EXAMINING ONGOING HUMAN RIGHTS ABUSES IN VIETNAM

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BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS

OF THE

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EXAMINING ONGOING HUMAN RIGHTS ABUSES IN VIETNAM

TUESDAY, JANUARY 24, 2012

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

The subcommittee met, pursuant to notice, at 2 o'clock p.m., in room 2200 Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The subcommittee will come to order. And I want to welcome all of you to our hearing on human rights in Vietnam. And I want to thank you for joining us at this very important hearing.

Before I introduce all the witnesses, I do want to say a very special thanks to Anh Cao who is a good friend, the first Vietnamese-American ever to be elected to the U.S. House of Representatives and a man who spoke out bravely and repeatedly for human rights all over the world, but with a particular emphasis and with a great deal of knowledge in depth on Vietnam. So welcome back to the Congress. It's great to see you again.

The Vietnam Government continues to be an egregious violator of a broad array of human rights. Our distinguished witnesses who are joining us here today will provide a detailed account, and I would like to highlight just a few areas of grave concerns. Despite the State Department's decision in 2006 to remove Vietnam from the list of Countries of Particular Concern as designated pursuant to the International Religious Freedom Act, Vietnam, in fact, continues to be among the worst violators of religious freedom in the world. According to the United States Commission for International Religious Freedom 2011 Annual Report, "The Government of Vietnam continues to control religious communities, severely restricts and penalizes independent religious practice and brutally represses individuals and groups viewed as challenging its authority."

I agree with the Commission's conclusion, where they have asked that Vietnam again be designated as a Country of Particular Concern. The State Department's designation of Vietnam as a Tier II Watch List country with respect to the minimum standards for the elimination of human trafficking also needs to be critically examined. The Department's 2011 Trafficking in Persons Report states not only that Vietnamese women and children are being sexually exploited, but that there are severe labor abuses occurring as well, with the government's complicity. The report acknowledges that

state-affiliated labor export companies charge illegal fees for overseas employment, and recruitment companies engage in other trafficking-related violations.

There are also documented cases of recruitment companies ignoring pleas for help from workers in exploitive situations. As the sponsor of the Trafficking Victims Protection Act, I am deeply concerned that the tier rankings are not being better utilized by our State Department to pressure Vietnam to correct the trafficking abuses occurring within its government, not to mention those in the private sector.

We are particularly privileged to have today Ms. Phuong-Anh Vu and she will testify about the horrific suffering she endured when she was trafficked from Vietnam to Jordan. It is also troubling to hear about the abuse that she and others have had to endure by the Vietnamese Government even after their escape from the traffickers. Ms. Vu, I greatly admire your courage and the subcommittee is most appreciative of your presence as well as your testimony.

I met other courageous individuals during my last trip to Vietnam who were struggling for fundamental human rights in their country. Unfortunately, many of them continue to be persecuted by the government. Father Ly is in prison and is suffering from very poor health and attorney Nguyen Van Dai remains under house arrest. Despite this dismal status for human rights in Vietnam, there are new opportunities for the United States to exert pressure on the government to cease these abuses. HR 1410, the Vietnam Human Rights Act, which I introduced last year, which passed the House on two occasions, most recently in 2007, would provide significant motivation to the Government of Vietnam to respect its international human rights obligations. It would prohibit any annual increase in the amount of non-humanitarian assistance that the United States provides to Vietnam, unless there is an equal or greater increase in the amount of assistance for human rights and democracy promotion and programming in Vietnam.

An increase in non-humanitarian assistance would also be prohibited unless Vietnam satisfies certain requirements including substantial progress toward respect for the freedom of religion and freedom of expression and assembly, respect for ethnic and minorities rights, and allowing Vietnamese nationals free and open access to the United States refugee programs. The government would also have to end its complicity in severe forms of human trafficking.

In addition, this legislation would reaffirm the United States' commitment to overcoming the jamming of Radio Free Asia by the Vietnamese Government, to engaging in cultural exchanges in a manner that promotes freedom and democracy in Vietnam, and to offering refugee resettlement of Vietnamese nationals who have been deemed ineligible solely due to administrative errors or for reasons beyond their control.

Again, I want to thank our distinguished witnesses for being here and look forward to their testimony. I'd like to yield to my friend and colleague, Ranking Member Don Payne.

Mr. PAYNE. Thank you very much. Excuse my voice. I became hoarse. Let me start by commending my colleague, Chris Smith, for calling this very important hearing. I would especially like to thank

our witnesses, a very distinguished group, for agreeing to testify here today.

Following the Vietnam War, relations between Vietnam and the United States were minimal until the mid-1990s. Since then, economic and security interests have resulted in increased partnership. I became very involved in the humanitarian side of the Vietnam War and was in Vietnam during the withdrawal of American troops and was working to try to build cities up by the north where the desire was to strengthen the community and to resist the north and VC from coming down. So I, up in Quang Trung Province and cities in that area, spent time working with various community development programs for a while. So I have a very strong interest and concern in Vietnam as many of us have.

Since the 1990s when we started to have some attention paid, economic security interest has increased and there have been increased partnership. In 2001, the U.S. established normal trade relations with Vietnam. And in 2010, bilateral trade amounted to over $15 billion. Vietnam has joined the U.S. as one of the nine countries negotiating the Trans-Pacific Strategic Economic Partnership Free Trade Agreement which the administration intends to have in place no later than November of this year. However, as Secretary Clinton noted, last November, the United States had made it clear to Vietnam that if the two countries are to develop a strategic partnership, Vietnam must do more to respect and protect the civilians' rights.

Under the rule of the Vietnamese Communist Party, the VCP, the Vietnamese people have faced oppression in a number of areas including religious persecution, wrongful detainment, and suppression of expression, assembly, and association. Political dissidents are routinely targeted and ethnic minorities face repression and discrimination. In the 2004 Religious Freedom Report, the State Department designated Vietnam a Country of Particular Concern (CPC) principally because of reports of worsening harassment of certain ethnic minority Protestants and Buddhists. In 2006, Hanoi promised to improve conditions and release some of the dissidents. The Bush administration subsequently removed Vietnam from the CPC list.

However, according to numerous accounts since at least early 2007, the Vietnamese Governments' suppression of dissidents has intensified and its tolerance for criticism has even lessened markedly. Beginning in 2009, the government began increasing the targeting of bloggers as well as lawyers who represent human rights and religious freedom groups, particularly those who are linked to a network of pro-democracy activists. Human Rights Watch and other rights groups have reported an increase in the incidents of forced labor, torture, and prison deaths. According to numerous accounts, the government's suppression increased in 2010 and 2011. And in 2011 alone, 21 people died in police custody. This is a very troubling trend.

I will have to leave following the witnesses' testimony because of some special obligations with the State of the Union address, but I would ask unanimous consent that Congressman Al Green from Houston, who represents a great number of Vietnamese, be allowed to sit in. Thank you.

Mr. SMITH. No objection.

Mr. PAYNE. Thank you, Mr. Smith. I'd like to now yield to Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman, and I really want to thank all of our witnesses who have been so engaged on human rights for being here today and especially our former colleague, Joseph Cao. It's good to have you with us on an issue which I think really touches all of us. Earlier this month, the chairman and I, along with Chairwoman Ros-Lehtinen, and also the ranking member, Howard Berman, we sent a letter to the State Department. And in that letter we detailed the on-going human rights abuses in Vietnam and how little things have changed.

In this hearing, we intend and I appreciate the chairman holding this hearing, we intend to put that needed spotlight on a situation that is very dire, especially for activists and many young people in Vietnam. I hope the administration is listening to this hearing.

I think one of the cases brought to our attention speaks to all of us, the case of Viet Khang, who is a songwriter in Vietnam, and he sits in a Vietnamese jail for simply writing songs and posting songs on the Internet. One song he wrote was entitled "Who Are You?" questioning the conscience of the police who brutally assaulted and arrested demonstrators who were peacefully protesting. And he, like so many political prisoners in Vietnam, should be free today.

Recently, I think, we've seen a change in pattern. Instead of the show trials that we're used to, they're just skipping the show trials, the Government of Vietnam, and they're sending dissidents straight to administrative detention. Just the other day, The Wall Street Journal editorialized against this new practice in Vietnam, but as one witness notes, here's how the editorial looked to readers in Saigon. Here's The Wall Street Journal. They obviously went through a lot of magic markers in order to individually censor the Asia edition of The Wall Street Journal that was distributed in Saigon. So you've got many brave Vietnamese men and women who are standing up for their rights, the right to free speech, for the right to some measure of freedom, and they deserve our support.

And what we're talking about today is not some isolated case. We're talking about the norm in that society today and we'll hear today that the situation, especially for young bloggers, young writers, young songwriters, for the youth, it's deteriorating in terms of the measure of freedom in Vietnam.

I have legislation that calls for Vietnam to be placed back on the CPC list with respect to religious freedom. I also have legislation that Joseph Cao and I worked on that would identify and sanction those individuals in the Vietnamese Government committing those human rights abuses. It is the least we should do. We must do at least this. And we should move these bills and I thank the chairman for holding this hearing.

Mr. SMITH. Mr. Green.

Mr. GREEN. Thank you, Mr. Chairman, and thank you for allowing me as an interloper to be a part of the committee. I'd like to thank Ranking Member Payne for making the request and for all that he has done through the many, many years that I have known him to curtail human rights violations around the world as one of

the preeminent spokespersons for human rights in the Congress of the United States of America. I'm grateful to each of these men for giving me this opportunity to be a part of this committee, temporarily.

I want to thank the witnesses and I must especially thank Ms. Vu. It does take great courage to come before a committee of Congress and make your statements known to the world. We appreciate you for what you are doing to help others. It means a lot to have someone who has empirical evidence, firsthand knowledge of what's going on presented. Thank you, Member Cao, for returning and being a part of this committee. But finally, Boat People SOS is known to us in Houston quite well, we appreciate what you've done across the length and breadth of our city.

I am very concerned about human trafficking and one of my concerns, quite candidly, when properly distilled becomes simply is human trafficking, a euphemism for involuntary servitude, which is a euphemism for slavery, are people being detained against their will and forced to do things that we find unpleasant? I'm eager to hear from the witnesses. I can tell you that I've heard enough anecdotal evidence from members of my district. I have a very large Vietnamese population in my district. The ballot is printed in Vietnamese. And that population and I have a kinship and I am told quite regularly that things are in need of some attention. So I'm honored to have this opportunity to acquire some additional evidence of things that hopefully I can be of assistance with.

Thank you again, Mr. Chairman. Thank you, Mr. Ranking Member. I yield back.

Mr. SMITH. Thank you, Mr. Green. Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman. I'm interested in hearing what the witnesses have to say. I'm hoping that by shining the light on these problems, the United States will help use its trade policies and finally its moral solution to improve the human conditions and the rights conditions in Vietnam and elsewhere. Thank you, Mr. Chairman.

Mr. SMITH. Thank you, Mr. Turner. Let me introduce our distinguished panel beginning with former Congressman Anh Cao, who was born in Vietnam, and at the age of eight was able to escape to the United States with his siblings with the downfall in Saigon. He left without his parents. It was an epic journey, but one that he engaged in, and certainly he flourished. After learning English, he did well in school, and went on to earn his undergraduate and master's degrees before teaching philosophy and ethics in New Orleans. Congressman Cao became an attorney and worked for Boat People SOS and that's how I first met him, when he was advocating on behalf of those who took to the seas, many of whom ended up in so-called refugee camps dotted throughout Southeast Asia and in the region. And he was a great, great advocate for those people who had been so disadvantaged by the invasion from the North. He has assisted Vietnamese and other minorities ever since. He lost his home and his office in Hurricane Katrina, but helped lead his community as it started to rebuild. He represented Louisiana's 2nd Congressional District in the 111th Congress, and as I said earlier, was a stalwart on behalf of human rights.

We'll then hear from Dr. Nguyen Dinh Thang who came to the United States as a refugee from Vietnam in 1979. After earning his Ph.D. from Virginia Tech, he began volunteering with Boat People SOS in 1988. Now serving as executive director of Boat People SOS, Dr. Thang has worked for the past two decades to resettle tens of thousands of Vietnamese Boat People and other refugees to the United States and has assisted more than 4,000 victims of human trafficking, modern day slavery. He has received numerous awards for his extensive human rights work. Dr. Thang travels to Asia frequently where he documents ongoing abuses and strives to rescue victims.

I would note parenthetically that it was Dr. Thang in the 1990s who came to this subcommittee, and I chaired the subcommittee at the time, with alarming information about how there were many refugees in places like Hai Island and all throughout Asia, Boat People, some 40,000. And his estimation was that at least half of those, maybe more, had been improperly screened out from refugee status and were being involuntarily repatriated to Vietnam where they were facing a very, very bleak future, if not reeducation camps and incarceration. He brought that to the subcommittee. As a direct result of his intervention, my subcommittee held four hearings. I offered legislation on the floor that passed by approximately 100 votes, a bipartisan amendment, that said no U.S. money will be used to involuntarily repatriate these individuals and Dr. Thang, at each of those four hearings, including one closed hearing where we desperately tried to get the administration to realize that these people were refugees and they were being sent back improperly in contravention of international law and U.S. law. As a direct result, a program called ROVR was established because there were friends in the administration at the time who saw it as we did, and that program resulted in the rescreening of so many, and approximately 20,000 people made their way to the United States. I say this with great admiration; Dr. Thang was the one who brought it, kept us very well informed, and I will be forever indebted for what he provided this subcommittee, me and my staff, in terms of actionable information.

Then we'll hear from Mr. Rong Nay who has worked for over 30 years to improve the lives of the Montagnard people, both in Vietnam and in the United States. After coming to the U.S., Mr. Nay was part of numerous groups helping the Montagnard people, including the Montagnard Human Rights Organization, which was founded in 1998, where he is currently serving as the executive director. He works on issues such as family reunification, refugee resettlement, cultural preservation, and cultural challenges that the Montagnard refugees encounter when they come to the U.S. Of course, we all have been deeply distressed over recent events concerning the Montagnards and we look forward to hearing more on that as well as the ongoing persecution of people of faith that we know is ongoing and totally repressive.

We'll then hear from Ms. Phuong-Anh Vu who was trafficked by a Vietnamese labor export company to Jordan in 2008 where she and 260 fellow Vietnamese were exploited in slave-like conditions. They went on strike and were beaten by guards and police. Ms. Vu quickly rose to become the de facto leader of the victims. She

sought outside help and subsequently became the target of the Vietnamese Government. And as she was being returned to Vietnam for punishment, she managed to escape and took refuge in Thailand. She eventually resettled in the United States as a refugee and Ms. Vu continues to fight to end the trafficking of Vietnamese migrant workers, a true hero.

We'll then hear from Mr. John Sifton who is the advocacy director for Asia at Human Rights Watch, no stranger, nor is Human Rights Watch, to this committee, where he focuses on South and Southeast Asia. He was previously the director of the One World Research, the public interest research and investigation firm, that specializes in international human rights cases. Mr. Sifton traveled to Hanoi and Saigon late last year and has been actively raising the Vietnamese human rights record with various diplomats, trade representatives, officials, international financial institutions, and journalists in the context of emerging Trans-Pacific Partnership. Mr. Sifton, thank you for being here as well.

Congressman Cao, please proceed. Congressman Cao, if you could just suspend for 1 minute, I didn't see the vice chair of the subcommittee, Mr. Fortenberry has arrived and he's recognized for such time he may consume.

Mr. FORTENBERRY. Thank you, Mr. Chairman, I apologize for running a little bit behind, but I'll give a brief opening statement and turn to our former colleague, Congressman Cao. Thank you for holding this important hearing as we work to develop effective bilateral relationships with Vietnam. This hearing is of special interest to the Vietnamese diaspora, particularly in my home State of Nebraska. Many people of Vietnamese descent have chosen to make Lincoln, Nebraska their home and build their American dream there. They contribute immensely to the vitality of our community and have voiced agonized worry about the human rights situation as the Vietnamese Government continues to repress groups viewed as challenging political authority, especially, as was mentioned, country dwellers and minority ethic groups in Vietnam such as the Hmong and Montagnard who live far from the eyes of the foreign news agencies.

The persecution also extends to religious minorities. In May of last year, the village of Con Dau Catholic parish faced government retribution in the form of three lost lives and hundreds of injuries in a funeral procession of all things. The offense, they were exercising earlier their right of protest against when the government decided to sell their land to build a resort is my understanding. Simply being a woman or a child in Vietnam can be fraught with danger as well.

According to the State Department's Trafficking and Persons Report, Vietnam is both a source and destination country for both sex and labor trafficking of women and of children. With China facing a shortage of women, Vietnamese women are recruited into servitude through fraudulent marriages. The Vietnamese Government estimates that approximately 10 percent of women entering into arranged marriages may become trafficking victims.

Women who are fortunate enough to enter into legitimate marriages with few exceptions are subject to a one- or two-child policy with tragic consequences. Vietnamese women and their families

suffer as many as 45 abortions per 100 live births compared to 25 abortions in the United States in the last decade. It was also reported that this abortion practice accounted for 11.5 percent of maternal deaths in Vietnam in 2002.

I note that Vietnam was removed as a Country of Particular Concern in 2006 by the State Department despite lingering concerns about whether that change in status made good sense. While economic development and market reforms have spurred a relative improvement in the living standards of many Vietnamese people, the welfare of the most vulnerable continues to be in jeopardy.

Thank you again, Mr. Chairman, for holding this hearing and I welcome our witnesses and look forward to your further comments on what I have raised and any other issues that we feel—that you feel are necessary that we may need to know. Thank you.

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

The Honorable Anh Cao.

STATEMENT OF THE HONORABLE ANH "JOSEPH" CAO, FORMER MEMBER OF CONGRESS

Mr. CAO. Thank you, Mr. Chairman. Chairman Smith, Ranking Member Payne, and distinguished members of the Subcommittee on Africa, Global Health, and Human Rights, I would like to thank you for holding this important hearing on the human rights conditions in Vietnam.

The struggle for religious freedom and the promotion of justice and democracy in Vietnam remain in the hearts and minds of the 1.5 million Vietnamese-Americans presently living in the United States. Therefore, your dedication in support of these issues will be deeply appreciated and remembered by those who continue to struggle and fight for these righteous causes.

Mr. Chairman and members of the subcommittee, all human beings are born free and equal in dignity and rights. These rights include the right to freedom of thought, conscience, and religion which encompasses the freedom to change a person's religion or belief and freedom either alone or in a community with others and in public or private to manifest his religion or belief in teaching, practice, worship, and observance. These words are expressed in Articles 1 and 18 of the United Nations Universal Declaration of Human Rights, respectively.

Vietnam, a member of the United Nations, has systematically violated these rights and has no intention of keeping the promise that it made to the U.S. Congress in 2006 to steadily improve its human rights record as a condition for the Congress' support of Vietnam's entry into the World Trade Organization. Sadly, instead of improving its human rights records, the Government of Vietnam has increased its repression of dissenters and religious leaders. To continue its imposition of an iron will on the people of Vietnam, the government detains, imprisons, places under house arrest, and convicts individuals for their peaceful expression of dissenting political or religious views, including but not limited to democracy and human rights activists, independent trade union leaders, non-state sanctioned publishers, journalists, bloggers, members of ethnic minorities, and unsanctioned religious groups.

The Government of Vietnam especially continues to limit freedom of religion, pressures all religious groups to come under the control of government and party control management boards and restricts the operation of independent religious organizations. Religious leaders who do not conform to the government's demands are often harassed, arrested, imprisoned, or put under house arrest.

As noted in the October 2009 report of the United States Commission on International Religious Freedom,

> "There continues to be far too many serious abuses and restrictions of religious freedom in the country. Individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy. Police and government officials are not held fully accountable for abuses. Independent religious activity remains illegal and legal protection for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors. Moreover, property disputes between the government and the Catholic Church in Hanoi led to detention, threats, harassment, and violence by contract thugs against peaceful prayer vigils and religious leaders."

A case that succinctly paints and substantiates the words of the Commission on International Religious Freedom is the case of Thai Ha Parish, a Catholic parish in Hanoi. The parish was founded by the Redemptorist Order in 1935 with the intention of providing educational and medical services to the region. Soon after the Communist government took over Hanoi in 1954, it confiscated schools that the parish had established, leaving only the facilities to house the Redemptorist Brothers, the church building, the community center, and a few small structures around the church. But that was not enough for the communist government. It subsequently seized all the land belonging to the parish around Thai Ha and underhandedly proceeded to take control of the remaining buildings that it did not want to confiscate in 1954. For example, in 1959, the government forced the Redemptorists to loan one of the two buildings housing the brothers so that the government could turn it into a school. Because it was for a good cause, the order complied. In 1972, the government without due process seized the remaining buildings and converted both buildings used to house the brothers into a hospital. Subsequently, the government borrowed the community center and set up a wool knitting factory, then it borrowed the building at the front of the church and turned it into a Red Cross station. Finally, it borrowed the last structure belonging to the church and turned it into a machine shop to initiate the Thang Long Cooperative.

In 2008, during peaceful prayer vigils, calling for the return of government confiscated church properties, contract thugs harassed and dispersed the protesters and destroyed church property. In its final act of usurpation, the government then decided only 4 months ago to construct a waste treatment plant on or near parish grounds to effectively seize the rights of ownership and stewardship after they forcibly took over the right of use. Again, the parishioners protested and again the government sent in their thugs. Father Nguyen Van Khai described what happened. For a number of days

following October 2, 2011, high-powered loud speakers belonging to Quang Trung administrative area beamed toward Thai Ha church the government's plan to build a wastewater treatment plant for Dong Da hospital on the 2000 square meter lot belonging to the church. Later events took place over a number of days. First, representatives of Dong Da Hospital came to the church to deliver the message. Subsequently, the Quang Trung People's Committee requested a representative of Thai Ha church to come to its offices to hear the message. In response, Thai Ha parish promptly submitted a request to the appropriate government unit to one, stop all activities under the wastewater treatment project and two, return to the parish the land and buildings that the government borrowed. Furthermore, the parish used an electronic sign to display its legitimate demand. Concurrently, the government-owned media launched a furious campaign of libel, slander, false accusations and threats against parishioners, brothers, and priests in Thai Ha. Following this, the government resorted to its familiar tactics. It's employees and police mustered a number of strangers, i.e., outside thugs who came to the church to threaten, harass, and terrorize priests, monks, and parishioners. On November 8, 2011, a government agent came to Mr. Dung's house and formed a heated discussion. The police used this as an excuse to arrest Mr. Dung. The underlying reality is that like so many other Vietnamese, Thai Ha parishioners are being victimized by a corrupt regime that only cares about its own privileges. The regime frequently makes arbitrary decisions and backs them up by force instead of following the law. The government-owned media is trying to paint us as putting road blocks to stop a humanitarian project that will yield public benefits. However, nothing is further from the truth. We follow the law even as the government violates the law through its total disregard of its citizens' rights, the rights that the government is supposed to respect and protect.

Similar incidents occurred at Bau Sen, Loan Ly, Tam Toa, Dong Chiem, and Con Dau. But religious repression is not limited to Catholics. The Unified Buddhist Church of Vietnam suffers persecution as the Government of Vietnam continues to restrict contacts and movement of senior clergy for refusing to join state-sponsored Buddhist organizations. The Bat Nha Buddhist monastery at Lam Dong Province was attacked by the government thugs in October 2009 and about 400 monks and nuns were physically abused and forcibly evicted from the monastery. Members of the Cai Dai, Hoa Hao, Mennonites, and Montagnard Christians suffered detention and imprisonment. Faced with these atrocities, the Obama administration's approach to the human rights condition in Vietnam is to stand by and watch. Although administration officials express concerns, they continually push aside Vietnam's human rights abuses to further the interests of the administration. This approach stands in stark contrast to the intent of the Founding Fathers of this great Nation who built the foundation of this country on principles of religious freedom and tolerance.

The United States has to be more assertive in forcing Vietnam to adhere to the promises that it made to the U.S. Congress in 2006 and this requires the passing and enforcing of the Vietnam Human Rights Act.

Again, I would like to thank Chairman Smith and members of this subcommittee for your commitment and support for the people of Vietnam. I know that if we persevere in this fight, Vietnam will one day be a free and democratic country. Thank you.

[The prepared statement of Mr. Cao follows:]

THE TESTIMONY OF: JOSEPH CAO
FORMER MEMBER OF CONGRESS
CHAIRMAN OF THE RENEWING DEMOCRACY FUND, INC.

DATE OF HEARING: JANUARY 24, 2012

CONGRESSIONAL COMMITTEE: HOUSE COMMITTEE ON FOREIGN AFFAIRS, SUBCOMMITTEE ON AFRICA, BLOBAL HEALTH, AND HUMAN RIGHTS

Chairman Smith and members of the Subcommittee on Africa, Global Health, and Human Rights, I would like to thank-you for holding this important hearing on the human rights conditions in Vietnam and your support of the Vietnam Human Rights Bill. The struggle for religious freedom and the promotion of justice and democracy in Vietnam remain in the hearts of minds of the 1.5 million Vietnamese-Americans presently living in the United States. Therefore, your dedication and support of these issues will be deeply appreciated and remembered by those who continue to struggle and fight for this righteous cause.

Mr. Chairman, "All human beings are born free and equal in dignity and rights . . . ."[i] These rights include "the right to freedom of thought, conscience and religion . . . [which encompasses the] freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."[ii] These words are expressed in Articles 1 and 18 of the United Nations' Universal Declaration of Human Rights respectively. Vietnam, a member of the United Nations, has systematically violated this right and has no intention of keeping the promise that it made to the US Congress in 2006 to steadily improve its human rights record as a condition for the Congress' support of Vietnam's entry into the World Trade Organization (WTO). Sadly, instead of improving its human rights record, the Government of Vietnam has increased its repression of dissenters and religious leaders.[iii] To continue its imposition of an iron will on the people of Vietnam, the government detains, imprisons, places under house arrest, and convicts individuals for their peaceful expression of dissenting political or religious views, including but not limited to: democracy and human rights activists; independent trade union leaders; non-state-sanctioned publishers; journalists, bloggers; members of ethnic minorities; and unsanctioned religious groups. The Chairman and members of this Subcommittee are quite familiar with the cases of Tran Huynh Duy Thuc, Nguyen Tien Trung, Tran Khai Thanh Thuy, Le Cong Dinh, and Le Thi Cong Nhan among countless others.

The Government of Vietnam continues to limit freedom of religion, pressure all religious groups to come under the control of government and party-controlled management boards, and restrict the operation of independent religious organizations. Religious leaders who do not conform to the Government's demands are often harassed, arrested, imprisoned, or put under house arrest. As noted in the October 2009 report of the United States Commission on International Religious Freedom, "[T]here continue to be far too many serious abuses and restrictions of religious freedom in the country. Individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; police and government officials are not held fully accountable for abuses; independent religious activity remains illegal; and legal

protection for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors. . . [Moreover] property disputes between the government and the Catholic Church in Hanoi led to detention, threats, harassment, and violence by 'contract thugs' against peaceful prayer vigils and religious leaders."

A case that succinctly paints and substantiates the words of the Commission on International Religious Freedom is the case of Thai Ha Parish, a Catholic parish in Hanoi. The parish was founded by the Redemptorist Order in 1935 with the intention of providing educational and medical services to the region. Soon after the Communist Government took over Hanoi in 1954, it confiscated the schools that the parish had established leaving only the facilities to house the Redemptorist Brothers, the church building, the community center, and a few small structures around the church. But that was not enough for the Communist Government, it subsequently seized all the land belonging to the parish around Thai Ha and underhandedly proceeded to take control of the remaining buildings that it did not want to confiscate in 1954. For example, in 1959, the government forced the Redemptorist to "loan" one of the two buildings housing the brothers so that the government could turn it into a school. Because it was for a good cause, the Order complied. In 1972, the government, without due process, seized the remaining building the converted both buildings used to house the brothers into Dong Da Hospital. Subsequently, the government "borrowed" the community center and set up a wool knitting factory; it then "borrowed" the auxiliary building at the front of the church and turned it into a Red Cross Station; finally, it "borrowed" the last structure belonging to the church and turned it into a machine shop to initiate the Thang Long Cooperative. In 2008, during peaceful prayer vigils calling for the return of government-confiscated church properties, contract thugs harassed and dispersed the protestors, and destroyed church properties. In its final act of usurpation, the government then decided only four months ago to construct a wastewater treatment plant on, or near, parish grounds to effectively seize the right of ownership and stewardship after they forcibly took over the right of use. Again the parishioners protested, and again the government sent in their thugs. Fr. Nguyen Van Khai described what happened:

> For a number of days starting on October 2, 2011, high-power loudspeakers belonging to the Quang Trung Administrative Area beamed towards Thai Ha Church the government's "plan to build a wastewater treatment plant for Dong Da Hospital" on the 2000 m^2 lot belonging to the church. Later events took place over a number of days. First, representatives of Dong Da Hospital came to the church to deliver the same message. Subsequently, the Quang Trung People's Committee requested a representative of Thai Ha Church to come to its offices to hear the message.

> In response, Thai Ha Parish promptly submitted a request to the appropriate government units to: (1) stop all activities under the wastewater treatment project; and, (2) return to the parish the land and buildings that the government borrowed. Furthermore, the parish used an electronic sign to display its legitimate demand.
>
> Concurrently the government-owned media launched a furious campaign of libel, slander, false accusations and threats against parishioners, brothers and priests in Thai Ha. Following this, the government resorted to its familiar tactics: its employees and police mustered a number of strangers, i.e., outside thugs who came to the church to threaten, harass and terrorize priests, monks and parishioners. On November 8, 2011, a government agent came to Mr. Dung's house and fomented a heated discussion. The police used this as an excuse to arrest Mr. Dung.
>
> The underlying reality is that, like so many other Vietnamese, Thai Ha parishioners are being victimized by a corrupt regime that only cares about its own privileges. The regime frequently makes arbitrary decisions and backs them up by force instead of following the law.
>
> The government-owned media is trying to paint us as putting roadblocks to stop a humanitarian project that will yield public benefits. However, nothing is further from the truth. We follow the law even as the government violates the law through its total disregard of its citizens' rights, the rights that the government is supposed to respect and protect."

