to see Dinah PoKempner after 25 years.

Dinah used to work with us—collaborate with us on projects to push back forced repatriation of Vietnamese boat people in Hong Kong.

Since late 2016, we have documented a surge in the number of prisoners of conscience and the government's more aggressive drive to force members of unregistered churches to renounce their faith or to convert to government-created or controlled religions.

We have documented so far some 170 prisoners of conscience in Vietnam. I should have added four more—these are Falun Gong members which just got sentenced to 3 years of prison recently.

And one-third of those prisoners of conscience on our list are actually religious prisoners. In the first 5 months of this year, 23 human rights advocates have been sentenced a total of 172 years in prison followed by 41 years of house arrest, and among them four members of the same Hoa Hao Buddhist family are serving a total of 17 years of imprisonment.

The ongoing brutal persecution of Hoa Hao Buddhists is documented in a report by the Hoa Hao Congregation Central Overseas Executive Committee, which, with your permission, I would like to include as part of this testimony.

The Government of Vietnam has stepped up its game, enforcing followers of independent unregistered churches to renounce their faith.

Forced renunciation of faith has caused the membership of the Montagnard Evangelical Church of Christ, which was founded by a former prisoner of conscience, Pastor Nguyen Cong Chinh, that was mentioned by Mr. Lowenthal just now, to plummet from its high of 1,500 members just 18 months ago to merely 500 today, and at least 1,100 families of Hmong Christians in the north and central Vietnam have been denied citizenship documents and evicted from their villages because they refused to abandon their Christian faith.

The circumstances I describe in detail in a report by Hmong United for Justice, which, with your permission again I would like to include as part of my testimony.

Registration requirements is the government's most potent instrument to force members of unregistered churches to abandon their faith and/or join government-created or controlled churches.

The growth of the latter spells the decline and demise of independent religions but is often mistaken as a sign of improved religious freedom in Vietnam.

One prime example is the massive forced conversion of millions of Cao Dai followers which has gone unnoticed by the international community for the past two decades.

In 1978, the Vietnamese Government sweepingly abolished the Cao Dai Church altogether. Then in 1997, by a directive of the Communist Party, the government created a totally new sect which repudiates the most fundamental dogma of Cao Dai religion and that is direct communion between the Supreme Being and humanity through spiritualism. For ease of reference, I will call this newly-created government-created sect the 1997 Sect—the year it was formed.

With government support, it has occupied the Holy See of the Cao Dai religion in Tay Ninh Province and has barred Cao Dai followers—true Cao Dai followers from accessing it.

In 2008, for instance, the Vietnamese public security issued an arrest warrant against Mr. Zun Sun Lung—and he was here in Congress to talk to some of you, Members of Congress—because he was suspected of organizing a gathering on the grounds of the Holy See. He had to be on the run for 8 years before he successfully escaped to Thailand and he came to this country last year.

A more recent gathering in 2015 of 200 Cao Dai followers at their own Holy See was met with violence by the police and the security unit of the 1997 Sect.

This sect has systematically seized Cao Dai temples throughout the country, often using force and violence with support of the police and thugs.

For more than 8 years, for instance, Cao Dai followers in Saigon had to conduct prayer services on the pavement outside of the temple after it had been taken by force by the government-created sect.

In 2012, as another example, members of the 1997 Sect, with the support of government officials and thugs, seized the Cao Dai Temple in Binh Duong Province by force.

The local leader of that sect poured gasoline on a young Cao Dai follower and was about to set him on fire when other sect members stopped him. Of the hundreds of Cao Dai temples, all except 15 have been seized by the government-created sect.

To coerce Cao Dai followers to convert, the 1997 Sect has routinely disrupted religious activities conducted in private homes.

On November 11, 2015, its members, accompanied by the public security police and thugs, entered the home of a female Cao Dai follower in Tay Ninh Province, broke off the ongoing religious ceremony, and trashed food being served to guests because she had not asked the 1997 Sect for its blessing.

We have documented some 20 similar incidents in different cities and provinces so far. Less than 5 months ago, earlier this year, the 1997 Sect blocked the burial of a 78-year-old Cao Dai follower because his mourning family members had invited clergy members of the real Cao Dai religion to the funeral, and just last week we received reports that many tombs of Cao Dai followers being desecrated by the 1997 Sect.

The government-created sect is different from the Cao Dai religion in all aspects—dogma, name, charter, canonical law, organizational structure.

Yet, it occupies the Holy See and uses the letterhead, the seal, insignias, of the Cao Dai religion in all its communications and publications.

Foreign governments, including our own Government, have thus mistaken it for the Cao Dai religion and misinterpreted its activities as greater religious for Cao Dai followers.

This is analogous—the sect that does not recognize Christ as the son of God occupies the Vatican, persecutes Catholics, and yet presents itself as the Catholic Church, and the international community has been fooled.

The new law on belief and religion has even more stringent registration requirements and will give local authorities even more power to curtail unregistered independent religions which represent the vast majority of people of faith in Vietnam.

Three weeks ago, the government of Quang Tri Province officially declared that under the new law it is now illegal for the local parish priest to conduct prayer services in the private homes of his parishioners.

In the case of the Cao Dai religion, the new law will certainly further tip the balance in the favor of imposter. In light of the above, I recommend that the U.S. Government, again, echoing the recommendation of Congressman Cao, redesignate Vietnam as a country of particular concern or at least place Vietnam on the international religious freedom watch list; apply sanctions under the Global Magnitsky Act and International Religious Freedom Act against not only government officials but also nonstate actors such as the Red Flag Association or the 1997 Sect that pretends to be the Cao Dai religion, found to be responsible for gross human rights violations; press Vietnam to immediately and unconditionally release all prisoners of conscience and amend its laws including the law on belief and religion to be in compliance with all human rights treaties that Vietnam is a state party of; work with like-minded governments to raise serious concerns on human rights issues at the Universal Periodic Review of Vietnam to be held in January of next year; and finally, engage directly with the unregistered churches to regular roundtable meetings with the representatives, the leaders both in Vietnam and in the United States.

Thank you.

[The prepared statement of Mr. Thang follows:]

**Statement of Dr. Nguyen Dinh Thang
CEO & President, Boat People SOS**

Email: bpsos@bpsos.org

At the hearing on

**Vietnam: Why Religious Freedom and Human Rights are Critical to
U.S. National Interests**

Before the Subcommittee on Africa, Global Health, Global Human Rights and International
Organizations, House Committee on Foreign Affairs

June 7, 2018

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

Mr. Chairman and distinguished members of the Committee,

Thank you for holding this hearing in light of the worsening human rights conditions in Vietnam. According to the NOW! Campaign, which BPSOS launched in conjunction with 14 other human rights organizations last November, there are some 170 prisoners of conscience in Vietnam's prisons. About half are victims of religious persecution. Many of them are Montagnard Christians. We also call your attention to the Hoa Hao Buddhists among the religious prisoners; notably, Mr. Bui Van Trung, a Hoa Hao Buddhist, was sentenced earlier this year to 6 years of imprisonment, his son also to 6 years, his daughter to 3 years, and his wife to two years of suspended prison term. Both Mr. Trung and his son are former prisoners of conscience. Mr. Trung's son in law was also a prisoner of conscience. With your approval, I would like to include the statement of Mr. Sydney Tran, who represents the Hoa Hao Buddhist Congregation Central Overseas Executive Committee.

Another group of religious prisoners consists of 20 leaders of the An Dan Dai Dao Buddhist Sect. This sect was practically wiped out by the communist regime as soon as it took over South Vietnam.

Since late 2016 we have observed a marked increase in forced renunciation of faith, in the government's use of non-state actors to carry out its policy of religious persecution, and in the government's land grab targeting independent religious institutions and communities. There are worrying signs that Vietnam's new law on belief and religion, which took effect on the first day of this year, only makes this dire situation worse.

The new law restrictively defines religion and belief. For example, a religious adherent is defined as one who is recognized by a religious organization, and a religious organization must be recognized by the government. In other words, a follower of an independent church may not even qualify as a religious adherent; the government may now argue that even a heavy prison sentence against followers of independent churches would not constitute religious persecution.

The language of this law and its related implementing decrees is intentionally left so vague that the government may interpret it in whichever way to justify their policies. The recent incident in Catholic Parish of Yen Giang, Quang Binh Province, serves as illustration. It has approximately one thousand parishioners. This impoverished rural area has few accessible roads and therefore many parishioners cannot easily attend church. Since 2014, the Parish Priest, Reverend Cao Duong Dong, had regularly conducted prayer service at the home of the elderly, those with disabilities, and those without means of transportation.

This is no longer possible under the new law as interpreted by the local authorities. On May 15, 2018, they issued a formal notice declaring prayer service at private homes illegal, citing Article 12 of Section III, and Articles 16, 17, 18, 19 of Section IV of the Law on Belief and Religion.

More stringent registration requirement is the most troubling aspect of this law; it deepens the government's already tight control of all religions and religious activities. Hence, in the view of the Vietnamese Conference of Catholic Bishops, "*[t]he Law on Belief and Religion continues to consolidate the 'you ask and we grant' mechanisms.*" The UN Special Rapporteur on Freedom of Religion or Belief, Dr. Heiner Bielefeldt, echoed this concern in his report dated January 30,

2015, following his mission to Vietnam the previous year: *"It should be clear that the right of an individual or group to their freedom of religion or belief can never be 'created' by any administrative procedures. Rather, it is the other way around: registration should serve this human right, which itself must be respected as preceding any registration."* See: www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A_HRC_28_66_Add.2_E.doc

The government has deftly used registration requirement to tighten the noose around unregistered churches while creating more favorable conditions for government-created or controlled churches to expand their influence and forcibly convert members of unregistered churches. To a casual observer, the increase in forced conversion to government-created or controlled religions would be ironically perceived as greater freedom of religion.

At a prior hearing I already informed this Committee of the Vietnamese government's policy of using threats, harassment, intimidation, beatings, imprisonment and torture to force members of the Montagnard Evangelical Church of Christ, which was founded by Pastor Nguyen Cong Chinh, to join a government-controlled Protestant church. Consequently, its membership has plummeted to 500 from the high of 1,500 in 2016.

This stratagem has worked so well that the forced conversion of millions of followers of the Cao Dai Religion has gone unnoticed by the international community for the past two decades. In 1978, the Vietnamese government abolished the Cao Dai Church. Then in 1997, it created a new sect. We have obtained copies of internal directives of the Vietnamese Communist Party laying out an elaborate plan to create the new sect, and form political cells of communist agents to control all parts and aspects of this sect, which we refer to herein as the 1997 Sect.

This sect differs fundamentally from Cao Dai religion in practically all aspects, including its dogma. Most notably, Cao Dai followers believe in direct communion between the Supreme Being and humanity through spiritism. The new sect, by order of the Vietnamese Communist Party, officially repudiates spiritism. It was registered and recognized by the government as a different entity from the Cao Dai Church. Its name, charter, canonical laws and organizational structure of the new sect are all different from those of the Cao Dai Church.

With the support of the Government the 1997 Sect seized the Holy See, located in Tay Ninh Province, of the Cao Dai Religion, leaving it with only the office of its Legislative Body.

The 1997 Sect has prohibited followers of Cao Dai Religion from gathering on the grounds of their Holy See. In 2008 a group of 120 Cao Dai followers who gathered there were immediately dragged away by the police working in concert with the 1997 Sect's security force. The public security issued an arrest warrant against Duong Xuan Luong, suspected to be the mastermind behind that gathering. He had to live in hiding until his escape to Thailand in 2016. He finally arrived in the United States last year.

On May 27, 2015, when some 200 Cao Dai followers converged to their Holy See, they were surrounded by public security police, militia members, traffic cops, plainclothes police, and some 20 members of 1997 Sect's security unit wearing red armbands. As Cao Dai followers refused to disperse, these security members attacked them with batons and spray paint; the police dispersed them with water cannon from nearby fire trucks. One Cao Dai follower, Tran Van Hap, was

attacked by ten security members of the 1997 Sect. They wrestled him to the ground, kicked him at his face and groin, and beat him on his head and stomach with batons. They then tied his hands with a rope and delivered him to public security officers waiting in a nearby building. Three female Cao Dai Religion followers ran to his assistance; they were wrestled to the ground and brutally beaten by the 1997 Sect security members.

