

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 home.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://dvov.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 policy 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.