Similar incidents occurred at Bau Sen, Loan Ly, Tam Toa, Dong Chiem, and Con Dau. At Con Dua in May of 2010, police forcibly dispersed a Catholic funeral ceremony that was held at cemetery located on disputed land. Afterwards, police and members of the civilian defense forces arrested and interrogated dozens of Con Dau parishioners, with one parishioner dying from injuries sustained during a beating in July 2010 and two women suffered miscarriages resulted from police tortures.

But religious repression is not limited to Catholics: The Unified Buddhist Church of Vietnam suffers persecution as the Government of Vietnam continues to restrict contacts and movement of senior clergy for refusing to join state-sponsored Buddhist organizations; the Bat Nha Buddhists monastery in Lam Dong province was attacked by government thugs in October 2009, and about 400 monks and nuns were physically abused and forcibly evicted from the monastery; members of Cao Dai, Hoa Hao, Mennonites, and Montagnard Christians suffered detention and imprisonment.

Faced with these atrocities, the Obama Administration's approach to the human rights conditions in Vietnam is to stand by and watch. Although Administration officials expressed "concerns", they continually pushed aside Vietnam's human rights abuses to further the interest of the Administration.[iv] This approach stands in stark contrast to the intent of the Founding Fathers of this Great Nation, who built the foundation of this country on principles of religious freedom and tolerance. The United States has to be more assertive in forcing Vietnam to adhere to the promises that it made to the US

Congress in 2006, and this requires passing and enforcing the Vietnam Human Rights Act.

Again, I would like to thank Chairman Smith and the members of this subcommittee for your commitment and support for the people of Vietnam. I know that if we persevere in this fight, Vietnam will one day be a free and democratic country.

I ask for the unanimous consent of the Chairman and members of this subcommittee to incorporate the statement of Fr. Nguyen Van Khai and the accompanying pictures into the record as Exhibit A.

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[i] United Nations Universal Declaration of Human Rights, Article 1.

[ii] United Nations Universal Declaration of Human Rights, Article 18.

[iii] Mark E. Manyin, "US-Vietnam Relations in 2011: Current Issues and Implications for U.S. Policy," Congressional Research Service 7-5700.

[iv] Mark E. Manyin, "US-Vietnam Relations in 2011: Current Issues and Implications for U.S. Policy," Congressional Research Service 7-5700.

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

Dr. Thang.

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

Mr. THANG. Mr. Chairman, Ranking Member Payne, Congressman Royce, Vice Chairman Fortenberry, Congressman Al Green, and Congressman Turner, first of all, I would like to take this opportunity to send you our best wishes for Tet, that is, our Lunar New Year. That was yesterday. And I also would like to point out that we truly appreciate the fact that Congressman Al Green and Congressman Royce have been working very closely with our offices in Houston and in Orange County on different issues relating to the local communities and also relating to human rights issues in Vietnam.

I'd like to point out one fact, a little known fact about Congressman Payne. You stood tall and strong beside us in the darkest moments when the international community and countries of the region pushed back the Boat People. Thank you very much, Congressman Payne.

First of all, I would like to express our strong support for the Vietnam Human Rights Act. I also support the call for the administration to place Vietnam on Tier III in its upcoming TIP Report. I also strongly support the redesignation of Vietnam as a Country of Particular Concern. And I also would like to call on our whole State Department to do a better job at reporting the violations of human rights, the gross abuses committed by the police, the widespread use of torture, atrocious forms of torture by the police and the attacks on the ethnic minorities in Vietnam. These crimes and violations have been under reported by our own State Department.

Today, I would like to focus on three specific areas of human rights violations that have not yet been given appropriate recognition so far. First of all is the systematic and widespread modern-day slavery, not just government complicity, but the Government of Vietnam was behind it. The Vietnamese Government operates those programs. Second, I'd like to touch on the widespread use of torture against political dissidents, people of faith, religious leaders, and also the increased frequency of police brutality. And we have some pictures that I would like to request the permission of the chairman later on after all the testimony to show as an illustration of the true face of brutality committed by the police.

And finally, I'd like to talk about religious persecution focusing on the Hmong Christians. There has been very little news that could get out of Vietnam since last May. There was a massacre of Hmong Christians in the northwestern region of Vietnam, but we obtained never before seen footage and pictures to show to the members of this subcommittee. Very important.

So first of all, let me talk about slavery-like conditions in government-run programs. It is very critical to make the distinction between two different categories of human trafficking in Vietnam. One would involve national policies, national programs, run by the government, sanctioned by the government, operated by the government, and protected and defended by the government such as

human trafficking under the cover of Vietnam's national policy of labor exports. Two, the forced labor inflicted on not only the rehab centers as reported by Human Rights Watch, but also subjected—a lot of political dissidents have been subjected to those forms, single forms of forced repatriation. I just returned from an extended trip to Southeast Asia and I talked to over 100 victims and what I found out was in prison camps in Saigon, Vietnam right now, dissidents are being used for forced labor, to produce goods for exports overseas. So those are the forms, the most egregious forms of modern-day slavery that the Vietnamese Government doesn't want anyone to talk about.

The Vietnamese Government in recent days did invite organizations to go into Vietnam to fight the other forms of trafficking, the privatized form of trafficking that usually involves only small fish, small-time criminals and some low-ranking police officers and those who are sex trafficking of women and children to Cambodia and other countries. We don't condone that, but that is a much smaller problem compared to labor trafficking in Vietnam. And also there's an issue of child labor trafficking within Vietnam as well.

So I just came back from Southeast Asia and I talked to a lot of people there and we monitored constantly the conditions in Vietnam. Just last year, the Vietnamese parliament, the National Assembly, passed the first law against trafficking. For the first time, they did mention labor trafficking, however, it was very disappointing as a document because one, it doesn't include the standard definition of human trafficking. Initially in its initial draft there was a definition, but then they pulled it out in the law that got passed. That just became effective a few weeks ago on January 1st. So the law that got passed essentially excludes all labor export companies in Vietnam from being incriminated as the source of the trafficking chain from Vietnam to other countries. And also there's no penalties prescribed against the traffickers.

Every year, Vietnam exports about 80,000 to 100,000 migrant workers. That is a $2.2 billion industry, very protected by the Government of Vietnam. And time and again, we have to deal with the Vietnamese Government sending these delegations not from the Embassy but all the way from Hanoi to the American Samoa, to Jordan, to Malaysia, even to Houston to silence the voice of those few courageous victims who came forth to expose the involvements of the Government of Vietnam in trafficking them. And over the past 3½ years, we have rescued thousands of victims and we did thorough research through interviews of the victims and we identified over 35 labor export companies from Vietnam who are involved, completely involved in human trafficking. And we have brought this to the attention of the Vietnamese Government for the past several years. To this day, not a single case has been investigated. Not a single case prosecuted. But instead, the victims themselves had been prosecuted and threatened. So that is the state of human trafficking and the fight against human trafficking in Vietnam.

Now I would like to mention very quickly about the Vietnamese ploy to play up its fight against the other form of human trafficking, the privatized form of human trafficking, just try to cover

up the bigger problem of labor trafficking. So please do pay attention to the latter problem.

Now with torture. There has been widespread use of torture from my direct interviews with the victims. In late 2010, Prime Minister Nguyen Tan Dung asked Secretary Clinton, Hillary Clinton, for assistance to help Vietnam prepare itself to ratify the U.N. Convention Against Torture. It should be very simple. There is no need for technical assistance. Just give—issue a decree to stop the use of torture. We have observed a significant increase in the use of torture. Forms of torture would include beating of the victims in the chests and the sides and legs; handcuffing the victims up around the window and beating him up with batons and electric rods; stripping the victim naked, including women, and flogging him or her with a belt; hanging the victim to the ceiling beam and punching in the stomach; drawing a large amount of blood every week to debilitate the victim; standing the victim in water, electro-shocking him or her; applying electric shocks to the victim's private parts, genitals for men, and vagina for women. Horrendous forms of torture.

And what we found out that was even more troubling, the police in Vietnam maintain special torture chambers outside of the prison. For instance, I talked with several Montagnards who returned to Vietnam after being rejected by UNHCR. And they were told, "You'll be fine, just go back to Vietnam. You'll be safe." So they went back to Vietnam and they got arrested in Tay Ninh. And the police in Tay Ninh put them in prison, tortured them every day and for those few who were considered stubborn, in the dead of the night at 1 a.m., that person would be pulled out, taken to the special place called BC14, just outside the prison and that's where the police operate a special torture chamber with special instruments and equipment. And the guys are very big, muscular, vicious, they are well trained, specialty trained to inflict torture on the victims. Most people had to admit to crimes that they never committed. And then they were brought back to the prison around 5 a.m.

And we have compiled reports of all those interviews. I'd like to submit them to the subcommittee at another time.

We also have pictures of police brutality inflicted against people of faith that I'd like to show afterwards.

And finally, about the Hmong Christians. January of last year, the police came into a Hmong village of Xa Na Khua in the Muong Nhe District and in that Hmong village there were about 100 households all converted to Protestantism and all the government was to raze the entire—raze flat the entire village. The explanation was this: "Either you renounce your faith or you have no place here. Protestantism is an American religion. If you stick to your religion, go to America to till America's land. Go to America to follow America's religion." And then on January 28th, they proceeded to demolish the homes. So they completed the demolition of 13 homes and they stopped because of Lunar New Year and 15th of March last year, they came back. The government came back with the military and workers to break down all the remaining homes and therefore in May, on May 1st, the Hmong villagers they gathered in Muong Nhe, a small village in Muong Nhe District. And other Hmong across the country who suffered the same atrocities got

word of that, so they came to the same place from across the country and there were 4,000 to 5,000 of them. And the police moved in, mobile police and the riot police and the military moved in with guns, batons, electric rods and assaulted these Hmong Christians. And their only demand was one, don't destroy our homes, don't take our land; two, allow us to be Christian. And you know that in the three provinces of Son Lai, Lai Chau and Dien Bien in the northern part of Vietnam, there's not a single church. There's none, none allowed by the government. And that's their peaceful demonstration, very simple demands and the troops attacked them. A lot of people died and some got buried alive. And we got a list I'm going to submit for the record of 14 who got killed, just partial list. And these 14, we only verified by talking to either eye witnesses or the relatives of the deceased.

And according to a few who made it to Thailand, hundreds are still in hiding to this day in the jungle and one by one they are being hunted down by the police. Just last month, one of them got shot dead when he tried to escape as the police approached. So that is the degree of religious persecution. We're not talking about harassment. This is egregious. And with your permission, I'd like to show later some of those footages, you can see with your own eyes the atrocities committed by the Government of Vietnam against people of faith. Thank you, Mr. Chairman.

[The prepared statement of Mr. Thang follows:]

Statement of Nguyen Dinh Thang, PhD

Executive Director, BPSOS

At the hearing on "Examining Ongoing Human Rights Abuses in Vietnam"

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

January 24, 2012

Mr. Chairman, the Ranking Member, and distinguished Subcommittee members,

As the Vietnam Human Rights Act recognizes, human rights violations in Vietnam come in many categories and have many kinds of victims. I would like to focus today on three specific areas of human rights violations that have not yet been given appropriate recognition and emphasis by United States Government entities and others charged with monitoring and combating human rights violations in Vietnam:

(1) Systematic and widespread slavery-like conditions in Vietnamese government programs including the labor export program, drug rehabilitation centers, and prisons.

(2) The widespread use of torture and the increased frequency of police brutality against dissidents, intellectuals, bloggers, reporters, labor union organizers, social justice advocates, religious leaders and people of faith.

(3) Persecution of members of religions not recognized by the government and in some cases of members of recognized religions whose religious activities are perceived as a threat to the interests of the government or of the Communist Party.

For over two decades, my organization and I myself have monitored the country conditions in Vietnam. We have received information directly from the victims, their family members, or from witnesses. We have operations in different neighboring countries, where our staff and volunteers interviews asylum seekers who just arrived from Vietnam. In fact, I just returned from an extended trip to the region, where I talked to close to a hundred witnesses.

I. SLAVERY-LIKE CONDITIONS IN GOVERNMENT-RUN AND GOVERNMENT-SANCTIONED PROGRAMS

Vietnam's new anti-trafficking in persons (TIP) law became effective a few weeks ago, on Jan 1 of this year. Unfortunately, however, it is unlikely that this new law will result in any significant

change in the government's current practices and policies. The new law does not address either of Vietnam's two most serious modern-day slavery problems: trafficking within the government's own labor export program, and forced labor in rehabilitation centers and prisons. These egregious forms of modern-day slavery take cover under Vietnam's national policies, involve billions of dollars, and are fiercely protected by well-placed stakeholders in the government.

The government of Vietnam has not investigated, let alone prosecuted, a single case of human trafficking within its labor export program. In 2008 my organization, BPSOS, co-founded the Coalition to Abolish Modern-day Slavery in Asia (CAMSA). Over the past 3.5 years we have rescued over three thousand Vietnamese migrant workers subjected to slavery-like conditions and to debt bondage in a number of countries around the world. One of these victims testifies today. Through interviews with the rescued victims, we have identified 35 Vietnamese labor export companies that were involved in human trafficking, engaged in fraudulent recruitment practices, and/or committed serious violations of Vietnam's own labor export laws.

We have communicated these findings to the Vietnamese authorities by various means and at multiple levels. Instead of investigating these labor export companies, many of which are state-owned, the police interrogate and threaten the victims who spoke out against slavery. Almost routinely, the Vietnamese government has sent officials from Ha Noi to silence the victims, take the side of the traffickers, and impede justice. On multiple occasions we have had to deal with such delegations in places including American Samoa, Jordan, Malaysia, and even Houston.

In February of last year, the Ministry of Labor, War Invalids and Social Affairs (MOLISA) issued a circular, accusing CAMSA, our partners, and religious organizations of "taking advantage of our worker's ignorance" to sabotage Vietnam's labor export program and requesting Vietnamese labor export companies to "post personnel in countries hosting large numbers of Vietnamese workers so that those representatives may monitor, detect early, and take timely action when such issues first arise." (Circular dated February 15, 2011)

To completely disempower migrant workers from defending themselves, the Vietnamese government bars all Vietnamese migrant workers from joining local trade unions. For example, the Vietnamese embassy in Kuala Lumpur has issued a sample contract that Malaysian employers must use when hiring Vietnamese workers. This sample contract stipulates that Vietnamese workers "shall not strike or being [sic] involved in any strike or industrial actions as well as any political activities and activities of those related with Trade Union in Malaysia, or instigate others to commit such acts," even though the law in Malaysia allows migrant workers to join trade unions. Actual contracts are even more restrictive, prohibiting Vietnamese workers from entering into romantic relationship with the locals, getting married to the locals, or, for female workers, becoming pregnant.

In my recent trip to Thailand I met four victims of labor trafficking, all Montagnards from Vietnam's Central Highlands, who in 2008 came to our newly opened office in Penang, Malaysia

to seek help. They were not only exploited; the two female victims were sexually abused by their employers. Before we could act, some Malaysian Catholic sisters had already helped them return to Vietnam by land. Upon return to their villages, they were immediately summoned by the police, detained and interrogated for two days; their interrogators beat them up and threatened that "whoever opens mouth about Malaysia will be killed." They were ordered to pay the labor export companies double the already exorbitantly large amount of service fees they owed these companies. Knowing that they would never be able to pay back that larger debt, they escaped to Thailand. (Unfortunately, all four of them have been denied refugee status by the UNHCR.)

Vietnam's TIP law, passed in March of 2011, is disappointing. The definition of human trafficking in its earlier drafts mirrored the one from the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons. However, the actual law did away with that definition and practically excludes Vietnamese labor export companies from being incriminated for their being at the very source of the human trafficking chain.

I would also like to touch briefly on the issue of drug rehabilitation centers, which are also run by MOLISA. Human Rights Watch's report "The Rehab Archipelago" has pointed out that inmates are subjected to various forms of forced labor including producing cashews, sewing garments, and manufacturing other items. Through our interviews with asylum seekers in Thailand BPSOS has discovered that many individuals imprisoned because of their political opinions or because of their faith have also been subjected to exactly the same type of forced labor. One Montagnard, jailed from 2002 through 2009, had to do this for 7 years. His hands were eaten by the acid from the cashew nuts because he was not allowed to use gloves. Another Montagnard jailed from 2005 until 2009 at Dai Binh Prison in Lam Dong described prisoners being divided into production teams (cashew production, farming, vegetation, packaging fish for exporting). Those failing to meet quota were beaten with a whip and kicked. A Vietnamese dissident sentenced to 2.5 years in prison for promoting democracy over the internet and for distributing leaflets was required to break cashew shells during his incarceration at the Z 30A Xuan Loc prison. His quota was about 22 kilograms per day. Human Rights Lawyer Nguyen Van Dai, a recently released prisoner of conscience, also reported the wide use of forced labor in prison to manufacture products that were then exported to Western countries.

Some people or agencies may report improvements in the fight against human trafficking in Vietnam. Such a finding is possible only if the analysis is limited to the forms of human trafficking that the government of Vietnam has recognized and made illegal, including the sex trafficking of women and children to neighboring countries and the internal trafficking for child labor. The government of Vietnam has played up its efforts to fight these forms of human trafficking, which usually involve only small-time criminals and perhaps low-ranking cadres. The government even invites international NGOs into Vietnam to fight human trafficking, but is careful to limit these invitations to these "privatized" forms of human trafficking. We are not aware of any NGOs, including those funded by US government programs, working to document

and eliminate slavery in the labor export program, in rehab centers, or in prisons. Vietnam has deftly deceived many of its international interlocutors by showcasing its efforts to fight the kinds of human trafficking it has chosen to make illegal while covering up the far more pervasive forms of modern-day slavery that are sanctioned by the government and whose perpetrators therefore enjoy impunity.

Recommendations:

(1) To the US government:

a. Vietnam belongs in Tier 3 on the annual United States report on trafficking in persons – the tier reserved for countries whose governments "do not fully comply with the minimum standards and are not making significant efforts to do so", and must be ranked as such.

b. Our government, especially the State Department's Office to Monitor and Combat Trafficking in Persons (G/TIP) and Office of Population, Refugees and Migration (PRM), and USAID, should fund projects that devote at least as much attention to the government-sanctioned forms of human trafficking as to those the government has made illegal.

c. The State Department's Office of Democracy, Human Rights and Labor (DRL) should interview former political prisoners, and should make diligent efforts to interview current political prisoners, about the practice of forced labor in prison and include the findings in its annual country conditions report.

d. G/TIP should use the following benchmarks, among others, in its ranking of Vietnam in its annual report:

> i. Elimination of contract provisions that prohibit migrant workers from joining labor unions in destination countries.
>
> ii. Statistics on and outcomes of the Vietnamese government's investigation and prosecution efforts relating to human trafficking under the labor export program, including cases already featured in past annual TIP reports.
>
> iii. An end to the use of forced labor in rehab centers and in prisons.

(2) To the Office of the UN High Commissioner for Refugees (UNHCR):

a. Refugee status determination should take into consideration the risks faced by those who expose modern-day slavery in the Vietnamese government's labor export program.

II. TORTURE AND POLICE BRUTALITY

Since late 2006 we have observed significant increase in the use of violence and torture by the police, both in uniform and plainclothes, which coincided with the government crackdown against political dissidents and nonconformist churches. This crackdown has continued to this day.

In late 2010, at a meeting with US Secretary of State Hillary Clinton in Ha Noi, Vietnam's Prime Minister Nguyen Tan Dung requested US assistance in preparing Vietnam to ratify the UN Convention Against Torture. While we applaud the Prime Minister's expressed intention, we are troubled by the on-going widespread use of torture at the police stations, in detention centers, and in prisons. In recent interviews with asylum seekers who fled Vietnam to Thailand and Malaysia, I have collected vivid details on the use of torture against political dissidents, people of faith, Montagnards, Hmong, Khmer Krom, bloggers, artists… Forms of torture include:

- Lining up the victim against the wall and beating him in the chest, sides and legs.
- Handcuffing the victim to the upper rim of the window, causing him to stand on his toes, while beating him with batons and electric rods.
- Stripping the victim naked and flogging him with a belt.
- Kicking the victims in the chest, thighs, stomach with military boots.
- Punching the victim on the head and temples.
- Locking victim up in solitary confinement in a pitch dark and filthy place.
- Using a small knife to cut into the victim's flesh.
- Hitting the victim's ankles with a wooden stick.
- Standing the victim in water and electro-shocking him.
- Drawing a large amount of blood from the victim.
- Applying electric shocks to the victim's private parts.

Following are sample testimonies from the victims that we have interviewed:

> *"The police hung me to the ceiling beam of the investigation room. They stripped me naked and took turn to beat me on my chest and my stomach. They then applied electric shocks to my vagina until I went unconscious."* Ms. Tran Thi The, September 2011.

> *"They took a wooden stick, the size of my arm, and hit me nonstop. They hit me at the waist. They took out a pair of metal handcuffs, made me spread out my 10 fingers on the table, and smashed them with the handcuffs. Then they told me, 'We haven't applied to you the ways of the [criminal] underworld yet, otherwise in the next 3 days, your fingernails will fall off.' At that moment, I was so much in pain that I passed out."* Ms. Phan Thi Nhan, September 2011.

We have learned that at least in Tay Ninh, the police operates a torture chamber separate from the police station. For example, in the vicinity of the B4 prison in Tay Ninh, there is a torture chamber known as BC14. Victims who are deemed by the prison interrogators as "recalcitrant"

are sent to BC14 in the dead of the night (usually 1pm – 5pm). At BC14 there are special torture instruments, such as a special chair where the victim is put in, and the tendons behind his knees would be crushed between a metal bar and a torturer standing on the victim's knees. The torturers at BC14 are big, muscular and much more vicious than the prison interrogators.

We are compiling a report of our recent interviews with survivors of torture. We have also compiled cases of police brutality, which has been on the rise in recent years. We will gladly share both documents with this Subcommittee and our State Department.

Recommendations:

(1) To the US Government:

a. The State Department's annual Human Rights Report on Vietnam should give a focus on torture and police brutality. At the very least DRL should verify the evidence that we have already compiled and report it if confirmed. Furthermore, the State Department should ask the officers in charge of human rights issues at our embassies in Thailand and Malaysia to interview the witnesses directly – we will help with the arrangements.
b. As our State Department is engaging the Vietnamese government on issues relating the rights of the disabled, the dialogue should include those disabled by torture committed by the police.

(2) To the Vietnamese Government:

a. Prime Minister Nguyen Tan Dung should immediately issue a decree outlawing torture, order the immediate investigation of reported incidents of torture, and prosecute all perpetrators. This step is simple enough that Vietnam does not have to wait for US technical or financial assistance.

III. RELIGIOUS PERSECUTION

Overall, Vietnam's human rights practices have slid backward since early 1998 – the year that practically marked the end of the Renovation era launched by Nguyen Van Linh as Vietnamese Communist Party (VCP) Secretary General in 1986 and continued by Vietnam's Prime Minister Vo Van Kiet till late 1997. The new team, led by VCP Secretary General Le Kha Phieu and Prime Minister Phan Van Khai, reversed course. This reversal was probably prompted by the VCP's observation of what had happened to the Communist regimes in the Warsaw Bloc. There was a genuine belief of an international scheme led by the US government to systematically undermine the VCP's monopoly on authority. They dubbed this scheme "peaceful evolution." The reversal manifested itself in a number of key developments:

(1) Brutal suppression of the Montagnard Protestant house churches in 2001-2004. Practically all four thousand house churches in the Central Highlands were closed down, some burnt and destroyed. Hundreds of pastors and lay leaders were arrested, tortured, sentenced and imprisoned. Many of them remain in prison to this day. The Vietnamese government views the rapid expansion of Protestantism as part of the peaceful evolution and called Protestantism the "American religion." We have compiled a list of over 300 Montagnard prisoners.

(2) Faced with the strong international reaction, especially from the United States, which designated Vietnam as a country of particular concern (CPC), the Vietnamese government made a temporary retreat during the years 2005 - 2006. It promulgated the Ordinance on Belief and Religion and registered hundreds of house churches – but only those willing to collaborate with the government. At the same time, the government cultivated sympathizers and appointed them to leadership roles in the registered churches. The Unified Buddhist Church of Vietnam (UBCV), even though it was still outlawed, was able to do certain charity work. Taking advantage of this lull, many pro-democracy groups emerged, including some that were supported and even funded by overseas groups. The dissidents started using the internet to organize, inform, and mobilize the public. There were some budding efforts to form independent labor unions and a growing movement of common citizens demanding social justice – mainly over land and anti-corruption issues. The foreign embassies publicly interacted with members of the pro-democracy movement. On April 8, 2006 a number of the disparate groups came together and formed Bloc 8406. Although a number of political and religious activists were arrested and imprisoned during this period, we observed a significant decrease in police brutality and few arrests.

(3) In August 2006, the government started to clamp down on this movement, at first discreetly so. For instance, the police placed key dissidents under surveillance, hindering their coming together; there was increased harassment against Christian pastors and UBCV leaders. This relatively discreet approach was probably calculated, since the government was working hard on hosting the APEC Summit (Nov 16-19, 2006), earning the Permanent Normal Trade Relations status with the US (Dec 12, 2006), and gaining accession to the WTO (Jan 11, 2007). In my opinion, it appears that the VCP truly believes this home-grown movement to be part of the international conspiracy to bring about "peaceful evolution", especially because it sometimes received financial and technical support from overseas groups, both Vietnamese and non-Vietnamese.

(4) In March 2007, with all of the above objectives achieved, the Vietnamese authorities launched a mass crackdown, the most brutal one since the mid-1980s, against all actors deemed to be seeds of dissension and of challenge to the VCP's monopoly on power. The government targeted the Khmer Krom in the South, Montagnards in the Central Highlands, Hmong in the Northwest Mountainous Region, members of UBCV, the Hoa Hao Buddhists, and elements of the Catholic Church. Bloc 8406 members and bloggers were arrested. We have compiled a list

of over a hundred political and religious activists who were arrested and imprisoned; others went into hiding; some managed to flee the country.

Probably to pre-empt criticism from the international community, the charges were often non-political or non-religious, such as "resisting on-duty officials" or "causing public disorder", although in some cases the dissidents were charged with overtly political crimes such as "injuring the national unity" or "propaganda against the state." There were also many incidents of arrest and detention without charges. The leadership of the pro-democracy movement was decimated. We have documented the return of police brutality and the pervasive use of torture at the police stations, at detention centers, and in prisons.

(5) In April 2007, the government indefinitely suspended its review of registration applications submitted by Hmong house churches in the Northwest Mountainous Region, all affiliated with the Evangelical Church of Vietnam North (ECVN-North). The governments in the three Northern provinces of Son Lai, Lai Chau and Dien Bien have been most ruthless in pursuing their policies to root out Christianity. There is practically not a single Christian church in these three provinces. We have obtained reports, from the victims or from eye-witnesses, of the following measures targeting the Hmong Christians:

- Arrests and detention of men, resulting in Hmong villages with few male adults
- Public transportation denied to Hmong Christians to block them from attending mass in near-by towns
- Prohibiting clergy members from visiting Hmong villages
- Confiscation of farm land
- Destruction of homes
- Forced renunciation of their faith
- Forced abortion

Some Hmong had to leave their villages and migrate to other areas, including in the South. Even so, they continued to be targeted by the local authorities with arbitrary confiscation of farm land, disruption of religious activities, pressure to renounce their faith, and different forms of discrimination. This policy apparently did not come from the local authorities but from the central government. In a leaked document issued in 2007 (TL2007), the Central Bureau of Religious Affairs called for "resolutely overcom[ing] the abnormal and spontaneous growth of Protestantism" and "propagandiz[ing] and mobiliz[ing] the people to safeguard and promote good traditional beliefs of ethnic minorities" (page 32, TL2007) – a euphemism for forced renunciation of their Christian faith.

(6) The implementation of this policy has led to the mass demonstration of Hmong Christians in Muong Nhe, Dien Bien Province, in May 2011. The immediate cause of this demonstration was the government's destruction of an entire Hmong village. On January 28, 2011, the government sent military troops with order to raze all the homes and confiscate all the farm land in the Hmong village of Xa Na Khua, Ban Nam Nhu, Huyen Muong Nhe, Dien Bien Province. The

village is home to over a hundred households, all Protestant. The authorities told the villagers that Protestantism was an American religion and since they refused to renounce their faith, they had no place in Vietnam: "You should go to America to till America's land and follow America's religion." The villagers decided to hold a demonstration to ask for an end to religious persecution and the confiscation of their homes and land. Words got out to Hmong populations living in other provinces, where they too suffered severe forms of religious persecution, including forced renunciation and confiscation of land. On May 1, 2011 thousands of Hmong, including men, women and children, gathered in a location near Huoi Khon Village in Muong Nhe, some coming from as far as Dak Lak and Binh Phuoc in the South. On May 5, hundreds of troops from the military and the mobile police encircled the demonstrators. The troops, carrying batons, electric rods and guns, suddenly attacked and beat up the demonstrators. According to eye-witnesses, many were killed. We have compiled a partial list of people killed, with confirmation from relatives or eye-witnesses.

