

**Report to the Country Report Task Force on Vietnam
in consideration of List of Issues to be adopted for
Vietnam Third Periodic Report review
(CCPR/C/VNM/3)**

Submitted jointly by:

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INTRODUCTION AND EXECUTIVE SUMMARY

In this joint submission by multiple religious and civil society organizations, we propose the following items to be included in the List of Issues in regards to the Concluding Observations adopted by the Human Rights Committee on 5 August 2002 (CCPR/CO/75/VNM):

- Freedom of religion and conscience (Art. 16, Art. 18)
- Freedom of opinion and expression (Art. 19)
- Freedom of peaceful assembly (Art. 21)

The Vietnamese government has created, used and/or supported non-state actors to commit gross violations of human rights against independent religious communities. The government controls all media outlets in Vietnam and has used them to amplify the voices of on-state actors and defame their targets. Similarly, the government has approved and even facilitated mob activities of non-state actors while dispersing, often with force, any gathering of followers of independent religions. We herein cite three cases in point: (1) the government-supported Red Flag Associations, (2) the government-created Cao Dai Tay Ninh Sect, and (3) the government-created Buddhist Church of Vietnam.

Non-State Actors as Instruments to Curtail Religious Freedom

Red Flag Associations

The rise of the Red Flag Associations in Nghe An Province is closely related to the government's suppression of popular protests against the Taiwanese-owned Formosa Steel Plant, which has caused the worst ecological disaster in Vietnam's contemporary history.

In early April 2016, residents along the coastline of four provinces in Central Vietnam, Ha Tinh, Quang Tri, Quang Binh and Thua Thien-Hue, discovered large volumes of dead fish washing ashore. Residents in communities surrounding the Formosa Steel Plant in Ha Tinh Province reported seeing a large level of waste dumped by the plant into the ocean. According to Amnesty International, as many as 270,000 people, including fishermen, women, and others who rely on the fishing industry for their livelihood as well as that of their families, were affected by the deaths of millions of fish.¹

As mass protests broke out against the Formosa Steel Plant, in which demonstrators demanded environmental justice and fair compensation, the government violently attacked them and arrested those suspected of being key organizers. For two months the Vietnamese government acted to defend the steel plant, attempting to deflect blame from the company and pointing to other alleged causes. In late June 2017, the government finally confirmed the widespread public view that the Formosa Steel Plant, owned by the Taiwanese Formosa Plastics Group, was the source of discharges of toxic waste into coastal waters.

At the same time, the government announced Formosa Steel Plant's agreement to pay 500 million USD in fines and compensation. This announcement was met with public anger as people affected had

¹ Amnesty International, Urgent Action, June 1, 2017, available at <https://www.amnestyusa.org/wp-content/uploads/2017/06/uaa12617-1.pdf>

been completely shut out of the negotiation process. The government-negotiated compensation ranges from 130 to 1,600 USD² per affected family— equivalent to one month to 11 months of lost income.³ Most experts and even Vietnam’s government projected that full recovery of the ecology and fishery would take a decade.⁴

The majority of the half million Catholics in the Diocese of Vinh live in fishing communities severely affected by the disaster. Complaints they filed against the Formosa Steel Plant were summarily dismissed by the country’s judicial system. Without any other recourse, they took to the streets to make their voice heard. The government has targeted individuals viewed as demonstration organizers for harassment, detention, and/or imprisonment. At the same time, entire communities have been victims of mob terror in the form of Red Flag Associations.

Red Flag Associations are a new phenomenon in Vietnam: non-state actors that systematically commit egregious violations of human rights, specifically targeting Catholic communities that challenge the government’s handling of the Formosa Steel Plant–induced disaster. For years the Vietnamese police had been known for their use of thugs to attack peaceful demonstrators.⁵ However, these thugs are assembled for one specific operation and then go their separate ways so as to give the appearance of spontaneity. On the contrary, Red Flag Associations are organized, apparently with a common agenda:

- To suppress and hamper attempts aimed at filing complaints or protesting against the Formosa Steel Plant;
- To sow divisions between non-Catholics and Catholics, and rally non-Catholics to boycott business transactions with targeted Catholic communities;
- To intimidate parishioners by vilifying their priests, attacking their lay leaders, and desecrating their church and homes.