The 1997 Sect systematically seizes Cao Dai temples throughout the country, often using force and violence with the support of the police and thugs. On April 14, 2005, the 1997 Sect, with the support of the Committee on Religious Affairs, evicted Cao Dai followers from their temple in Saigon. For the next 8.5 years, they had to conduct prayer service on the pavement in front of their temple until they finally found a makeshift place of worship in 2013. [See photo No. 1]

In another equally outrageous example, on September 16, 2012, government officials led some 30 members of the 1997 Sect and thugs to attack the Phu My Cao Dai Temple in Binh Dinh Province, when ten Cao Dai followers were attending prayer service. They were savagely beaten by the attackers and suffered serious injuries. Nguyen Cong Tru, a young Cao Dai follower who was most severely injured, was being nursed by other Cao Dai followers when the local leader of the 1997 Sect attacked, pouring gasoline on him and was about to set him on fire when other 1997 Sect members intervened. Many victims had to be hospitalized afterwards including the young Cao Dai follower, who still suffered post-traumatic stress disorder when I talked to him a few weeks ago. [See photos No. 2 & 3]

The next example points to the 1997 Sect's cruel and shrewd strategy to make it impossible for Cao Dai followers to ever reclaim their temple. Founded in 1970, the Dinh Quan Cao Dai temple served 500 Cao Dai followers in Dong Nai Province. On Sunday December 28, 2009 members of the 1997 Sect came, escorted by thugs, public security agents, military personnel, and local government officials. They punched, kicked and beat up all Cao Dai Religion followers present at the temple. They ransacked the temple, causing major damages. Overwhelmed by brutality, the Cao Dai followers left their place of worship. Members of the 1997 Sect moved in and occupied it. In 2017, they demolished the temple. On January 13, 2018, Mr. Nguyen Thanh Tam, Head of the 1997 Sect, attended the groundbreaking ceremony to build a new 1997 Sect temple on the grounds of the old Cao Dai temple. [See photos No. 4 & 5]

Of the hundreds of Cao Dai temples before 1975, all except 15 have been seized by the government-created sect. Cao Dai followers had to join this sect as condition to enter what used to be their temples.

As additional pressure to coerce conversion to the 1997 Sect, local sect leaders have routinely disrupted religious activities of Cao Dai followers even in their private homes, demanding that they submit themselves to the 1997 Sect before they may conduct home-based religious activities. Since 2012 we have reported some 20 such incidents to UN Special Procedures and the State Department. Following are two illustrative examples. On November 11, 2015 members of the 1997 Sect, accompanied by the public security police and thugs, entered the home of Mrs. Cao Thi Chinh in Cam Binh Hamlet, Cam Giang Village, Go Dau District. They broke off the religious ceremony that was going on and trashed food being served to guests. [See photo No. 6]

On July 15, 2015 as Mrs. Nguyen Thi Kim Thoi, a Cao Dai follower in An Quoi Hamlet, An Hoa Village, Trang Bang District, Tay Ninh Province, was about to start the religious ceremony to set up an altar, a mob composed of public security police, thugs and members of the 1997 Sect kicked open the front door of her house. They entered her home without invitation, destroyed furniture, attacked guests, and took away the statue of the divine eye, the most important religious symbol of Cao Dai Religion, and other religious icons so that the ceremony could not proceed. [See photo No. 7.]

The 1997 Sect has targeted Cao Dai followers even posthumously. To accommodate the wish of many Cao Dai followers to be buried on the sacred ground of their religion's Holy See, the Cao Dai Church built a cemetery on 58 hectares of land. Any Cao Dai follower would be granted a burial lot if he or she wishes. At the time it seized Cao Dai Religion's Holy See, the 1997 Sect also took control of this cemetery. Its leaders recently decided that burial in this cemetery would be denied to those who had refused to convert to the 1997 Sect.

Earlier this year, we reported to the State Department and several UN agencies the appalling incident involving Mr. Le Van Nha, 78 year-old resident of Ninh Phuoc Hamlet, Ninh Thanh Village, Chau Thanh District, who passed away on January 7, 2018. As his family members and mourners proceeded to the cemetery at the Cao Dai Holy See, members of the 1997 Sect blocked the burial, and government officials asked family members to move the burial to a different cemetery. Intent on carrying out the deceased's last wish, his wife decided left the coffin unburied and unattended on the cemetery's ground overnight. After more than a day of confrontation, the 1997 Sect relented and let the mourning family members bury their dead, but without the presence of Cao Dai clergy members. Unfortunately, this story is not unique. Last week we received reports of tombs of Cao Dai followers just outside this cemetery being desecrated by the 1997 Sect.

To deceive foreign observers, the Cao Dai Tay Ninh Sect has used the letterhead, seal, and insignias of the Cao Dai Religion in all communications, publications, and promotional materials. The international community, including the U.S. government, has thus been fooled into thinking that the 1997 Sect is Cao Dai Religion, and religious activities conducted at the Holy See denote greater religious freedom for Cao Dai followers. This is analogous to a sect that does not recognize Christ as the son of God occupying the Vatican, persecuting Catholics and yet presenting itself as the Catholic Church.

On November 16, 2015, the highest authority of the Cao Dai Religion, its Legislative Body, broke its silence and declared that the 1997 Sect is not Cao Dai Religion and its leader, Nguyen Thanh Tam, unqualified to be a Cao Dai clergy member. The 1997 Sect immediately closed down the office of the Legislative Body, thus completing the sect's physical takeover of the entire Holy See of the Cao Dai Religion.

The new law on belief and religion will only strengthen the hands of the imposter at the expense of the real Cao Dai Religion.

With increasing signs that our concerns about Vietnam's new law on belief and religion are becoming reality and considering the Vietnamese government's increasing use of non-state

actors such as the 1997 Sect to suppress independent religions, I respectfully offer the following recommendations to the U.S. government:

- (1) Re-designate Vietnam as a country of particular concern or at least place Vietnam on the international religious freedom Watch List;
 - (2) Maintain a list of non-state actors that have committed gross human rights violations and press the Vietnamese government to investigate and prosecute perpetrators for such violations;
 - (3) Apply sanctions under the Global Magnitsky Act and the International Religious Freedom Act to both government officials and members of non-state actors found to be responsible for gross human rights violations;
 - (4) Call on the Vietnamese government to amend its laws, including the Law on Belief and Religion, so as to be in compliance with human rights treaties that Vietnam is a state-party of;
 - (5) Advocate for the immediate and unconditional release of all prisoners of conscience; and
 - (6) Engage directly with unregistered churches through frequent, periodic meetings with their representatives, and through partnership with them in collaborative projects.
-

Mr. ROHRABACHER [presiding]. I am Congressman Rohrabacher. Chairman Smith will be back, and I am very honored to chair this hearing while he's gone. Let me say hello to my old friend as well as new friends and just say that I personally appreciate what you're doing here today.

You have listed for us the heroes and you listed for us the villains, and we have news for heroes, which is you are not forgotten. You may languish away. You may be just suppressed as the Cao Dai and our Montagnard friends are—or there's others there who are the villains.

To the heroes we say you are not forgotten. The Vietnamese people who are standing tall during these bad times, you are not forgotten. You are not alone.

And to the villains that torture them and conduct themselves in a repressive way toward their own people, we say we are going to get you. We are coming for you.

The people who believe in freedom in this world will not forget the crimes that you committed against your own people right now.

So thank you for being specific on what people are being actually oppressed and vilified and they're being treated and tortured—mistreated and tortured and their rights are being taken away specifically, which you both have, and thanks for naming the villains as well so that we can hold them accountable.

Like I say, I didn't agree with the title of the Magnitsky Act, but I believe—I vote the actual substance of that act of holding people accountable. It is a major step forward for the United States.

And now we will have Ms. PoKempner. Go right ahead.

**STATEMENT OF MS. DINAH POKEMPNER, GENERAL COUNSEL,
HUMAN RIGHTS WATCH**

Ms. POKEMPNER. I am truly honored to be here to testify before you, because the last time I presented testimony to Congress on Vietnam was around the time of normalization and Dr. Thang, I remember working with you in the camps in Hong Kong.

I followed Vietnam for years as the researcher on Vietnam for Human Rights Watch, and my heart is heavy because I am sad to observe that the progress in human rights we had hoped that closer relations might bring has not been realized. To the contrary, we see a sharp decline in the very recent years.

As everyone at this hearing has made clear, human rights in Vietnam are deeply restricted in almost every area and it has not changed significantly in nearly the quarter century in which I have followed the country.

The Communist Party of Vietnam continues to maintain a monopoly on political power, suppresses every conceivable challenge to its authority or prestige, and it equates its self-preservation with national security.

All basic rights including freedom of speech, opinion, press, association, and religion are conditioned on the supremacy of the party and, accordingly, restricted.

Those who try to assert their rights against authority, promote rights awareness or write or speak about human rights in any medium face harassment, intimidation, physical assault, and imprisonment.

These are the facts. Repression is not strictly partisan or ideological. Criticism of the status quo is enough to bring retribution.

Farmers continue to lose land to development projects without adequate compensation. Workers are not allowed to form independent unions.

The entire system of enforcement serves the interests of those in power. The courts are not independent. Police use torture and beatings to extract confessions.

Plain-clothes thugs are deployed to harm and intimidate people when arrest or more formal confrontation is deemed inconvenient. Once detained, people may be further physically tortured, ill-treated, denied family visits, adequate food, or needed medical care.

This is all well known. It has been known for decades. Despite this, increasing numbers of bloggers and activists have called publicly for democracy and greater freedoms but Vietnam is not letting them speak.

In recent years the government has arrested and criminally prosecuted an increasing number of people for simply saying things critical of the government.

In 2017, we know police arrested at least 41 people, by our count, for sweeping national security offenses that are used to punish critical speech, peaceful activism.

In the first 5 months of this year, the courts convicted at least 26 people for political offenses. Although it's always difficult to get reliable figures, our impression is the trend in numbers of people being arrested and convicted have been increasing and the harshness of sentences meted out has increased as well.

And there's no sign of change or progress. To the contrary, Vietnam's legislature is scheduled to pass a cybersecurity law on June 12th that will provide yet another way people who criticize the government or the party can be silenced and punished, and it's going to be enlisting local and foreign companies in this suppression.

We are about to publish a press release on this topic. I will give you a little preview. This law will give the ministry of public security the power to command the erasure of all kinds of forbidden content. Forbidden content in Vietnam can be anything that is simply disfavoured by the government. It will force companies to verify the real names of users, keep those names localized in Vietnam, and produce them to public security on demand, and then to force companies to deny services to those who post what the government—that is, the ministry of public security—considers forbidden content.

It will also access information that is behind a firewall via a VPN a crime. This is one of the more repressive cybersecurity laws we've seen. We think it's something that Congress must take note of.

Mr. Chairman and—sorry, Representative Rohrabacher, members, our chief recommendation to the committee and to the U.S. Government in general is to speak much more forcefully and publicly to the Government of Vietnam about the problems and use the whole of the U.S. Government to do so.

Every congressional office, every Federal agency that engages with Vietnam, and whether it's on trade, military assistance, hard-

ware and software transfers, education, or any other subject should be expressing deep concern on human rights to its counterparts.

They should be saying in this kind of frank language: We see what you're doing and it's tremendously disappointing to us. The fact that your government continues to beat, detain, incarcerate people for dissent or religious conviction more than two decades since the normalization of relations, it's a constant source of injury to this relationship between our country and yours. Your actions imperil our security and economic relationship—a problem which in the context of an increasingly dominant China is not a good thing for you and it's not a good thing for us.

Congress should be sending delegations to Vietnam who can speak these concerns face to face. We also recommend that you list key cases of concern you'd like to see resolved. Tell them that you know who they are detaining. Tell them about Nguyen Van Dai.

Tell them about Tran Huynh Duy Thuc, a 51-year-old entrepreneur who is serving 16 years in prison for calling for democracy and a multi-party political system.

Why don't you enquire about Nguyen Ngoc Nhu Quynh, also known as Mother Mushroom, a woman who is sentenced to 10 years in prison for advocating social and political issues such as land confiscation, displacement of communities, police brutality, freedom of expression.

Hoang Duc Binh, 34, a very young man sentenced to 14 years in prison for his activism to promote the rights of workers and fishermen in the context of that disastrous 2016 Formosa toxic spill.

We would also suggest you raise the case of Ngo Hao, a 70-year-old human rights and democracy activist currently serving a 15-year sentence after writing articles calling for transition to democracy in Vietnam.

According to his family, he's suffering from poor health including high blood pressure, gastric ulcers, high cholesterol.

We ask that you raise these very specific cases because pressure on specific cases we know leads authorities to speed parole or improve conditions for prisoners. I have heard this directly from released prisoners. Your words, your actions directly affect their lives.

In fact, they have—even if you—even if it fails to make an immediate improvement, they will hear about it. It will provide them comfort on a psychological level. It's a good deed to do. It's easy.

We also suggest that should the National Assembly enact the cybersecurity law that I just described to you in detail that will make online dissent even more dangerous and enlist the complicity of U.S. corporations in Vietnamese repression that you react and react very strongly in protest.

Vietnam's actions of this nature should influence how Congress views its role in keeping U.S. technology and industry from being used for the purpose of stifling rights.

Freedom of speech, freedom of information, freedom of opinion, and freedom of conscience are values that are central to this country, to its people, to its democracy, its security and, therefore, to its foreign relations.

Attached with my written testimony is a list of 140 prisoners detained for merely exercising their rights who are currently known to Human Rights Watch.

Each and every one of them deserves your attention. Thank you so much.