The government arrested many demonstrators and taken them into custody. Those who escaped arrest were tracked down by the police. Reportedly hundreds of demonstrators hid themselves in the jungle. Many have since been captured while a number successfully made it to Thailand after months of trekking through Laos. Van Xin No, a resident of Ban Bong Phong, Xa Cu Pui, Huyen Kalabon, Dak Lak Province who participated in the May demonstration, was reportedly shot dead on December 12, 2011 when he ran away as the police was about to arrest him. Enclosed is a list of Hmong arrested and detained with confirmation from their relatives.

Independent religious organizations were targeted for particularly harsh treatment because they are correctly perceived as the most important focuses of moral authority and popular devotion outside the State and the Party, and therefore the only entities in Vietnam with the potential to organize the public to challenge the monopoly on power of the VCP. The government has made use of a wide range of repressive techniques: confiscation of church properties, forcing out nonconformist religious and lay leaders and replacing them with government sympathizers, using thugs to beat up religious and lay leaders, staging traffic accidents, threatening the livelihood of active church members, using school administrations to curb or prohibit students from engaging in religious activities, cutting off their phones, discrediting them in the government-controlled media, punishing a few key individuals to teach a lesson to others. There is a consistent pattern of the use of these techniques throughout the country in recent years.

Regardless of such aggravating human rights abuses in Vietnam, the UNHCR has routinely denied refugee status to Montagnards seeking refugee protection in Thailand. The UNHCR in Thailand has even denied many Montagnards the right to register for refugee protection, essentially excluding them from the 1951 UN Convention on the Status of Refugees. The UNHCR has apparently relied on erroneous information to the effect that only "high profile" Montagnards face a risk of persecution. In recent months three Montagnard asylum seekers, including two whose applications had been denied by UNHCR in Bangkok, have been arrested upon their return to Viet Nam. Government-run news services have proudly reported the arrests

of these "reactionaries" and have accused them of consorting with anti-government organizations. Another UNHCR-rejected asylum seeker, a member of the Khmer Krom ethnic minority who face persecution similar to that inflicted on Montagnards, was arrested a few hours after returning to Viet Nam and has been convicted and sentenced for having organized peaceful demonstrations prior to his departure in 2008.

Recommendations:

(1) To the US Government:

a. The Administration should re-designate Vietnam as a Country of Particular Concern.
b. Country Reports on Human Rights Practices for Viet Nam should accurately reflect the continuing and severe repression of politically and religiously active Montagnards and Hmong; DRL should conduct interviews with Montagnard and Hmong aslyum applicants and refugees both in Southeast Asia and in the United States to supplement its inadequate information on the human rights situation in the Central Highlands.
c. DRL should verify the list of Montagnard prisoners compiled by human rights organizations and include its findings in the State Department's Human Rights Report. In some cases we have even provided the contact information of the prisoner's family members.
d. The State Department's Office of International Religious Freedom should verify the status of the registration of 671 Hmong House Churches that we have compiled and report its findings in its annual report on international religious freedom.

(2) To the UNHCR:

a. UNHCR should allow all Montagnard asylum seekers to register for protection, and should discard its "high-profile" standard and recognize refugee status on a case-by-case basis to Montagnard applicants who have come to the attention of the authorities, or who are likely to do so, because of their political and/or religious activism, even if these applicants are not currently well-known outside their local areas.

In conclusion, I would like to thank the Subcommittee again for the opportunity to bring to light gross human rights violations that have become more brutal and more widespread in recent years in Vietnam. I would like to reiterate my strong support for the Vietnam Human Rights Act and other legislative efforts to stop the Vietnamese government's escalation of its exploitation, oppression and violence against its own citizens.

Mr. SMITH. Thank you very much, Dr. Thang.

Mr. Nay. And at the end of the testimony, we will show those pictures, your pictures.

STATEMENT OF MR. RONG NAY, EXECUTIVE DIRECTOR, MONTAGNARD HUMAN RIGHTS ORGANIZATION

Mr. NAY. Mr. Chairman, my name is Rong Nay, and I am the executive director of the Montagnard Human Rights Organization. I represent the Montagnard people living both in the U.S. and in the Central Highlands of Vietnam.

I would like to thank you, Mr. Chairman and members, for the honor and opportunity to share our feelings and experiences about the ongoing human rights abuses in Vietnam. I had the honor to testify at the first U.S. congressional hearing about Montagnards sponsored by former U.S. Senator Jesse Helms in 1998. I am very sad to report that human rights conditions in Vietnam have gotten much worse for the Montagnard people in the past decade. My testimony is a summary from my written statement that focuses on this area.

Religious persecution. After U.S. normalization with Vietnam, the Government of Vietnam said there was freedom of religion in Vietnam, but in reality, it is not true. The freedom of religion of the Vietnamese Government is only to allow worship in government-sponsored churches, not in house churches. Montagnard pastors continue to be arrested, tortured, and persecuted. Human Rights Watch has published a detailed report in 20ll on the continuing religious persecution of Montagnards in the Central Highlands.

We call on the U.S. Government to reinstate the Vietnam designation as a Country of Particular Concern for extreme violations of religious freedom are personal abuse. The Montagnard Christians are forced to renounce their faith. They are beaten, many put in jail, suffer long and terribly in jail and prisons without enough food, medicine, even family visits. Many suffer solitary confinement, torture. The Vietnamese Government continues to arrest, torture, and jail to Montagnard Christians. There are currently 390 Montagnard Christians in prison for their religious or political beliefs for up to 16 years.

Mr. Chairman, we recommend that the release of all the Montagnard prisoners is negotiated and they are released before any more U.S. Government defense and trade treaties with Vietnam go forward. We ask that this list be included in the record.

Mr. SMITH. Without objection, it will be made a part of the record.

Mr. NAY. The Montagnard refugee protection. The UNHCR site in Phnom Penh, Cambodia closed in February 2011. Montagnard asylum seekers now have no place to feel safe and find sanctuary. Asylum seekers have fled to Thailand, been arrested and put into detention. We have reports of Montagnards hiding in the jungles in Vietnam right now because they have no safe place to hide. They are desperate. There are hundreds of Montagnards who have attempted to flee persecution in Vietnam and were hunted down by the police, beaten and put in jail.

We urgently recommend that the U.S. State Department, in cooperation, with UNHCR, create a process and a place at the U.S. Consulate in Ho Chi Minh City or another country, which allows Montagnard asylum seekers to have a fair interview with a UNHCR or U.S. official, taking into account the very real conditions of ethnic discrimination and persecution that many Montagnards face in Vietnam. We respectfully request that the U.S. State Department re-open its Refugee Program within Vietnam because there are many claims of well-founded persecution within Vietnam. Why are the Montagnard persecutions being ignored by the U.S. Government?

We also have proposed that a U.S. satellite consular office be established in the Central Highlands of Vietnam. Such an office would be beneficial to facilitate refugee claims and standard immigrant visa processing. This satellite office could also be utilized for humanitarian and development assistance programs focusing on Montagnards in the Central Highlands. The U.S. Department of Defense has shown interest in establishing humanitarian aid programs in the Central Highlands.

Vietnam's ethnic cleansing policy. The Montagnard indigenous peoples are crying out to keep our ancestral land, our language, and our culture. We ask for help from the U.S. Government, the United Nations and the world community to help us. Many of our ancestral lands have been seized by the Communist government for rubber or coffee plantations. The Government of Vietnam accuses our Montagnard people of causing trouble, but we want only to keep our land and our farms, our heritage, and our survival.

The need for development assistance. The United Nations, the European Union, and the U.S. State Department have all acknowledged that the rate of poverty for the Montagnard indigenous peoples is much higher than the majority Kinh or Vietnamese populations. We ask and recommend that the U.N. and the U.S. put more emphasis on development assistance, scholarships, boarding schools and Montagnard education in the Central Highlands.

Montagnards do not have the same opportunities in education and development as Vietnamese. For example, over 15,000 Vietnamese students have been sent to the United States for education, but not a single Montagnard college graduate is allowed to have a scholarship to the U.S.

The abuse of free emigration. The Government of Vietnam continues to break the agreement of free emigration that was outlined in the U.S. Jackson-Vanik Amendment that was tied to the U.S.-Vietnam Trade Agreement in past years.

Mr. Chairman, it is our privilege to come here today to tell you the truth about the Montagnard human rights abuse that the Montagnard indigenous peoples are facing right now in Vietnam's Central Highlands. We Montagnards are treated like enemies in our own homeland. Hundreds of prisoners in Ha Nam prison are suffering terrible abuse and isolation, and other Montagnard men, women and children quietly suffer in their villages under constant fear and police surveillance. We hope that the subcommittee today, the U.S. Government and the world, will hear our prayer and plea for help. Thank you very much for the opportunity to share the

plight of our Montagnard people in the Central Highlands of Vietnam and our recommendations on how to help. Thank you, sir.

[The prepared statement of Mr. Nay follows:]

U.S. Committee on Foreign Affairs
Subcommittee on Africa, Global Health, and Human Rights
Hearing
January 24, 2012

"Examining Ongoing Human Rights Abuses in Vietnam"

Testimony from the Montagnard Human Rights Organization
Rong Nay, Executive Director

The Honorable Chris Smith
Chairman, Subcommittee on Africa, Global Health and Human Rights

Mr. Chairman,

My name is Rong Nay, and I am the Executive Director of the Montagnard Human Rights Organization based in Raleigh,North Carolina, USA. I represent the Montagnard people living both in the US and in the Central Highlands of Vietnam.

I would like to thank Mr. Chairman for the honor and opportunity to share our feelings and experiences about the ongoing human rights abuses in Vietnam. I had the honor to testify at the first U.S. Congressional Hearing about Montagnards sponsored by former U.S.Senator Jesse Helms in 1998. I am very sad to report that human rights conditions in Vietnam have gotten much worse for the Montagnard people in the past decade.

My testimony focuses on the Montagnard people of the Central Highlands in these areas:

1. Religious Persecution

2. **The continuing terrible abuse of Montagnard religious and political prisoners in Vietnam's Ha Nam prison and other prisons and secret jails within Vietnam.**

3. The need for UNHCR, the United Nations High Commissioner of Refugees and the U.S. government to provide protection for Montagnard asylum seekers within Vietnam and those who have escaped the country.

4. The Hanoi government policies of ethnic cleansing and assimilation of the Montagnard indigenous people of the Central Highlands.

5. The urgent need for education and development assistance for the Montagnard people.

6. The abuse of free emigration and family reunification.

As you may know, "Montagnard" is a French term that is often used to describe our tribal people who live on their ancestral Central Highlands, land which was claimed by the Vietnam nation for many years. We do not consider ourselves "ethnic minorities" since our Montagnard people are not ethnically or linguistically connected to the majority Kinh or Vietnamese population. Our Montagnard people have endured centuries of oppression and bad treatment. We are a peaceful people and we love our land.

We Montagnard people understand the unique differences and noble histories of both our peoples, the Kinh people, known as the Vietnamese, and the Montagnard, sometimes called "Dega" or "Anak Cu Chiang" peoples of the highlands. We believe Montagnard and Kinh can live in peace and mutual respect, but our Montagnard people feel our hearts are broken because our land is being stolen by the Communist government and our Montagnard culture and way of life is being destroyed.

Religious Persecution

Since 1975, the government of Vietnam has carried out a policy of punishment and discrimination against the Montagnard Christians in the Central Highlands.

After US normalization with Vietnam, the government of Vietnam said there was freedom of religion in Vietnam, but in reality, it is not true. The freedom of religion of the Vietnamese government is to only to allow worship in government sponsored churches, not in house churches. Montagnard pastors continue to be arrested and persecuted. **Human Rights Watch** has published a detailed report in 2011 on the continuing religious persecution of Montagnards in the Central Highlands.

Vietnam's State media and police documents boast about security operations to "root out" Dega protestants and police campaigns to persecute Montagnard Christians and those who attempt to flee to Cambodia seeking asylum. Those who are arrested often end up in the living hell of Vietnam's prisons and secret jails. Reports from Montagnard prisoners tell a story of pain, loneliness, torture, forced labor, and isolation.

Prisoner Abuse

Montagnard Christians are often forced to renounce their faith, they are beaten, and many put in prison to suffer long and terrible years in prison without enough food, medicine or even family visits. Many suffer solitary confinement and torture. **The Vietnam government is directly responsible for the cruel and terrible treatment of Montagnard Christians and other political prisoners. They discriminate against the Montagnard prisoners by not allowing them to have clean water, family visits or enough food to eat. The prisons are long distances from the Central Highlands, making it very hard, if not impossible for family members to visit.**

We believe the government of Vietnam must be held responsible for this inhumane treatment. The U.S., the United Nations and the international community have an urgent responsibility to

take action to stop the suffering of these prisoners and urge the government of Vietnam to have these individuals pardoned and released.

The Vietam government continues to arrest, torture and jail Montagnard Christians. There are currently 315 Montagnard Christians in prison for their religious or political beliefs up to 16 years.

Mr. Chairman, we recommend that the release of all Montagnard prisoners is negotiated and their release obtained before any more U.S. government defense and trade treaties with Vietnam go forward. We also call on the U.S. government to reinstate Vietnam's designation as a "Country of Particular Concern" (CPC) for extreme violations of religious freedom.

We ask that this list of prisoners be included in the record. (Rong Nay submits the 2012 list of prisoners)

Montagnard Refugee Protection

I will now address the issue of Montagnard Refugee Protection and the urgent need for the UNHCR and the U.S. government to provide protection for those Montagnard asylum seekers seeking protection in Vietnam, Cambodia, Thailand or other countries.

The UNHCR site in Phnom Penh, Cambodia closed in Feb. 2011. **Montagnard asylum seekers** now **have no place to find sanctuary**. Asylum seekers have fled to Thailand, been arrested and put into detention. We have reports of Montagnards in hiding in the jungles in Vietnam right now because they have no safe place to hide. We cannot disclose these locations for fear these individuals will be arrested, but they are desperate.

There are hundreds of Montagnards who have attempted to flee persecution in Vietnam and were hunted down by the police, beaten and put in jail. The forced return of asylum seekers is a direct violation of Articles 13 and 14 of the Universal Declaration of Human Rights which gives asylum seekers the right to leave one's country to seek asylum. According to Human Rights Watch, at least 65 of the Montagnards imprisoned since 2001 were arrested trying to seek safety and asylum in Cambodia. They were sentenced to prison on charges of "fleeing abroad" to oppose the government.

We urgently recommend that the U.S. State Department, in cooperation, with UNHCR, create a process and a place at the U.S. Consulate in Ho Chi Minh City or another country, which allows Montagnard asylum seekers to have a fair interview with a UNHCR or U.S. official, taking into account the very real conditions of ethnic discrimination and persecution that many Montagnards face in Vietnam. UNHCR and U.S. criteria should also take into account that Montagnards should not be rejected for refugee status simply because they are not "high profile" dissidents.

We respectfully request that the U.S. State Department re-open its Refugee Program within Vietnam by acknowledging that there continues to be many claims of well-founded persecution within Vietnam.

We also have proposed that a U.S. satellite consular office be established in the Central Highlands of Vietnam. Such an office would be beneficial to facilitate refugee claims and standard immigrant visa processing. Access to the U.S. Consulate in Saigon (Ho Chi Minh City) has been a problem in the past for Montagnard beneficiaries and refugee applicants for over 2 decades. This satellite office could also be utilized for humanitarian and development assistance programs focusing on Montagnards in the Central Highlands. **The U.S. Department of Defense has shown interest in establishing humanitarian aid programs in the Central Highlands.**

Vietnam's Assimilation Policies

The Montagnard indigenous peoples are crying out to keep our ancestral land, our language and our culture. We ask for help from the U.S. government, the United Nations and the world community to help us. Many of our ancestral lands have been seized by the Communist government for rubber or coffee plantations. The government accuses our Montagnard people of causing trouble, but we want only to keep our land and our farms, our heritage, and our survival.

Our languages are being lost, and our children shamed into believing they are no good. Even Montagnard prisoners in Hanoi's prisons are not allowed to write letters in Montagnard language. The Montagnard names of our rivers, forests, mountains, and provinces have been altered into Vietnamese names. We believe this is a policy of quiet genocide and ethnic cleansing targeting our Montagnard people. Why? The Vietnamese Communist government wants our precious land of the Central Highlands and their goal is complete assimilation.

Need for Development Assistance

The United Nations, the European Union, and the U.S. State Department have all acknowledged that the rate of poverty for the Montagnard indigenous peoples is much higher than the majority Kinh or Vietnamese populations in Vietnam. Hanoi government policies have been carefully constructed to prevent educational opportunities abroad for Montagnard students. The policies have restricted NGOs from working in the Central Highlands for years. We ask and recommend that the UN and the U.S. government put more emphasis on development assistance, scholarships, boarding schools and Montagnard education in the Central Highlands.

Montagnards do not have the same opportunities in education and development as Vietnamese people. For example, over 15,000 Vietnamese students have been sent to the US for education, but not a single Montagnard college graduate is allowed to have a scholarship to the U.S. The U.S. Consulate website promotes educational opportunities for Vietnamese students. We believe more can be done and should be done for the indigenous Montagnards who were such loyal allies of the U.S. during the Vietnam War.

Abuse of Free Emigration

The government of Vietnam continues to break the agreement of free emigration that was outlined in the U.S. Jackson-Vanik Amendment that was tied to the U.S.-Vietnam Trade Agreement in past years.

Montagnard family members who are eligible to emigrate legally to the U.S. still face obstruction in obtaining Vietnam documents necessary in the U.S. immigration process. There is also the issue of family visits. Family members, on returning to the Central Highlands, many of whom who are U.S. citizens, are always interrogated by the local police. These American citizens are often called back three and four times to the local police office to face harassment and inappropriate questions about the Montagnard community in the U.S.

On November 2011, one Montagnard American couple traveled to Vietnam from NC spending thousands of dollars in air fare and 22 hours fly to Ho Chi Minh City with the plan to visit their family in the Central Highlands. At the airport in HCM, the police stopped the Montagnard American family and would not even allow them to talk with their family who had driven for hours from the Central Highlands to the airport to pick up the visiting family. The police then forced the Montagnard American citizens back to the US and said it was an order from government, regardless that the Vietnam Embassy had already approved the visa.

Some Montagnard families before they return to US have experienced the police making them sign a paper saying that the American Montagnard visitor would not say anything bad about the Vietnamese government after leaving Vietnam.

Vietnam continues to break its agreement about free emigration and freedom of movement in the country.

Mr. Chairman, it is our privilege to come here today to tell you the truth about the Montagnard human rights abuse that the Montagnard Indigenous Peoples are facing right now in Vietnam's Central Highlands. We Montagnards are treated like enemies in our own homeland. Hundreds of prisoners in Ha Nam prison are suffering terrible abuse and isolation, and other Montagnard men, women and children quietly suffer in their villages under constant fear and police surveillance.

We hope that the Committee today, the U.S. government and the world, will hear our prayer and plea for help.

Thank you very much for the opportunity to share the plight of our Montagnard people in the Central Higlands of Vietnam and our recommendations on how to help.

Respectfully,

Rong Nay

Mr. SMITH. Mr. Nay, thank you so very much for your testimony and very practical recommendations.

I'd like to now recognize Ms. Vu for such time as she would like to use.

STATEMENT OF MS. PHUONG-ANH VU, VICTIM OF HUMAN TRAFFICKING

[Testimony delivered via translator.]

Ms. VU. I would like to say thank you for the opportunity to be here and wish your family a happy Lunar New Year.

I grew up in poverty in a province called Lao Cai in Vietnam. My family is Catholic so we have difficulties living there under the Vietnamese Government policy of persecuting Christian people.

The government has the policy of persecuting Christian Hmong people and anyone that believes in Christianity. My family, we have the two of us, my sister and I. And my father died when I was 1 year old. When I turned 16, my sister was kidnapped and she's been missing since then. Heeding the Vietnamese Government's call for citizens' participation in the labor export program in 2008 I was transferred to Jordan and working in a sewing factory for a Taiwanese contractor. I was among 276 women and with the promise to only work 8 hours a day and that we would earn $300 a month. That is an enormous amount of money for myself, along with the people that came with me.

Myself, along with all my friends, each of us had to pretty much mortgage our home and borrow money, $2,000, to participate in this program. We were never given any contracts to sign and it wasn't until we got on the plane where they gave us the contract. When we got to Jordan, it turns out that nothing was what was promised to us. When we arrived, immediately they took all of our paperwork, all of our passports, and immediately put us to work. Then starting the next day, we have to work and the shift was 16 hours a day.

I worked for 10 days and I received $10. I was very upset and surprised, so I asked the employer and the employer's response was that I need to talk to the people who brought me here which would be the Vietnamese Government. I went on strike, along with some of my friends, to demand the payment for what was promised. We stopped working for 10 days and the owner gave me an ultimatum, gave us an ultimatum after that. They withheld food, electricity, and water from us. A lot of us—some of them were afraid, so they returned to work, but 176 of us remained on strike. A woman named Vu Thu Ha, she's a representative of the labor export company, she led a group of people who came to our rooms and started torturing us.

All the women there are like me, very small, and tiny and weakened by not having food and so forth. So they were beaten. I was beaten, along with—some of our friends, they hit them, smashed their head on the floor. So it was really brutal.

I witnessed myself that some of my friends were really weak and not able to defend themselves and their hair was pulled like an animal and it's very heartbreaking. And they continued to beat us and I didn't know what to do, so I took a cell phone and tried to

record what was happening, so they started beating me and the bruise is still there on my head and it's still there.

So I was heartbroken to see for myself all the women having to suffer through this. What I didn't understand was that after the owner of the company witnessed us all being beaten and he did not do anything and then afterward they all were shaking hands. So I didn't understand why that was happening. We were isolated and confined in rooms. We tried to get help and scream through the windows. Nobody came. The Jordanian police were there, but they were there to help beat us, rather than helping us.

A lot of my friends were vomiting blood and they were obviously seriously injured. I tried to call for help and no one came to help us. So I didn't know what to do so I have to find food and medicines to help my friends. I had to gather everything that we have and even the tampons for women to sell to get the money to buy noodles for my friends. I'm sorry, but it gets very emotional for me.

And then one day the Vietnamese Government delegation came. I was happy because I thought they would be there to help us. But it turned out they came, it was very disappointing because not only did they not help us, but they also threatened me. The reason they threatened because I was the one that contacted the newspaper in Vietnam. They did an article and the article got to Dr. Thang, that's how he knew about it and Dr. Thang sent us money and that's why they came to threaten me.

I used the money that was given from Dr. Thang to get medicine for my friends, but the government accused me of collaborating with the NGOs for my own benefit. I asked Dr. Thang to help my friends because most of them were very sick from being beaten and Dr. Thang arranged to have some physicians from IOM to come and help them. After the IOM delegation came and left, we were confined and isolated again and we were not allowed to leave. Then we were able to return to Vietnam and I learned that it was thanks to the Congressman and Dr. Thang.

There are two gentlemen named Truong Xuan Thanh and Tran Viet Tu that announced I was returning home and there were threats that I would be imprisoned when I returned home. Dr. Thang helped me escape and when I got to Thailand I was able to escape from the government. The journey of my escape was very long and time is limited, so I won't be able to explain all that right now. While I was in Thailand I was threatened by the Vietnamese Embassy and they said they would cut me into thousands of pieces. And I have that recorded, that conversation. While I was living in Thailand for 3 years, there was a lot of suffering including for my mom and it was very emotional for me while I was staying there.

The most heartbreak for me was my 3-year-old daughter was electrocuted and died and she was not allowed to be buried unless I am home. They wanted me to go home before they can allow her to be buried. I was ready to go home to at least bury my daughter, but I learned that the police, the Vietnamese police were surrounding my home.

One of my friends who was beaten has died because of the injury. I don't know what else to say. I just wanted to send my gratitude to Dr. Thang and Congressman Smith and the panel and the U.S. Government for allowing this hearing and hope that it will help my

people. I know there's going to be a lot of uncertainties and threats for me participating in this hearing. However, I chose to do it because I don't want a second Phoug-Anh like myself. I would like to be able to prevent this from happening to other people.

I wish that everyone on the panel along with everyone here in the room now that you have heard my testimony that you would raise the voice and do something to help the Vietnamese women from suffering from human trafficking.

[NOTE: An edited version of the previous oral testimony, provided by Ms. Vu, appears in the appendix.

[The prepared statement of Ms. Phuong-Anh Vu follows:]

Statement of Ms. Vũ Phương-Anh, a victim of the human trafficking condoned by the Vietnamese government

Before the House of Representatives
Subcommittee on Africa, Global Health, and Human Rights
January 24, 2012

Thank you for allowing me to be here today and to listen to my story.

First, I wanted to extend my thanks to Congressman Smith, Congressman Wolf, the State Department, IOM, BPSOS, and all the others who played a role in rescuing me and the other victims who shared my fate. I came today to speak for all of us victims, including hundreds who do not have a voice.

Second, although I would like to publicly name some of the US companies who caused this pain to me and my colleagues in my testimony today, I have been advised against this since it could affect my lawyer's strategy in seeking justice. I am also working with the students at the Human Trafficking Clinic at the South Texas College of Law in Houston, Texas, and Lawyers Against Human Trafficking, who are assisting me.

As a Hmong, a minority ethnic group in Vietnam, I grew up in poverty in Lao Cai Province. Being Catholic compounded my family's difficulties in making a living. Vietnam's government follows a policy of persecuting Christian Hmong people. My parents have only two children, my sister and I. We left school early – I completed only the fifth grade – because our parents needed help. When I was 16, my sister who 3 years older, was kidnapped and has not been found to this day. We believe that she was sold in China.

Heeding the Vietnamese government's call for citizens' participation in its labor exports program under the policy of "eradicating hunger and reducing poverty," I signed up and paid an exorbitant fee for Chinese lessons (even though I already spoke Chinese) and other travel fees (in total that cost me over 5 years of wages.) In early 2008 I was brought to Jordan to work in a sewing factory operated by a Taiwanese contractor, whom I later discovered was a third party agent of several large US companies. I had been promised an 8-hour workday and a monthly salary of $300, which was huge! It was only a few hours before our plane left Vietnam, that we were given contracts to sign – by then we had already borrowed money from Vietnam's state-owned banks and private loan sharks in order to pay the large fees, and could not turn back. A number among us had applied for work in Brunei or Taiwan, but ended up in Jordan. Many could not read the contracts as they were in foreign languages to us.

Upon landing in Jordan, my employer kept all of my papers and had me start working that same day, without any rest. There were 271 of us Vietnamese workers, living in a dormitory on company grounds. We produced outfits for two American firms because I saw the logos with their names on the clothes and labels that we were sewing.

I worked from 7:30 a.m. until midnight everyday. On the 10th day, they paid me $10 for the entire ten day period -- $1 for each 15-16 hour day that I worked. I was furious and upset.

Then I realized that all of us had been deceived. We were already indebted to the labor-export companies for over $2,000 to $2,500 per worker (compare that exorbitant amount to each of our annual income in Vietnam of a few hundred US dollars).

On February 10, the Lunar New Year's Day, we went on strike to demand our employer to pay us as our contract stipulated. He responded by stopping the provision of food and cutting off power and water to our dormitory. That lasted for 10 days at the end of which, he gave us an ultimatum, threatening dire punishment if we persisted in not working. A number of us were intimidated and resumed work. However, most of us -- 176 of us -- continued to strike until the employer paid us what he owed us.

On February 19, Ms. Vũ Thu Hà, a representative of the Vietnamese labor-export companies, entered our dormitory room with security guards and began to assault us females who were already weakened and sick for lack of food. I saw with my own eyes beefy guards pulling Kim Anh, who was bedridden, from her upper bunk, throwing her to the ground, with her head hitting the side of the bed. I also saw guards pulling unconscious Đoàn Thị Ngọc by her hair like pulling a dead animal. (Photo: Trần Thị Ánh)

The guards used their batons on us without mercy. Their batons left a scar on my head because they attacked me when I used my cell phone to record the horrific scene. We had to break the glass pane of a window and screamed for help from outside, but we had no luck.

Jordanian police showed up some time later. Our initial feeling of relief was shattered when policemen started to beat us with their batons, inflicting several injuries and causing some of us to pass out, and scaring all of us. Our employer stood there and did nothing. He continued to withhold food from us. We had to sell our personal belongings, including hygiene pads, to buy instant noodles for those who were gravely ill. We raised less than $10.

I was able to get word out to a newspaper in Vietnam. A few days later, one of us received a call from Dr. Nguyễn Đình Thắng of BPSOS who had read that article. After hearing about our plight, he sent $3,000 to sustain us for a while.

On February 27, following his advice, a small group of us stealthily left the dormitory and reported the situation to a nearby office of the Jordanian Labor Ministry. Within a few hours, a delegation from IOM and the Labor Ministry came. The IOM physician examined wounded workers and sent 5 to emergency care. After the group left, our employer continued to confine us to the dormitory. They fed us, but very inadequately. Ms. Vũ Thu Hà, the representative of the Vietnamese labor-export companies kept watch. (Photo: IOM personnel examining sick and wounded Vietnamese workers)

On March 10, the Vietnamese government sent a joint-agency delegation to Jordan. Mr. Trần Việt Tú, Vice Consul General for Egypt led the group that included officials of the Ministry of Labor, War Invalids and Social Affairs (MOLISA) and the Ministry of Foreign Affairs (MOFA), and also the managers from the labor-export companies. Mr. Tú and Mr. Trương Xuân Thanh, Vice-Director of the Consular Office in MOFA (now Consul General in Frankfurt, Germany), looked for me among the workers. They accused me of being reactionary and

accepting money from overseas NGOs, and said that they will have me taken back to Vietnam to face punishment. They also asked the rest of us to resume work (Photo: the delegation sent by Vietnam's government and Ms. Vũ Thu Hà, the person who led the Jordanian security guards during the assault on Vietnamese workers)

On the following day, they moved all of us to the company's warehouse and posted guards at all the doors. Our employer, the person who exploited us and brought guards and policemen into the dormitory to assault us, was the first to speak to the assembled workers sitting on the floor. (Photo: the delegation from Vietnam) The delegation threatened us, led us individually to a separate room to force us to sign some papers that we were not allowed to read in advance. We resisted. Several workers tried to run out of the warehouse, but members of the Vietnamese delegation used force to stop them. Fortunately the Jordanian security guards themselves saved us by opening the doors wide. A Vietnamese delegation member pulled Ms. Ánh by her hair and applied a joint lock on her arm. She passed out because she was still weak from being beaten badly by security guards a few weeks before. Some of us helped bring her to her room where she lay unconscious for a long time. (Photo: Ánh in a coma)

The delegation from Vietnam gave us nothing, not even a pack of noodle, an ounce of medicine, or a penny, in spite of our apparent weakness, illness and being undernourished.