The Red Flag Associations have publicly condemned Bishop Nguyen Thai Hop of Vinh Diocese, Phu Yen Parish priest Dang Huu Nam, Song Ngoc Parish priest Nguyen Dinh Thuc, Dong Kieu Parish priest Nguyen Ngoc Ngu, and Ke Gai Parish priest Nguyen Duc Nhan. Red Flag members have been seen using rallying cries such as “Eliminate Religious Rebels”, “Kill Vinh Bishop Nguyen Thai Hop”, “Remove Phu Yen Parish priest Dang Huu Nam and Song Ngoc Parish priest Nguyen Dinh Thuc”, and “Kill Dong Kieu Parish priest Nguyen Ngoc Ngu”.

Their membership is composed of members of the local security forces, government employees, members of government-sponsored organizations (veterans, young men, women groups, etc.), unemployed adults, and thugs among others. At times youths and children are also seen taking part in Red Flag processions.

² Vietnam’s Growing Environmental Activism, <https://thediplomat.com/2016/10/vietnams-growing-environmental-activism/>

³ Average income for a fisherman in Central Vietnam was 890 USD; factoring in a 5% average inflation rate, it would be \$1,760 in 2017.

⁴ Vietnam says recovery from Formosa industrial disaster could take a decade, <https://www.reuters.com/article/us-vietnam-environment-formosa-plastics/vietnam-says-recovery-from-formosa-industrial-disaster-could-take-a-decade-idUSKBN14C1F5>

⁵ “No Country for Human Rights Activists,” Human Rights Watch, June 18, 2017, available at <https://www.hrw.org/report/2017/06/18/no-country-human-rights-activists/assaults-bloggers-and-democracy-campaigners>

The appearance of a Red Flag group was first reported in Nghe An Province. On May 8, 2017 the state media of Nghe An Province carried news that 600 members of the Farmers Association, hundreds of members of the Women's Union and thousands of "concerned" citizens in the province demonstrated against Rev. Dang Huu Nam, priest of Phu Yên Parish, and Rev. Nguyen Dinh Thuc, priest of Song Ngoc Parish, calling for their expulsion from these localities. A few days later the Director of the Public Security Department of Nghe An Province, Nguyen Huu Cau, was quoted in the news condemning these two Catholic priests as "extremist subjects using religion as camouflage".⁶

Then, on May 30, 2017, over 100 men wearing red T-shirts and carrying red flags attacked Mr. Ho Van Than, a member of the Song Ngoc Parish in Quynh Ngoc Commune, Quynh Luu District, Nghe An Province. They called themselves members of "Hội Cờ Đỏ" (Red Flag Association), the first time this non-state actor was referred to by its name. The victim alerted the appropriate police and government officials and asked for protection, but the authorities did not show any concern.

In the evening of the same day, over 1,000 individuals wearing red T-shirts and carrying red flags surrounded Van Thai Sub-Parish of the Song Ngoc Parish while Rev. Nguyen Dinh Thuc was celebrating Mass. The thuggish crowd screamed insults at the adherents, threw bricks and rocks to damage their vehicles and a number of houses, desecrated the altar, and beat parishioners as they went home after Mass.

In the evening of the following day, a mob of over 100 individuals forced its way into Van Thai Sub-Parish, entered the homes of parishioners, and destroyed property and religious icons. The mob ransacked business stores in the sub-parish, costing several families hundreds of dollars each. In subsequent days, thugs wearing red T-shirts and carrying red flags repeatedly attacked members of the Van Thai Sub-parish, destroying homes and wrecking the statues and paintings of the Virgin Mary and the saints in the Van Thai Church.

On June 29, 2017, Ho Van Tu, one of the victims, sent to the commune and district authorities a written request for an investigation of the destruction of his property – the damages were estimated at 150 million VND, equivalent to 6,700 USD. This was about four years of average annual income for a fisherman's family.⁷ To this day he has not received any response from the responsible authorities.