[The prepared statement of Ms. PoKempner follows:]

Testimony Submitted to the Committee on Foreign Affairs
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
Hearing: *'A Bad Year for Human Rights in Vietnam'*
June 7, 2018
Dinah PoKempner, General Counsel, Human Rights Watch

Dear Chairman, Members of the Committee, friends,

I am honored to be invited to testify before you today. The last time I presented testimony to Congress on Vietnam was at the time of normalization of relations with the U.S., and I am sad to observe that the progress in human rights we hoped closer relations might bring has not been realized. To the contrary, we have seen sharp declines in recent years.

Today's hearing, and the testimony of other witnesses, make clear that human rights in Vietnam are deeply restricted in almost every area.

The Communist Party of Vietnam continues to maintain a monopoly on political power and suppresses every conceivable challenge to its authority or prestige, equating its self-preservation with "national security." All basic rights, including freedom of speech, opinion, press, association, and religion, are conditioned on the supremacy of the Party and accordingly restricted. Those who try to assert their rights against authority, promote rights awareness, or write or speak about rights in any medium face harassment, intimidation, physical assault, and imprisonment.

Repression is not strictly partisan or ideological; criticism of the status quo is enough to bring retribution. Farmers continue to lose land to development projects without adequate compensation, and workers are not allowed to form independent unions. The entire system of enforcement system serves the interests of those in power. The courts are not independent; police use torture and beatings to extract confessions; plainclothes thugs are deployed to harm and intimidate people when arrest or more formal confrontation is deemed inconvenient. Once detained, people may be further physically tortured, ill-treated, denied family visits, adequate food or needed medical care. State-run drug rehabilitation centers exploit detainees as laborers making goods for local markets and export.

Despite all this, increasing numbers of bloggers and activists have called publicly for democracy and greater freedoms. But Vietnam is not letting them speak.

In recent years, the government has arrested and criminally prosecuted an increasing number of people for simply saying things critical of the government. In 2017, police arrested at least 41 people by our count for sweeping "national security" offenses that are often used to punish critical speech and peaceful activism. In the first 5 months of 2018, the courts convicted at least 26 people for political offenses, sentencing them to between 2 and 15 years in prison. Although it is always difficult to obtain reliable figures, our impression is that the trend in numbers of people being arrested and later convicted have been increasing. And the harshness of their sentences appears to have increased as well.

Vietnam denominates many of these people as 'criminals.' But in many of the cases we've seen, the underlying acts for which people have been charged—writing articles critiquing the government, handing out pamphlets—are acts which all human beings have a right to engage in, under human rights treaties that Vietnam has freely signed and ratified.

And there is no sign of change or progress. To the contrary, Vietnam's legislature is scheduled to pass a cybersecurity law on June 12 that will provide yet another way people who criticize the government or the Party can be silenced and punished, and it will enlist local and foreign companies in this suppression.

Mr. Chairman, our chief recommendation to this committee, and to the US government in general, is to speak more forcefully and publicly to the government of Vietnam about the problems, and to use the whole of the US government to do so. Every congressional office, and every federal agency that engages with Vietnam—whether on trade, military assistance, hardware and software transfers, education or any other subject—should be expressing deep concern on human rights to its counterparts. They should be saying:

'We see what you are doing. And it is tremendously disappointing to us. The fact that your government continues to beat, detain and incarcerate people for dissent or religious conviction more than two decades since normalization of relations is a constant source of injury to the relationship between our country and yours. Your actions imperil our security and economic relationship, a problem which in the context of an increasingly dominant China, is not a good thing for you, and not a good thing for us.'

Congress should send delegations to Vietnam who can speak to these concerns face to face. We also recommend that you list key cases of concern that you would like to see resolved. Tell them that you know whom they are detaining. We suggest you raise cases like **Tran Huynh Duy Thuc**, a 51 year old man who is serving 16 years in prison for calling for a democracy and a multi-party political system in Vietnam. **Nguyen Van Dai**, 48, sentenced to 15 years in prison for being affiliated with a pro-democracy group. **Nguyen Ngoc Nhu Quynh**, 38, also known as "Mother Mushroom", a woman sentenced to 10 years in prison for advocating on social and political issues including land confiscation, displacement of communities, police brutality, and freedom of expression. **Hoang Duc Binh**, 34, a young man sentenced to 14 years in prison for his activism to promote the rights of workers and fishermen in the context of the disastrous 2016 Formosa toxic spill.

We would also suggest you raise the case of **Ngo Hao**, a 70 year old human rights and democracy activist currently serving a 15-year sentence after writing articles calling for a transition to democracy in Vietnam. According to Ngo Hao's family, he is suffering from poor health including high blood pressure, gastric ulcers, and high cholesterol.

In some instances, pressure like this on specific cases can lead authorities to speed parole or improve the conditions of prisoners. In fact, we have spoken to former prisoners who have told us that the fact that outside pressure was being placed on the government, in their cases, had practical and positive impacts on their treatment, and was also comforting on a psychological level.

We also suggest that should the National Assembly enact the cybersecurity law that will make online dissent even more dangerous and enlist the complicity of US corporations in Vietnamese repression, that you react, and react strongly in protest. Vietnam's actions of this nature should influence how Congress views its role in keeping US technology and industry from being used for the purpose of stifling rights. Freedom of speech, freedom of information, freedom of opinion and freedom of conscience are values that are central to this country, to its people, its democracy, its security, and therefore to its foreign relations.

Attached to the written form of my testimony is a full list of 140 prisoners detained for merely exercising their rights who are currently known to Human Rights Watch. Each one of them deserves your attention.

Thank you for inviting me to testify today.

**Appendix:
Human Rights Watch List of Political Prisoners
as of May 2018**

The following is a list of people imprisoned in Vietnam for expressing critical views of the government, taking part in peaceful protests, participating in religious groups not approved by the authorities, or joining civil or political organizations that the ruling Communist Party of Vietnam deems threats to its monopoly on power. This list only includes people who have been convicted and remain in prison and does not include the significant number of detainees who have been arrested, are currently facing trial, and have not yet been convicted. It is also almost certainly incomplete, as it only includes convictions that Human Rights Watch has been able to document.

Due to difficulties in obtaining information about convictions and sentences in Vietnam, this list may differ from those compiled by other organizations, and such differences do not necessarily reflect inaccuracies. Vietnam should be urged to open its legal system – including official records and proceedings – to public scrutiny.

1. Bùi Hiếu Võ, born 1962
2. Trần Thị Xuân, born 1976
3. Nguyễn Việt Dũng, born 1986
4. Nguyễn Văn Tú, born 1964
5. Nguyễn Văn Đài, born 1969
6. Nguyễn Trung Tôn, born 1972
7. Trương Minh Đức, born 1960
8. Nguyễn Bắc Truyền, born 1968
9. Lê Thu Hà, born 1982

10. Phạm Văn Trội, born 1972
11. Bùi Văn Trung, born 1964
12. Bùi Văn Thâm, born 1987
13. Bùi Thị Bích Tuyền, born 1982
14. Nguyễn Hoàng Nam, born 1982
15. Lê Hồng Hạnh, born 1979
16. Hoàng Đức Bình, born 1983
17. Nguyễn Nam Phong, born 1980
18. Hồ Văn Hải (a.k.a Dr. Hồ Hải), born 1959
19. Vũ Quang Thuận (a.k.a Võ Phù Đông), born 1966
20. Nguyễn Văn Điển (a.k.a Điển Ái Quốc), born 1983
21. Trần Hoàng Phúc, born 1994
22. Vương Văn Thà, born 1969
23. Vương Thanh Thuận, born 1990
24. Nguyễn Nhật Trường, born 1985
25. Nguyễn Văn Thượng, born 1985
26. Tạ Tấn Lộc, born 1975
27. Nguyễn Quang Thanh, born 1983
28. Huỳnh Hữu Đạt, born 1970
29. Nguyễn Văn Tuấn, born 1984
30. Nguyễn Văn Nghĩa, born 1978
31. Phạm Long Đại, born 1996
32. Đoàn Thị Bích Thủy, born 1972
33. Trương Thị Thu Hằng, born 1984
34. Trương Thị Bích Ngọc, born 1994
35. Nguyễn Tấn An, born 1992
36. Huỳnh Thị Kim Quyên, born 1979
37. Nguyễn Ngọc Quý, born 1992
38. Phạm Văn Trọng, born 1994
39. Nguyễn Thanh Bình, born 1994
40. Nguyễn Văn Hóa, born 1995
41. Phan Kim Khánh, born 1993
42. Nguyễn Văn Oai, born 1981
43. Trần Thị Nga, born 1977
44. Nguyễn Ngọc Như Quỳnh (a.k.a Mẹ Nấm), born 1979
45. Rơ Ma Đai (Ama Pôn) born 1989
46. Puih Bop (Ama Phun), born 1959
47. Ksor Kam (Ama H' Trum), born 1965
48. Rơ Lan Kly (Ama Blan), born 1962
49. Đinh Nông (Bả Pol), born 1965
50. Trần Anh Kim, born 1949
51. Lê Thanh Tùng, born 1968
52. Ksor Phit, born 1970
53. Siu Đik, born 1970
54. Nguyễn Hữu Quốc Duy, born 1985
55. Ksor Púp (Ama Hyung)

56. Siu Doang, born 1983
57. A Jen, born 1984
58. A Tik, born 1952
59. Đinh Kũ, born 1972
60. Thin, born 1979
61. Gyun, born 1980
62. Ngô Thị Minh Ước, born 1959
63. Nguyễn Hữu Vinh (a.k.a Ba Sàm), born 1956
64. Nguyễn Tiến Thịnh
65. Hoàng Văn Thu
66. Nguyễn Lê Châu Bình
67. Nguyễn Văn Thông, born 1965
68. Kpuih Khuông
69. Rmah Khil
70. Rmah Bloanh
71. A Kuin (a.k.a Bả Chăn), born 1974
72. Ngu (a.k.a Bả Săn), born 1972
73. Điều B'ré (a.k.a Bap Bum), born 1969
74. Điều By Ó, born 1967
75. Đinh Yum, born 1963
76. Rơ Mah Plã (a.k.a Rmah Bả; a.k.a Ama Em), born 1968
77. Siu Tinh (a.k.a Ama Khâm), born 1978
78. Rum
79. Chi
80. Đinh Lý
81. Đinh Ngo
82. Thạch Thuot, born 1985
83. Ngô Hào, born 1948
84. A Tách (a.k.a Bả Hlôl), born 1959
85. Rung, born 1979
86. Jonh (a.k.a Chinh), born 1952
87. A Hyum (a.k.a Bả Kôl), born 1940
88. Byuk, born 1945
89. Đinh Lữ, born 1976
90. Đinh Hrôn, born 1981
91. Đinh Nguyễn Kha, born 1988
92. Phan Văn Thu, born 1948
93. Lê Duy Lộc, born 1956
94. Vương Tân Sơn, born 1953
95. Đoàn Đình Nam, born 1951
96. Nguyễn Kỳ Lạc, born 1951
97. Ta Khu, born 1947
98. Từ Thiện Lương, born 1950
99. Võ Ngọc Cư, born 1951
100. Võ Thành Lê, born 1955
101. Võ Tiết, born 1952

102. Lê Phúc, born 1951
 103. Đoàn Văn Cư, born 1962
 104. Nguyễn Đình, born 1968
 105. Phan Thanh Ý, born 1948
 106. Đỗ Thị Hồng, born 1957
 107. Trần Phi Dũng, born 1966
 108. Lê Đức Đông, born 1983
 109. Lê Trọng Cư, born 1966
 110. Lương Nhật Quang, born 1987
 111. Nguyễn Thái Bình, born 1986
 112. Trần Quân, born 1984
 113. Phan Thanh Tường, born 1987
 114. Hồ Đức Hòa, born 1974
 115. Nguyễn Đăng Minh Mẫn, born 1985
 116. Trảng A Chơ, born 1985
 117. Kpuil Mel
 118. Kpuil Lê
 119. Siu Thái (a.k.a Ama Thương), born 1978
 120. Phạm Thị Phượng, born 1945
 121. Trần Thị Thủy, born 1971
 122. Siu Hlom, born 1967
 123. Siu Nheo, born 1955
 124. Siu Brom, born 1967
 125. Rơ Lan Mlih, born 1966
 126. Rơ Mah Pró, born 1964
 127. Rơ Lan Blom, born 1976
 128. Kpă Sinh, born 1959
 129. Rơ Mah Klít, born 1946
 130. Nguyễn Hoàng Quốc Hùng, born 1981
 131. Trần Huỳnh Duy Thức, born 1966
 132. Rmah Hlach (a.k.a Ama Blut), born 1968
 133. Siu Koch (a.k.a Ama Liên), born 1985
 134. Nhi (a.k.a Bả Tiêm), born 1958
 135. Siu Ben (a.k.a Ama Yôn)
 136. Rơ Lan Jú (a.k.a Ama Suit)
 137. Noh, born 1959
 138. Rôh, born 1962
 139. Siu Wiu
 140. Y Kur BĐáp
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Mr. SMITH [presiding]. Thank you so very much for your testimony.