Beginning on March 17, Vietnam's government repatriated us in small groups of 5 to 6. I found out later that the Jordanian government had pressured Vietnam into doing so after Representative Chris Smith met with the King and Queen of Jordan. Congressman Frank Wolf wrote to the Jordanian ambassador in the U.S. We thank Messrs. Smith and Wolf, and please convey our gratitude to the King and Queen of Jordan.

At the same time I was told that both MOLISA and MOFA held several press conferences in Vietnam to vilify and threaten me. The MOFA spokesperson who accused me is currently Vietnam's Consul General in Houston, where I am living.

After hearing all that, when waiting for a plane transfer at Bangkok Airport in Thailand for the last leg of the flight to Vietnam, I quietly left the airport. I had my passport and went to meet a person that Dr. Thắng had arranged to meet me outside of the airport to take me to a safe place. This took place on March 28, 2008. My former co-workers let me know some time later that the Public Security police who waited to meet repatriated workers were quite angry when they learned that I had escaped.

While in Thailand, BPSOS assisted me in my daily life and with legal aid for my refugee status application. Regrettably, UNHCR refused to recognize me as a refugee on first instance. During the appeal period, personnel from the Vietnamese Embassy in Thailand tailed me and frequently threatened me via telephone – they would have my relatives in Vietnam harmed and my body chopped up after they kill me. I recorded their threats. During the 2.5 years in Thailand, BPSOS had to move me 4 times because embassy personnel managed to track me.

It was a terrible blow for me when I learned on August 1 that my three-year old daughter had been in an accident and been electrocuted in Vietnam. I passed out twice and seriously

considered suicide. I lost appetite, could not sleep and had to be hospitalized several times. I even considered sneaking back to Vietnam for my daughter's funeral. However, many people dissuaded me, stating that I would have been jailed or worse by the Vietnamese government. Later, my relatives informed me that the Public Security police surrounded my house, and prevented my family from burying my daughter for a number of days to see if I would return.

In Thailand I maintained contact with fellow workers, now back in Vietnam, who stood up against our exploitation in Jordan. They were determined to fight for justice and sought reimbursement by the labor-export companies. They sent petitions to many government offices, from the Prime Minister to the People's Procuracy, from MOLISA to the People's Committees. The Public Security police threatened them. Ms. Nguyễn Thị Luyến, who rode her motorbike to meet several former co-workers to collect information and signatures, was hit in a deliberate traffic accident with the warning: "you will not survive next time". Luyến continued her task. Once, as she returned to her hometown from Hanoi, two motorcycle riders trapped her between them and pushed her into an oncoming truck. Although she did not die, she is now in a comatose state.

A number of former workers hired a lawyer to sue their labor-export companies. In court, the judge ordered the plaintiffs to negotiate with those companies, the same ones that had defrauded and trafficked them. On December 30, the Public Security Ministry in Hanoi ordered the most active plaintiffs to their offices where officials scolded, threatened and ordered them to stop all efforts aimed at seeking justice. (Photo: victims of trafficking filling out petitions demanding justice)

As a last resort, I requested Dr. Thắng to help a number of people who were gravely ill or whose family was in dire financial straits by introducing them to the IOM office in Hanoi. However, Vietnam allowed IOM to assist only those that Vietnam's government authorized to receive assistance. Dr. Thắng arranged for the victims to meet with the U.S. Embassy officer in charge of anti-trafficking in persons. She promised to help, but nothing came out of it. (Photo: meeting with U.S. Embassy staff)

Ms. Ngọc, the worker whom Jordanian security guards dragged by her hair, did not recover; she was carried in a litter when she got off the plane in Vietnam, and passed away a year later. Ms. Ánh, who was roughened twice in Jordan, lost weight permanently and is still weak. Ms. Thảo, who was always with me during the fight in Jordan, left her hometown, got married and gave birth, but the government refused to issue her marriage license. Many others left to work as migrant workers in other countries in order to pay their debts.

I still suffer from trauma, fainting spells, loss of sleep and loss of appetite. I have a chronic headache from a blow by a Jordanian guard. Last week I had to go to the hospital on account of my headache. Threatening email messages and phone calls still come to me after I resettled in the U.S.

I have tried to share my story with different groups who have wanted to assist me. I know that testifying today will increase the risk to me and my family. However, I must bring to light the human trafficking that the Vietnamese government supports so that no one else will

need to suffer like me. I want to raise awareness and make those accountable for their actions to pay and to stop their terrible deeds. I want US companies to take responsibilities and not hide behind third parties who torture, imprison and kill us.

I sincerely thank all of you for everything that you have done for me, my fellow co-workers, and many other victims of human trafficking in the world. Please help me in putting an end to the human trafficking associated with Vietnam's labor-export program.

Mr. SMITH. Thank you so very much for that extraordinarily moving testimony. It moves this subcommittee and moves, I'm sure, the members of this committee to do even more to combat human trafficking so that there are no victims, hopefully fewer and then no victims. So your testimony will be pivotal, so thank you so very much for sharing it. If there is retaliation against you, your friends, your family, or anyone—please, let us know about that. We will also alert the administration as to that retaliation, and I know in a bipartisan way we will do everything we can to ensure that that does not happen, because again, coming here was an act of bravery, especially when an Embassy person tells you they will cut you to pieces. After hearing Dr. Thang and others explain the widespread use of torture which includes cutting, it is a threat that cannot be taken lightly and it brings nothing but dishonor to the Vietnamese Government.

Mr. Sifton?

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

Mr. SIFTON. Thank you also for the invitation to testify today and I would echo what other witnesses said and all of us at Human Rights Watch appreciate the subcommittee's interest in the human rights situation in Vietnam and welcome the efforts today to address it.

The other witnesses today and the members of the subcommittee themselves already provided a lot of information about many of the human rights issues in Vietnam today including the crackdowns on religious activity, the problems facing ethnic minorities, the increased attacks on political dissidents, migrant and trafficking issues, and the worsening crackdown on free expression generally.

I will add from the written version of my testimony. There's some issues with land rights and land confiscation which need a little bit more attention paid to them and some continuing problems with torture and police brutality which we highlighted, I highlighted in the written version of my testimony. There's also these worrying new facts about forced labor camps, administrative detention centers. And we don't have time to run through each of these points now again, but again, I've provided details in each of the points in my written version of the testimony.

In terms of the overall picture, I can sum it all up in a simple sentence. The state of human rights in Vietnam is very poor and it's growing worse. As the other witnesses have noted in the last year, the government has actually intensified its repression of activists and dissidents, bloggers, writers, human rights defenders, land rights activists, anti-corruption campaigners, and religious and democracy advocates, advocates for minorities, and all of these folks from all across Vietnamese society are being subject to harassment and intimidation and arrest and imprisonment and torture. And I'm not even mentioning fully the issues of Internet restrictions, a topic on which you could easily have an entire hearing unto itself. But suffice it to say we're seeing increased evidence on that front of government filtering of Internet content, blogs blocked by local Internet service providers, comments critical to the government being removed from news postings, Facebook is blocked inter-

mittently in many areas. And indeed, the only reason it's not being blocked everywhere appears to be the government hasn't completely figured out how to do that. The government is growing increasingly sophisticated in its filtering. It's not easy to block the Internet because of its design and its set up, but as China has shown it's possible and it's looking increasingly like Vietnam is following the China model.

I'd also repeat what the other witnesses have said including Congressman Cao which is that land rights issues, land confiscation issues, both for ethnic minorities and religious groups and just for Vietnamese citizens across the country is an area of increasing concern. And again, police brutality, torture, absolutely is another issue I flagged in my written version of my testimony which Dr. Thang mentioned.

Another issue though just to flag right now very quickly is administrative detention. In the report we issued last September, "The Rehab Archipelago," Human Rights Watch documented a lot of abuses in these administrative detention centers and that report I'd love to submit to the report of this hearing. The details are all in there, but I just want to note now that the administrative detention is not just for drug users. Drug users were what we talked about in that report. But it was also reported to us of Vietnamese citizens placed in administrative detention for being homeless, for engaging in prostitution. There's even a recent case of authorities using administrative detention camps for dissidents. Last week, last November, excuse me, a People's Committee in Hanoi ordered police to send a prominent land rights activist to an administrative detention center for 24 months. It's that news article that Congressman Royce referred to that resulted in this Wall Street Journal article being written which then was blacked out in the editions that were delivered in Saigon at least. And it speaks for itself.

I can also offer to the subcommittee the actual text of the article that was blacked out in case you actually would like to see that.

Mr. SMITH. Without objection, we'll put in both the blacked out as well as the full.

Mr. SIFTON. I'd echo and repeat Dr. Thang's point about products produced in forced labor entering the supply chain, including possibly into the United States. A good example of a product like that is cashews. Members of the subcommittee may want to think about that the next time you're offered some cashews, for instance. Cashew nuts don't have certificates of origin like diamonds do, so you can't prove that a specific cashew nut comes from a particular country, let alone a particular forced labor camp. But it's a fact that Vietnam is a leading exporter of cashews in the world and the United States is its biggest importer of cashew nuts in the world. So if you perhaps eat 100 cashews over the year, there's a chance that some of them were shelled in a forced labor camp in Vietnam. And I would note that food writers now coin the term "blood cashews" to refer to Vietnamese cashews. This is perhaps the first report where I ever engaged in advocacy, not just with the State Department and the White House and PEPFAR, but with food writers. I even corresponded with celebrity food writers like Anthony Bourdain about this issue.

So I raise these issues in order to make a point. There's a growing global awareness today that Vietnam is a country that has a very problematic human rights record and it's getting more attention. It's in the public consciousness and this provides us a really great opportunity to talk about what can be done and how U.S. power can be leveraged to affect serious improvements on human rights in Vietnam. That's really how I'd like to end.

There are several possible approaches I want to offer. The State Department, as you referred to in your opening statements, is negotiating a strategic partnership with the Vietnamese Government. The U.S. Trade Representative is negotiating with Vietnam in the context of the Trans-Pacific Free Trade Agreement. So obviously, the administration has a lot of levers to pull and push with Vietnam. Our understanding is that the State Department and the U.S. Trade Representative are pulling and pushing those levers. Michael Posner, the chief of the State Department's Democracy, Human Rights, and Labor Section has been a very vocal critic. During the recent U.S.-Vietnam human rights dialogue, he didn't pull any punches. He arranged to have the Vietnamese Government delegation sit down directly with us at Human Rights Watch and we gave them all kinds of criticism.

Secretary Clinton was very vocal during her trip with President Obama through Hawaii and on to Bali during the East Asia Summit last November. She made clear Vietnam's human rights problems are an impediment to reaching better diplomatic relations with Vietnam and other U.S. officials have made the same point, including Members of Congress very recently have said the same thing. But it's vitally important not to let up the pressure and that's what I really want to say today. The test will not come now, but will come at the 11th hour, some time in the next few years when the State Department is finalizing a strategic partnership, military to military relationship. The Pentagon will be involved. And the U.S. Trade Representative will be completing its agreement with the TPP nations, including Vietnam.

Let me say as an aside, I very much doubt that the TPP negotiations will be finalized this year, despite what the U.S. Trade Representative says, but whenever it happens, U.S. resolve on human rights in Vietnam has to remain steady and strong. So this subcommittee, as well as the Vietnam Caucus and other important players, are really important actors in clarifying and conveying those concerns to the administration.

This is what we think and I think this is what the administration thinks. I hope it's what you think. The U.S. has an agenda for change here. The idea is to encourage Vietnam to improve its human rights practices and that will enable better international relations, increase military to military engagement, better trade engagement, but there can't be a last minute change in heart. You can't have the administration suddenly leaping to a different idea, suddenly offering a new doctrine, suddenly making some claim based on faith that Vietnam is going to change gradually, organically, it will take time, that the change will be more likely when the United States engages with Vietnam, that we should engage with Vietnam because that will bring about change. Those are the clichéd theories of change that were offered with China in 1994

when the Most Favored Nation status was up and we can see how well that worked out.

So our request to you is simple. Don't let up. The administration may come later and offer the theory that I just articulated and I imagine you'll hear it from the U.S. Trade Representative's office first. And I'm saying please don't accept it. Don't take that bill of goods. Vietnam needs major reforms and if they don't make them, Congress should just tell the administration, whatever administration it is, that it doesn't support broader agreements. Vietnam needs the United States more for its strategic objectives than the United States needs Vietnam. And that's leverage that just can't be wasted.

So we greatly appreciate your consideration and our recommendations and as the other witnesses have said, thank you for allowing me to testify.

[The prepared statement of Mr. Sifton follows:]

Testimony of John Sifton,
Asia Advocacy Director,
Human Rights Watch:

House Committee on Foreign Affairs,
Subcommittee on Africa, Global Health, and
Human Rights

January 24, 2012

"Examining Ongoing Human Rights Abuses in Vietnam"

Thank you for the invitation to testify today. Human Rights Watch greatly appreciates the committee's interest in the human rights situation in Vietnam and we welcome your efforts today to address it. The other witnesses today have provided detailed and important information about many of Vietnam's most serious human rights problems, including the ongoing crackdowns on religious activity and the problems facing ethnic minorities. I want to add a few other topics to the discussion, specifically issues of increased attacks on political dissidents, a worsening crackdown on free expression, and worrying new facts about forced labor camps.

First, however, let me offer a comment that from our perspective, the timing for this hearing could not be more appropriate.

Two days ago, at a press conference in Cairo, Human Rights Watch's executive director, Kenneth Roth, issued our annual World Report, with chapters on over 90 countries on which we conduct research—including Vietnam. That report is now online, and I've brought copies of the Vietnam chapter, and which I wish to request be made part of the record for this hearing.

What our report says—in a nutshell—is that the state of human rights in Vietnam is very poor. In the last year, the Vietnamese government has intensified its repression of activists and dissidents and cracked down harshly on freedom of expression, association, and assembly. The victims of repression have come from across Vietnamese society: bloggers, writers, human rights defenders, land rights activists, anti-corruption campaigners, religious and democracy advocates, activists for minorities. All have been subjected to government harassment, intimidation, arrest, torture, and imprisonment.

In terms of legal actions, in 2011 Human Rights Watch recorded 33 cases in which the government prosecuted peaceful activists, and sentenced them to a total of over 180 years in prison. We're talking about people prosecuted and jailed for doing nothing more than writing a blog on-line, organizing a community association, or holding up a placard in front of a government office—all examples of exercising the basic rights to freedom of expression, association, and peaceful assembly that are guaranteed by the International Covenant on Civil and Political Rights, which, I should add, was ratified by Vietnam.

Among those convicted for their peaceful advocacy are Dr. Cu Huy Ha Vu, a prominent legal activist; and Phung Lam, Vi Duc Hoi, Nguyen Ba Dang, Pham Minh Hoang, Lu Van Bay, and Ho Thi Bich Khuong, all prominent pro-democracy advocates and human rights bloggers. The authorities arrested at least 27 other rights activists pending investigation and/or trial. In addition, we know of at least two other bloggers—Nguyen Van Hai (a.k.a. "Dieu Cay") and Phan Thanh Hai (a.k.a. Anhbasg)—have been held without trial since 2010.

The dissidents I've just mentioned are the people who have been brave enough to speak out, act, write, or demonstrate. It is impossible for us to document or quantify the unknown number of cases in which Vietnamese citizens keep silent, censor themselves, refrain from protest, and do nothing for fear that exercising their rights would put their lives or liberty in danger. But sitting here today I can testify that we have no doubt that many, many Vietnamese live in such a state of political inactivity, in large part because of the increasing crackdowns on those who do speak out. This environment of repression ensures that millions of Vietnamese—even those who wish simply to keep their head down, work for a living, support their family—must keep quiet in the face of unfair or incompetent governance or corruption.

And I'm not even going to launch fully into the issues of internet restrictions, a topic on which you could have an entire hearing. Suffice to say that we are seeing increasing evidence of government filtering of internet content: blogs blocked by local internet service providers, and comments critical of the government removed from news postings. Facebook is blocked in many areas—and indeed the government is growing increasingly sophisticated in its filtering. It's not easy to block the internet—because of its very design and set up—but as China has shown, it's possible, and it is looking increasingly like Vietnam is following the China model.

Indeed, this is one of the reasons I offer a focus here on freedom of expression, association, and assembly, which often are the avenues for the exercise of other rights. In a country like Vietnam, where no real democracy exists and courts are neither designed nor fully mandated to protect the rights of individuals against the state, the recourse of speaking out and protesting is a vital tool for raising awareness of abuses. Without this right, it is difficult to articulate complaints about the violations of other rights. Civil and political rights don't put food on your table or a roof on your head, but they let you challenge the government and ask, for instance, why you've been made homeless by land confiscation—an issue the other witnesses have described.

Let me turn to that issue now. Human Rights Watch agrees that land rights issues are one of the most serious issues facing Vietnam today. Indeed, in the last year we have seen increasing problems with land confiscation by state companies, or private companies backed by the state, either entirely without compensation or without adequate compensation. This practice is especially damaging to farmers who lose their farmland and source of livelihood.

We have received reports of peaceful land rights petitioners being arrested by police and prosecuted on trumped-up criminal charges. Late last year, we received reports of two land rights activists who were arrested for "abusing democratic freedoms," a violation of article 258 of the Vietnamese penal code.

Police brutality is another major issue. Abuse by police is endemic in Vietnam. There have been a remarkably large number of unexplained deaths in police custody, and our monitoring reveals the routine application of disproportionate police force against peaceful demonstrators and violators of minor laws. In 2011 alone, there were at least 21 deaths in police detention. In one case that came to our attention last February, a man in Hanoi was arrested for not wearing a motorcycle helmet. He was beaten in front of witnesses on the street. He ended up dead; a broken neck.

Another issue I want to flag is administrative detention. In a recent report we issued last September, *The Rehab Archipelago*—I've brought copies along if anyone wishes to have one—we documented serious human rights abuses in detention centers for drug users, including forced labor. Former detainees in drug-detention centers reported being forced to work in cashew processing and other forms of agricultural production, as well as garment manufacturing and other forms of manufacturing, such as making bamboo products. Importantly, these are not convicted prisoners, but persons who are either thrown into administrative detention without due process, or persons who enter voluntarily but can't then chose to leave.

Vietnam's government claims that forced labor, which they call "labor therapy," is an effective form of drug treatment. There is no evidence to support this claim. On the contrary, the UN Office for Drugs and Crime issued a statement in the wake of our report noting that Vietnam's force labor method is not an effective form of drug treatment. USAID has said the same thing.

In any case, administrative detention is not just for drug users. Cases have also been reported of Vietnamese citizens placed in administrative detention for being homeless or

engaging in prostitution. There is even a recent case of authorities using the administrative detention camps to detain dissidents. Last November, the Hanoi Municipal People's Committee ordered police to send a prominent land rights activist, Bui Thi Minh Hang, to Thanh Ha administrative detention center in Vinh Phuc province for 24 months.

Apropos of that case, I would like to submit to the hearing an image of the editorial page of the Wall Street Journal Asia Edition, from January 12, 2012, as it was delivered to subscribers in Saigon. This photograph was taken by an American businessman who lives and works in Vietnam. The op-ed at the bottom, which appears to have been blacked out with marker in each edition of the newspaper flown into Vietnam, was about the case I just mentioned.

I think the image speaks for itself. I can also offer for the record a copy of the text of the article which was blacked out.

I want to add that our recent report about the drug treatment centers revealed that some of the products produced in the facilities made their way into the supply chain of companies that sell goods abroad, including to the United States and Europe.

You may want to think about that the next time you are offered some cashews. Nuts don't have certificates of origin, like diamonds, so we can't prove specific nuts are from a particular forced labor camp in Vietnam, but it is a fact that Vietnam is the leading exporter of cashews in the world, and the United States is the biggest importer. So if you, or one of your constituents, eats 100 cashews over this year, there's a chance some of them were shelled by a forced laborer in a drug detention camp in Vietnam. I would note today that food writers have now coined a term, "blood cashews," to refer to Vietnamese cashews, and this was because we engaged in advocacy on this issue not only with the White House and State Department, but with food writers. I corresponded about this issue with Anthony Bourdain, for instance, the celebrity food writer and television personality, who travels to Vietnam from time to time.

I raise these details in order to make a point: the fact is that there is a growing global awareness today about Vietnam as a country that has a problematic human rights record. All of these facts—including internet restrictions and the blocking of Facebook—are getting more attention.

Now, what is to be done? What should the US government do to affect serious improvements on human rights in Vietnam?

There are many possible approaches. The State Department is negotiating a strategic partnership with the Vietnamese government. The US Trade Representative is negotiating with Vietnam in the context of the Trans-Pacific Free Trade Agreement. Obviously the administration has a lot of levers that it can pull and push with the Vietnamese government to register its impressions with respect to Vietnam's human rights situation. And our understanding is that the State Department and US Trade Representative are pulling and pushing those levers. Michael Posner, the chief of the State Department's Democracy, Human Rights, and Labor section, has also been a vocal critic, and during a recent US-Vietnam dialogue, he didn't pull punches. Nor has Secretary Clinton. During her recent trip with President Obama through Hawaii and onto Bali for the East Asia summit, she made clear that Vietnam's human rights problems are an impediment to reaching a better diplomatic relationship with Vietnam. Other visiting US officials—including members of Congress—have said the same thing.

But it is vitally important to not let up on the pressure. The test may come at the 11th hour, sometime in the next few years, when the State Department is finalizing its strategic partnership negotiations and the US Trade Representative is completing an agreement with the TPP nations, including Vietnam. US resolve on human rights in Vietnam must remain steady and strong.

This committee and the Vietnam caucus are important actors in clarifying and conveying these concerns to the administration. The United States has an agenda for change here: the idea is to encourage Vietnam to improve its human rights practices to enable better international relations and—with the United States in particular—increased military-to-military engagement and better trade engagement.

But there must not be a last minute change of heart. You cannot have the administration suddenly leaping to a different idea, suddenly offering a new doctrine based on faith, suddenly making the clichéd claim that Vietnam can only change gradually, organically, and that it will take time, and that change will be more likely if and when the United States engages with them.

That's the theory of change that was offered with China in 1994 when the United States granted it Most Favored Nation status, and we can see how well that worked out.

So our request to you is simple: don't let up. The administration may come to you later and offer the theory I just articulated. I imagine you'll hear it from the Trade Representative's

office first. And I'm saying to you, don't accept it. Don't take that bill of goods. Don't let the Vietnamese government move the goal posts.

Vietnam needs major reforms, and if Vietnam does not make them, Congress should tell the administration that it doesn't support any broader agreements.

Vietnam needs the United States for its strategic objectives more than the United States needs Vietnam, and that's leverage that should not be wasted.

We greatly appreciate your consideration of our recommendations.

Thank you again for allowing me to testify today.

Mr. SMITH. Mr. Sifton, thank you very much for your testimony. Your report, we would like to make a part of the record, so if you could submit that, it would be very helpful. And your final words certainly were an indictment of the Vietnamese Government. I mean the deterioration, worsening crackdown on free expression, worrying new facts about forced labor camps, ongoing crackdowns of religious freedom, and problems facing ethnic minorities, and then how you elaborated in your testimony, it just finishes what all of our distinguished witnesses laid out for us today, an egregiously deteriorating situation in Vietnam. It was bad, but it is getting worse. And I think the pivot was right after when the Bilateral Agreement was signed and all the false hope, perhaps well meaning, but unwittingly people said it will get better if we only trade a little more. That has not been the case and your point about MFN with China, I remember that day because I had gone over to Beijing. Midway through the review period brought a letter signed by 100 Members of the House and Senate, from Nancy Pelosi and so many Members of the conservative side, Henry Hyde, many others, and I gave it to the Foreign Ministry, not the top guy, but the number two who met with me, and he laughed. He laughed. He said we're going to get MFN and sure enough on May 26, 1994, they did and if you go to C–SPAN you can watch because I had a press conference. David Bonior did and Nancy Pelosi did. President Clinton ripped up the Executive order that linked human rights with trade and that was an absolute pivot point for deterioration in China. Likewise in an almost identical, parallel, way, right after the Bilateral Trade Agreement, with no linkage to human rights, things have deteriorated massively.

So thank you, each and every one of you for your testimony. I would ask our panelists in the way you have touched on it in many ways, Ambassador John Hanford, our former Ambassador-at-Large for International Religious Freedom, when he recommended, as did others in the administration—the Bush administration—that CPC status, Country of Particular Concern, be rescinded for Vietnam, it was all based on promise. John Hanford would say there are deliverables that they are willing to engage in, to stop the forced renunciation of the Montagnards, for example, and all of these other repressions of Catholics, the Unified Buddhist Church, and all the others, all these promises, promises, promises CPC was lifted, the Bilateral Agreement was agreed to, MFN conferred—and then a massive retaliation against religious believers, Block 8406, all leading to say why wasn't CPC put back last year? Well, the administration has the opportunity right now.

I held all the hearings on the International Religious Freedom Act, Congressman Frank Wolf's bill. I know exactly how the bill works. They could do it today. They could say the record warrants it. So I would ask our distinguished panelists if they might want to talk about CPC and why it is critical that it be reimposed right now with all 18 potential acts of penalty that could be imposed on the Government of Vietnam.

Secondly, on the issue of trafficking, that's the bill I wrote. And I can tell you when we did those minimum standards and redid them in '03 and '05, because I wrote those as well, and then the final bill was done, the Wilberforce Bill, which further tweaked

those standards, it couldn't be more clear that both on labor and sex, but especially labor trafficking, Vietnam absolutely warrants a Tier III ranking, which carries with it penalties as well. And for reasons that are absolutely beyond me, the administration has failed to impose what is warranted by the facts on the ground. Those designations are about those facts, with that designation. You could do nothing with CPC or nothing with Tier III if you think you're making progress, but it gives the opportunity to impose two sets of sanctions on the Government of Vietnam for trafficking reasons.

Dr. Thang, if you might want to start on those two very big issues.

Mr. THANG. Yes, Mr. Chairman. While I just asked my colleague to try to upload the video, if it doesn't work, then I can show it on my laptop. What about the CPC? In 2006, before the CPC designation for Vietnam was rescinded, we provided a list of 671 Hmong house churches in the northwestern part of Vietnam and they all tried to register themselves according to the new ordinance. And in 2007, the Vietnamese Government decided to indefinitely suspend any review of those applications in April 2007. So none of them got registered.

And during the U.S.-Vietnam human rights dialogue in 2010, to the credit of our own State Department, they presented this list again to the Vietnamese Government, this is 4 years later. And I had personally—and Congressman Cao was there, too—a meeting with Congressman Howard Berman and his staff delivered the good news, the Vietnamese Government declared right at the moment this will be our top priority when we go back to Vietnam. We'll revisit, review this list to make sure they get registered. A few months later, what happened? That massacre in Muong Nhe, just a few months later, after the promise from the Vietnamese delegation attending the U.S.-Vietnam human rights dialogue.

And when I look back at this list here and I promise to provide this for the record, the village that got razed flat by the Vietnamese Government was also on the list. They tried for so many years to register according to the ordinance of belief and religion issued in 2004. And instead of reviewing, the Government of Vietnam destroyed an entire village because they were all Protestants. And that's what happens to the CPC. So there's no improvement since '07. It's getting worse and worse.

Regarding trafficking, I propose that our Government do a simple thing. Year after year after year, the Trafficking in Persons Report, the TIP Report, listed cases of trafficking from Vietnam to other countries, Malaysia, Jordan, Taiwan, et cetera. All we need to do is to go back to the Vietnamese Government and ask them what has happened to these victims and what has happened to these export companies that were involved in these cases? We need to follow up. And it would be very clear that nothing had been done to investigate the corporate, the perpetrators and a lot has been done to silence and threaten and persecute the victims. That's a very simple task. Just go back for the past 5 years through their own TIP Reports and report it back to Congress. Based on that, make recommendations on ranking Vietnam, either Tier II Watch List or Tier III. I believe it should be Tier III squarely.

Mr. CAO. Mr. Chairman, I just want to reiterate the words of Dr. Thang and again, I just want to look at this issue from the standpoint of the leverage that we have to use against Vietnam in order to promote change. We have seen in the last 2 years, at least I have seen in the last 2 years, is that our approach, the administration's approach to Vietnam has all been about lip service. We saw a lot of things. We might condemn publicly the actions of Vietnam. But behind the scenes other things occur. We increase trade relations. We increase military operations so on and so forth, without putting very concrete steps that we would require Vietnam to follow through with the promises that they made to the U.S. Congress.

So my plea to the U.S. Congress is if the administration does not act, the U.S. Congress must act. And our action will put Vietnam on notice that we are paying attention to what they're doing, that their actions cannot escape unnoticed. Their actions cannot escape without ramifications. So again, my plea to the U.S. Congress is that the Congress must act. And I hope that the Congress will pass the Vietnam Human Rights bill, put Vietnam back on the list of Countries of Particular Concern, passing the Vietnam Sanctions bill being pushed forward by Congressman Royce, and other legislation that will force Vietnam to pay close attention to what they've been doing to their people.