In late August the Red Flag phenomenon spread to Dong Kieu Parish, about 30 km south of Song Ngoc Parish. From August 30 to September 20, 2017, thugs wearing red T-shirts and carrying red flags repeatedly threw rocks causing damages to the homes of a number of Catholics in Dong Kieu Parish, located in Dien My Commune, Dien Chau District, Nghe An Province.

On September 3, 2017, thugs forced their way into Mr. Tran Van Trinh's home in Dong Kieu Parish; they beat up residents, ransacked the place, and damaged the statue of the Virgin Mary. On September

⁶ Interview published on May 24, 2017 in "Cong An Nghe An", the organ of the Public Security Department of Nghe An Province: <http://congannghean.vn/an-ninh-trat-tu/201705/xu-ly-nghiem-cac-chuc-sac-cuc-doan-loi-dung-ton-giao-de-kich-dong-gay-roi-739323/>

⁷ The average annual income of a fisherman in South Central Vietnam was 15.1 million VND (approximately 955 USD) in 2005. Assuming that average income was the same in North Central Vietnam and adjusting for a 5% annual inflation rate, it would be 1,700 USD in 2017. See: Fishermen and Distribution System in the Fishing Sector of the South Central Vietnam, available at:

<http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.1020.1096&rep=rep1&type=pdf>

20, 2017, Red Flag members from Dien My Commune carried red flags and banners as they surrounded the Dong Kieu Church and yelled loudly their demand to have parish priest Nguyen Ngoc Ngu expelled from Dien My Commune. Government officials and police officers were present but did not interfere.

On September 22, 2017, priest Nguyen Ngoc Ngu of Dong Kieu Parish, supported by seven priests from nearby Dong Thap Parish and two local Catholic lay leaders, filed a complaint with the authorities of Dien Chau District and Nghe An Province against the perpetrators of the multiple attacks against Dong Kieu parishioners. The complaint gave specific, detailed information about the attacks and requested investigation and prosecution of the perpetrators.

As the government did not respond, on October 30 Dong Thap Parish priest Pham Xuan Ke and Dong Kieu Parish priest Nguyen Ngoc Ngu went to the government building of Dien My Commune to follow up on the filed complaint. When they came out of the building they were surrounded by some 300 Red Flag members, some carrying machetes and knives, who shouted threats at them. The mob lowered the electric cables from nearby utility poles to block the priests' SUV from leaving. The government later claimed that it was a spontaneous reaction by concerned citizens who opposed the priests' actions.

In certain locations, the local government did not hide their reliance on Red Flag members to do their "dirty" work. On December 17, 2017, a group of government employees and police officers of Hung Tay Commune, Hung Nguyen District, Nghe An Province showed up to threaten women members of Ke Gai Parish who were working on an irrigation project on their cropland near their church. The government ordered a halt to the work. The women refused to comply with the absurd order. Shortly thereafter, more than 100 men descended from buses or arrived on motorbikes, all with red flags draped around them, and proceeded to attack the women in full view of the local officials and policemen. Under the direction of Hung Tay Commune's chairman and police chief, the group beat up and injured several victims. A few male parishioners who attempted to protect the women were beaten until they passed out. Rev. Nguyen Duc Nhan, priest of Ke Gai Parish, requested the government representatives to explain the reason for the incident and to prepare an incident report. The priest also asked the parishioners to disperse so as to avoid a bloody crackdown as some 1,000 or more rapid-response policemen with riot control gear, weapons, and police dogs arrived and were poised to attack. See Appendix 1 for the incident report submitted by Rev. Nhan to the UN Special Rapporteur on Freedom of Religion or Belief.

Similarly, on February 23, 2018, parents of elementary school students from Dang Cao Parish, Dien Doai Commune, Dien Chau District, Nghe An Province, went to Dien Doai Elementary School to challenge their children's expulsion from the school. Earlier, a few teachers had picked on a number of Catholic students and even threatened them with expulsion because they had not signed up for out-of-school tutoring classes offered by teachers who wanted to make extra money. The targeted children were taunted by their classmates, who also prevented them from using school computers and closed the classroom doors to prevent them from attending class.