I would like to now go to Anthony Le.

**STATEMENT OF “ANTHONY LE” (AN ALIAS), SPOKESPERSON,
BROTHERHOOD FOR DEMOCRACY**

Mr. LE. Thank you very much.

Dearest members of the United States Congress, guests, and media organizations who has a concern to human rights in Vietnam, my name is Thanh Tung and I am a member of Brotherhood for Democracy.

I have just come from Vietnam. I am here today to speak of the ongoing crackdown by Vietnamese authority to Brotherhood for Democracy members over the past 5 years.

Brotherhood for Democracy established in April 2013. There was a need for democratic society and sustainable development in Vietnam.

Today, we have more than 100 members of across all regions of Vietnam including members and some from around the world.

Our goal is to promote democracy in Vietnam, develop civil society and disseminate the Universal Declaration of Human Rights and support other civil society in various projects.

Our previous work includes the launch of the Brotherhood for Democracy, meet the needs of those who wanted to promote human rights and democracy in Vietnam. These are the values of many Vietnamese and since the founding of the Brotherhood for Democracy, hundreds of people have joined our organization. We have 32 members working full time and part time.

Over the 4 years, we have established a solid structure and various working groups to organize 16 training courses on civil society both online and offline and we have over 250 candidates trying to learn.

And face to face training involves over 100 people who are concerned with Vietnam human rights. We also support the world's demands of labor rights and we support the fishermen to demand for environmental justice and lawsuits against the issue of Formosa following the environmental that left tons of toxins and fish washing ashore across six provinces in central Vietnam in 2016.

We support the land rights petitioners and victims of government land grabs and, of course, without ongoing harassment from the Vietnamese authorities.

Given that Vietnam is an only one-party state, the Communist Party of Vietnam does not allow civil society groups to operate without their knowledge or supervision.

Because of this, it is necessary for Vietnamese authorities to stop the activities of various civil society groups. This has happened to the Brotherhood for Democracy. So that our organization has been harassed from the very beginning.

From May 2014, three members—Nguyen Nam Trung, Pham Minh Vu and Nguyen Thi Phuong Anh—were arrested for attending the protest organized by workers in Binh Duong Province.

On November 2014, our worthy brother, Truong Minh Duc and other member were physically attacked with severe injuries after

supporting workers demanding for labor rights in Binh Duong Province.

In December 6, 2015, our members, Nguyen Van Dai and Ly Quang Son, were attacked and beaten after facilitating a training on the Human Right Declaration on in Nghe An Province.

And December 16, 2015, Nguyen Van Dai and Le Thu Ha were arrested by the authorities.

In October 2016, eight members in central Vietnam including Nguyen Trung Truc, Mai Van Tam, Tran Thi Xuan, Nguyen Van Thanh, Nguyen Ngoc Lanh, Nguyen Van Giap, Vo The Truong and Que were detained and severely beaten, had their possessions confiscated and clothing removed before they had been bring to the jungle in Huong Son Forest in the Ha Tinh Province.

In February 2017, our chairman, Pastor Nguyen Trung Ton, was assaulted and beaten around the feet with an iron bar, until now still unable to walk properly.

From the end of July until August 2017, seven members and one former members—Pham Van Troi, Nguyen Trung Ton, Truong Minh Duc, Nguyen Trung Truc, Tran Thi Xuan, Nguyen Van Tuc, Vu Van Hung and Nguyen Bac Truyen were arbitrarily arrested.

Nine members and one former member of the Brotherhood for Democracy were unlawfully detained between December 2015 and the end of 2017 for activities aimed at overthrowing the state, according to Article 79 of the Vietnamese penal code. Many have been sentenced to lengthy prison terms.

And our remaining members are all being threatened and issued arrest warrants, with ongoing harassment of family members. Six members of us have had to flee to Thailand to seek asylum.

Some members have had to flee their homes for the past year, with their close ones being continually harassed by authorities.

And for myself, I personally have been far from home from August 2015 till now. I am luckier here and have safety in the United States, but my wife and children continue to be harassed.

My wife has been attacked by local police within the confines of her home and my children have been detained while traveling to school to question them about me.

Police have installed five cameras around my home in Saigon and anyone who approaches my home is questioned immediately after. No one has come to my home over the past 2 years.

On behalf of the Brotherhood for Democracy, I would like to suggest the following. The United States Congress and the government call on the Vietnamese Government to end its crackdown on the Brotherhood for Democracy and unconditionally and immediately release all of our members as well as all prisoners of conscience, dissidents, and religious activists.

Call on authorities to stop harassing and intimidating Vietnamese activists. We hope the United Nations and various NGOs, media, and individuals in Vietnam and around the world to support the Brotherhood for Democracy as well as the democracy movement in Vietnam.

Members of the Brotherhood for Democracy as well as their families express their ongoing struggles and hope there will be a brighter future for the Brotherhood for Democracy as well as for all Vietnamese people.

Thank you very much.
[The prepared statement of Mr. Le follows:]

Brotherhood for Democracy
Anthony Le
Testimony before the United States Congress
Date: June 7, 2018

TESTIMONY REGARDING THE CRACKDOWN OF BROTHERHOOD FOR DEMOCRACY IN VIETNAM

Dear:

- Members and Senators of the United States Congress
- The Government of the United States
- Distinguished guests including the media, organizations concerned about the human rights situation in Vietnam

My name is Anthony Le, a member of the Brotherhood For Democracy (BFD). I am here today, to speak on the ongoing crackdown by Vietnamese authorities on BFD members over the past five years.

The BFD was established on April 24, 2013 as there was a need for a democratic society and sustainable development in Vietnam. Today, we have more than 100 members across all regions of Vietnam including members from around the world.

Our goal is to:

- Promote Democracy in Vietnam
- Develop civil society and disseminate the Universal Declaration of Human Rights
- Support other civil society groups through various projects

1. Our previous work includes:

- The launch of the BFD met the needs of those who wanted to promote human rights and democracy in Vietnam. These are the values of many Vietnamese and since the founding of the BFD; hundreds of people have joined the organization with more than 32 members working full time and part time.
- Over the four years, we have established a solid structure and various working groups to organize 16 trainings courses on civil society both online and offline with more than 250 participants. Face to face trainings involved more than 100 attendees who developed skills and knowledge regarding human rights
- Supporting workers to demand for labour rights
- Supporting fishermen to demand for environmental justice and file lawsuits against Formosa following the environmental disaster which left tons of dead fish washing up ashore across 6 provinces in central Vietnam in April 2016.
- Supporting land rights petitioners and victims of government land grabs

2. Ongoing harassment from Vietnamese authorities

Given that Vietnam is an only one party state, the Communist Party of Vietnam does not allow civil society groups to operate without their knowledge or supervision. Because of this, it is necessary for Vietnamese authorities to stop the activities of various civil society groups. This has happened to the BFD. Our organization has been harassed from the very beginning:

- 2.1. May 2014: 3 members: Nguyen Nam Trung, Pham Minh Vu and Nguyen Thi Phuong Anh were arrested for attending a protest organized by workers in Dong Nai Province.
- 2.2. November 2014: Truong Minh Duc and other youth accompanying him were physically attacked with severe injuries after supporting workers demanding for labour rights in Binh Duong Province.
- 2.3. December 6, 2015: Nguyen Van Dai and Ly Quang Son, members of the BFD, were attacked and beaten after facilitating a training on the Universal Declaration on Human Rights in Nghe An
- 2.4. December 16, 2015: Vietnamese authorities arbitrarily arrested two BFD members Nguyen Van Dai and Le Thu Ha
- 2.5. October 2016: 8 BFD members in central Vietnam including: Nguyen Trung Truc, Mai Van Tam, Tran Thi Xuan, Nguyen Van Thanh, Nguyen Ngoc Lanh, Nguyen Van Giap, Vo The Truong and Que were detained and severely beaten, had their possessions confiscated and clothing removed before being deserted in Huong Son Forest in Ha Tinh Province. All required medical treatment for the next 12 months.
- 2.6. February 2017: Pastor Nguyen Trung Ton, President of the BFD, was assaulted and beaten around the feet with an iron bar, still unable to walk properly.
- 2.7. From the end of July until August 2017: 7 members and 1 former members of the BFD Pham Van Troi, Nguyen Trung Ton, Truong Minh Duc, Nguyen Trung Truc, Tran Thi Xuan, Nguyen Van Tuc, Vu Van Hung and Nguyen Bac Truyen (former member) were arbitrarily arrested. 9 members and 1 former member of the BFD were unlawfully detained between December 2015 and the end of 2017 for **“activities aimed at overthrowing the state”** according to Article 79 of the Vietnamese penal code. Many have been sentenced to lengthy prison terms.
- 2.8. The remaining members:
 - Are all being threatened and issued arrest warrants, with ongoing harassment of family members
 - 6 members have had to flee to Thailand to seek asylum
 - Some members have had to flee their homes for the past year, with their closed ones being continually harassed by authorities

- I personally have far from home from August 2015 till now, I am lucky to have safety here in the United States but my wife and children continue to be harassed, my wife has been attacked by local police within the confines of her home and my children have been detained while travelling to school to question them about me. Police have installed 5 cameras around my home in Saigon and anyone who approaches my home is questioned immediately after. No one has come to my home over the past 2 years.

3. Conclusions/recommendations

On behalf of the BFD, I would like to suggest the following:

The United States Congress and Government call on the Vietnamese government to end its crackdown on the BFD and unconditionally and immediately release all of our members as well as all prisoners of conscience, dissidents and religious activists. Call on authorities to stop harassing and intimidating Vietnamese activists.

We hope the United Nations and various NGOs, media and individuals in Vietnam and around the world to support the BFD as well as the democracy movement in Vietnam.

Members of the BFD as well as their families express their ongoing struggles and hope there will be a brighter future for the BFD as well as for all Vietnamese people.

Washington DC
June 5, 2018
Anthony Le

Mr. SMITH. Thank you so very much.
Chairman Rohrabacher does have to leave.

Mr. ROHRABACHER. Well, thank you very much. I am sorry I am going to have to rush out. A very important call—it's really important. But I want to express my thanks to the witnesses.

Thanks to the chairman. You have done a great service to the free people of the world today. You have put on the record names of people who have been oppressed and tortured, and now there is a record—official record—of these people.

They—the message we will have at the end of this hearing to those who are the oppressed, to those who are the victims, they are not alone.

The victims of tyranny in Vietnam are not alone. We are with them. They are on the—we are on the record now of knowing who you are, and that's true—as I mentioned before, that's true of their torturers and the villains that murder and repress those people.

We need those names—you have given us a few of those as well—because we do believe in holding accountable the tyrants in this world.

And Mr. Chairman, we need to hold accountable YouTube and Facebook and other American companies, as was talked about today, who collude—people like to use that word nowadays—who collude with this tyrannical gangster regime in Vietnam.

I spent a little time with the Montagnards back in 1967 and it breaks my heart to know that they're being—that they found Christianity and that they're being oppressed because of it.

And I know that the Cao Dai—I remember them as well—who were so devout even in those days. So perhaps one of the things we need to feel bad about in America is when we were there—when I was with those Montagnards we encouraged them to side with us, and then we ran away.

Well, now we can make it up to the Vietnamese people to make sure that now, as Vietnam needs us in their confrontation with China as a nation, that we insist that there be political reform and social reform there and that the gangster regime gives up the power to the people of Vietnam.

So we are siding with the people, as we should have always along and had courage to do so.

Thank you all for your testimony today and thank you, Mr. Chairman, for all the commitment you have shown to human rights throughout the world, especially here in Vietnam. So thank you.

Mr. SMITH. Thank you, Dana, and thank you for your leadership as well. It's all about team effort.

Let me just ask our distinguished panellists some questions, and thank you all for your testimonies. Without objection, anything else you wanted to add to the full statements and thank you for the list of prisoners from Human Rights Watch. We need names—always need names. We compare it with others to make sure we do not leave anybody out inadvertently. So thank you for that.

Let me just ask you, if I could, Dr. Thang, starting with you—on religious freedom, the designation of CPC—country of particular concern—was done away with during the Bush administration simply because of the bilateral agreement and promises that were made of what they called deliverables at the time on human rights.

I travelled, as you might recall, on one of the many trips to Vietnam. I went to Hue, Ho Chi Minh City and Hanoi and met with probably upwards of 60 different people, all the different religions—Venerable Thich Quang Do, like so many of my colleagues and I have met, who is still under pagoda arrest, and Dr. Li—Father Loi, all these wonderful, wonderful people—Cao Dai religion adherents.

And they were hopeful. They thought that maybe something was going to happen for real. There were new policies in effect, and yet it was a total unmitigated disaster. We now have a new law that went in effect in January and I think some of the same people are saying this could be a positive development. We'll be sorely disappointed by it, and you might want to speak to that issue.

You really did emphasize—and I am glad you did—that Cao Dai has been eviscerated by the government. The forced renunciations of faith by the Hmong and others—the Highland people, who are being told they can't practice their Christian beliefs.