Mr. SMITH. I would say to my good friend, Anh Cao, that we are scheduling a markup for the Vietnam Human Rights Act and whoever seeks to block it, because it twice passed the House, and a third time we actually had it readied as an amendment to an appropriations bill and it was blocked, all three over on the Senate side, I will absolutely call out, as I have in the past, but more so now given the fact that we have seen gross deterioration of the human rights situation in Vietnam. I don't care who is in the White House, I will say this, under George Bush, there was a relaxation or elimination of the CPC status which was done purely on faith and as I said on deliverables, within months of seeing that things further deteriorated vis-à-vis religious freedom, I and so many others were speaking out. I don't care who is in the White House. When you're getting abused, you don't say as a Republican or a Democrat, is somebody trying to protect their man who happens to be at the White House or at the State Department, not so this chairman. So if that bill is blocked, because we will mark it up in a week or two in subcommittee, I will call them out and call them out every day of the week.

Yes, Mr. Sifton?

Mr. SIFTON. A couple of low-hanging fruit about pushing these issues forward. I think that trafficking of persons, Tier III designation would be wonderful. CPC would be wonderful. We really welcome the letter to Secretary Clinton about the human rights report coming up. We're pushing the U.S. Committee on International Religious Freedom to strengthen its language, but a few words about some other players on the stage. I can't over-emphasize how important the U.S. Trade Representative is right now as an interlocutor on these issues. I mean they'll say good things about how they're listening and they want to use congressional leverage to pressure

Vietnam, but I feel like the whole situation is kind of in a state of unreality.

The U.S. Trade Representative is insisting the negotiations are done quickly and yet it seems inconceivable that Vietnam would make the kind of reforms that would be the precursor for it being a party to the TPP. So either they're planning to just throw Vietnam out of the TPP at the last minute which is one way of getting the TPP finalized, or they're going to just give up on getting the reforms that they say they want to get. So they need to be brought up here to explain exactly what the agenda is.

Of course, it's difficult to get them to talk about the negotiating strategy, but there needs to be some accountability on the USTR.

Another thing is it kind of galls me as the Asia director for advocacy, that there's this big bank out of Manila, the Asian Development Bank which gets an enormous amount of money from the United States Government and gives an enormous amount of that money to Vietnam. The World Bank does, too, but I mean the Asian Development Bank is a pretty big player and they give a lot of money to Vietnam and we're a voting member. We're the second biggest shareholder in the bank out in Manila after Japan and we ought to use that leverage at the bank and we don't. If you go out to Manila and visit the ADB today, it's like walking into the World Bank 25 years ago. I don't speak from personal experience, but from what I've heard. Human rights is not on the agenda. It's just give out money.

So again, if you can exercise the oversight over the Asian Development Bank and its funding for programs in Vietnam, that would certainly be great. World Bank, too, but of course, they're a little bit better on this.

And then lastly, the Pentagon. What exactly is on the table with the strategic partnership? What exactly is Ambassador Shear negotiating? I have full faith in Ambassador Shear in Hanoi. He's very serious about pushing these issues. They have pushed these issues. They've been helpful in a number of particular cases and they've raised general issues as well, but what exactly is being negotiated with the Pentagon? And how crucial is Vietnam to our naval posture in the Pacific? I'm not a naval strategist, but you don't have to be Admiral Nimitz to appreciate that there's more than one way to posture the fleet in the Pacific. They have to be prepared that if Vietnam doesn't reform, then the strategic partnership isn't going to go forward.

Mr. SMITH. Excellent point, Mr. Sifton. We're planning on inviting Assistant Secretary Michael Posner to testify and others within the State Department. But I think your point about USTR is a great one and we will invite them to come and testify so thank you for that recommendation. In terms of the bank, I think it is time for some oversight and perhaps a letter that we could do jointly to them and follow up on that issue as well. Those are very well taken points.

My final question before going to Mr. Green, I just want to ask in regards to your point, Dr. Thang, about the Vietnamese law on human trafficking conveniently sidestepping the Palermo Protocol which is the boilerplate language used all around the world. And if you weaken that, you absolutely will get a weakened version of

any kind of trafficking law. And the issue of torture which you laid out in frankly nauseating detail, which it has to be, it has always been my observation that when a dictatorship is doing something hideous like torturing and doing it in a very pervasive way, they often talk about signing a U.N. Convention or some other kind of convention which distracts and gets the eye to look askance as to what's happening on the ground.

China perfected that art form when they continually announced upon coming here with a high-level delegation that they were going to sign the International Covenant for Civil and Political Rights and they milked that one for years. And then there's no enforcement mechanism to any of these, including torture besides reporting and it's not to be discounted how important that is, but the torture issue, I don't think gets enough focus from Congress or from anyone of us. So I thank you especially for bringing it to our attention today.

Mr. THANG. Mr. Chairman, may I also suggest very quickly that now there are so many asylum seekers that have successfully fled to Thailand, they are the witnesses of the crime of modern-day slavery against them, of the crime of torture against them, of detention, of religious persecution against them. It's very simple for our State Department to ask our own officer to work on human rights issues in Thailand and Bangkok, just make a visit to them and talk to them, collect a lot of information that could not have otherwise been collected inside Vietnam.

Mr. GREEN. Thank you, Mr. Chairman. Again, I thank all of the witnesses for testifying and I again will focus on Ms. Vu for your testimony. As the chairman indicated, it was quite moving, compelling, and candidly, overwhelming. I'm very concerned about you. I'm not sure I should say where you live, but I'm concerned about you. My hope is that you will take to heart what the chairman said about any concerns you might have being called to his attention, our attention through him, because I have to be concerned given what I've heard.

I am concerned about persons who were left behind. Doctor, you were helpful. How many people are still in that circumstance that she was extricated from? Do you have any guesstimate?

Mr. THANG. Her last knowledge was about 70 people remaining in Jordan.

Mr. GREEN. And Doctor, from your intelligence, is this just one of multiple venues in Jordan or is this the sole venue that we have intelligence on that's in this country, in Jordan?

Mr. THANG. There are only two sweatshops operating with Vietnamese in Jordan that we are aware of and the one that we wrote on was one of the two. There might be more. Vietnam is sending more and more workers to the Middle East these days. There are three major markets for Vietnamese labor exports. One is Malaysia, the second will be Taiwan, and the third one is now the Middle East.

But let me add one thing here. You're right on the spot when you talk about safety. Because right after this subcommittee announced the hearing with her name, she got a threatening call from the place that she's living and I had to call someone in security to protect her. And I would like to——

Mr. SMITH. Pass that on to the FBI, immediately.

Mr. THANG. I would also like to add that the spokesperson of the Ministry of Foreign Affairs of Vietnam who, back in 2010 held a press conference denouncing her, is now the General Consul of Vietnam in Houston. And the one, Mr. Truong Xuan Thanh, who came to Jordan to threaten her, and tried to report to Vietnam for punishment, he's now the General Consul of Vietnam in Frankfurt, Germany. They all got promoted.

Mr. GREEN. Thank you, Mr. Chairman. And I thank you for pointing out that the FBI can be of assistance. Thank you for that. Just an aside if I may, the Vietnamese community in Houston did its part in protesting that consulate coming to Houston and more specifically we really took a hard stand on it coming into my district in Houston. There is concern. There is concern. And the Vietnamese people have raised these concerns.

Let me ask Mr. Sifton, you mentioned the blood cashews and you spoke quite well. And my suspicion is while I can't impact the policy of the United States, I can impact the policy of my congressional office. And I'm not as fond of cashews as I used to be. My suspicion is we won't have a lot of cashews in my office. But are there some other products that you can call to our attention that you have been able to trace back to involuntary servitude?

Mr. SIFTON. Yes, let me start by saying it's very, very, very difficult, especially with Vietnam in particular. There are some textile products and some other camping-type mosquito nets and some other things that we identified in our report. And the companies that we identified took quite responsible actions when it was brought to their attention, cut off subcontractors. So we haven't had a problem with sort of on the corporate side.

The real issue is in Vietnam. What we have is the Ministry of Labor overseeing what is essentially a health issue, drug dependency. Why is the Ministry of Labor running detention camps for drug users? It really belongs on the Health Ministry. I mean the real problem is there's a profit motive to the prison wardens who control these facilities. So at the end of the day it's a question of the United States, the European Union, which just engaged in an EU-Vietnam human rights dialogue, just after Michael Posner had his. Other interested nations like Norway and Canada are all making it very clear, these drug treatment centers have got to close. You get funding for HIV intervention into these centers. PEPFAR knew this. There was some HIV intervention in this. The U.N. Office of Drugs and Crime funding goes to Vietnam for these centers. This has got to stop. It's great to have drug treatment centers. People who have drug problems need to get treatment. But forced labor is not an effective form of drug treatment. Tell Vietnam to shut these facilities down.

David Shear in Hanoi agrees. He's said it. I think he should say it a little bit more vocally, but he said it. That's what would end this rather than going after the companies one by one which we've done. The most effective thing would be for the trading partners to say enough is enough, close down the centers.

One word about Jordan, though, you mentioned Jordan. I would just say Human Rights Watch globally has a huge amount of problems with forced labor, not just from Vietnam into Jordan, but from

India, Sri Lanka, Nepal. There's an active case in Federal court right now against the company in Jordan for trafficking of people from Nepal, for instance. There's a big problem just with Jordan in particular, as a target country.

Mr. SMITH. Let me just add, Mr. Sifton, before going—are you done?

Mr. GREEN. I will yield to the chair, of course, yes, sir.

I will yield.

Mr. SMITH. I didn't mean to cut you off.

Mr. GREEN. I'm fine. Thank you, Mr. Chairman. Thank you for your testimony.

Mr. SMITH. Mr. Sifton, if I could ask you, Vietnam is a focus country and they get hundreds of millions of dollars under PEPFAR. I've raised repeatedly that faith-based organizations are precluded participation by the Vietnamese Government which is contrary to Bush's vision of what PEPFAR was all about and it has worked very well in all over Africa and everywhere else where there's a PEPFAR focus country. But has our Embassy or anyone within the U.S. Government, have they investigated, as you called it, labor therapy, where PEPFAR might be commingling and money is being used in such a terrible way?

Mr. SIFTON. I would be glad to—rather than take up a lot of time now, I'd be glad to forward you the correspondence we had with USAID and PEPFAR on this issue. The bottom line is a lot of money goes to Vietnam under PEPFAR and not a lot of it goes into the drug treatment centers, but some does. The money that goes in goes for lifesaving anti-virals for a very small number of HIV positive people in the forced labor camps. So it's kind of difficult morally to say pull out and these prisoners suddenly have no HIV/AIDS anti-virals. It's a little difficult. But with that said, there's a lot of leverage that Ambassador Shear can exercise. And I think he has exercised, but again, to go back to my testimony, it's a question of keeping up the pressure and not letting it lag. That's our biggest fear is that at the 11th hour, when the agreements are finally ready to be signed, the administration will fall down and agree to all kinds of concessions and not continue to make these demands, and we will have squandered this amazing opportunity that is only going to present itself once to offer all these good things to Vietnam. I don't think they should be offered, but I'm not in charge of the foreign policy of the United States. If they are going to be offered, it's an opportunity that can't be wasted.

Ms. VU. Mr. Chairman, if I may? I'm very concerned about my safety. I was recently involved in a hit-and-run car accident. So I just wanted to raise that. It was 5 days ago.

Mr. SMITH. Did you get a look at who did it?

Ms. VU. I was exiting on a highway. And there was a white car without any plate, license plate, just hit me and then ran off.

Mr. GREEN. Mr. Chairman, if I may, one liberty, please. It is of concern because I know that there are people who want to see us doing business with Vietnam and so we're not necessarily talking about somebody doing something dastardly under the color of state protection. It could be someone totally disconnected from a state, but there are people who are interested in a business relationship,

so I am concerned and I'll be amenable to working with you, Mr. Chairman, to do what we can to make sure that the proper authorities are noticed.

Mr. SMITH. Thank you, Mr. Green. Mr. Royce.

Mr. ROYCE. Just one question and I'll ask this of Mr. Cao. The case I talked about, Viet Khang, was of a songwriter. He wrote a song appealing to the conscience of those who were brutalizing the protesters. The protest in question was one protesting China's territorial ambitions. And along the same lines he had the situation of the editorial that I showed that had been blocked out painstakingly with a marker. They had marked out on every page of The Wall Street Journal that was distributed. They had marked out this comment about the case of a woman who had organized protests of China's aggression in maritime territorial disputes. This topic really seems to get under the skin of the current Government of Vietnam. I would just ask you what does that Vietnamese songwriter, Viet Khang, what does he mean to the Vietnamese people and what do you make of the way the government is reacting to these protests about maritime aggression?

Mr. CAO. Thank you for your question, Congressman Royce. With respect to the songwriter, I would like to again bring attention to the many other activists who are involved in the promotion of democracy in Vietnam. Obviously, any democracy activist, any person who is involved in promoting freedom and religious freedom in Vietnam, they are all considered at least by us here in the United States as people of great importance. But they are seen by the Vietnamese Government as enemies of the state, so that—and the records show very clearly that many of these people are routinely beaten, imprisoned, arrested, falsely accused for actions that they deem to be illegal under state law, but behind the scenes, obviously, their intention is all about intimidation. Their intention is about cracking down on democracy activism, on religious freedom activism. And this is something that we—as a Congress, you all, as Members of Congress, must continue to pay close attention to because freedom and democracy are not only confined to the United States. It should be an idea that is spread worldwide and we saw the significance of the activists in the Middle East, the Arab Spring, and I hope that something similar might occur in Southeast Asia. Call it the Asian Spring or what have you, but at least the goals and the aspirations of a people fighting for freedom would be fulfilled.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman, and first of all I'd like to thank you on behalf of many of my own constituents and Mr. Royce's constituents as well for having this hearing today. Loretta Sanchez and Mr. Royce and myself represent large numbers of Vietnamese-Americans and we are very proud to do so and we are very grateful for the leadership that you provided over the years to make sure that their loved ones left back in Vietnam are not suffering horrible brutality from the regime that continues to oppress them.

I can't help but notice that when I go to a clothing store, more and more I'm finding clothing that says, "Made in Vietnam." And that's very disturbing to me because I realize what we have here is American businessmen going into a dictatorship in order to make

a bigger profit from repressed people who are not permitted to form unions and go on strikes and demand better working conditions. And if American businessmen are going to be investing someplace, it should be in countries that are governed by democratic institutions. I mean we have people who are struggling now in Asia to create more democratic countries like in the Philippines, for example. And we should not, the United States should have as our policy that any Export-Import Bank or any of the Pacific Banks or whatever we're talking about, the financial, the international financial structure that we are subsidizing, that that money should not be going to dictatorships. We should have that as the American policy and that would and should leave out Vietnam as it is today.

And unfortunately, even some of the businessmen that have gone to Vietnam have realized that the dictatorship, that under such dictatorships, they're not going to treat foreign investors and foreign businessmen any more fairly or honestly than they treat their own population. And there are many businessmen that have gone there and lost their investment through swindles by the government, by out and out theft by government agents. And why would we as American citizens, as free people, want to subsidize through these investment banks that we have, these international banks, people who are taking the risk of going into Vietnam or other dictatorships? We should not.

And if a businessman wants to go over there, let them take the risk, knowing that there's no free court system or judicial system in which these type of things can be taken up. So none of that. In fact, what we've heard today and I will be—I'm sorry, I was at another hearing, but I will be going through the transcripts, but I'm sure that you have underscored that the actual lack of freedom in Vietnam has gotten worse and not better and during the time period when people are investing money there. And yet, we have been told over and over again the more American interaction economically, the more investment, the more there will be reform. That has never worked in China. It hasn't worked elsewhere. It's not working in Vietnam. And I appreciate you drawing attention to that through this hearing today. So I would just stand on solidarity with you and I will be reading your testimony. I'm sorry I had a—we have hearings at the same time here. We have to run back and forth.

But I believe that one last note, we now have, I believe, an opportunity that we have leverage on the communist Chinese Government of Vietnam and that is they feel threatened by another dictatorship. How about that? Two dictatorships, two gangsters fighting over territory. We've had that happen in our country and when you've got the Government of Communist China engaged in military action against the Government of Vietnam over certain territories, it is now the moment for the United States to use that as leverage to make sure they concede points on human rights and democracy before we go in and help them. But if they're willing to do that, maybe we should help them because I do perceive that it is the Chinese who are being the aggressor. But let's use this as leverage to get some reform in Vietnam before we proceed with helping that dictatorship. Thank you very much.

Mr. SMITH. I want to thank Chairman Rohrabacher for his very eloquent summation of what this hearing has been all about. I know Dr. Thang wants to show a video. I do hope the members will stay a moment to watch that video. We held a hearing and you remember it very well about Nguyen Nam when he was murdered by the Vietnamese thugs and you did mention, of course, Con Dau earlier. And it seems to be a pattern. You want certain property owned by the church, regardless, or by one of the religious denominations, you take it, you call it eminent domain or some facsimile of that and then you beat the people to death as they did there.

Your thoughts on that, update on Con Dau? Then we'll show that video.

Mr. CAO. And again, the issue of land disputes is not an issue that is under any color of law. It's an issue of pure greed. Many of these land disputes are promoted by officials who have some kind of business dealings that would lead them to make a lot of money. So again, do not listen to what is coming out of Vietnam, but pay attention to the intentions and the stories that are being told by the citizens who are repressed and who are being arrested and tortured by the Vietnamese Government.

Mr. THANG. In answering your question, Mr. Chairman, first I would like to be the bearer of good news. The widow of Nguyen Thanh Nam, who was tortured and beaten to death, successfully fled to Thailand. I had the pleasure of meeting her during my latest trip to Thailand just last month. I would like to take this opportunity to express my concern over the State Department's inaccurate reporting regarding what happened in Con Dau Parish. The State Department's report on international religious freedom claimed that the Catholic Church had agreed to surrender the parish's cemetery to the government of Da Nang City for eco-tourism development. There is no such agreement. There is no document to support that claim. The report also claimed that the barehanded mourners reportedly attacked the anti-riot police who were armed to their teeth. How plausible was that? Regarding the death of Mr. Nam, the reporter said that this disagreement among the family members of Mr. Nam, whether he died of a natural cause or because of a beating, you can go back to the report and read that.

Clearly, the members of the family that had been approached by the police before our team from the U.S. Embassy met in Vietnam to investigate, and they were told, if you say anything you will face the same fate as Mr. Nam. Of course, they would say yes, he died of natural causes. Why didn't we, as a State Department, just present the facts, that he got beat up, he got tortured, he was poked through the ears with a sharp wooden stick and he suffered injuries, internal bleeding, and he died a few hours later. Why did we have to be speculating whether he died of natural causes or not? Just present the facts.

So it's very troubling because after the UNHCR recognized 49 of those Hmong parishioners as refugees, the next six were excluded or denied refugee status, after that report came out. So we talked to Ambassador Posner and begged him to review that and please do talk to him to revise that piece of the report.

Now regarding making the case for CPC redesignation, right after we rescinded the CPC designation in late '06, the Central Bureau of Religious Affairs, that is the counterpart that Mr. John Hanford had been dealing with, issued a document that later was leaked out in 2007 saying that we should resolutely overcome the abnormal and spontaneous growth of Protestantism and propagandizing and mobilizing the people to safeguard and promote good, traditional beliefs of ethnic minorities. That is a euphemism for forced renunciation of their Christian faith. They are being pushed to go back with the traditional beliefs and stay away from Protestantism. Here are a few pictures.

In 2008, this is what happened to Pastor Nguyen Cong Chinh when he tried to help the Montagnard in the Central Highlands. Got beaten up bloodily.

And this was what happened in 2009, a prominent member of the Unified Buddhist Church, he tried to deliver relief to the poor people in Vietnam, low-income people in Vietnam.

And this is what happened in 2009 to Father Ngo The Binh who just led a delegation to hold a prayer of solidarity with the Parish of Tam Toa that was under threat of being taken away by the Government of Vietnam.

This is what happened to a parishioner in Dong Chiem where the Government of Vietnam blew up the cross, the crucifix with explosives.

This is what happened to Brother Nguyen Van Tang of the Redemptorist Order who came to Dong Chiem to express solidarity with the parishioners in Dong Chiem. They are beaten up by the police.

This is what happened to a member of the Redemptorist Church in Hanoi in 2010. Because this is a college student and he protested the instructors from defaming his faith in class.

And this—you already saw this, a picture of Mr. Nam in Con Dau in 2010, July. And this is what happened to a member of the Baptist Church in Quang Ngai just last year, October.

The Buddhists broke in, disrupted the prayer, and beat him up. And this just happened in December, last month, in Thai Ha in an incident that Congressman Cao did mention. So this a parishioner who tried to peacefully protect church property.

So these are just a few examples of police brutality against religious leaders and people of faith. And now your permission very quickly just 3 minutes, I'd like to swho the video of very rare footage of what happened in Muong Nhe village.

[Video presentation.]

You can see here the military were moving in to demolish the entire Hmong Christian village of Xa Na Khua and Muong Nhe. You see here the government workers, the cadres, the military sitting here. And you can see soon the workers breaking down the roof here. These are homes. These are their homes here. And these are the Hmong Christians.

This is what was left of the homes. Nothing left. You see all these kids here. And then in mid-March the government came back after temporary suspension due to Lunar New Year and they demolished the rest of the village.

You see all the roofs here. And these people now have become homeless, these Christians.

And then May 1st, these small villagers they have no other choice but come together peacefully to request for an end to religious persecution and an end to demolition of their homes and the confiscation of their land, but 3,000 to 5,000 estimate. As you can see, the women, the children, they all came, peacefully, just begging the government to let them live. But then the government moved troops in, hundreds of them, surrounding and circling the demonstrators with guns, live ammunition.

Mr. SMITH. How did you get this video?

Mr. THANG. Some of the Hmong themselves, very high risk to themselves. You see batons here and electric rods and these are the mobile anti-riot police coming in. And now they're being beaten up here. They're running away, escaping. And there was a total blockage of news reporters coming in or news getting out from Muong Nhe since.

Thank you, Mr. Chairman.

[Video ends.]

Mr. SMITH. Thank you very much. Without objection, if there's any final statement our distinguished panel would like to say before we adjourn, we do have to make our way over to a vote. We're almost out of time.

Mr. THANG. Thank you, Mr. Chairman, and please do keep the attention on this issue.

Mr. SMITH. There will be a series of hearings here like I said, Michael Posner and USTR will all be here.

Mr. GREEN. Mr. Chairman, I don't know whether that's in the record, but without objection if there is none, I would ask that a copy of that be placed in the record officially.

Mr. SMITH. Without objection, so ordered.

Mr. GREEN. Thank you.

Mr. SMITH. As soon as any final statement is made, the hearing will be adjourned without objection.

[Whereupon, at 4:31 p.m., the hearing was concluded.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
Christopher H. Smith (R-NJ), Chairman

January 23, 2012

You are respectfully requested to attend an OPEN hearing of the Subcommittee on Africa, Global Health, and Human Rights, to be held in **Room 2200 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov):**

DATE: Tuesday, January 24, 2012

TIME: 2:00 p.m.

SUBJECT: Examining Ongoing Human Rights Abuses in Vietnam

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

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

Mr. Rong Nay
Executive Director
Montagnard Human Rights Organization

Ms. Phuong-Anh Vu
Victim of human trafficking

Mr. John Sifton
Advocacy Director for Asia
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, and Human Rights* HEARING

Day *Tuesday* Date *January 24, 2012* Room *2200 Rayburn*

Starting Time *2:00 p.m.* Ending Time *4:31 p.m.*

Recesses [0] (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____) (____ to ____)

Presiding Member(s)

Rep. Chris Smith

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Examining Ongoing Human Rights Abuses in Vietnam

SUBCOMMITTEE MEMBERS PRESENT:

Rep. Chris Smith, Rep. Donald Payne, Rep. Jeff Fortenberry, Rep. Robert Turner

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

*Rep. Ed Royce, Rep. Dana Rohrabacher, Rep. Al Green**

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

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Report on the Muong Nhe incident
Montagnard political prisoner list # 1
Montagnard political prisoner list # 2
Montagnard political prisoner list # 2
WSJ Editorial: Hanoi Plays Hide the Dissident - censored
WSJ Editorial: Hanoi Plays Hide the Dissident - uncensored
HRW Vietnam country summary
HRW report: The Rehab Archipelago
Photographs of victims of police brutality

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *4:31 p.m.*

Sheri Gardner
Subcommittee Staff Director

STATEMENT OF MS. PHUONG-ANH VU, VICTIM OF HUMAN TRAFFICKING

[The following edited oral testimony was provided by Ms. Vu.]

Ms. VU. I would like to say thank you for the opportunity to be here and wish your family a happy Lunar New Year.

I grew up in a poor family of ethnic Hmong in a province called Lao Cai in North Vietnam. My family is Catholic so we have difficulties living there under the Vietnamese Government policy of persecuting Christian people.

The Government of Vietnam has the policy of persecuting Christian Hmong people and anyone that believes in Christianity. My family, we have the two of us, my older sister and I. And my father died when I was 1 year old. When I turned 16, my sister was kidnapped and she's been missing since then. Heeding the Vietnamese Government's call for citizens' participation in the labor export program in 2008 I was transferred to Jordan and working in a sewing factory for a Taiwanese contractor. My group included 276 women and with the promise to only work 8 hours a day and that we would earn $300 a month. That is an enormous amount of money for myself, along with the people that came with me.

Myself, along with all my friends, each of us had to pretty much mortgage our home and borrow money, $2,000, to pay to the Government of Vietnam to participate in this program. We were never given any contracts to sign and it wasn't until we got on the plane where they gave us the contract. When we got to Jordan, it turned out that all the promises were reversed. When we arrived, immediately they took all of our paperwork, all of our passports, and immediately put us to work. Then starting the next day, we have to work and the shift was 16 hours a day.

I worked for 10 days and I received $10. I was very upset and surprised, so I asked the employer and the employer's response was that I would need to talk to the people who brought us here which would be the Vietnamese Government. We stopped working and demanded our wages be paid. The reason we stopped working was because we demanded the owner to pay us but he refused. After 10 days of being on strike, the owner gave us an ultimatum. They withheld food, electricity, and water from us. A lot of us—some of them were afraid of the employer's threats and could not withstand the hunger so they returned to work, but 176 of us remained on strike. A woman named Vu Thu Ha, she's a representative of the labor export company of Vietnam, she led a group of security officers and police who came to our rooms and started to physically assault us.

All the women there are like me, very petite, and tiny and weakened by not having food and so forth. So they were beaten. The security officers and the police pulled on our hair, hit them, they slammed their heads against the floor until blood came out from their nose and mouth. So it was really brutal.

I witnessed myself that some of my friends had become unconscious but they did not stop. They pulled and dragged my friends like animals, and it's very heartbreaking. And they continued to beat us with a batton, I thought my friend had died and I didn't know what to do so I returned to help. I took a cell phone and tried

to record what was happening, so they started beating me on the head and the bruise is still there on my head and it's still there.

So I was heartbroken to see for myself all the women having to suffer through this ordeal, being a migrant worker. What I didn't understand was that after the owner of the company witnessed us all being beaten and he did not do anything and then afterward they all were shaking hands and smiling. So I didn't understand why that was happening. We were isolated and confined in a room. We tried to get help, I broke the glass window and screamed through the windows. Nobody came. The Jordanian police were there, but they were there to help beat us and forced us to return to work, rather than helping us.

On that same day a lot of my friends were vomiting blood and they were obviously seriously injured. I tried to call back to the Government of Vietnam and the company that arranged our trip for help and no one came to help us. So I didn't know what to do so I have to find food and medicines to help my friends. I had to gather everything that we have and even the tampons for women to sell to get the money to buy instant noodles for my friends. I'm sorry, but whenever I think about this I cannot speak, it gets very emotional for me.

And then one day the Vietnamese Government delegation came. I was happy because I thought they would be there to represent the Government of Vietnam and to protect us. I was so happy, but it turned out they came, it was very disappointing because not only did they not help us, but they also threatened us. The reason they threatened because I was the one that contacted the newspaper in Vietnam. They did an article and the article got to Dr. Thang, that's how he knew about it and Dr. Thang sent us money to buy medicines for my friends and that's why they came to threaten me.

I used the money that was given from Dr. Thang to get medicine for my friends, but the government accused me of collaborating with the NGOs and abetting with the anti-government persons for my own benefit. I asked Dr. Thang to help my friends because most of them were very sick from being beaten and Dr. Thang arranged to have some physicians from IOM to come and help them. After the IOM delegation came and left, we were confined and isolated again and we were not allowed to go outside. Then we were able to return to Vietnam and I learned that it was thanks to the Congressman and Dr. Thang.

The day before we were supposed to return there were two gentlemen named Truong Xuan Thanh and Tran Viet Tu who worked at the Embassy of Vietnam in Cairo, Egypt. They told my friends that upon returning to Vietnam I would be prosecuted according to the law. Dr. Thang helped me escape and when I got to Bankok, Thailand, I was able to escape from the government. The journey of my escape was very long and time is limited, so I won't be able to explain all that right now. While I was in Thailand I was threatened by the Vietnamese Embassy and they said they would chop me into hundreds of pieces. And I have these verbal threats recorded. While I was living in Thailand for 3 years, there was a lot of suffering including for my mom and it was very emotional for me while I was staying there.

The most heartbroken for me was when my 3-year-old daughter was electrocuted and died and she was not allowed to be buried unless I returned to Vietnam. I had thought about returning to Vietnam to see my daughter one last time but the police had already surrounded my house.

