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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

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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.