The numbers went down right before a bilateral trade agreement was accepted. But I will never forget the day of the consummation of that agreement the Vietnamese foreign ministry put out a statement to the effect of there's no legacy of human rights.

So they did everything they could to make it look like we were on the verge of major positive developments and it was nothing but a ruse.

And I think there's too often—so if you could speak to CPC, I would also raise the issue. When Nguyen Xuan Phuc, the President, was here in May, the communique that came out was very disturbing—between him and President Trump—to the effect that the U.S. welcomed Vietnam's "ongoing efforts to refine its legal system to better protect and promote human rights" in the face of a gross deterioration of human rights.

They can pass all the policies for international consumption that they want, but we want it on the ground to help people and to protect their fundamental rights.

So how did that happen? Any of you might have any insights on that. I would note for the record—I mentioned it in my opening statement—that for three successive Congresses and then once as an amendment, so four times—the Vietnam Human Rights Act cleared the House.

It was my bill. We worked very hard on it—totally bipartisan, everybody was here today. Zoe Lofgren, everybody—were all co-sponsors. It was totally bipartisan.

It got over to the Senate. Holds were put on it. John Kerry always put a hold on it. But we know the Podesta Group worked overtime to defeat it, and we know there are other lobbyists who were trying to defeat it.

I am wondering if maybe even that joint communique—Reuters suggested in an article that they had—lobbyists had had an impact on that joint communique from our President and Vietnam's President which was totally misleading.

So if you wanted to speak to that, then I would also ask, if I could, Ms. PoKempner, on that cyber law, June 12th, I think, is when the vote might be. That could always change but I think that's when they're planning on it.

Back in 2006, I held a hearing as China Commission and Human Rights Chairman here on the House side on what Google, Yahoo, Microsoft, and CISCO are doing to enable the dictatorship in Beijing by censoring, by tracking down individuals.

Shi Tao—remember they found him via Yahoo and he got 10 years for telling people what Tiananmen Square dos and don'ts were—and they were all don'ts coming from the government. Ten years for a simple conveyance of a message to a human rights group in New York City.

I am very concerned and I know you are as well that Google, Facebook, YouTube have all removed content, kowtowing to Hanoi. We need to be, as you said too, as loud and as clear as possible that these U.S. corporations and multilateral corporations have to get some backbone and stand up to these dictatorships.

I remember Jerry Yang said—Jerry Yang from Yahoo—at one of our hearings that he said they're removing their content in Vietnam—personally identifiable information—so that the government would have that easy access that they have had for years in China.

But this is very, very disturbing—Google, Facebook, YouTube, and the like. You know, so it's like *deja vu* all over again. It's been banned in Vietnam. It's been worse in China. But now we are seeing catch-up ball on the part of the Vietnamese.

So if you could start off and then I have some other questions as well. Maybe, Dr. Thang, and Joseph, if you would like.

Mr. THANG. Yes.

We sounded the alarm about the new law on belief and religion when it was still being drafted back in 2015, and we pointed out three areas of concern.

One is that it still maintains the requirement for churches and institutions and communities to register and be recognized and approved by the government.

Secondly, the language is so vague that anyone can interpret it whichever way he or she wants, right. Just like in the example that I mentioned in my testimony.

A local authority said that, well, from now on the parish priest can no longer conduct a prior service at the private home of his parishioners and he cited the new law. The local authorities recited the new law to justify that.

The third area of concern is that the definition of what is—what religion is, what belief is, what an adherent is—are very restrictive.

For instance, the definition under the new law of an adherent is that he or she must be recognized by a religious organization, and a religion organization must be recognized by the government.

In other words, now a follower—a member of an independent unregistered church would not be considered as a religious follower under the new law and, therefore, sentencing that person to, say, 5 years prison would now be explained as not religious persecution.

So that is the trick that the Vietnamese Government is playing and I am afraid that we have fallen into that trap.

Now, not too long ago, I had a one-on-one hour-long meeting with the new Ambassador to Vietnam, Kritenbrink. He is very concerned about human rights issues in Vietnam—very genuine—but he's very new.

And I also spent—I had meetings with the new Ambassador-at-Large on international religious freedom, Sam Brownback. He's a champion, and I made two comments—recommendations to both.

One is to place Vietnam at least on the watch list. At this time—because this is a very serious time as Vietnam is still deciding on how to interpret its law on belief and religion.

If we wait for another year it might be too late because they already have redefined other language intentionally left vague so as to further restrict religious freedom.

So placing Vietnam on the watch list now for at least 2 years, that will send a very strong signal that we are watching. That hasn't happened.

Hopefully, after a few months for these two diplomats to get to know more of Vietnam, maybe with some nudges from Congress, maybe Vietnam would be placed on either the CPC list or the watch list.

The second recommendation is that for Mr. Kritenbrink and also Sam Brownback and others, to hold periodic roundtable meetings with religious leaders of persecuted communities in Vietnam—indigenous and religious communities in Vietnam, just like the IRF roundtables that are being held here—and I know that Scott Flipse has attended quite a few of them—and make that into routine.

Initially, the Government of Vietnam would protest against that, would block people from coming. But if we keep doing that every 3 months, for instance, then slowly Vietnam would accept that as a fait accompli, and that would bring confidence to those communities and it will assure that anything happened in those communities will be known by the U.S. Government immediately, or at least by the next roundtable meeting.

So those are my two recommendations and I would like to offer the same recommendations at this hearing.

Mr. CAO. Mr. Chairman, I would like to add that, you know, both you and I—we fully understand that the concept of religion and religious faith is more than simply going to church every Sunday and then go home.

We fully understand that the practice of faith, which includes fighting for social justice, advocating for the oppressed, for the poor, for the elderly, all of that is encompassed in religious faith.

And with the law on religion and belief, with the vagueness of how they define religion, any of these acts can be considered as acts against the state and be prosecuted.

So, again, that is something that we have to be concerned about and to have to pay attention to. And, you know, there is an old saying that with the Communists—do not listen to what they say but watch what they do.

What they say is very rosy, oftentimes painted. You know, when you look at Ho Chi Minh City and Hanoi through the Travel Channel, everybody thinks that wow, these are a paradise that we should go and visit. But in reality, Vietnam is an oppressed state.

People are being routinely arrested, prosecuted under dubious laws, tortured routinely, and that has to be revealed to the world to let people understand that Vietnam is more than simply Saigon and Ho Chi Minh City through the Travel Channel.

Mr. SMITH. Ms. PoKempner.

Ms. POKEMPNER. Just to add, because I am a law professor, I wanted to point out to you that freedom of opinion and belief are among the very strongest human rights that exist.

They don't admit of any limitation at all, and so when we learn that things like forced renunciation of faith is still occurring, this is a violation without a conceivable excuse and we should be reacting very strongly to it.

On the law, I think you're right to pay special attention to this. This is one of the most oppressive cybersecurity laws I've read, and I've read quite a few now, and it puts companies in a tremendous bind.

As you know, any company is obliged to respect the law of the market it operates in. But in this case it's going to make many American companies have this direct conflict that they could be placed right back where Google and Microsoft were in China, as you observed, and be forced to essentially condemn people who would be fully protected under either the laws of our Constitution or the laws of the United Nations—that Vietnam as freely agreed to—and condemn them.

And it's going to be essentially a move that puts to them this stark choice—either help us commit human rights violations or get out of this market.

And if that is, indeed, the choice and if the Congress cares about U.S. companies as well as human rights, it ought to be thinking well, what does this mean for our giving access to Vietnam on a whole—you know, to our markets to Vietnam—what does this really mean about international security and the freedom of companies to operate across borders.

So there are very profound questions for regulators here and they're not only about blaming the companies. The companies will have to make their decisions but they're in a difficult position.

It's people who control the law and the regulation throughout our Government. We deeply appreciate your role, Mr. Chairman. I deeply appreciate the many constructive things that Representative Rohrabacher and many others have done throughout the years.

I resonate with pain on these tales of Montagnards. I work to actually identify and protect Montagnards from repatriation on Hong Kong. There's a long and very noble history of this House in trying to act on Vietnam's human rights.

But we need the whole of government. We need the entire administration. We need the Senate, too. And everyone has to pull together to send this message.

In our experience, the Vietnamese Government is pragmatic. When it feels it has something to lose, it will act, and in our experience, the Vietnamese Government is complex, just like most governments.

It has people who are very entrenched in the old ways, people who are thinking about new ways and trying to be progressive and keep the door open to the modern world.

So you have to deal with it and give it time to adjust. But it won't happen without incentives. So we raised a number of different avenues—that they all have to be considered.

We are there to support you.

Mr. SMITH. Thank you.

Mr. Le, if you could. We know about the Formosa environmental disaster, but if you could bring some additional focus on it.

How did you become an advocate? The background of the Brotherhood of Democracy—a little insight into that, if you would, and also to make very clear—we are concerned—I am concerned, as chairman, for your family still in Vietnam and your wife and child—if they are threatened in any way.

In the past we have had—Nguyen Van Dai's wife here who testified on his behalf—was brilliant in her testimony—like our witnesses today, just got it very clear, very precise, and very eloquent as to what needs to be done and what the situation is on the ground.

And he is on his way to freedom right now but we can't announce it yet. But I just want to say, we want to give you every assurance that we will absolutely go to bat for your family if we hear that something has happened.

So please know that it matters a great deal to my colleagues and I on both sides of the aisle and let the Vietnamese Government take note of that, because that crosses a huge bright line of demarcation if they were to retaliate against them.

But could you elaborate, if you could, on the environmental disaster?

Mr. LE. Yes. Formosa is—from April 2016, the Formosa company, they waste toxins to environmental and the Formosa they pay \$500 million to—for their people there. But actually our fishermen there don't receive any money from—the compensation from Formosa, and the compensation it come to another group of people, and we know that and we organized a team to come to the fishermen—come to the village to help the people to make document—to make the legal documentation, submit to the local authority to ask for the compensation from the Formosa. That is the first thing we have to do.

Secondly, we cooperate with other NGO and we ask some civil society local to organize some work group to help the people and as well as we are together because the people we are together to support the people there to make the news and bring the things to the public areas to internets.

That's it—the two things we have done for our—for the issue of Formosa.

Mr. CAO. Mr. Chairman, I would like to add that the system—there's no transparent system compensation. I recently spoke with a bishop from Vietnam and he told me that they don't know what has been happening with the \$500 million that was being allegedly paid by Formosa.

Most of the victims have not received the money. Ironically, the fishermen of Nghe An Province they were at the epicenter of the disaster, and based on my information and belief, those people were not even in the compensation package.

So, again, I would ask that the Congress request that Vietnam implement a transparent system of compensation similar to what happened during the BP oil spill here in the United States.

It was being controlled by and oversaw by a Federal judge down in New Orleans. I would highly recommend that a similar system

would be implemented in Vietnam with similar reporting procedures.

If you would excuse me, I have to meet this deadline for a few minutes.

Mr. SMITH. Yes. Dr. Thang.

Mr. THANG. I would like to add information regarding the disaster caused by Formosa steel plants in 2016.

First of all, we have—we know that—I have been in touch with communities in that area every week and the fishing industry is dead.

It may take decades to revive it. So there's a huge loss of livelihood among the fishermen, the fishing communities, and many of those are actually Catholic parishes living along the coast of five provinces.

Now, one entire province that is the most populace province that got affected severely by the environmental disaster and that is Nghe An Province.

It is completely excluded from the compensation package, and that's why there's a lot of protest and that's why—and among all those affected the Catholic parishes were at the forefront of the demonstration to demand fair, just compensation.

And that's why the government created the Red Flag Association, to suppress these communities—these advocates.

The second aspect I would like to bring to your attention is the health issue. They're documenting right now and there are more and more reported incidents of miscarriage among the villagers affected by the environmental ecological disaster and there is more reported prevalence of cancer cases in those areas, and there has been no studies along that line.

And finally, human trafficking—because of the loss of livelihood so a lot of these younger villagers, formerly fishermen, now have to join the labor export program of the Government of Vietnam.

And we have cases—we know cases where a person applying to go to Taiwan or to South Korea had to pay \$16,000 in service fees.

Now the law would cap that to just 1 month of salary per year of contract—say, \$2,000 a month for 3 years of contract, that it should not exceed more than 3 years. So no more than \$6,000.

But a lot of these villagers didn't know the law and they had to pay \$16,000 and they had to mortgage off their homes and farmlands and the homes and farmlands of their parents and siblings.

And according to our calculations, most of them would still be in debt after the 3 years working overseas. And for the first time last year, the number of migrant workers exported out of countries exceeded 100,000 by far. It was, like, 120,000.

So I am afraid that human trafficking—labor trafficking is on the rise because government officials are taking advantage of the misery caused by the Formosa-induced disaster—environmental disaster.

Mr. LE. Thank you very much for invitation, for inviting me here. So now I got bright news. I did receive around 2½ hours ago. I am here on behalf of the Brotherhood for Democracy.