One of my friends, Ngoc, who was beaten by the police has died because of the injury. I don't know what else to say. For my last words I just want to send my gratitude to Dr. Thang, CAMSA, BPSOS, and Congressman Smith and the panel and the U.S. Government for allowing this hearing and hope that it will help my people. I know there's going to be a lot of uncertainties and threats for me participating in this hearing. I will do my best to live as a witness to let the Government of Vietnam and for everbody to know. However, I chose to do it because I don't want a second Phoug-Anh like myself. I would like to be able to prevent this from happening to other people.

I also beg that everyone on the panel along with everyone here in the room now that you have heard my testimony that you would raise the voice and do something to help the Vietnamese women from suffering from human trafficking.

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

Persecution of Hmong Christians and the Muong Nhe Incident

A Report Compiled from Direct Interviews with Victims and Witnesses
BPSOS, January 24, 2012

Contact Information: bpsos@bpsos.org

In early May 2011, Vietnamese military troops attacked thousands of Hmong who gathered near Huoi Khon Village in the Muong Nhe District, Dien Bien Province (North Vietnam) to call for a stop to government confiscation of their land and for religious freedom. Reportedly scores were killed and many more injured. The government of Vietnam has effectively blocked access to the area to outsiders and news from the area from getting out. Hundreds of protestors, fearing police brutality and imprisonment, hid in the jungle. After months of hiding and trekking by land, a small number of these Hmong have arrived in Thailand. BPSOS has conducted interviews with many of them to reconstruct what had happened.

According to Vietnam's 2009 national census, there were slightly over a million Hmong living in Vietnam, mostly in the country's Northwest Mountainous region. In recent decades an increasing number of Hmong have converted to Christianity. The Vietnamese government has made it a national priority to stem the spread of Christianity in the region.

While the Prime Minister's Directive 01/2005/CT-TTg, "Special Instructions Regarding Protestantism," ostensibly declares the end of forced renunciation, in reality the authorities simply call that by a different name: "encouraging the return to traditional beliefs" as stated in the 2007 revision of the Central Bureau of Religious Affairs' "Training Document: Concerning the Task of the Protestant Religion in the Northern Mountainous Region." In another leaked document issued in 2007 (TL2007), the Central Bureau of Religious Affairs called for "resolutely overcom[ing] the abnormal and spontaneous growth of Protestantism" and "propagandiz[ing] and mobiliz[ing] the people to safeguard and promote good traditional beliefs of ethnic minorities" (page 32, TL2007).

The governments of the three Northern provinces Son La, Lai Chau and Dien Bien have been the most aggressive in carrying out this national policy. According to Father Nguyen Van Khai, a Redemptorist who did missionary work in those provinces, there is no Catholic or Protestant church permitted to function. From time to time, Catholic and Protestant clergy members from outside have visited Hmong villages in these provinces to conduct prayers, baptism, and other religious activities, but they must do so secretly, disguised as common people and coming and going under the cover of night.

Father Nguyen Van Khai conducting a secret mass for Hmong Catholics in a Northern province, March 24, 2010.

According to Father Khai, for many Hmong Catholics he was the first Catholic priest they had ever met in their lives.

In 2006, BPSOS publicized a list of 671 Hmong Protestant house churches that had attempted, since 2005 to register for religious activities according to Vietnam's Ordinance on Belief and Religion, promulgated on November 15, 2004, and the Decree on Implementing the Ordinance on Belief and Religion (22/2005/ND-CP) issued March 1, 2005. Article IV, Provision 20 of the decree specifies that affiliates of religious organizations with national legal recognition need not register their activities; they only need to notify their respective local People's Committees of their planned religious activities before October 15 of each year. If the local People's Committees do not object in writing, they may officially conduct their religious activities. The said Hmong house churches are all affiliated with the Evangelical Church of Vietnam North (ECVN-North), which has national legal recognition status. However, when they followed this decree, the local authorities required that these house churches must go through the registration process for unaffiliated religious organizations. So they went through the process. As far as we could verify, only 34 registration applications were approved, and only for one year. In April 2007, the government indefinitely suspended its consideration of registration applications submitted by these Hmong house churches.

At the US-Vietnam human rights dialogue held in Washington DC in November 2009, when presented with the said list, the Vietnamese delegation promised to give its review and resolution high priority. Nothing happened. Thirteen months later, the government sent troops in to raze flat an entire village (Xa Na Khua) whose residents had all been converted to Protestantism, which prompted a mass demonstration in early May 2011. The government sent in troops and the police mobile unit to brutally and fatally crackdown on the demonstrators.

From missionaries and asylum seekers, we have obtained first-hand reports of the following measures used by the government to target Hmong Christians:

- Arrests and detention of men, resulting in Hmong villages with few male adults
- Public transportation denied to Hmong Christians so as to block them from attending mass in near-by towns
- Prohibiting clergy members from visiting Hmong villages
- Confiscation of farm land
- Destruction of homes
- Forced renunciation of their faith
- Forced abortion

Some Hmong had to leave their villages and migrate to other areas, including in the South. Even so, they continue to be targeted by the local authorities with arbitrary confiscation of farm land, disruption of religious services, forced renunciation, and different forms of discrimination.

Despite the government's many attempts to curb it, Christianity continues to spread rapidly among the Hmong and other ethnic minorities living in Vietnam's mountainous regions. According to BBC, Vietnamese language programming, on April 5, 2011, the border patrol forces reported on its website (bienphong.cm.vn) that the Vàng Chứ (God) religion (Christianity) was spreading rapidly in border regions of Dien Bien.

The mass demonstration of May 2011 in Muong Nhe District, Dien Bien Province

On January 28, 2011, the government sent military troops with order to raze all the homes and take over all the farm land in the Hmong village of Xa Na Khua, Ban Nam Nhu, Huyen Muong Nhe, Dien Bien Province. Listed among the 671 Hmong Protestant churches that have tried to register, mostly unsuccessfully, for government approval of their religious activities, the village is home to over a hundred households, all Protestant. The authorities told the villagers that Protestantism was an American religion and since they refused to renounce their faith, they had no place in Vietnam: "You should go to America to till America's land and follow America's religion." The government sent workers in to bring down the homes, starting with those at the entrance of the village. They suspended work after having demolished 13 homes.

After the Lunar New Year, on March 15 they came back to finish their job. Villagers who took pictures of the demolition of their homes were arrested. The villagers asked the authorities on site, "where do we go now?" and were told "wherever but not here."

Troops ready to enforce government order to raze the entire Hmong village of Xa Na Khua, Jan 28, 2011.

Government workers demolishing homes in Xa Na Khua.

What's left of the Hmong villagers' homes.

The villagers decided to demonstrate against the demolition of their homes. Words got out to Hmong communities in other provinces, who were also targeted by the government's policy of persecution against Hmong Christians. On May 1, 2011 thousands, including men, women and children, gathered in a location near Huoi Khon Village in Muong Nhe District, some coming from as far as Dak Lak and Binh Phuoc in the South. On May 2, the local government and police arrived and asked for the reasons of the demonstrations. The demonstrators explained that they wanted to petition for the freedom to practice their faith and a stop to the confiscation of their farm land and their homes. The authorities told the demonstrators that their petitions would be duly considered and would be communicated directly to each petitioner. For that purpose, the authorities asked for the ID paper of each demonstrator. Sometimes they kept the original documents and some other times they took pictures and returned the originals.

On May 3, hundreds of troops from the military and the mobile (anti-riot) police encircled the demonstrators. On May 4, a helicopter flew over the demonstrators, beaming a statement from Prime Minister Nguyen Tan Dung ordering the demonstrators to disband and go home. It was soon followed by a second helicopter that dropped certain liquid on the demonstrators.

On May 5, the mobile police and military troops continued to encircle the demonstrators. One Hmong woman was reportedly died of police beating. The next day, May 6, the troops launched an all-out assault against the demonstrators, using batons and electric rods. According to eye-witnesses, scores were killed. We have compiled a partial list of people killed with confirmation from their relatives or eye-witnesses.

Thousands of Hmong demonstrators demanding end of land confiscation and religious persecution.

Troops readying to move in, with batons and electric rods in hand.

Troops encircling the demonstrators.

The government arrested many demonstrators and took them into custody. Those who escaped arrest were tracked down in the following months by the police who now have their residential address. Reportedly hundreds of demonstrators hid themselves in the jungle. Many have since been captured while a number successfully made it to Thailand after months of trekking through Laos.

Demonstrators, including women and children, trying to escape the brutal assault by the mobile police and military.

A witness who is now in Thailand has reported that the police shot at him with live ammunition as he ran away from his hiding place. We have received report that Sanh No Vang, a resident of Thon Mong Phong, Xa Cu Pui, Huyen Kala Bong, Dak Lak Province who participated in the May demonstration, saw police members approaching his hiding place. He ran away and was shot dead by the police on December 12, 2011. We have compiled a partial list of Hmong arrested and detained with confirmation from their relatives or eye-witnesses.

Sanh No Vang was shot dead as he tried to escape from being captured by the police, 12/12/2011.

The government-controlled media claimed that the villagers in one village captured and held police members captive. A witness that we talked to described this as pure fabrication. In fact, on that day the district police imposed a 9pm curfew to block the villagers from leaving the village and joining the demonstration. At around 11pm several members of the village police walked into the village in civilian clothes, they were arrested by the district police and taken away. The government then twisted the facts and placed the blame on the villagers who could not have left their homes due to the curfew.

Documentary videos and photos of the crackdown available at:
http://www.youtube.com/watch?v=l_gleadjG7c&feature=g-upl&context=G2fdc004AUAAAAAAAAAA

Partial List of Hmong Christians killed at the May 2011 Demonstration

1) Thao A Phu (Born 1982)
2) Thao A Hau
3) Giang Thi Sau (April 12, 1985)
4) Ham Ca Ri
5) Sung Seo Chua (June 15, 1979)
6) Giang Thi Xua
7) Giang Din Cong
8) Cu Seo Phong (Sep 1975)
9) Giang Pao Cha (Nov 1964)
10) Vang Thi Sau
11) Thao Seo Lu
12) Thao Seo Phu (1989)
13) Pang
14) Cu A Pao (July 15, 1980)

Partial List of Hmong Christians in Detention in the Aftermath of the May 2011 Demonstration

1) Vang A Thang
2) Giuong Van Dau
3) Cu A Pao (1980)
4) Vang Seo Phu (1978)
5) Thao Seo Luu (1983)
6) Thao Dung Khai (Xa Na Bung, Muong Nhe)
7) Trang Nha Cho
8) Cu Seo Vang
9) Sung Seo Hoa (1992)
10) Sung A Tua (1984)
11) Giang Seo Si (1979)
12) Vang Seo Thang (1985)
13) Giang A Sung (Xa Na Bung, Muong Nhe)
14) Ho Sai Hua (Ban La San, Moong, Tong, Muong Nhe)
15) Chang Bang Se (Ban Chuyen Gia, Nom Ke, Muong Nhe)
16) Sung Seo Vang
17) Ly Seo Du (1962)
18) Ly Seo Vang (1981)
19) Ly Seo De (1986)
20) Giang A Vang
21) Giang A Hu

For further reading:

http://www.hrw.org/news/2011/05/17/vietnam-investigate-crackdown-hmong-unrest

http://www.bloomberg.com/news/2011-05-12/vietnam-detains-protesters-following-ethnic-hmong-border-unrest.html

http://www.americamagazine.org/blog/entry.cfm?blog_id=2&entry_id=4197

MATERIAL SUBMITTED FOR THE RECORD BY MR. RONG NAY, EXECUTIVE DIRECTOR, MONTAGNARD HUMAN RIGHTS ORGANIZATION

1

Montagnard Prisoners Partial List
Ha Nam and other Vietnam prisons
January 2012

No	Full Name	Date of arrest	Province	Trial details	Prison last known
01	Y Wang Nie kdam	2001	Dak Lak	4 years	Ha Nam
02	Y Rin Kpa	2001	Dak Lak	10 years	Ha Nam
03	Y Nuen Buonya	2001	Dak Lak	11 Years	Ha Nam
04	Y Mriu Eban	2001	Dak Lak	6 Years	Ha Nam
05	Y Muk Nie	2001	Dak Lak	5 Years	Ha Nam
06	Y Nuen Nie	2001	Dak Lak	2 years	Ha Nam
07	Y Bhiot Ayun	2001	Dak Lak	3 years	Ha nam
08	Ksor Sun	2001	Dak Lak	2 years	H Nam
09	Y Nok Mlo	2001	Dak Lak	8 years	Ha nam
10	Y Bhiet Nie	2001	Dak Lak	6 years	Ha Nam
11	Y Druk Nie	2001	Dak Lak	7 years	Ha Nam
12	Y Phen Ksor	2001	Dak Lak	7 Years	Ha Nam
13	Siu Sop	2001	Dak Lak	6 years	Ha nam
14	Y Khu Nie	2001	Dak Lak	5 years	Ha Nam
15	Y Tum Mlo	2001	Dak Lak	8 years	Ha Nam
16	Rmah Djoan	2001	Gia Lai	5 years	Ha nam
17	Siu Un	2001	Gia Lai	16 years	Ha Nam
18	Y Glu	2001	Gia Lai	7 years	Ha Nam
19	Siu Seo	2001	Gia Lai	5 years	Ha nam
20	Siu Tel	2001	Gia Lai	5 years	Ha nam
21	Bom Jana	2001	Gia Lak	12 years	Ha Nam
22	Ksor Poi	2001	Gia Lai	10 years	Ha Nam
23	Siu Yui	2001	Gia Lai	8 years	Ha Nam
24	Siu Boch	2001	Gia Lai	8 years	Ha nam
25	Ksor Kroih	2001	Gia Lai	11 years	Ha Nam
26	Siu Tinh	2001	Gia Lai	8 years	Ha Nam
27	Ksor Blung	2001	Gia Lai	5 years	Ha Nam
28	Y Suan	2001	Dak Lak		Died in prison
29	Y Kao Buonya	2001	Dak lak	7 years	Ha Nam
30	Siu Ning	2001	Gia lai	5 years	Ha Nam
31	Y Tim Eban	2001	Dak lak	8 years	Ha nam
32	Y Are Nie	2001	Dak Lak	8 years	Ha Nam
33	Y Boh Nie	2001	Dak Lak	8 years	Ha nam
34	Y Tien Nie	2001	Dak Lak	8 years	Ha nam
35	Y Nai Mlo	2001	Dak Lak	8 years	Ha nam
36	Y Pum Bya	2001	Dak lak	8 years	Ha nam
37	Y Thomas Eya	2001	Dak Lak	8 years	Ha Nam
38	Y Coi B.Krong	2001	Dak Lak	8 years	Ha Nam
39	Y Thuan Nie	2001	Dak Lai	10 years	Ha nam
40	Y Lem B.Krong	2001	Dak Lak	8 years	Ha Nam
41	Rahlan Loa	2001	Dak Lak	9 years	Ha nam
42	Siu Beng	2001	Gia lai	7 years	Ha Nam
43	Prom	2001	Gia Lai	8 years	Ha Nam
44	Rmah Anhur	2001	Gia Lai	8 years	Ha nam
45	Kpa Hling	2001	Gia lai	5 years	Ha nam
46	Puih Em	2001	Gia Lai	7 years	Ha nam
47	Nay Pham	2001	Gia lai	5 years	Ha nam
48	Klong	2001	Gia lai	5 years	Ha Nam

49	Ksor Dar	2001	Gia lai	3 years	Ha nam
50	Y Thim Bya	2001	Dak lak	10 years	Ha nam
51	Siu Be	2001	Gia Lai	3 years	Unknown
52	Y Hnoch	2001	Gia lai	6 years	Ha Nam
53	Siu Grih	2001	Gia Lai	6 years	Ha Nam
54	Ksor Hnel	2001	Gia Lai	6 years	Thanh Hoa
55	Y Ju Nie	2001	Dak Lak	8 years	unknown
56	Y Klah Bya	2001	Dak Lak		Phu Yen
57	H' Boc Eban	2001	Dak Lak	3 years	Ha Nam
58	Goih	2001	Gia Lai	6 years	unknown
59	Bah	2001	Gia Lai	6 years	unknown
60	Rmah Teng	2001	Gia Lai	8 years	Thanh Hoa
61	Rmah Nul	2001	Gia Lai	5 years	Ha Nam
62	Ksor Blip	2001	Gia Lai	5 years	Ha Nam
63	Ksor Doai	2001	Gia Lai	11 years	Ha Nam
64	Y Yung	2001	Gia Lai	6 years	Ha Nam
65	Treo	2001	Gia Lai		Ha Nam
66	Dinh Giam	2001	Gia Lai		Ha Nam
67	Ksor Buh	2001	Gia Lai	6 years	Ha Nam
68	Y Grong	2001	Dak Lak	3 years	Ha nam
69	Y Teo	2001	Gia Lai	5 years	Ha nam
70	Ban	2001	Gia Lai		Phu Yen
71	Bro	2001	Gia Lai		Phu Yen
72	Y Ngul	2001	Dak Lak		Ha Nam
73	Khoi	2001	Gia Lai		unknown
74	Nau Guh	2001	Gia Lai		Ha Nam
75	Hyun	2001	Gia Lai		Phu Yen
76	Bum	2001	Gia lai		Ha nam
77	Siu Mat	2001	Gia Lai		unknown
78	Y Bri Enuol	2001	Dak lak	10 years	Ha Nam
79	Y Kro Nie	2001	Dak Lak	5 years	Ha Nam
80	Y Hc Eban	2001	Dak Lak	12 years	Ha Nam
81	Y Bhi Bya	2001	Dak Lak	7 years	unknown
82	Y Dham Knul	2001	Dak Lak	5 years	unknown
83	Y Cuan Rcam	2001	Dak Lak	5 years	unknown
84	Lat	2001	Dak Lak	7 years	Ha Nam
85	Y Kroi B.krong	2001	Dak Lak	7 years	unknown
86	Y Kua Bya	2001	Dak Lak	13 years	Ha Nam
87	Nay Klong	2001	Gia Lak	5 years	unknown
88	Rcom Huong	2001	Gia lai	5 years	unknown
89	Y Hoen	2001	Dak Lak	7 years	unknown
90	Y Oal Nie	2001	Dak Lak	5 years	Ha Nam
91	Y Kim Enuol	2001	Dak Lak	7 years	unknown
92	Jon Enuol	2001	Dak Lak	11 years	Ha Nam
93	Y Lia Nie	2001	Dak Lak	7 years	Ha Nam
94	Y Hct Nic kdam	2001	Dak Lak	10 years	Ha Nam
95	Y Ku Nie	2001	Dak Lak		Ha Nam
96	Siu Jc	2001	Dak Lak	7 years	unknown
97	Ksor Phom	2001	Dak lak		Ha Nam
98	Nai nay	2001	Gia lai		Ha nam
99	Krek	2001	Gia Lai	5 years	unknown
100	Bru	2001	Gia lai	6 years	T-20
101	Ksor Ong	2001	Gia Lai	5 years	unknown
102	Y Tum	2001	Gia lai	13 years	Ha Nam
103	Y Su	2001	Dak Lak		unknown

104	Y Brik Bya	2001	Dak Lak		Unknown
105	Rcom Duc	2001	Gia lai	5 years	unknown
106	Ksor Kroi	2001	Gia Lai	2 years	unknown
107	Y Kao Nie	2001	Dak Lak		unknown
108	Rahlan Hir	2001	Gia Lai	3 years	unknown
109	Ama Ngoan	2001	Gia Lai		T-20
110	Y Gru	2001	Gia lai		Ha Nam
111	Nay Djong	2001	Gia Lai		Ha nam
112	Ama Phi	2001	Dak Lak		unknown
113	Ksor Y Hoi	2001	Dak Lak		unknown
114	Ksor Y Lak	2001	Dak lak		Ha Nam
115	Siu Bhung	2001	Gia Lai		unknown
116	Y Longme	2001	Phu Yen		unknown
117	Rmah Hyuh	2001	Gia Lai		T-20
118	Rmah Thuk	2001	Gia lai		Ha nam
119	Dieu Rais	2001	Dak Nong		Dak Nong
120	Ksor Nom	2001	Gia Lai		unknown
121	Y Nguyen kdoh	2001	Dak Lak	8 years	unknown
122	Y Tlup Adrong	2001	Dak Lak	12 years	Ha Nam
123	Y Som Hmok	2001	Dak Lak	6 years	Ha nam
124	Y Tuan Bya	2001	Dak Lai	11 years	Ha nam
125	Dak Nong #1 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
126	Dak Nong #2 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
127	Dak Nong #3 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
128	Dak Nong #4 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
128	Dak Nong #5 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
129	Dak Nong #6 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
130	Dak Nong #7 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
131	Dak Nong #8 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
132	Dak Nong#9 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
133	Dak Nong #10 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
134	Dak Nong #11 of 17 people	2011	Dak Nong	2-10 years	Dak Nong province
135	Dak Nong #12 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
136	Dak Nong #13 of people	2001	Dak Nong	3-10 years	Dak Nong province
137	Dak Nong#14 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province
138	Dak Nong #15 of people	2001	Dak Nong	3-10 years	Dak Nong province
139	Dak Nong #16 of people	2001	Dak Nong	3-10 years	Dak Nong province
140	Dak Nong # 17 of 17 people	2001	Dak Nong	3-10 years	Dak Nong province

141	Y Bem Nie	2003	Dak Lak	5 years	Ha Nam
142	Y Kuang Ecam	2003	Dak Lak	8 years	Ha Nam
143	Y Tan Nie	2002	Dak Lak	8 years	Ha nam
144	Rahlan Glel	2003	Gia Lai	5 years	Ha Nam
145	Romah Phing	2003	Gia Lai	5 years	T-20
146	Y Hoang B.krong	2003	Dak Lak	10 years	Ha Nam
147	Rahlan Khol	2003	Gia Lai	7 years	Ha Nam
148	Kpuih Gyan	2003	Gia Lai	7 years	Ha Nam
149	Rahlan Tuan	2003	Gia Lai	7 years	unknown
159	Rmah san	2004	Dak Lak	8 years	Ha Nam
151	Rmah Daih	2004	Gia Lai	7 years	Ha Nam or Ha Tay
152	Y Phen Nie	2004	Dak Lak		Phu Yen
153	Puih Huy	2003	Gia Lai	6 years	Ha Nam
154	Ama Rap	2003	Gia Lai		Ha Nam
155	Jum, Ama Koi	2003	Gia Lai		unknown
156	Rahlan Sang	2003	Gia Lai		Phu Yen
157	Noh	2003	Gia Lai		unknown
158	Siu Ron	2003	Gia Lai		unknown
159	Kpa Thil	2003	Gia Lai		T-20
160	Blit	2003	Gia Lai		Ha Nam
161	Rcom Glam	2003	Gia Lai	8 years	Ha Nam
162	Rahlan Sam	2003	Gia Lai		Thanh Hoa
163	Croc	2003	Gia Lai		Phu Yen
164	Dicu Grol		Dak Nong		unknown
165	Y Toan B.krong		Dak Lak		unknown
166	Y Suom Hmok	2004	Dak Lak		unknown
167	Y Tlo Kbuor	2004	Dak Lak		unknown
168	Y Gin Hmok	2004	Dak Lak	3 years	unknown
169	Y Hlu Hmok	2004	Dak Lak	6 years	unknown
170	Y Boi Nie	2004	Dak Lak	3 years	unknown
171	Y Dhoeng Knul	2004	Dak Lak	8 years	unknown
172	Y Din Nie	2004	Dak Lak		unknown
173	Y OAE Nie	2004	Dak Lak		unknown
174	Y Goi Nie	2004	Dak Lak	3 years	unknown
175	Siu Bor	2003	Dak Lak		unknown
176	Rmah Kuet	2003	Dak Lak		unknown
177	Siu Hmrek	2004	Gia Lai	9 years	unknown
178	Ksor Y Pu	2004	Phu Yen		unknown
179	Nay Bro		Gia Lai		unknown
180	Kpa Dok		Gia Lai		Phu Yen
181	Tuan Rla	2004	Dak Nong		Dak Nong
182	Ksor Sen	2005	Gia Lai	4 years	unknown
183	Ksor Krok	2004	Gia Lai	7 years	Unknown
184	Y Kher		Dak Nong	2 years	Unknown
185	Y Molk		Dak Nong	3 years	Unknown
186	Y Pink		Dak Nong	3 years	Unknown
187	Y Pioh		Dak Nong	6 years	unknown
188	Y Jim Eban	2004	Dak Lak	13 years	unknown
189	Y Toan Hdok		Dak Lak	8 years	Dak Lak
190	Y Jim Eban	2004	Dak Lak	13 Years	Unknown
191	Y Tuan HDok	2004	Dak Lak	8 Years	Daunknownk Lak
192	Y Jim Eban (Group 1 of 7 UN-Named)	2004	Dak Lak		Unknown
193	Y Jim Eban (Group 2, of 7 UN-Named)	2004	Dak Lak		Unknown

194	Y Jim Eban (Group 3, of 7 UN-Named)	2004	Dak Lak		Unknown
195	Y Jim Eban (Group, 4 of 7 UN-Named)	2004	Dak Lak		Unknown
196	Y Jim Eban (Group,5 of 7 UN-Named)	2004	Dak Lak		Unknown
198	Y Jim Eban (Group, 6 of 7 UN-Named)	2004	Dak Lak		Unknown
199	Y Jim Eban (Group 7, of 7 UN- Named)	2004	Dak Lak		Unknown
200	Ksor Thieu/Thiu	2004	Gia Lai	8 [7] Years	Ha Nam
201	Ksor TO NI (INO,	2004	Gia Lai	8[7] Years	Ha Nam
202	Siu Panh	2004	Gia Lai	4-5 Years	Unknown
203	A Aoh's GRP, #6 of 14 (First 5 are named)	2004	Kon Tum	2 Years	Kon Tum C9, Hoa Phu
204	A Brih (A Aoh's Group)	2004	Kon Tum	3-4 Years	Kon Tum C9, Ha Phu
205	A Chuan	2004	Kon Tum		Kon Tum C9, Hoa Phu
206	A Lah	2004	Kon Tum		Kon Tum C9, Hoa Phu
207	A Nhuih	2004	Kon Tum		Kon Tum C9, Hoa Phu
208	AChuh	2004	Kon Tum	4-5 Years	Unknown
209	A Thu A Aoh's Group	2004	Kon Tum		Kon Tum C9, Hoa Phu
210	A Aoh	2004	Kon Tum	5 Years	Kon Tum C9, Hoa Phu
211	A Hlor A Aoh's Group	2004	Kon Tum	3-4 Years	Kon Tum C9, Hoa Phu
212	A Chiuh A Aoh's Group	2004	Kon Tum	3-4 Years	Kon Tum
213	Siu Yun	2004	Gia Lai	4-5 Years	Ha Nam
214	A Ao	2004	Kon Tum		Kon Tum C9, Hoa Phu
215	YPi	2004	Dak Nong	5 Years	Unknown
216	A Duc	2004	Kon Tum	3-4 Years	Kon Tum C9, Hoa Phu
217	Y Krat	2004	Dak Mil	3 Years	Unknown
218	A Aoh's Group #10 of 14	2004	Kon Tum	2 Years	Kon Tum C9, Hoa Phu
219	A Aoah's GRP, # 11 of 14	2004	Kon Tum	2 Years	Kon Tum C9, Hoa Phu
220	A Aoh's GRP, #12 of 14	2004	Kon Tum	2 Years	Kon Tum C9, Hoa Phu
221	A Aoh's GRP, #13 of 14	2004	Kon Tum	2 Years	Kon Tum, C9, Hoa Phu
222	A Aoh's GRP, #14 of 14	2004	Kon Tum	2 Years	Kon Tum C9, Hoa Phu
223	A Aoh's GRP, #7 of 14	2004	Kon Tum	2 Years	Kon Tum C9, Hoa Phu
224	A Aoh's GRP, #8 of 14	2004	Kon Tum	2 Years	Kon Tum C9, Hoa Phu
225	A Ao's GRP, #9 of 14	2004'	Kon Tum	2 Years	Kon Tum C9, Hoa Phu
226	A Da A Aoh's GRP	2004	Kon Tum	2 Years	Kon Tum C9, Hoa Phu
227	A Duc	2004	Kon Tum	3 Years	Kon Tum C9, Hoa Phu
228	Kpuih Chonh	2004	Gia Lai	5 Years	Unknown
229	Ksor Dro	2004	Gia Lai	6 Years	Unknown
230	Rolan Hloe	2004	Gia Lai	7 Years	unknown
231	Y Ruih (Ruh Eban)	2004	Dak Lak	10 Years,	Unknown
232	Y Nguk	2004	Dak Mil	4.5 Years	Unknown
233	Y Senat, Ksor Nie	2004	Dak Lak	7 Years	Unknown

234	Y Suan Mlo	2004	Dak Lak	10 Years	Unknown
235	Siu Jun	2004	Ayun Pah	6 Years	Ha Nam
236	Y Mun Nie	2004	Dak Lak	7 Years	Dai Phat Thanh
237	Y Kur Buon Dap	2004	Dak Lak	17 Years	Unknown
238	Y Ngun Knul	2004	Dak Lak	5-10 Years	Ha Nam
239	Ksor Hlun	2004	Gia Lai	11 Years,	Ha Nam
240	Y Rit Nie	2004	Dak Lak	5-10 Years	Ha Nam
241	Ksor Vung	2004	Gia Lai	10 Years,	Ha Nam
242	Rmah Alik	2004	Gia Lai	8 Years	Ha Nam
243	Ksor Thup	2004	Gia Lai	10 Years	Unknown
244	YNgun Knu	2004	Dak lak	5-10 Years	Ha Nam
245	Siu Djing	2004	Gia Lai	4-5 Years,	Ha Nam
246	Ksor Jon/Siu Jon	2004	Gia Lai	4-5 Years,	Unknown
247	Y Ang Knul	2004	Dak Lak	11 Years	Unknown
248	Y Yoan Hmok	2004	Dak Lak	9 Years	Unknown
249	Y Hiu Eban	2004	Dak Lak		Unknown
250	Rahlan Ber	2004	Gia Lai		Phu Yen
251	Hung	2004	Dak Doa	12 Years	T-20
252	Y Nging Nie	2004	Gia Lai	6 Years	Ha Nam
253	Siu Bop	2004	Gia Lai		Ha Nam
254	Byun	2004	Gia Lai	8 Years	Unknown
255	YRit Nie	2004	Dak Lak	5-10 Years	Ha Nam
256	Y Dee Nie	2004	Dak Lak	6 Years	Unknown
257	Dieu Xam	2004	Dak Lak		Ha Nam
258	Y Bout B'Krong	2004	Dak Lak		Ha Nam
259	Y Net Bya	2004	Dak Lak	10 Years	Ha Nam
260	Y Niem Eban	2004	Dak lak	10 Years	Ha Nam
261	Y Srun Butrang	2004	Dak Nong	5-6 Years	Ha Nam
262	Dieu Blung	2004	Dak Nong		Ha Nam
263	Siu Thuan	2004	Gia Lai		Ha Nam
264	Dieu Minh	2004	Dak Nong		Ha Nam
265	Yang Knul	2004	Dak Lak	11 Years	Unknown
266	Siu Hyek (Hyet)	2004	Gia Lai		T-20
267	Kpa Thanh	2004	Gia Lai		Phu Yen
268	Rahlan Klao	2004	Gia Lai		Phu Yen
269	Rahlan Then	2004	Gia Lai		Phu Yen
270	Rmah Xuan [Kuon]	2004	Gia Lai		T-20
271	YBuot Bkrong	2004	Dak Lak		Ha Nam
272	Bum	2004	Gia Lai		Han Nam
273	Dieu Lon	2004	Dak Nong		Ha Nam
274	Kpa Hit	2004	Gia Lai		Thanh Hoa
275	Rahlan Del	2004	Gia Lai		Phu Yen
276	Kpa Gai	2004	Gia Lai		Phu Yen
277	Dieu Bet	2004	Dak Nong		Ha Nam
278	Ksor Har	2004	Gia Lai		Nghe Tinh Prison
279	Ksor Jak	2004	Gia Lai	7 Years	Nghe Tinh Prison
280	Nay Liem	2004	Gia Lai		Unknow
281	Kpa Ring	2004	Gia Lai		Phu Yen
282	Kpa Hit	2004	Gia Lai		Thanh Hoa
283	Rahlan Lien	2004	Gia Lai		Phu Yen
284	Siu Bok	2004	Gia Lai		Phu Yen
285	Kpuih Cheng	2004	Gia Lai		Unknown
286	Rahlan Hloi/Hlo	2004	Gia Lai		Tuy Hoa
287	Rahlan [Siu] Kun	2004	Gia Lai		Unknown

288	Rmah Jit	2005	Gia Lai		Phu Yen
289	Y Don Bya	2004	Dak lak	15 Years	Ha Nam
290	Y Jut Eban	2004	Dak lak		Unknown
291	Y Jem Hwing	2004	Dak Lak		Unknown
292	Y Tho Eban	2004	Dak Lak	8 Years	Ha Nam
293	Rahlan Del	2004	Gia Lai		T-20
294	Y Krong HDok	2004	Dak Lak	8 Years	Ha Nam
295	Rahlan Ban	2004	Gia Lai		Unknown
296	Siu H'Don F	2004	Gia Lai		Unknown
297	Rmah Hieu	2004	Gia Lai		Unknown
298	Kpuih Theng	2004	Gia Lai		Phu Yen
299	Nay Liem	2004	Gia Lai		Unknown
300	Rmah Yoh	2004	Gia Lai		Phu Yen
301	Kpa Chul	2004	Gia Lai		Phu Yen
302	Rcom Thul	2004	Gia Lai		Phu Yen
303	Siu Krip	2004	Gia Lai	7 Years	Ha Nam
304	Siu Lu	2004	Gia Lai		Ha Nam
305	Rahlan Loi	2004	Gia Lai		Tuy Hoa
306	Siu Lol	2004	Gia Lai		Phu Yen
307	Kpuih Non	2004	Gia Lai		Phu Yen
308	Kpuih Grit	2005	Gia Lai		Phu Yen
309	Siu Klen	2004	Gia Lai		Phu Yen
310	Siu Yot	2004	Gia Lai		Phu Yen
311	Siu Noai	2004	Gia Lai		Phu Yen
312	Kpuih Phe	2004	Gia Lai		T-20 Plei Ku
313	Rmah Amrot	2004	Gia Lai		Phu Yen
314	Ksor Ngot	2004	Gia lai		Phu Yen
315	Siu Thanh	2004	Gia Lai		Phu Yen
316	Rahlan Thit	2004	Gia Lai		Unknown
317	Kpuih Plem	2004	Gia Lai		T-20 Pleiku
318	Siu Anen	2004	Gia Lai		Unknown
319	Ksor Arat	2004	Gia Lai		Unknown
320	Ksor Phuoc	2004	Gia Lai	9 Years	Ha Nam
321	Siu Yot	2004	Gia Lai	2 Years	Ha Nam
322	Siu Anem	2004	Gia Lai		Phu Yen
323	Kpuih Phe	2004	Gia Lai		T-20 Pleiku
324	Rmah Amrot	2004	Gia Lai		Unknown
325	Ksor Ngot	2004	Gia Lai		Phu Yen
326	Rahlan Tin	2004	Gia Lai		Phu Yen
327	Kpuih Hrong	2004	Gia Lai		Phu Yen
328	Kpa Wit	2004	Gia Lai		Phu Yen
329	Kpa Wit Plus 1	2004	Gia Lai		Phu Yen
330	Rahlan Hlup	2004	Gia Lai		Phu Yen
331	Rahlan Luc	2004	Gia Lai		Phu Yen
332	Rmah Cher	2004	Gia Lai		Phu Yen
333	Hiao Nem	2004	Gia Lai		Tuy Hoa
334	Kpuih Cur	2004	Gia Lai		Phu Yen
335	Y Bhong Ayun		Dak Lak	7-10 Years	Ha Nam
336	Rahlan Tip		Cu Se		Unknown
337	Nay Ko	2004	Gia Lai		Unknown
338	Siu Bler	2004	Gia Lai		Unknown
339	Y Lem Mlo		Dak Lak		Unknown
340	Y Se Nie	2004	Dak Lak		Dak Lak
341	Y Lem Mlo		Dak Lak		Unknown

342	YYek Nie		Dak Lak		Unknown
343	YCuen Nie		Dak Lak		Unknown
344	YRankBour	2004	Dak Lak		Ha Nam
345	Y Ben Nie	2002	Dak Lak		Ha Nam
346	Yson Nie	2005	Dak Lak		Ha Nam
347	YSe Nie	2004	Dak Lak		Dak Lak
348	Y Nguyet Nie	2004	Dak Lak	7 Years	Thanh Hoa
349	Y Ben Nie		Dak Lak	14 Years	Thanh Hoa
350	Y Ban Nie		Dak Lak	8 Years	Thanh Hoa
351	YToan Nie		Dak Lak	5 Years	Thanh Hoa
352	YKhem Nie		Dak Lak	10 Years	Thanh Hoa
353	YBhem Nie		Dak Lak	9 Years	Ha Nam
354	YPlan Enoul		Dak Lak	8 Years	Thanh Hoa
355	YThoa Enoul		Dak Lak	8 Years	Thanh Hoa
356	YWo Nie		Dak Lak	9 Years	Ha Nam
357	Ama Trai		Dak Lak	8 Years	Ha Nam
358	Ama Trinh		Dak lak	8 Years	Ha Nam
359	Ama Coi		Dak Lak		Ha Nam
360	YKhon		Dak Lak	8 Years	Ha Nam
361	YKral		Dak Lak	7Years	Ha Nam
362	YLo Nie		Dak Lak	9 Years	Phu Yen
363	YLarib Krong		Dak lak	4 Years	Thanh Hoa
364	YKim		Dak Lak	8 Years	Thanh Hoa
365	YPol Nie		Dak Lak	9 Years	Ha Nam
366	YBha Nie		Dak Lak	8 Years	Ha Nam
367	YNguyet Nie		Dak Lak	7 Years	Ha Nam
368	YKros		Dak Lak	14 Years	Ha Nam
369	YKhu Nie		Dak Lak	7 Years	Ha Nam
370	A Hier		Dak Lak	14 Years	Ha Nam
371	Rahlan Thik		Gia Lai	14 Years	Ha Nam
372	YJa Nie		Dak Lak	7 Years	Ha Nam
373	YHung Ayun		Dak lak	9 Years	Phu Yen
374	YSamoel Mlo	2004	Dak Lak	9 Years	Ha Nam
375	YPiek Nie	2006	Dak Lak	7 Years	Thanh Hoa
376	YBliet Ayun	2001	Dak Lak	5 Years	Ha Nam
377	Y Hon Krieng		Dak Lak		Unknown
378	Y Thomas Nie	2004	Dak Lak	9 Years	Ha Nam
379	Nay Het	2004	Dak Lak	8 Years	Ha Nam
380	Piek Nie	2006	Dak Lak	7 Years	Thanh Hoa
381	Y Hon Krieng		Dak Lak		Unknown
382	Thomas Nie	2004	Dak Lak	9 Years	Ha Nam
383	Nay Het	2004	Dak Lak	8 Years	Ha Nam
384	Y Jui Eban		Dak Lak		Unknown
385	Ama Gam	2001	Dak Lak	5 Years	Ha Nam
386	Y Knu		Dak Lak		Unknown
387	Y Tam Nie		Dak Lak	8 Years	Ha Nam
388	Y Suan Bya	2004	Dak Lak	8 Years	Ha Nam
389	Y Tui Enoul	2004	`Dak Lak	8 Years	Ha Nam
390	Ama Hngem	2001	Dak Lak		Unknown
391	Y Soan Mlo	2004	Dak Lak	8 Years	Ha Nam
392	Y Blee Nie	2004	Dak Lak	9 Years	Ha Nam
393	YBri Enuol	2004		12 Years	Ha Nam

Attachment A
List of Montagnard-Christians in Prison Nam Ha who come from Province Dac Nong and Province Gia Lai with recommendations based on humanitarian reasons

Prepared by Lawyer Nguyen Van Dai (29.3.2011)

Montagnard-Christian in Nam Ha were charged according to the following articles in the Vietnamese Criminal Code (VCC) :

- § 87: Undermining the national unity
- § 89: Causing public disorder
- § 91: Fleeing abroad to oppose the People's Government
- § 257: Resisting officers in the performance of their duties

Their prison terms may be considered and reduced according to §58 (1) VCC, and they may be released according to §58 (3) VCC:

- § 58: To reduce sentence of the declared penalties
  - (1) The time for which the penalty has been served in order to be considered for the first reduction shall represent one-third of the term for imprisonment of thirty years.
  - (3) A person may be entitled to many reductions but have to execute half of the declared penalty.

	Full Name	DOB	Arrest yyyy/mm/dd	Sentence (years)	Charge (§§VCC)	Home Address	Recommendation	Reasons
1.	Y Thớt	1963	2004/04/27	10	87, 91	Buôn U Thi, th ị trấn la TLang, huyện Cư Gút, Đắc Nông.	To be released immediately according to §58 (3) VCC	Penalty exemption in case of §91; served over half of the sentence (7 of 10 years)

	Full Name	DOB	Arrest yyyy/mm/dd	Sentence (years)	Charge (§§VCC)	Home Address	Recommendation	Reasons
2.	Bưng	1968	2004/10/03	8	87	Plei bơng, Mor, Ayun, Băng yang, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 8 years)
3.	DJRớt	1965	2004/09/21	9	87	Plei bia brê, la Pết, Đăk Đoa, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 9 years)
4.	Đôn Sờn	1979	2005/07/22	10	87	Pleikdang, Kơ Dang, Đăk Đoa, Gia Lai	To be released according to §58 (3) VCC	Served over half of the sentence (6 of 10 years)
5.	Gưp	1959	2007/07/29	5	87	Plei klun, Đăk Krông,	To be released immediately	52 years old and served

						Đăk Đoa, Gia Lai	according to §58 (3) VCC	almost the sentence (4 of 5 years)
6.	Har	1954	2004/10/13	11	87	Plei ia Iy, Chư Đăng Ya, Chư Păh, Gia Lai	To be released immediately according to §58 (3) VCC and for health reason	57 years old and served over half of the sentence (7 of 11 years); stroke, poor health
7.	HLưn	1958	2004/04/08	11	87	Plei rĩng, Hbáo, Đăk đoa, Gia Lai	To be released according to §58 (3) VCC	53 years old and served over half of the sentence (7 of 11 years)
8.	Hưn	1975	2004/10/24	7	87	Plei Dor, Glar, Đăk Đoa, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 7 years)
9.	Hương	1980	2004/04/13	7	87	Plei mor, Đăk Tơ Ver, Chư Păh, Gia Lai	**Released 2011/04/13**	
10.	Khe	1975	2004/10/16	8	87	Plei om, Đăk Tơ Ver, Chư Păh, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 8 years)
11.	Kleh	1955	2004/09/16	9	87	Plei căm bôm, Ia Băng, Đăk Đoa, Gia Lai	To be released immediately according to §58 (3) VCC	56 years old and served almost the sentence (7 of 9 years)
12.	Kpă Anuit	1968	2005/01/03	8	87	Plei hrai dơng, Nhơn hoà, Chư sê, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (6 of 8 years)
13.	KPă Bih	1976	2007/07/20	14	87, 91	Plei pang, Ia Glai, Chư sê, Gia Lai	To reduce sentence to 10 years and be released in 2012 according to §58 (3) VCC	Penalty exemption in case of §91; served 4 of 14 years.
14.	Kpă Dok	1960	2004/09/24	8	87	Bon trang, Ia Piar, Phú Thiện, Gia Lai	To be released immediately according to §58 (3) VCC	51 years old and served almost the sentence (7 of 8 years)
15.	KPă Hung	1975	2004/07/04	12	87	Plei tuơh ktu, Glar, Đăk Đoa, Gia Lai	To be released according to §58 (3) VCC	Served over half of the sentence (7 of 12 years)
16.	Kpă Thil	1965	2005/04/25	9	87	Pleiho Bi, Ia Tiêm, Chư sê, Gia Lai	To be released according to §58 (3) VCC	Served over half of the sentence (6 of 9 years)
17.	Kpuih Phe	1961	2005/06/14	8	87	Plei su be, Ia Ko, Chư sê, Gia Lai	To be released immediately according to §58 (3) VCC	50 years old and served almost the sentence (6 of 8 years)
18.	KPuih Phin	1978	2005/04/29	9	87	Plei hrê dơng, Nhơn hoà, Chư sê, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (6 of 9 years)
19.	Kpuih Tin	1966	2003/10/30	13	87, 89	Pleiyrik, Nhơn Hoà, Chư sê, Gia Lai	To be released according to §58 (3) VCC	Served over half of the sentence (8 of 13 years)
20.	Ksor Chung	1964	2005/04/21	15	87, 89	Plei teng Uar, Krông Pa	To reduce sentence to 12 years and be released in 2012 according to §58 (3) VCC	Sentenced to the maximum penalty of §87 or §89, served 6 of 15 years.

21.	Ksor Kla (pastor)	1958	2004/04/11	9	87	Bon ama hnoat, Ia Rsiơm Krông Pa, Gia Lai	To be released immediately according to §58 (3) VCC	53 years old and served almost the sentence (7 of 9 years)
22.	Ksor Miêr	1956	2007/07/15	8	87	Bon ama yũ, Chư Rcăm, Krông Pa, Gia Lai	To be released according to §58 (3) VCC	55 years old and served half of the sentence (4 of 8 years)
23.	Ksor Rĩk	1970	2007/05/23	9	87	Pleibong phun, Chư Á, Pleiku, Gia Lai	To reduce sentence to 7 years and be released in 2012 according to §58 (3) VCC	Served 4 of 9 years.
24.	Ksor Suin	1975	2004/08/23	9	91	Bon Ksing, Ia Piar, Phú Thiện, Gia Lai	To be released immediately according to §58 (3) VCC	penalty exemption in case of §91; served almost the sentence (7 of 9 years)
25.	Ksor Wung	1969	2004/04/7	10	87	Plei đũp, Hbao, Đăk Đoa, Gia Lai	To be released according to §58 (3) VCC	Served almost the sentence (7 of 10 years)
26.	Na Y Phc	1965	2004/08/28	14	87, 89	Plei krông a, Phú Thiện, Gia Lai	To be released according to §58 (3) VCC	Served half of the sentence (7 of 14 years)
27.	Ngiang Phit	1970	2007/04/05	8	87	Plei hra, Ia Ko, Chư sê, Gia Lai	To be released according to §58 (3) VCC	Served half of the sentence (4 of 8 years)
28.	Nưm	1981	2004/08/27	12	87	Plei tuoi klah, Glar, Dăk Đoa, Gia Lai	To be released according to §58 (3) VCC	Served over half of the sentence (7 of 12 years)
29.	Rlan Blok	1969	2004/11/19	9	87	Pleitung, CưĂ, Pleiku, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 9 years)
30.	Rôcom Doanh	1986	2004/07/20	8	87	Plei kêc cũ, Ia Khul, Ayun Pa, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 8 years)
31.	Rôcom Mrĩn	1960	2004/10/04	7	87	Plei khop, Iagsai, Gia Lai	To be released immediately according to §58 (3) VCC	50 years old and served almost the sentence (7 of 7 years)
32.	Rolan Ban	1981	2004/09/18	8	87	Plei dun beu, Dun, Chư sê, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 8 years)
33.	Rolan Hiyt	1961	2004/08/23	9	87	Pleiko Let, Ia Tiêm, Chư sê, Gia Lai	To be released immediately according to §58 (3) VCC	50 years old and served almost the sentence (7 of 9 years)
34.	Rolan Mok	1980	2007/09/7	5	87	Pleikê, TT Cư sê, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (4 of 5 years)
35.	Rolan Thit	1976	2004/08/23	14	87, 91	Plei tut biơh, Chư sê, Gia Lai	To reduce sentence to 10 years and To be released according to §58 (3) VCC	Penalty exemption in case of §91; served half of the sentence (7 of 14 years)
36.	Rolan Tip	1963	2007/10/09	11	87	Pleikluh, Ia Tiêm, Chư sê, Gia Lai	To reduce sentence to 8 years and be released in 2012 according to §58 (3) VCC	Served 4 of 11 years.

37.	Rolan Wie	1960	unknown	7	87	Plei ho bi, Chư Pơng, Chư sê, Gia Lai		51 years old.
38.	Romah BLor	1959	2004/09/03	10	87	Plei tao phang, Chư sê, Gia Lai	To be released immediately according to §58 (3) VCC	52 years old and served almost the sentence (7 of 10 years)
39.	RoMah Hiat	1965	2004/12/14	12	87, 89	Plei mui, Thiên giáo, Chư Pãh, Gia Lai	To be released according to §58 (3) VCC	Served over half of the sentence (7 of 12 years)
40.	Romah HLang	1968	2007/04/05	7	87	Plei sura, Ia Ko, Chư sê, Gia Lai	To be released according to §58 (3) VCC	Served over half of the sentence (4 of 7 years)
41.	RoMah Nhang	1977	2004/10/03	7	87	Plei ring, Hbông, Chư sê, Gia Lai	**Released 2011/04/14**	
42.	RoMah Phong	1959	2004/12/14	8	87	Plei plok, Phú thiện, Gia Lai	To be released immediately according to §58 (3) VCC	52 years old and served almost the sentence (7 of 8 years)
43.	Romah Ty	1958	2004/02/06	8	87	Plei tao Kuh, Dun, Chư sê, Gia Lai	To be released immediately according to §58 (3) VCC	53 years old and served almost the sentence (7 of 8 years)
44.	Romah Wäe	1960	2005/07/22	8	87	Plei yit lê, Ia lang, Đưk kơ, Gia Lai	To be released immediately according to §58 (3) VCC	51 years old and served almost the sentence (6 of 8 years)
45.	Romah Zit	1967	2004/09/08	7	87	Plei luh ngõ, Ia Hlốp, Chư sê, Gia Lai	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 7 years)
46.	Siu Bôch	1964	2004/09/14	13	89, 257	Plei lao, Nhơn hoà, Chư sê, Gia Lai	To be released according to §58 (3) VCC	Served over half of the sentence (7 of 13 years)
47.	Siu Hanh	1984	2007/07/06	12	87	Bon xo ma rưng, Ia Peng, Phú thiện, Gia Lai	To reduce sentence to 10 years and be released in 2012 according to §58 (3) VCC	Served 4 of 12 years
48.	Siu Nhăm	1981	2007/07/20	8	87	Plei wel, Ia Ko, Chư sê, Gia Lai	To be released according to §58 (3) VCC	Served half of the sentence (4 of 8 years)
49.	Siu Them	1982	2007/10/09	7	87	Plei Tao Rong, Dun, Chư sê, Gia Lai	To be released according to §58 (3) VCC	Served over half of the sentence (4 of 7 years)
50.	Siu Wiot	1972	2008/04/25	8	87	Plei bong phun, Chư Á, Pleiku, Gia Lai	To be released in 2012 according to §58 (3) VCC	Served half of the sentence (4 of 8 years)
51.	Siu Xiiu	1977	2008/05/01	10	87	Plei Rhai, Ia Plal, Phú Thiện, Gia Lai	To reduce sentence to 8 years and be released in 2012 according to §58 (3) VCC	Served 3 of 10 years
52.	Sui Bler	1962	2004/04/28	17	87, 89, 91	Plei Al Hmoi, Ia Biệt,	To reduce sentence to 13 years and be released in	Sentence given over the maximum penalty of §87 or

						Đăk Đoa, Gia Lai	2012 according to §58 (3) VCC	§89; penalty exemption in case of §91; served 7 of 17 years,
53.	Sui Bop	1961	2004/11/01	8	87	Plei sua, Ia Ko, Chư sê, Gia Lai	To be released immediately according to §58 (3) VCC	50 years old and served almost the sentence (7 of 8 years)
54.	Y Nưm	1965	2006/04/09	8	87	Pleiđê dhung, Đăk krông, Đăk Đoa, Gia Lai	To be released immediately according to §58 (3) VCC	Served over half of the sentence (5 of 8 years)

Attachment B

List of Montagnard-Christians in Prison Nam Ha who come from Province Đắc Lắc with recommendation based on humanitarian reasons

Prepared by Lawyer Nguyen Van Dai (8.5.2011)

Montagnard-Christian in Nam Ha were charged according to the following articles in the Vietnamese Criminal Code (VCC) :

- § 87: Undermining the national unity
- § 89: Causing public disorder

Their prison terms may be considered and reduced according to §58 (1) VCC, and they may be released according to §58 (3) VCC:

- § 58: To reduce sentence of the declared penalties
  - (1) The time for which the penalty has been served in order to be considered for the first reduction shall represent one-third of the term for imprisonment of thirty years.
  - (3) A person may be entitled to many reductions but have to execute half of the declared penalty.

	Full Name	DOB	Arrest yyyy/mm/dd	Sentence (years)	Charge (§§VCC)	Home Address	Recommendation	Reasons
1.	Y Ang Knul	1964	2005/01/08	11	87	Puhuê, Ea Ktur, Krông Ana, Đắc Lắc	To be released according to §58 (3) VCC	Served over the half of the sentence (6 of 11 years)
2.	Y Ben Niê	1971	2004/04/10	14	87, 89	Tơng Jũ, Ea Kao, Buôn Mê Thuật, Đắc Lắc	To be released according to §58 (3) VCC	Served half of the sentence (7 of 14 years)
3.	Y BHem KPơr	1962	2004/07/19	10	87	PuHuê, Ea Ktur, Krông Ana, Đắc Lắc	To be released according to §58 (3) VCC	Served over the half of the sentence (7 of 10 years)
4.	Y Bri Ênuôl	1958	2003/01/27	10	87	Ea Bong, Cư Êbur, Buôn Mê Thuột, Đắc Lắc	To be released immediately according to §58 (3) VCC	53 years old, served almost the sentence (8 of 10 years)
5.	Y ĐHăm Ê Ban	1961	2004/04/15	9	87	Ju, EaTu, Buôn Mê Thuột, Đắc Lắc	To be released immediately according to §58 (3) VCC	50 years old, served almost the sentence (7 of 9 years)
6.	Y Dơ Mlô	1957	2002/08/31	10	87	Blang Phao, Cư M'ta, M'drăk, Đắc Lắc	To be released immediately according to §58 (3) VCC	54 years old, served almost the sentence (9 of 10 years)
7.	Y Het Niê KDăm	1960	2002/08/28	10	87	Ea Tiêu, Krông Ana, Đắc Lắc	Released 2011/04/28	
8.	Y Hoang BKrôn	1973	2003/10/17	10	87	Cuôr Knia, Ea Bar, Buôn Đôn, Đắc Lắc	To be released immediately according to §58 (3) VCC	Served almost the sentence (8 of 10 years)

9.	Y IXiô	1970	2004/08/10	9	87	BLpư Prông, Cư Êwi, Krông Ana, Đắc Lắc	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 9 years)
10.	Y Jim ÊBan	1964	2004/07/18	13	87	Sut Hlôt Cư Suê, Cư M'gar, Đắc Lắc	To be released according to §58 (3) VCC	Served over the half of the sentence (7 of 13 years)
11.	Y Jon Ênuôl	1976	2003/01/29	11	87	Kdũn Cư Êbur, Buôn Mê Thuột, Đắc Lắc	To be released according to §58 (3) VCC	Served over the half of the sentence (8 of 11 years)
12.	Y Jup Ê Ban	1973	2004/01/23	11	87	Buôn Pốc, Ea Pốk Cư M'gar, Đắc Lắc	To be released according to §58 (3) VCC	Served over the half of the sentence (7 of 11 years)
13.	Y Krêc Byă	1978	2003/10/22	8	87	Cuôr Knia, Ea Bar, Buôn Đôn, Đắc Lắc	To be released immediately according to §58 (3) VCC	Served nearly 8 of 8 years
14.	Y Kuô Byă	1955	2002/12/19	13	87	Kò Mleo, Hoà Thắng, Buôn Mê Thuột, Đắc Lắc	To be released according to §58 (3) VCC	56 years old, served over the half of the sentence (9 of 13 years)
15.	Y Kur BDap	1971	2004/07/28	17	87, 89	Khit, Ea Bhốk, Krông Ana, Đắc Lắc	To reduce sentence to 15 years and be released in 2012 according to §58 (3) VCC	Sentence given over the maximum penalty of §87 or §89
16.	Y Nghing Niê	1975	2004/08/23	11	87	Pốc, Ea Pốk, Cư M'gar, Đắc Lắc	To be released according to §58 (3) VCC	Served over the half of the sentence (7 of 11 years)
17.	Y Ngun Knul	1968	2004/04/29	18	87, 89	Duôr Kmăn, buôn Trấp, Krông Ana, Đắc Lắc	To reduce sentence to 15 years and be released in 2012 according to §58 (3) VCC	Sentence given over the maximum penalty of §87 or §89
18.	Y Pher HDruc	1979	2004/07/31	12	87	Ea Khit, Ea Bhốk, Krông Ana, Đắc Lắc	To be released according to §58 (3) VCC	Served over the half of the sentence (7 of 12 years)
19.	Y Phu Ksơr	1980	2004/07/06	9	87	Hyao, Ea Hiao, Ea H'leo, Đắc Lắc	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 9 years)
20.	Y Rit Niê	1973	2004/04/10	12	89	Pốc, Ea Pốk, Cư M'gar, Đắc Lắc	To be released according to §58 (3) VCC	Served over the half of the sentence (7 of 12 years)
21.	Y Ruih Êban	1960	2005/02/19	10	87	Krũn Cư Êbur, Buôn Mê Thuột, Đắc Lắc	To be released according to §58 (3) VCC	51 years old, served over the half of the sentence (6 of 10 years
22.	Y Samuel MLô	1971	2004/08/07	9	87	PuôrTara, Hoà Đông, Krông Pắc, Đắc Lắc	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 9 years)
23.	Y Suôn BYă	1968	2004/04/22	9	87	Êcam, thị trấn buôn Trấp, Krông Ana, Đắc Lắc	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 9 years)
24.	Y Tlup ADrơng	1952	2003/10/21	12	87	Kmrong B, Ea Tu, Buôn	To be released according to §58 (3) VCC	59 years old, served over the half of the sentence (8 of 12

						Mê Thuột, Đăc Lăc		years)
25.	Y Tuan HĐok	1965	2004/10/31	8	87	Buôr, Hoà Xuân, Buôn Mê Thuột, Đăc Lăc	To be released immediately according to §58 (3) VCC	Served almost the sentence (7 of 8 years)
26.	Y Yoan Hmok	1981	2005/02/08	8	87	IIra, IIoà hiệp, Krông Ana, Đăc Lăc	To be released immediately according to §58 (3) VCC	Served almost the sentence (6 of 8 years)
27.	Y Yuăn Byă	1966	2003/10/22	11	87	Buôr, Hoà Xuân, Buôn Mê Thuột, Đăc Lăc	To be released according to §58 (3) VCC	Served over the half of the sentence (8 of 11 years)

MATERIAL SUBMITTED FOR THE RECORD BY MR. JOHN SIFTON, ADVOCACY DIRECTOR FOR ASIA, HUMAN RIGHTS WATCH

Thursday, January 12, 2012 THE WALL STREET JOURNAL. 13

OPINION: REVIEW & OUTLOOK

Romney's Granite Statement

Mr. Romney's victory in New Hampshire Tuesday takes him one step closer to the Republican Presidential nomination, especially given the lopsided showing by the rest of the field. The former Massachusetts Governor met expectations in the state where he owns a home, and he will now head to South Carolina with no clear single rival who might unify conservatives.