I would like to thank you very much for letting us meet the chairman and some Congress members here and various people have support for the Brotherhood for Democracy.

Two and a half hours ago, I was with a Brother and his wife and with his sister was released and now is on a flight to Frankfurt and hope they will arrive to Frankfurt around midnight, the time of Washington, DC. His name is Nguyen Van Dai and Le Thu Ha, and his wife is also on the flight now.

So thank you very much for your support and help the Brotherhood for—during that time. Thank you very much.

Mr. SMITH. Through the time I will just ask two final questions, and thank you very much, and I think, Dr. Thang, you are aware that I am the author of the Trafficking Victims Protection Act.

I've been very concerned that for 6 straight years Vietnam has got a Tier 2 rating. Minimally, it should be on the watch list—if not Tier 3, where I think it really belongs.

They do have a sex trafficking problem but I think the labor trafficking problem is enormous, and we've had specific hearings in this subcommittee just on that, and I wondered if any of you would want to speak to that. The TIP report isn't out yet.

Designations probably have been made already. We tried to weigh in as best we could as a subcommittee for countries that ought to be Tier 3.

But if you could speak to that, and I would just point out one other law that I wrote that took 8 years to get out of the Senate, five times passed in the House—known as International Megan's Law.

It's now been in effect for a little over a year. We notice countries of destination when a convicted pedophile is travelling. Its inspiration came from Megan Kanka, my home town constituent who was brutally murdered by and sexually abused by a convicted pedophile who lived across the street.

So there are Megan's Laws in every single state of the union and the District of Columbia and Puerto Rico. But, frankly, internationally, there's not many Megan's Laws.

This law, as I think you know, notices countries of destination when a convicted pedophile plans to travel and there's a very severe penalty if they don't notice us, us being state police and then State Department.

And the Angel Watch program now has been built and fully and very robustly staffed, and a little over a year in operation 3,600 convicted pedophiles have been noticed to countries. Many of them have been turned back because we know why they're going. They're on secret sex tourism trips to exploit little girls and little boys.

While Vietnam, as it turns out, is a destination country for many, we know other places like Thailand are working overtime to deny entry into their country when we notice such an exploiter coming their way.

Vietnam has been unresponsive. We are trying to tell them so and so is coming—here's their record and they could abuse your children horribly—and yet they are unresponsive.

To me, it's an insight like few others about an indifference that is so callous toward their own children.

Secondly, on the issue of—we just, sadly, remember the 29th anniversary of Tiananmen Square. Much of the world seems to want to forget it. Certainly, in China, they forcibly forget it in terms of their news media and what they teach their children in school.

But there is a concern that with demonstrations against Chinese investments and incursions into the South China Sea or environmental disasters that these people who will protest will be met with violence and there's a very big anti-China demonstration planned for June 10th and I am wondering what your concerns might be and is there anything we should be doing, our Ambassador, to mitigate what could be bloodshed meted out by the Vietnamese Government.

Anybody want to take those?

Mr. THANG. Yes. About human trafficking—yes, over the years we have rescued thousands of victims in destination countries and we continue to work on that—to rescue more victims.

However, we cannot stop the flow if we don't do anything—if we cannot stop it at the roots—that is, in the source country, and there is no way for us to go to Vietnam and stop it.

However, there might be an opportunity here because of the Formosa-induced ecological disaster. I would like to propose that we, our Government, and through Congress we ask USAID to have programs in those areas to help develop livelihood opportunities for these fishermen who have been affected—to have development projects and work directly with the churches—independent churches—the Catholic churches that have been doing that.

The Diocese of Vinh has been doing that. They don't ever get funded by USAID. Now, not too long ago, just last month, again, Ambassador Sam Brownback brought into our roundtable meeting representatives of the USAID offices and I think that they are now willing and open to suggestions that USAID should fund directly to independent religious organizations to do the good work that they have been doing.

So USAID, if they are in there, they can work with and provide technical assistance and coaching to the real people doing the real work on the ground, especially the independent churches, to develop livelihood projects.

At the same time, they can educate the people on the ground. There are simple tips that they can learn on how to avoid becoming victims of human trafficking, especially labor trafficking.

For instance, you should not sign a contract without reading it. You should not agree to go overseas and work overseas on a tourist visa, for instance.

There are simple red flags and we have developed materials. But the challenge is to get those materials and that information directly to the villagers that are vulnerable to human trafficking in Vietnam.

Thank you.

Ms. POKEMPNER. I would simply urge that when you look at this problem of human trafficking, it ought to be a topic on which you can constructively engage the government.

The Government of Vietnam does spend money and does have a bureaucracy that is devoted to this problem as well as related problems.

But, as you pointed out, it's not doing enough. But I think this is at least an area where cooperation and engagement is promising as well as the application of American aid.

I would urge you to look not only at victims of sexual trafficking but labor trafficking generally. We are doing a lot of research on trafficking in the fishing industries and I am sure as Dr. Thang knows, this is a big, big problem in Thailand and a lot of the labor is coming from Burma and Vietnam.

So there's a regional interest in getting a hold of this and this is affecting American companies when they discover that there are marketing goods produced by slave labor.

So I think this is a very promising area of engagement where, fortunately, economic interests and human rights interests align well.

Mr. SMITH. I will just conclude. Any further comments you might want to make if you do—yes, Doctor.

Mr. THANG. Relating to the case of Nguyen Van Dai and his wife and his partner, Le Thu Ha, I would like to point out that collaboration with other governments might make a difference.

I have noted that over the past year there has been increasing collaboration between human rights offices at our U.S. Embassy in Vietnam and other Embassies such as the United Kingdom, France, Switzerland, Canada, Australia, and E.U., for instance.

Mr. SMITH. And Germany.

Mr. THANG. And Germany, yes—and Germany, definitely. And in this case of Mr. Dai, our public—most of the credit should go to VETO!, our long-time partner in Germany, and the Government of Germany.

They have been very strong on this. I know that they have been working with our own State Department on this case, and I hope that by more collaboration like that, especially you already know about the Interparliamentarian Panel on Freedom of Religion and Belief.

We are working with them and they are now connecting themselves—networking themselves with ASEAN parliamentarians for human rights in ASEAN.

So a network like that would really, really help to further many of our common causes.

Thank you.

Mr. SMITH. I thank you.

I thank you very, very much for your insights, for your expertise, your leadership, and for your patience, having a late start because of the votes.

Again, our bill that's pending—hopefully it will be marked up soon. If ever there was a time—and it does call for a designation of CPC, country of particular concern, because of religious persecution by the government. I will never forget talking to Rabbi Saperstein, who was the predecessor, obviously, to Sam Brownback as the Ambassador-at-Large for religious freedom. He did a wonderful job.

But when he was meeting with Tran Thi Hong, she was beaten—beaten. Government thugs beat the wife of a pastor, Nguyen Cong Chinh.

I mean, if that isn't a wake-up call, when the highest official for religious freedom in-country—in Vietnam—and that's how they respond. It shows the animosity that continues to be animosity on steroids.

So we have to push back hard, and I think, as you pointed out, Ms. PoKempner, they take notice. When we say something, we mean it, it's predictable, we are not kidding, we are not vacillating, things will happen, and particularly when there's a penalty attached to it.

So CPC has at least 18 prescribed remedies—penalties—that are very significant. And I know when other countries have been put on lists like that—they know we mean it—it has an impact.

So let's hope the administration does the right thing on that.

I thank you so much. Hearing is adjourned.

[Whereupon, at 4:04 p.m., the committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE 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

June 6, 2018

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 Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2200 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

DATE: Thursday, June 7, 2018

TIME: 2:00 p.m.

SUBJECT: A Bad Year for Human Rights in Vietnam

WITNESSES: The Honorable Joseph Cao
Former Member of Congress

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

“Anthony Le” (an alias)
Spokesperson
Brotherhood for Democracy

Ms. Dinah PoKempner
General Counsel
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 Thursday Date June 7, 2018 Room 2200

Starting Time 2:18pm Ending Time 4:03pm

Recesses () () to ()

Presiding Member(s) Chairman Smith, Chairman Rohrabacher

Check all of the following that apply:

Open Session [x] Electronically Recorded (taped) []
Executive (closed) Session [] Stenographic Record [x]
Televised []

TITLE OF HEARING: A Bad Year for Human Rights in Vietnam

SUBCOMMITTEE MEMBERS PRESENT: Ranking Member Bass, Rep. Garrett

NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an * if they are not members of full committee.) Rep. Lofgren*, Chairman Rohrabacher, Rep. Lowenthal*, Rep. Chabot

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

STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)
-Chairman Smith: Vietnam's Persecution of H'Mong Christians, prepared by Hmongs United For Justice
-Chairman Smith: Statement by the Hoa Hao Buddhist Congregation Central Overseas Executive Committee
-Rep. Lofgren: Prepared Statement

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED _____

[Signature]
Subcommittee Staff Associate

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-
NATIONAL ORGANIZATIONS

VIETNAM'S PERSECUTION OF H'MONG CHRISTIANS

prepared by HMONGS UNITED FOR JUSTICE

June 1, 2018

I. Communist Vietnam's Policy Towards Religious Organizations

Article 24 of Vietnam's constitution (revised in 2003) specifies: "1. Every person has the right to freedom of belief and religion and freedom to follow or not to follow a belief or religion. 2. The State shall respect and protect freedom of belief and religion. 3. No one may violate freedom of belief and religion or break the law under the guise of belief and religion." Article 6 of the 2016 Law on Belief and Religion re-asserts: "Every person has the right to freedom of belief and religion and freedom to follow or not to follow a belief or religion." Article 3 of this law specifies: "The State shall respect and protect the right to freedom of belief and religion of everybody; guarantee that all religions are equal before the law."

However, Vietnam's government blatantly violates the country's constitution, its own laws and international laws when it continuously persecutes H'Mong Protestants and other H'Mong Christians in Vietnam's Northwestern region and Central Highlands under the guise of maintaining national security or falsely accusing H'Mong Christians of aiming to overthrow the government to establish a "H'Mong kingdom". The government authorized a number of worship groups to register as test cases. Even after these worship groups were allowed to function, the local government maintains a tight grip by requiring them to ask for approval before each religious event. Those who wish to proselytize are subject to tight control and censorship, including government eavesdropping on phone and internet communications.

The local government harasses new Christian families and worship groups and persecutes several families through physical assault, detention, demolishing victims' houses followed by expulsion from their communities, or revoking civil rights, e.g., victims are denied ID cards, household registration cards, or birth certificates. In a number of cases, the police detained, tortured, and murdered religious persecution victims. The government also harass and intimidate those who exercise freedom of religion when visiting another country through confiscating their passports, interrogation by the police, or threat of punishment.

These abuses go unchecked although Article 164 of the 2015 Criminal Code specifies: "1. Anyone who uses force, threatens to use force or other measures to stop others from (or make others) exercising their freedom of belief and religion, or to coerce others into following or not following a religion, and, if the offender has been disciplined or punished once through administrative means for one of these offenses, a repeat offense shall result in compulsory enrollment in an education program without detention for up to 1 year or imprisonment from 3 months to 1 year.

2. Anyone who commits one of the following offenses shall be imprisoned for 1 to 3 years: a) one of the previously described offenses with the one of the following aggravating factors, a) as organized crime; b) abusing one's position or authority; c) repeating one of the previously cited offense the second time or beyond the second time; d) causing mass protests; d) negatively impacting security and public order.

3. Those who are convicted of these crimes may be dismissed from their positions, barred from working in their fields, or barred from holding a steady job for 1 to 5 years". In spite of laws already on the books, the government has never punished any offender using such laws. The laws appear to be solely for telling the world that Vietnam respects freedom of religion whereas the government's treatment of H'Mong believers is clearly criminal pursuant to the country's laws.

II. Examples of Persecution of H'Mongs in Vietnam.

Religious Persecution.

Despite past commitments made to the international community, Vietnam's Communist Government has been intensifying its persecution of religious believers in the minority ethnic communities, including H'Mong communities.

In late February 2017, Mr. Hồ Nữ Lù, a Protestant from Ca Đình Nhè Village, Huổi Lèng Commune, Mường Chà District, Điện Biên Province, lost his right arm and suffered several injuries to his shoulder and face after the village government attacked the victim.

On March 29, 2017, a H'Mong Protestant family in Mường Khương District, Lào Cai Province, was physically attacked on account of the family's religion. On subsequent days, groups of strangers stopped family members who went on errands to force them to recant their faith under the threat of physical abuse.

In March 2017, 4 Protestant families in Tia Đình Commune, Điện Biên Đông District, Điện Biên Province, were expelled from their community after refusing to comply with the commune government's order to recant their faith.