Ron Paul's strong second-place finish was also notable, showing the continuing appeal of his message of "sound money and personal liberty." The reality, however, is that Mr. Paul has no chance to win the nomination. His isolationist views on defense aren't shared by most Republicans and put him well to the left even of President Obama. In that sense, he is Mr. Romney's best friend, unable to defend the front-runner but doing well enough to block a more plausible potential nominee from emerging.

Jon Huntsman's third-place finish might have been encouraging, except it's hard to see where he goes from here. He placed most of his campaign effort on the Granite State, doing 101 events in all and betting that Mr. Romney's appeal would fade. Yet most of Mr. Huntsman's voters said in exit polls that they were either moderate or liberal. That doesn't bode well for him in the more conservative South.

> No one has been able to unite the GOP's conservative majority.

Newt Gingrich and Rick Santorum have really had a weak fourth place with about 9% of the vote, while Rick Perry was struggling to reach 1%. Mr. Santorum may have the best opportunity chance to build on his social conservatism base with an economic growth message in a state where the jobless rate is still 9.9%.

Messrs. Gingrich and Perry may keep trying to damage Mr. Romney by sniping his business record, but their attacks don't seem to be helping them. It's hard to be a credible champion of private economic growth and job creation if your main message is an attack on private enterprise. They'd do better taking up their own critiques of Mr. Romney's weaknesses on taxes and health care.

Mr. Romney's main strength continues to be the GOP perception of his electability and leadership, more than his ideas. The lack of ideas has been one of his weaknesses in trying to unite the GOP. Indeed voters will weigh for the bolder contrasts of Mr. Paul and the rest. If he wants to unite the party and nominate it for the battle against Mr. Obama, Mr. Romney will need more bolder colors himself.

In his victory speech, he at least began to make out a contrast with Mr. Obama, including a good line that the U.S. is better when "we are lifted up by our desire to succeed, not dragged down by a resentment of success." New Hampshire showed that none of his GOP competitors could benefit from that lesson.

New Delhi's Reformettes

Manmohan Singh is keen to convince increasingly skeptical foreign investors that India is open for business in 2012. The trouble is, the Prime Minister, who reports to Congress Party leader Sonia Gandhi, lacks the political clout to prove it. Even the minor reform of the retail industry that he announced Tuesday is so diluted as to render it meaningless.

Last month, Mr. Singh was humiliated when opposition parties and trade unions forced him to abandon his proposal to open up Indian retail to foreign investment. The government tried to save face by insisting that it was merely postponing the plan until it achieved consensus. This week, it increased the foreign investment cap in single-brand stores such as Starbucks and Ikea to 100% from 51%, to signal that reforms are on track.

Yet the most of Mr. Singh's original proposal was never single brands. It was to allow foreigners to invest in what Indian bureaucrats call "multi-brand retail," meaning large stores like Wal-Mart that can sell all manner of goods. This has the potential to revolutionize Indian supply chains and lower prices for consumers.

Unions understand that the impact of the single-brand move is relatively muted, which is why they aren't going to scream about Starbucks. It's certainly good that foreigners can own 100% equity in such ventures, yet these single brands don't bring the economies of scale and expertise that Carrefour and others would. Worse, their new freedom is curtailed by a government rider that foreign-owned firms have to source 30% of their goods from local small businesses. A foreign store, which knows its attraction is its reputation for quality, will be loath to change suppliers.

> India's Prime Minister thinks small.

Mr. Singh may be publicly rekindling his reformist religion as India's growth slows, yet ideas like retail investment that have been on the agenda for years are hamstringing the moment they're put the show. The liberalization the government has been able to accomplish has come on domestic opposition, with no foreign investment to bee kneaded.

Mr. Singh is reaping what he sowed by ignoring serious reform ideas for the past seven years, when the economy was strong. Now the beneficiaries of the status quo have grown too strong and the left wing of the ruling coalition—thought to include Mrs. Gandhi—too vocal for the risk-averse Prime Minister. If Mr. Singh wants reform that moves the needle of economic growth, he needs to think bigger.

Europe Weird and New

European financial markets have gotten very strange. Greece's one-year government bond yield hit 276% Tuesday, while Germany, Switzerland and the U.K. sold short-term debt this week at yields below 0%. That means investors are effectively paying the governments for the privilege of lending to them. Reuters reported Monday that blue-chip firms like Johnson & Johnson and Pfizer are lending to struggling European banks, turning the creditor-debtor relationship on its head.

The longer Europe's crisis lambers on, the more distortions it creates in credit markets across Europe, not merely in the distressed South. The big uncertainties—will the euro zone break up? will the European Central Bank step in?—are causing capital to flee troubled markets for safer shores. But in the financial world, a flight to safety is a clear warning sign for both the trouble spots and the safe havens. When yields on Japanese government bills turned negative in 1998, the radical pessimism it suggested soon proved to presage a broader economic downturn.

Banks still aren't comfortable lending to each other and the ECB can only jack up the slack for so long. It is time for Europe's leaders to act more like leaders and less like politicians moving step by step and going nowhere.

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THE WALL STREET JOURNAL.

REVIEW & OUTLOOK (Editorial)
January 12, 2012

Hanoi Plays Hide the Dissident

Hanoi purports to want closer relations with Washington as a counterbalance to Beijing's rising assertiveness in the South China Sea. Washington says it wants Hanoi to improve its human-rights record. Which means both sides face a new test in dissident Bui Thi Minh Hang.

Ms. Hang was dispatched recently for a two-year stint of "re-education" in a labor camp for peaceful protests that would not be illegal in a normal country. On several occasions last year, she rallied her fellow Vietnamese to protest China's growing aggression in maritime territorial disputes.

It's a hot-button issue for ordinary Vietnamese, and such protests are a major irritant in Hanoi's relationship with its comrade neighbors in Beijing. Several other activists and bloggers have been arrested over the past two years for criticizing Hanoi's sometimes limp response to Chinese provocations.

Ms. Hang's case represents a worrying development in Hanoi's strategy against its internal critics. Rather than going through the normal show trial and appeals process, Ms. Hang was summarily sentenced via an administrative process more often used for drug offenders and other criminals.

While the precise reason for the change in procedural tack is unknown, a plausible guess is that Hanoi feared Ms. Hang's trial becoming a spectacle. Other dissidents have used their court hearings as platforms to criticize the government—authorities gagged Roman Catholic priest Nguyen Van Ly with duct tape during his trial for pro-democracy activism in 2007—and courthouse steps are tempting locations for sympathy protests.

So Ms. Hang was quietly trundled off to a labor camp, her family left in the dark. Once her fate became known, her son was detained for a day when he tried to protest by distributing "missing person"-style flyers about his mother.

The worry now is that Hanoi will turn Ms. Hang's case into a new template for handling other critics. The outside world should score Hanoi for this attempt to brush its abuses under the carpet.

The U.S. Embassy in Hanoi last week criticized Ms. Hang's detention and called for the release of all political prisoners. Meanwhile, a European Union delegation today will inaugurate what's billed as an annual human-rights dialogue with the Vietnamese government. Ms. Hang should feature prominently on the agenda.

U.S. Secretary of State Hillary Clinton has sought closer ties with Hanoi to bolster stability in the South China Sea, but she has also emphasized that Vietnam must do more to improve its human-rights record. Hanoi knows that greater strategic cooperation with the West is in Vietnam's best interest. That gives foreign leaders leverage to raise Ms. Hang's case and others.

JANUARY 2012 RIGHTS WATCH COUNTRY SUMMARY

Vietnam

The Vietnamese government systematically suppresses freedom of expression, association, and peaceful assembly. Independent writers, bloggers, and rights activists who question government policies, expose official corruption, or call for democratic alternatives to one-party rule are routinely subject to police harassment and intrusive surveillance, detained incommunicado for long periods of time without access to legal counsel, and sentenced to increasingly long terms in prison for violating vague national security laws.

Police frequently torture suspects to elicit confessions and, in several cases, have responded to public protests over evictions, confiscation of land, and police brutality with excessive use of force. Anti-China protests in Hanoi and Ho Chi Minh City in 2011 were dispersed and protesters were intimidated, harassed, and in some cases detained for several days.

The 11th Vietnam Communist Party Congress in January 2011 and the stage-managed National Assembly election in May determined the leadership of the party and government for the next five years. During both, there was no sign of any serious commitment to improve Vietnam's abysmal human rights record. Prime Minister Nguyen Tan Dung began his second term in July, enjoying strong support from the Ministry of Public Security and other hard-liners.

Repression of Dissent

2011 saw a steady stream of political trials and arrests, likely spurred in part by Vietnamese government concerns that pro-democracy Arab Spring movement might reach Asia.

During the first 10 months of 2011, the authorities sent at least 24 rights activists to prison. All but one were convicted of "conducting propaganda against the state" (penal code article 88), "undermining national unity" (article 87), or "subversion of the administration" (article 79). These three vaguely defined articles have been employed to imprison hundreds of peaceful activists in the last decade. In addition, the police arrested at least 27 political and religious advocates in 2011. Blogger Nguyen Van Hai, known by his pen

name Dieu Cay, has been held incommunicado since October 2010. Two other pro-democracy internet writers, Nguyen Ba Dang and Phan Thanh Hai, have been detained since 2010 without trial.

In a major trial in April 2011, prominent legal activist Dr. Cu Huy Ha Vu was convicted of conducting propaganda against the state and sentenced to seven years in prison. The sentence was upheld on appeal.

In May the People's Court of Ben Tre convicted seven peaceful land rights activists, including Mennonite pastor Duong Kim Khai and Hoa Hao Buddhist member Tran Thi Thuy, for subversion and sentenced them to long prison terms.

Authorities continue to harass, interrogate, and in some cases detain and imprison online critics. In January 2011 police arrested human rights blogger Ho Thi Bich Khuong. In May democracy advocate Nguyen Kim Nhan was arrested for allegedly conducting propaganda against the state, five months after he was released from prison on the same charge. In August blogger Lu Van Bay was sentenced to four years for his pro-democracy articles published on the Internet. Also in August blogger Pham Minh Hoang was sentenced to three years for subversion.

Ethnic minority activists also face arrest and imprisonment. In January the Lang Son provincial court sentenced blogger Vi Duc Hoi, an ethnic Tay, on charges of conducting propaganda against the state to eight years in prison, reduced to five years on appeal in April. In March land rights activist Chau Heng, a member of the Khmer Krom minority group, was sentenced to two years in prison in An Giang on charges of "destruction of property" and "causing public disorder." The People's Court of Gia Lai imprisoned eight Montagnard Protestants in April to sentences between eight to twelve years for violating article 87 of the penal code, which outlaws "undermining unity policy."

Freedom of Expression, Assembly, and Information

The government does not allow independent or privately-owned domestic media to operate and exerts strict control over the press and internet. Criminal penalties apply to authors, publications, websites, and internet users who disseminate materials deemed to oppose the government, threaten national security, reveal state secrets, or promote "reactionary" ideas. The government blocks access to politically sensitive websites, requires internet cafe owners to monitor and store information about users' online activities, and subjects independent bloggers and online critics to harassment and pressure.

In August anti-China protests in Hanoi were dispersed with force. Protesters were intimidated, harassed, and detained for peacefully marching near the Embassy of China and around Hoan Kiem lake. Government media, including newspapers and television stations, continually cast negative images of protesters and labeled them "reactionary."

Freedom of Religion

The government restricts religious practices through legislation, registration requirements, and harassment and surveillance. Religious groups are required to register with the government and operate under government-controlled management boards. Despite allowing many government-affiliated churches and pagodas to hold worship services, the government bans any religious activity that it arbitrarily deems to oppose "national interests," harm national unity, cause public disorder, or "sow divisions."

Local police continue to prohibit unsanctioned Buddhist Hoa Hao groups from commemorating the anniversary of the death of Hoa Hao founder Huynh Phu So. During Buddhist festivals in May and August, Da Nang police blocked access to Giac Minh and An Cu pagodas and intimidated Buddhist followers. Both pagodas are affiliated with the unsanctioned Unified Buddhist Church of Vietnam.

Protestant pastor Nguyen Trung Ton was arrested in January on unknown charges. Three Catholic Ha Mon Montagnard activists—Blei, Phoi, and Dinh Pset—were arrested in March. Two Hoa Hao activists, Nguyen Van Lia and Tran Hoai An, were arrested in April and July. Also in April Protestant pastor Nguyen Cong Chinh was arrested and charged with "undermining national unity." At least 15 Catholics affiliated with Redemptorist churches in Hanoi and Ho Chi Minh City, including bloggers Le Van Son and Ta Phong Tan, were arrested in July, August, and September.

In July prominent religious and democracy campaigner Father Nguyen Van Ly was sent back to prison after approximately 16 months of medical parole/house arrest. Father Ly suffers from partial paralysis resulting from strokes previously suffered in prison and there continue to be serious concerns for his health.

Criminal Justice System

Police brutality, including torture and fatal beatings, continues to be reported in all regions of the country. At least 13 people died in police custody within the first 10 months of 2011.

Political and religious detainees and others whose cases are considered sensitive are frequently tortured during interrogation, held incommunicado prior to trial, and denied family visits and access to lawyers. Vietnamese courts remain under the firm control of the government and the Vietnam Communist party, and lack independence and impartiality. Political and religious dissidents are often tried without the assistance of legal counsel in proceedings that fail to meet international fair trial standards. Defense lawyers who take on politically sensitive cases are intimidated, harassed, debarred, and imprisoned.

Vietnamese law continues to authorize arbitrary "administrative detention" without trial. Under Ordinance 44 (2002) and Decree 76 (2003), peaceful dissidents and others deemed threats to national security or public order can be involuntarily committed to mental institutions, placed under house arrest, or detained in state-run "rehabilitation" or "re-education" centers.

People dependent on illegal drugs can be held in government detention centers where they are subjected to "labor therapy," the mainstay of Vietnam's approach to drug treatment. In early 2011 there were 123 centers across the country holding some 40,000 people, including children as young as 12. Their detention is not subject to any form of due process or judicial oversight and routinely lasts for as long as four years. Infringement of center rules—including the work requirement—is punished by beatings with truncheons, shocks with electrical batons, and being locked in disciplinary rooms where detainees are deprived of food and water. Former detainees report being forced to work in cashew processing and other forms of agricultural production, including potato or coffee farming; construction work; and garment manufacturing and other forms of manufacturing, such as making bamboo and rattan products. Under Vietnamese law, companies who source products from these centres are eligible for tax exemptions. Some products produced as a result of this forced labor made their way into the supply chain of companies who sell goods abroad, including to the United States and Europe.

Key International Actors

Vietnam's complicated relationship with China plays a key role in both domestic and foreign affairs. Domestically, the government has been increasingly criticized on nationalist grounds by many activists and some retired military officials for weak responses to what is widely seen in Vietnam as China's aggressive behavior in the disputed Spratly and Paracel Islands. The government in 2011 worked to silence this increasingly public and audible anti-China chorus.

Internationally, the government has attempted to increase cooperation with the US, India, Japan, and neighboring Association of Southeast Asian Nations countries as a regional counter-balance China's influence.

Despite Japan's considerable leverage as Vietnam's largest bilateral donor, it has repeatedly failed to publicly comment on Vietnam's deteriorating rights record.

The relationship between Vietnam and the US continues to grow closer. In September Vietnam opened a new consulate in New York, and the US Consulate in Ho Chi Minh City expanded with the opening of an American Center. The US and Vietnam are also among those currently negotiating to join the Trans-Pacific Partnership, a multilateral free trade agreement.

In January and May United Nations independent experts who had visited Vietnam in 2010 published their findings. The UN special rapporteur on human rights and extreme poverty issued a broadly positive report but urged the government to ratify and implement major human rights treaties, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment. The UN special rapporteur on minority issues issued a more critical report, acknowledging some progress but raising concerns about the potential denial of religious freedom and "other serious violations of civil rights." The rapporteur also pointedly noted that obstacles during her visit "impeded her ability to obtain perspectives other than those in consonance with official Government positions."

VIETNAM

The Rehab Archipelago

Forced Labor and Other Abuses in Drug Detention Centers in Southern Vietnam

HUMAN RIGHTS WATCH

"Those who refused to work were beaten by the guards and then put into the disciplinary room. In the end they agreed to work."

QUY HOP, FORMER DETAINEE OF BINH DUC CENTER

Summary

Binh Phuoc is a remote border province in southern Vietnam renowned for its agriculture. So many cashew farms are strewn throughout its verdant fields and hills that media have dubbed the province Vietnam's "cashew kingdom."

In March 2010 Binh Phuoc hosted the "Golden Cashew" festival. Held in Dong Xoai, the provincial capital, the three-day trade fair was attended by foreign dignitaries, representatives of various cashew organizations, and a host of Vietnamese government officials, including the country's then-president. At one point during the event's three-hour singing and dancing-filled opening extravaganza, fireworks exploded and a model of a giant golden cashew rose up over proceedings—a symbol, national media reported, of the cashew industry's growing success. Indeed, Vietnam is today the world's leading exporter of cashew nuts, which it exports mainly to the United States (US) and European Union (EU).

Just a few dozen kilometers from Dong Xoai are a number of centers involved in cashew production. Formally classified as "Centers for Social Education and Labor" (*Trung Tam Giao Duc Lao Dong Xa Hoi*) or "Centers for Post Rehabilitation Management" (*Trung Tam Quan Ly Sau Cai Nghien*), they purportedly provide treatment for drug dependency to thousands of people. According to the testimony of former detainees, husking cashews is their "labor therapy."

One recent resident of one such center is Que Phong. He was in his late 20s when his family encouraged him to go to one of the Binh Phuoc centers for drug dependency treatment. He agreed to get help for his heroin addiction and signed up for what he thought would be 12 months of treatment. Instead, he endured five years of forced labor, torture, and abuse.

During his time at the center, Que Phong was given a daily quota of cashews to husk and peel. Although the caustic resin from the cashews burnt his hands, he was forced to work for six or seven hours a day. Asked why he performed such hazardous work, he said:

> If you refused to work they slapped you. If you still refused to work then they sent you to the punishment room. Everyone worked.

He estimates there were some 800 people at the center, performing different types of agricultural work. He was paid for his cashew production but at a fraction of the minimum

wage. The center reduced his meager wages even further, taking three-quarters in fees ostensibly to pay for his food. He estimated that he ended up with 50,000 Vietnamese dong (VND) each month (just under US$3), which the center kept for him.

Although he had entered voluntarily, Que Phong was not free to leave: the center management told him that his time in "drug treatment" was extended, first by an extra year, then by an extra three. Throughout he continued to work and receive beatings. On one occasion, when caught playing cards with other detainees, center staff tied his hands behind his back and beat him with a truncheon for an hour.

After his release and return to Vietnam's largest city, Ho Chi Minh City, in 2008, Que Phong returned to smoking and injecting heroin. When Human Rights Watch spoke to him in 2010, he said that he had not used heroin for several months. When asked to reflect on his time in the Binh Phuoc center, he stated simply: "The time and work in the center didn't help me."

Vietnam's system of forced labor centers for people who use drugs has expanded over the last decade. In 2000, there were 56 drug detention centers across Vietnam; by early 2011 that number had risen to 123 centers. Between 2000 and 2010, over 309,000 people across Vietnam passed through the centers.

The length of time in detention has also grown. At the beginning of 2000, the law provided for a person dependent on drugs to be detained for treatment from three months to a year. In 2009 the National Assembly passed a law allowing for individuals to be held for up to four years for supposed drug treatment.

This report describes the experiences of people from Ho Chi Minh City or its immediate suburbs recently detained in 14 of 16 drug detention centers under the city's administration. Some centers are located in the city itself, although most are scattered around other provinces in southern Vietnam.

Many of the laws, regulations, and principles that govern drug detention centers in Ho Chi Minh City apply to all of Vietnam's drug detention centers. Human Rights Watch is concerned that the abuses described in this report are present in the centers—over a hundred of them—in other parts of Vietnam.

Que Phong's story is typical of the experiences recounted to Human Rights Watch, except in one regard: most people enter the centers on a compulsory basis after being detained by police or local authorities.

Ho Chi Minh City's drug detention centers operate as part of the Vietnamese administrative—rather than criminal justice—system. According to Vietnamese law, court orders are not required to round up people who use drugs and detain them at the centers, and normal legal safeguards relating to imprisonment do not apply. Whether they enter voluntarily or after being taken into police custody, former detainees reported they had no lawyer or hearing, nor were they able to review the decision to detain them. When their detentions were extended, detainees reported that they did not receive a warning, explanation, or opportunity for appeal.

There is no standard type of labor performed in the centers. Most have a variety of labor arrangements, some involving outside businesses, although cashew processing is common. Former detainees told Human Rights Watch that they knew of cashew production in 11 of the 16 centers under the administration of Ho Chi Minh City authorities.

Former detainees also described how they are forced to work in other forms of agricultural production (either for outside sale, such as potato or coffee farming, or for consumption by detainees), garment manufacturing, other forms of manufacturing (such as making bamboo and rattan products), and construction work.

Human Rights Watch received reports about particular products that were allegedly manufactured or processed in drug detention centers. Under Vietnamese law, companies who source products from these centers are eligible for tax exemptions. However, there is no public record in Vietnam listing all the companies that have commercial or contractual relations with the centers. Some of the products produced as a result of forced labor may make their way into the supply chain of companies who sell goods abroad, including to the US and Europe.

Consistent with the responsibility in international law of all businesses to respect human rights and avoid complicity in abuses, companies that source products from Vietnam such as cashews or other goods identified in this report should undertake vigorous reviews to identify whether they are directly or indirectly purchasing from these centers. If they are, they should immediately sever those commercial ties.

Some former detainees told Human Rights Watch that the labor they were forced to perform was unpaid. More commonly, forced labor is paid at wages well below the minimum wage. Centers commonly hold the wages of detainees as credit, against which centers levy charges for items such as food, accommodation, and "managerial fees."

These charges often represent a significant amount—in some cases all—the detainee's wages. Some detainees, when they are released from detention, owe the center money.

Refusing to work, or violating any one of a number of center rules, results in beatings or confinement in disciplinary rooms (*phong ky luat*). Staff beat detainees with wooden truncheons or shock them with electrical batons, sometimes causing them to faint. In disciplinary rooms— either crowded punishment rooms or solitary confinement cells—physical deprivation is used as an additional form of punishment: food and/or drinking water rations are often reduced, access to bathing is restricted, and family visits are prohibited. People held in disciplinary rooms often have to work longer hours or conduct more strenuous work than usual, or are only allowed out of such rooms for 30 minutes each day, if they are allowed out at all.

In addition to adults, children who use drugs are also held in drug detention centers. Like adults, they are forced to work, beaten, and abused.

Whether committed against adults or children, abuses such as arbitrary detention, torture, inhuman and degrading treatment, and forced labor are illegal under Vietnamese and international law.

No one who had been detained described any form of scientifically or medically appropriate drug dependency treatment within a center. Psychosocial counseling involved lectures on the evils of drug use and morning exercises while chanting slogans such as "Healthy! Healthy! Healthy!"

While compulsory healthcare interventions that involve restricting rights can be ethically justifiable in exceptional circumstances, such circumstances are rare. When they do occur, the decision to impose coercive medical treatment should be taken on an individualized basis; be overseen by judicial protections and due process; and respect best practices and international standards. Long-term, *en masse* detention of drug users for labor therapy is incompatible with the tenets of scientifically and medically appropriate drug dependency treatment and contravenes international law.

Vietnamese authorities and the international community acknowledge that Vietnam's system of forced labor in detention centers is not effective drug dependency treatment. Rates of relapse to drug use after "treatment" in the centers have been reported at between 80 and 97 percent. Yet Vietnamese officials have simply redoubled their efforts, lengthening periods of detention and institutionalizing labor therapy on an industrial scale.

While it is estimated that between 15 and 60 percent of individuals in drug detention centers in Vietnam are infected with HIV, few centers provide appropriate medical care for HIV, tuberculosis (TB), or other opportunistic diseases. Recognizing the high rates of HIV inside drug detention centers, some bilateral and multilateral donors have supported interventions targeting detainees, citing an intention to relieve detainee suffering.

Some external organizations provide detainees with HIV prevention information and/or HIV treatment and care, or fund government authorities to do so. Other organizations provide drug dependency services for detainees or fund training and capacity building for detention center staff on drug dependency treatment.

Among the most significant donors providing funding support for activities inside Vietnam's drug detention centers are the US President's Emergency Plan for AIDS Relief (PEPFAR), the Global Fund to Fight AIDS, Tuberculosis and Malaria (the GF), and the World Bank. The United Nations Office of Drugs and Crime (UNODC) and the US Department of State's International Narcotics and Law Enforcement Affairs (INL) have funded capacity building programs for staff of the centers. PEPFAR and the GF have recently proposed to expand their funding of projects in Vietnam's drug detention centers.

Under Vietnamese law, HIV-positive individuals in detention have a right to be released if drug detention centers cannot provide appropriate medical care. While the provision of HIV treatment can be life-saving, donor support for expanded HIV treatment inside centers has had the perverse impact of enabling the government to maximize profits from the centers by detaining HIV-positive drug users—and subjecting them to forced labor—for more time. Human Rights Watch believes that donor support should focus on releasing detainees from these centers so they can access appropriate treatment in the community.

External support also raises questions about the effectiveness of conducting HIV interventions inside abusive and illegitimate centers, and the ethics of addressing HIV while seeming to ignore serious human rights abuses. The failure of donors and the implementing partners to monitor the human rights conditions of detainees renders impossible any accurate assessment of the impact of donor's humanitarian assistance.

Forced labor and physical abuse are not an adjunct to drug dependency treatment in Vietnam. Rather, they are central to how the centers operate. Developing the capacity of Ho Chi Minh City's centers to provide drug dependency services ignores the fact that even if relapse rates could be reduced to zero, what happens in Vietnam's drug detention centers

(such as arbitrary detention, torture, inhuman and degrading treatment, and forced labor) is illegal under Vietnamese and international law.

People currently detained against their will in Vietnam's drug detention centers in violation of international and Vietnamese law should be immediately released. The Vietnamese government should permanently close the country's drug detention centers. It should also launch a prompt, thorough investigation capable of leading to the criminal prosecution of those who have committed acts of torture or cruel and inhuman treatment and other abuses amounting to criminal acts in the drug detention centers.

At the same time, Human Rights Watch calls on the Vietnamese government to expand access to voluntary, community-based drug dependency treatment and ensure that such treatment is medically appropriate and comports with international standards.

In situations where individuals are unjustifiably detained, Human Rights Watch believes that donor funds should not contribute towards that detention, nor should private companies be able to benefit from their labor. Adding an additional profit motive into the operations of drug detention centers creates too much human rights risk for companies and the detained. Foreign and Vietnamese companies working with Vietnam's drug detention centers, including through sub-contractors and sub-sub-contractors, should cease such commercial relationships immediately. Separately, donors and their implementing agencies should review all funding, programming, and activities directed to assisting Vietnam's drug detention centers to ensure no funding is supporting policies or programs that violate international human rights law.

Vietnam's trading partners—in particular those countries negotiating or engaged in preferential trade programs with Vietnam—should urgently review those arrangements to ensure that products subject to preferential benefits are not made at drug detention centers in light of reports of abuses, such as forced and child labor at those facilities.

Key Recommendations

To the Vietnamese Government

- Instruct the Ministry of Labor, Invalids and Social Affairs (Ministry of Labor) to release current detainees in Vietnam's drug detention centers, as their continued detention cannot be justified on legal or health grounds.
- Instruct the Ministry of Labor to permanently close Vietnam's drug detention centers.
- Carry out prompt, independent, thorough investigations into the use of torture, cruel, inhuman or degrading treatment or punishment and other human rights abuses and criminal acts in Vietnam's drug detention centers. Follow up with appropriate legal actions (including criminal prosecution) of identified perpetrators of abuses.

To Vietnamese and Foreign Companies with Commercial Relationships with Drug Detention Centers in Vietnam

- Cease all commercial relationships (including through sub-contractors and sub-sub-contractors) with Vietnam's drug detention centers.

To Bilateral and Multilateral Donors and Nongovernmental Organizations (NGOs) Providing Assistance to Vietnam on Drugs or HIV/AIDS Issues

- Review all funding, programming, and activities directed to assisting Vietnam's drug detention centers to ensure no funding is supporting policies or programs that violate international human rights law, including prohibitions on arbitrary detention, forced labor, torture and cruel, inhuman or degrading treatment or punishment.

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE AL GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Police Brutality Against People of Faith

Prepared by BPSOS

Jan 24, 2012

Pastor Nguyen Cong Chinh, Gia Lai Province, Jul 2008

Brother Anthony Nguyen Van Tang of the Redemptorist Order, in Dong Chiem Parish, Jan 20, 2010

Ven. Thich Thai Thuan of the Unified Buddhist Church of Vietnam, Jun 29, 2009

Father Ngo The Binh, in Tam Toa Parish, July 28, 2009

Vu Hoang Quang, Catholic College Students Association of Vinh in Ha Noi, March 15, 2010

Ms. Ken, in Dong Chiem, Jan 2010

Nguyen Thanh Nam, Con Dau Parish, Jul 2, 2010

Oct 23, 2011 – Member of the Compassion Baptist Church in Quang Ngai

Ms. Hoang Thi Sinh in Thai Ha Parish, Ha Noi, Dec 2, 2011

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