On April 22, 2017, the governments of Sam Kha Commune and Háng Đồng A Commune beat up the victims, destroyed their agricultural assets, tore down their houses, and expelled from their community 5 Protestant families in Huổi Mi Village, Sam Kha Commune, and 3 Protestant families in Háng Đồng A Commune, both communes being in Sốp Cộp District, Sơn La Province (Northern Vietnam). The victims relocated to Lâm Đồng Province in Central Vietnam's Highlands. There, the local government frequently threatens to send them back to Northern Vietnam on account of their religion. Also in April 2017, the governments of Nong Kê Village and Huôn Muôn Commune (in Sông Mã District, Sơn La Province) continued to persecute 4 Protestant families and finally expelled them from their community without any intervention by the higher government of Sông Mã District.

In May 2017, the police department of Đắk Lắk Province detained a H'Mong Protestant, Mr. Ma Seo Sùng, from Ninh Hoà Village, Đắk Ngu Commune, Tuy Đức District, Đắk Nông Province, and the victim died in police custody on May 5, 2017.

On November 15, 2017, the government of Mường Nhé District in Điện Biên Province, under the guise of Project 79, demolished 71 houses and expelled 71 Protestant families originally forming the Tá Phi Chà Worship Group in Chung Chải Commune, Mường Nhé District.

On November 25, 2017, the governments of Chiềng Đông Commune and Hua Chan Village in Tuần Giáo District, Điện Biên Province, seized the victims' assets (motorbike, stores of grains), demolished the victims' houses, and expelled 3 Protestant families from their community, without any intervention by the government of the district. In April 2018, other Protestant communities in the province bought construction materials and transported them from Chiềng Đông Commune to the site of the demolished houses in Hua Chan Village. However, the village government stopped the shipment intended for rebuilding the destroyed houses.

In December 2017, the Protestant worship group in Chu Va 6 Village of Sơn Bình Commune, Tam Đường District, Lai Châu Province, submitted its Christmas celebration plan to the commune government. This government did not allow the group to proceed and denied its request to borrow a facility for the purpose.

From late 2017 to May 2018, the local governments continuously harassed 9 Protestant families in the hamlets of Nộc Cốc I and II of Đứa Mòn Commune and Nông Ke Village of Huổi Một Commune, Sông Mã District, Sơn La Province. Finally the government seized the Nộc Cốc residents' assets, demolished their houses, and expelled them from their community. The government continues to condone the

harassment, beating, destruction of their orchards, and illegal taking of cropland from the Nong Ke Village Protestants to punish them for their religious belief.

From early January 2018 to May 2018, the governments of Tam Hợp Commune and Tương Dương District in Nghệ An Province, with their policemen and border guards, persecuted 7 Protestant families in Phá Lom Village to stop their religious practice although they belong to the Vietnam Evangelical Church (Northern Region), a registered church, and revoked their civil rights, including legal residency, ID papers, and birth certificates.

Revoking Civil Rights.

Along with religious persecution, Vietnam's government revoked the civil rights of over 2000 H'Mong families in the Northwestern region and Central Highlands of the country, thereby rendering them "stateless".

In view of the ruthless persecution of the H'Mong people and other minority groups by Vietnam's Communist government, we urge the international community and human rights organizations to condemn this inhumane policy and demand Vietnam to respect human rights and freedom of belief and religion.

Stateless Hmong Christians

In Vietnam, H'Mong Protestants are deprived of residency registration and personal ID papers

I. Situation of H'Mong Protestants in Vietnam.

From 1998 on, the Communist government's persecution of Protestant Churches in Vietnam's Northwestern provinces - under the pretext that H'Mong Protestants are agents of the U.S. who support the U.S. in overthrowing the local government in the Northwest to establish a H'Mong kingdom. Members of the H'Mong communities had to flee to the Central Highlands where the local government discriminates against them and frequently subjects them to threats, violence, and suppression. The Central Highlands authorities refuse to allow them to register as legal residents and refuse to issue personal papers such as ID cards and birth certificates. The victimized adults and their children receive no public benefits.

In 2017, approximately 1100 families in the Northwestern and Central Highlands provinces lack these basic papers.

II. Tally of households lacking basic ID and residency papers in the Northwestern and Central Highlands provinces.

1. Northwestern provinces.

- **71** households in the Tá Phi Chà worship group of Chung Chảy Commune, Mường Nhé District, Điện Biên Province. These people moved here in 2000. The Mường Nhé District government stamped out this worship group.

Link to Tá Phi Chà group:

<https://www.google.com/maps/search/I%C3%A1+Ph%C3%AC+Ch%C3%A0,+x%C3%A3+Chung+Ch%E1%BA%A3y,+huy%E1%BB%87n+M%C6%B0%E1%BB%9Dng+Nh%C3%A9+!%E1%BB%89nh+%C4%90%E1%BB%87n+Bi%C3%AAn/@22.1018106,102.2291472,137804m/data=!3m2!1e3!4b1>

- **6** households are in the worship group at the source of Nậm Hạ Creek, Kan Hồ Commune, Mường Tè District, Lai Châu Province. The Nậm Hạ Creek worship group started meeting in 2013 and have not been issued papers.

Link to Nậm Hạ Creek group:

<https://www.google.com/maps/place/M%C6%B0%E1%BB%9Dng+T%C3%A8,+Lai+Chau,+Vietnam/@22.4020626,102.4345473,137508m/data=!3m2!1e3!4b1!4m5!3m4!1s0x36d321559e361277:0x3077c6296772d4a818m2!3d22.400379!4d102.7135121>

- **5** Protestant households in Huối My Hamlet, Sam Kha Commune, Sốp Cộp District, Sơn La Province. The government of Sam Kha Commune expelled them and they moved to the Central Highlands but have not been issued papers.

Link to Huoi My Hamlet:

<https://www.google.com/maps/search/b%E1%BA%A3n+Hu%E1%BB%95i+My,+x%C3%A3+Sam+kha,+huy%E1%BB%87n+S%E1%BB%91p+C%E1%BB%99p,+t%E1%BB%89nh+S%C6%A1n+La/@21.04384,103.3352381,10066m/data=!3m1!1e3>

- **10** Protestant households in Sóng Mã District, Sơn La Province were deprived of their ID papers and residency documents after the local government punished them.

Link to Sóng Mã District:

<https://www.google.com/maps/place/S%C3%B4ng+M%C3%A3+District,+Son+La,+Vietnam/@21.1006105,103.5922561,69380m/data=!3m2!1e3!4b1!4m5!3m4!1s0x31326fe24a029d4d:0xa77406ab8a692994!8m2!3d21.059325114d!103.682586>

- Approximately 30% of H'Mong residents are Protestant in the districts of Mường Nhé and Nậm Pồ, Điện Biên Province and have no ID and residency papers (efforts are continuing to gather more detailed information on the households).

Link to the districts of Nậm Pồ and Mường Nhé:

<https://www.google.com/maps/search/M%C6%B0%E1%BB%9Dng+Nh%C3%A9+v%C3%A0+N%E1%B%AAdm+P%E1%BB%93,+t%E1%BB%89nh+C4%90i%E1%BB%87n+Bi%C3%AAn+/@21.0996316,103.1716923,277523m/data=!3m2!1e3!4b1>

2. Central Highlands Provinces.

- **140** Protestant households in Đoàn Kết Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province have not been issued papers (Đoàn Kết Hamlet was established in 2009 – see accompanying photos).

- **90** Protestant households in Tân Lập Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.

- **6** Protestant households in Sinh Chải Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.

- **37** Protestant households in Ninh Hòa Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.

- **35** Protestant households in Sĩ At Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province, have not been issued papers.

- **20** Protestant households in Gian Châu Hamlet, Đắk Ngo Commune, Tuy Đức District, Đắk Nông, have not been issued papers (Gian Châu Hamlet was established in 2009 – see accompanying photographs).

(Link to map:

<https://www.google.com/maps/search/B%E1%BA%A3n+C4%90%C3%A0n+K%E1%BA%Bft,+X%C3%A3+C4%90%C4%83k+Ngo,+Huy%E1%BB%87n+Tuy+C4%90%E1%BB%A9c,+T%E1%BB%89nh+C4%90%C4%83k+n%C3%B4ng+/@12.0430665,107.2972849,36365m/data=!3m1!1e3>)

- **88** Protestant households in Area 179, Liêng Srônh Commune, Đam Rông District, Lâm Đồng Province have no basic personal and residency papers after living here for more than 16 years.

Link to Area179:

<https://www.google.com/maps/search/Ti%E1%BB%83u+Khu+179,+x%C3%A3+Li%C3%AAn+Sr%C3%B4nh,+huy%E1%BB%87n+C4%90am+R%C3%B4ng,+t%E1%BB%89nh+L%C3%A2m+C4%90%E1%BB%93ng/@12.0397521,108.0374773,72731m/data=!3m2!1e3!4b1>

- **Over 200** Protestant households in Đắk Phơi Commune, Lắk District, Đắk Lắk Province, have no basic personal and residency papers after living here for more than 12 years.

Link to map:

<https://www.google.com/maps/search/x%C3%A3+%C4%90%C4%83k+Ph%C6%A1+v%C3%A0+l%C4%83k,+t%E1%BB%89nh+%C4%90ak+l%C4%83k+/@12.0395773,107.8973306,145461m/data=!3m2!1e3!4b1>

- **100** Protestant households in Area 181, Liêng S Roanh Commune, Đâm Rông District, Lâm Đồng.

Province, have no basic personal and residency papers after living here for nearly 20 years.

- **150** Protestant households in M'Đrăk District, Đăk Lăk Province, have no basic personal and residency papers after living here for nearly 20 years.

Link bản đồ:

<https://www.google.com/maps/place/M%C4%90r%E1%BA%AFk,+%C4%90%E1%BA%AFk+l%E1%BA%AFk+Province,+Vietnam/@12.3310805,108.7488919,47059a,35v,35.57t/data=!3m1!1e3!4m5!3m4!1s0x3171d2d2cc5b0d0c3:0x71817dfa51eb2650!8m2!3d12.7165586!4d108.7600963>

- **Over 300** Protestant households in Vụ Bốn Commune, Krông Păk District, Đăk Lăk, have no basic personal and residency papers after living here for more than 10 years.

Link to map:

<https://www.google.com/maps/place/V%E1%BB%A5+B%E1%BB%95n,+Kr%C3%B4ng+P%C4%83%CC%81c,+%C4%90%E1%BA%AFk+l%E1%BA%AFk+Province,+Vietnam/@12.5116459,108.429201,16267a,35v,37.34t/data=!3m1!1e3!4m5!3m4!1s0x3171c283b8df7feb:0x820d0f05cce42334!8m2!3d12.6287382!4d108.4513438>

- **Approximately 30%** of the residents are Protestant in the communes of Cư San, Emroan, and Cư Krửa in M'Đrăk District, and the communes of Cư Pui and Cư Đran of Krông Bông District, Đăk Lăk Province, have no basic personal and residency papers after living here for more than 20 years.

<https://www.google.com/maps/place/Kr%C3%B4ng+B%C3%B4ng+District,+%C4%90%E1%BA%AFk+l%E1%BA%AFk+Province,+Vietnam/@12.4699183,108.370737,51407m/data=!3m1!1e3!4m5!3m4!1s0x3171be4032b61b13:0x241a1a180958d88b!8m2!3d12.473032!4d108.4750846>

- **Over 200** Protestant households in Waterfall 4, Quảng Phú Commune, Krông Nô District, Đăk Nông have no basic personal and residency papers after living here for more than 15 years.

<https://www.google.com/maps/place/Qu%E1%BA%A3ng+Ph%C3%BA,+Kr%C3%B4ng+N%C3%B4+District,+Dak+Nong,+Vietnam/@12.2526072,107.9883737,17254m/data=!3m2!1e3!4b1!4m5!3m4!1s0x3172295b514d3dd5:0xd3c9b289872a94b4!8m2!3d12.2520746!4d108.0124469>

- None of the families' children have birth certificates. They are allowed to attend school through Grade 9 only.

Total number of Protestant households without basic ID and residency papers: approximately 1100.

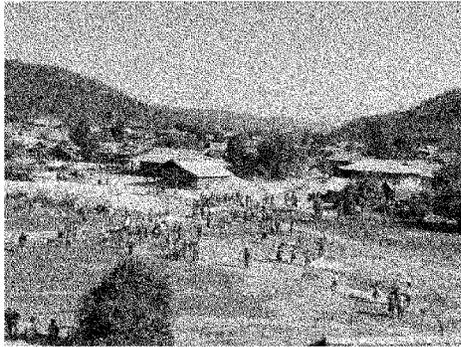
This is an incomplete count of Protestant H'Mong households in Vietnam who are still without their basic ID and residency papers.

We urge social organizations in Vietnam and those based overseas, and the international community to raise your voices in support of the families' rights and request the Communist government of Vietnam to issue them their personal papers.

*For the H'Mong Community
Pastor Wa Chi Minh Vang*



A section of Đoàn Kết Hamlet. Đắk Ngo Commune, Tuy Đức District, Đắk Nông Province



A section of Area 179, Liên Sơn Commune, Đam Rông District, Lâm Đồng Province



Tá Phi Chà Worship Group, Chung Chảy Commune, Mường Nhé District, Điện Biên Province



MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-
NATIONAL ORGANIZATIONS



HOA HAO BUDDHIST CONGREGATION CENTRAL OVERSEAS EXECUTIVE COMMITTEE
4141 – 11th Ave., Sacramento, CA. 95817 – USA
Tel: (240) 449-0541
Email: sydtran@verizon.net

Hoa-Hao Buddhism was founded in 1939 by Prophet Huynh Phu So, at Hoa-Hao village in An Giang province, South Vietnam. Hoa-Hao Buddhism currently has more than 6 millions followers, most of whom live in the Mekong Delta, the rice granary of Vietnam. The Hoa-Hao Buddhists form civic organizations to serve humanity and practice their faith.

For more than 30 years, the Vietnamese Communist authorities have laid out campaigns of extermination and destruction of Hoa-Hao Buddhist independent practice. They have confiscated Church's properties, books, tapes; and harassed, assaulted, incarcerated many Hoa-Hao Buddhist leaders and members.

We would like to bring to your attention and ask for your intervention on the following most recent cases:

- 1. Bui Van Trung, his family and fellow Hoa Hao Buddhist followers**– On February 9th, 2018, four family members belonging to an unofficial branch of Vietnam's Hoa Hao Buddhist community were convicted on charges of disrupting public order during a confrontation with authorities at their home last year.

Bui Van Trung and his son Bui Van Tham were sentenced to six years in prison. Trung's daughter Bui Thi Bich Tuyen was jailed for three years, and his wife Le Thi Hen was sentenced to two years of house arrest. Family friends and co-religionists Nguyen Hoang Nam and Le Thi Hong Hanh were also convicted in the case and were sentenced to four and three years respectively.

Arrested last year - On the evening of April 18, 2017, traffic police and men in civilian clothes set up a checkpoint near Bui Van Trung's house in An Phu district, An Giang province, to stop independent Hoa Hao Buddhist followers who came to attend the anniversary commemoration of Bui Van Trung's mother's death. The police did not cite them for traffic violations but confiscated their papers. Men in civilian clothes cursed and threatened to beat them while traffic police did not intervene. This appeared to follow a pattern of plainclothes 'thugs' being used by police for intimidation.

When Bui Van Trung's son Bui Van Tham tried to stop the men from taking the motorbikes, they beat him.

In response, Bui Van Trung and dozens of Hoa Hao Buddhist followers then staged a public demonstration to protest government repression. Bui Van Tham was later charged with “disrupting public order” under article 245 of the criminal code and “resisting people on public duty” under article 257. The other five were charged with “disrupting public order.”

On February 9th, 2018, Bui Van Trung and his son Bui Van Tham were sentenced to six years in prison. Trung’s daughter Bui Thi Bich Tuyen was sentenced to three years, and his wife Le Thi Hen was sentenced to two years of house arrest. Family friends and co-religionists Nguyen Hoang Nam and Le Thi Hong Hanh were also convicted in the case and were sentenced to four and three years respectively.

2. **Nguyen Bac Truyen**— Early in the morning of July 30, 2017 Mr. Nguyen Bac Truyen was abducted by Vietnamese police while waiting for his wife outside the Catholic Redemptorist Church in Ho Chi Minh City (HCMC), where both had worked since 2014. A few hours later, the website of the Ministry of Public Security announced that Truyen had been arrested on the charge of “acting to overthrow the people’s government”, which is punishable by death or by life imprisonment.

This allegation grossly mischaracterizes the nature of Truyen’s activism. After marrying his wife in 2014, Truyen converted to Hoa Hao Buddhism and has since focused all his efforts on defending and promoting religious freedom. He has documented many human rights violations committed against Hoa Hao Buddhists and submitted these reports to the UN Special Rapporteur on Freedom of Religion or Belief (FORB). He has provided pro bono legal assistance and training on basic human and civil rights to Catholics, Hoa Hao Buddhists, Hmong and Montagnard Christians, and Cao Dai followers.

Truyen has been held without legal representation since his re-arrest on July 30 2017. Nearly three weeks after Truyen’s arrest, a single letter was sent to his wife by the Security Investigation Bureau of the Ministry of Public Security in response to her two requests for information about his whereabouts. The letter said Truyen was being held at Detention Center B14 in Hanoi (1600 km away from where he was apprehended).

On 5 April 2018, the government of Vietnam found Truyen guilty of “carrying out activities aimed at overthrowing the people’s administration.” He was sentenced to 11 years in prison and 3 years of probation.

3. **The Death of Nguyen Huu Tan** – Mr. Nguyen Huu Tan, was from a family with a long history of religious persecution that lasts 3 generations. Both of his paternal grandparents were killed by the communist authorities due to their religious belief. Tan’s parents are independent Hoa Hao

Buddhists who refused to join the local chapter of the state-sponsored Hoa Hao Administrative Council. As a result, his family often suffers from intimidation and harassment by local authorities.

In the morning of May 2, 2017, Mr. Nguyen Huu Tan, was abducted by the Vietnamese police while going out for his morning coffee. That evening, about two hundred plainclothes and uniformed police escorted him home, surrounded the house, blocked off the streets, and conducted a house search that lasted several hours. He was accused of disseminating anti-State documents under Article 88 of the country's Penal Code. Even though the police did not find any evidence to substantiate their accusation, they read the Urgent Arrest Notice and took the victim away shortly after midnight. He was detained at the Temporary Detention Center of Vinh Long Provincial Police Department. Less than 10 hours later (May 3), the victim died with multiple fatal injuries: a cut on his throat that was almost from ear to ear; the gap of the cut was about 2 inches, his windpipe severed, his neck bone exposed. There was a bruise on the victim's forehead and the skull was mushy in that area and also on his left temple and in the back of his head.

Vinh Long police continue to intensify their threats against the victim's family. Security cameras are installed around the house to monitor the movements and activities of family members. Several police checkpoints are set up near the house and police come almost daily threatening to arrest all adult members of the family for conducting anti-state activities. The police pressure the victim's family to accept the police's conclusion that suicide was the cause of death and to end the quest for a thorough investigation into his death.

The entire family is extremely frightened and fearing for their lives. The victim's mother and two of the three surviving brothers had to flee home and are now living in exile in their own country.

PLEASE TAKE ACTIONS TO HELP THE VICTIMS:

We respectfully ask for your help on calling on Vietnam to:

1. Annul the sentences against Bui Van Trung and fellow Hoa Hao Buddhists, and immediately allow Bui Van Trung access medical treatment for his eye problem.
2. Annul the sentences against Nguyen Bac Truyen.
3. Stop all forms of harassment on Mr. Nguyen Huu Tan's family so that they can come home and resume their normal lives.



MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-
NATIONAL ORGANIZATIONS

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Rep. Zoe Lofgren

Hearing: A Bad Year for Human Rights in Vietnam
Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations
House Committee on Foreign Affairs
June 7, 2018

I want to thank Chairman Smith, who chairs the Congressional Vietnam Caucus with Rep. Lowenthal and me, for holding this hearing and allowing me to participate. I also want to thank the witnesses for being here today and sharing their insights with us, and especially for sharing your personal stories regarding the persecution and human rights abuses perpetrated by the Vietnamese government.

The Vietnamese government continues to oppress its citizens, including peaceful advocates for democracy, bloggers, and religious minorities, and this oppression has worsened in many ways in the last year. International organizations have reported that the Vietnamese government has recently taken harsher actions against those arrested for engaging in activism and pro-democracy activities.

In April of this year, the international community was appalled to learn that Nguyen Van Dai and five other defendants, all members of the Brotherhood for Democracy, were convicted of excessively long sentences totaling 66 years in prison and 17 years of house arrest for being convicted of “conducting activities aimed at overthrowing the state”, under Article 79 of the Vietnamese Penal Code.

The Vietnamese government has also made it more difficult for families to visit those detained for speaking out against the government. For example, the blogger who writes under the handle, Me Nam, or “Mother Mushroom”, and was convicted of a 10 year sentence in June 2017 on charges of spreading “propaganda against the state” under Article 88 of Vietnam’s Penal Code, was moved to a prison more 600 miles from her previous location, to a more remote location, without her family being notified of the relocation.

Although my colleagues and I were encouraged by the release of Pastor Nguyen Cong Chinh and the resettlement of him and his family in the United States, international organizations, such as Human Rights Watch, report that there are more 140 political prisoners still imprisoned in Vietnam. This 140 figure does not include the number of political prisoners being detained without having yet been convicted—the number of individuals being detained without convictions would likely be much larger, but is difficult to document.

Vietnam continues to have one of the world’s most restrictive Internet environments, with pervasive filtering of content and the widespread arrest of activists for their online activities. As part of the Tom Lantos Human Rights Commission Defending Freedom Project I have advocated for the release of the founder and CEO of One-Connection Internet, an Internet service provider, and the author of several dissident blogs and articles on Vietnam’s economy, Tran Huynh Duy Thuc.

Thuc was arrested in May of 2009 and is currently serving a 16-year prison sentence for “promoting anti-Socialist, anti-government propaganda” and undertaking “activities aimed at

Rep. Zoe Lofgren

subverting the people's government". His trial lasted just one day, but his sentence is the longest ever handed down to a dissident in Vietnam.

In April of this year, when Vietnam Caucus members and I met with United States Ambassador to Vietnam, Daniel J. Kritenbrink, I handed him a list of prisoners of conscience, as I have in the past to officials of the Vietnamese government, and asked that he raise the issue of their unconditional release with the Vietnamese government.

These individuals are victims to arbitrary arrests and detention for indefinite periods of time, without due process of law, merely for participating in peaceful protests, expressing their political beliefs, or exercising their religion. I will not give up the fight for the unconditional release of prisoners of conscience.

It is my hope that the House Foreign Affairs Committee will continue the great work being done at this hearing to examine the state of human rights and rule of law in Vietnam by considering and marking up H.R. 5621, the Vietnam Human Rights Act.

The Vietnam Human Rights calls on the United States to use the Magnitsky Act authority to sanction Vietnamese authorities responsible for human rights abuses. The bill also calls for the release of prisoners of conscience and for designating Vietnam as a Country of Particular Concern.

I look forward to continuing to work with my colleagues on the Vietnam Caucus, on these matters, and to working to pass this important legislation.



Questions for the Record – Rep. Alan Lowenthal A Bad Year for Human Rights in Vietnam June 7, 2018
Mr. Anthony Le

1. Could you give us an overview and general update on the Brotherhood for Democracy?

a. You mentioned that the group faces harassment in the country. How exactly have members been treated?

BFD has been being harassed from very beginning, through 5 years 12 members of us be arrested and jailed, most of our member and their families have been being harassing, I myself also the victim of harassment from local authority

b. Are you allowed to organize?

Base on Vietnam legal we have authorize to organize, but actually we did not allowed to organize by local authority

2. On the issue of Formosa Steel, you mentioned that Brotherhood for Democracy has done some work with supporting local fishermen. Are they receiving any of the money paid by Formosa?

We helped prepare documents that listed the losses due to the environment disaster caused by Formosa Steel Company that the fishermen and their families suffered for several villages in the affected area.

We helped organized rallies and walks to local offices to demand for environmental rights and justice.

We worked with the local churches and priests to develop strategies to advocate for the fishermen' rights and compensation as well as to publicize the disservice and violation of the government's responses to the disaster. We helped enlist voices in Vietnam to raise the issues with the Vietnamese government and the Taiwanese government as regards to the issue.

Some area received the paid from Formosa, some not, such as in Nghe An province fishermen did not received any paid. And the paid were not fair between families to families: Normal fishing and fishing service provider families have been paid from: \$75.00 x 6 months = \$450.00 to \$220.00 x 6 months = \$1,320.00 but families got relationship with authority officers they received more than from \$10,000.00 x 6 months = \$60,000.00 to \$50,000.00 x 6 months = \$300,000.00 event they are not doing any job concerning to fishing or fishing service providing

3. You mentioned that the Vietnamese government continues its crackdown on prodemocracy activists. Are you currently receiving help from any other organization? Have you received aid?

Yes we do received the emergency assistance from Freedom House: Legal assistance fee, medical treatment fee, and 6 months Jail visiting fee

4. Human Rights Watch has been in touch with my office on this issue and we have heard that a lot of people imprisoned in the past year or so were arrested because they protested the Formosa issue. Is this still the case?

Activist that have been arrested and jailing in the issue of Formosa are

- *Hoang Duc Binh: Viet Labor*
- *Nguyen Van Hoa: Freelance journalist*

- *Nguyen Ngoc Nhu Quynh: Blogger*
- *Nguyen Trung Truc: Brotherhood For Democracy*
- *Tran Thi Xuan: Brotherhood For Democracy*
- *Nguyen Van Tuc: Brotherhood For Democracy*
- *Pham Van Troi: Brotherhood For Democracy*
- *Nguyen Trung Ton: Brotherhood For Democracy*
- *Vu Van Hung: Brotherhood For Democracy*
- *Truong Minh Duc: Brotherhood For Democracy*