School officials then reportedly called in the Red Flag members, who arrived armed with metal pipes, sticks, and staffs. They waited outside and assaulted the parents as they came out of the meeting with school officials. Instead of investigating the violent mob and protecting the targeted parents, school officials accused Rev. Dinh Van Minh, priest of Dang Cao Parish, of inciting his parishioners to create

trouble for the school. The school officials referred to this local Red Flag Association as “Autonomous Security Group to Protect the Government”.

Alarming, Red Flag Associations have surfaced in areas outside Nghe An Province. On September 4, 2017, twenty Red Flag members wearing face masks and sunglasses and equipped with red flags, banners, a pistol, electric batons, and tear gas dispensers entered Thọ Hoa Parish in Dong Nai Province. They demanded retribution against Rev. Nguyen Duy Tan, the parish priest, after he had posted opinions on his personal Facebook critical of the government’s policy toward independent religions. Rev. Tan recognized Nguyen Trong Nghia, a known Red Flag member, among the mob. Parishioners rallied to protect their priest and were able to disarm the intruders. They prepared an incident report in the presence of the Red Flag members and the public security police. Upon receiving the incident report from the parishioners along with their request for investigation, the government only imposed an administrative fine on a number of intruders, including an equivalent of US \$40 against a Red Flag member for “possessing a dangerous toy gun”, which was the conclusion of police investigators.

Similarly, in late 2017 a number of pro-government “opinion shapers” in Ha Noi introduced their newly formed Red Flag Association. Many of them were already members of Vietvision Television, an online television channel broadcasting on Youtube that verbally attacks non-conforming Catholic priests and vilifies any critic of the government.

In mid October 2017, the Red Flag Associations announced their inaugural convention titled “Networking – Introducing the Alliance of Red Flag Associations – Son Hai Commune, Dien My Commune, Hanoi and neighboring communes – Protecting National Security” to be held next to the Catholic church of Van Thai Sub-parish of Song Ngoc Parish.

Notified by the local government of the upcoming public event, on October 26 Rev. Nguyen Dinh Thuc, the parish priest, wrote to the local authorities protesting the gathering of hundreds of Red Flag members next to the sub-parish’s church. As his parish had been brutally attacked and ransacked by Red Flag members just a few months before, the coming together of Red Flag Associations near Van Thai Church would have an intimidating effect on his parishioners. The authorities did not respond to his protest.

As scheduled, on October 29 some 700 Red Flag members from Hanoi and the Communes of Son Hai, Dien My, Dien Chau and An Hoa assembled next to the Van Thai Church. All the speakers at the event took turns to defame Rev. Nguyen Dinh Thuc, the priest of Song Ngoc Parish, and Rev. Dang Huu Nam, the priest of Phu Yen Parish, and called for their removal. See in Appendix II the full incident report submitted to the UN Special Rapporteur on Freedom of Religion or Belief.

Cao Dai Tay Ninh Sect

Founded in 1926, Dai Dao Tam Ky Pho Do (Third Amnesty Great Way of God), also known as Cao Dai Religion, calls for unity, love, justice, peace, freedom, democracy and respect for all faiths. Its theological foundation is Spiritism -- its founders believed that God communicated with them directly through spiritist séances. Its Holy Constitution and New Codes were believed to be so dictated directly by God and therefore may not be altered by men. With its Charter approved on July 12, 1965 by the Government of the Republic of Vietnam (aka South Vietnam), Cao Dai Religion acquired legal status at the national level. Its Holy See, based in Tay Ninh Province, had affiliated temples and

offices throughout South Vietnam and in different countries, including Cambodia, France, Canada, Australia, and the United States. Followers of Cao Dai Religion and its sects presently number 4.5 to 5 million both in and outside of Vietnam.

All religious activities of Cao Dai Religion were jointly managed by its three councils: the Popular Council, the Sacerdotal Council and the High Council. All new laws and rules must be ratified by all three councils and then submitted for divine confirmation through spiritist séances. All clergy positions must be confirmed by divine power through spiritist séances.

After its takeover of South Vietnam, the Communist regime declared Cao Dai Religion to be “counter-revolutionary” and launched a systematic effort to abolish it. On July 20, 1978 the Fatherland Front of Tay Ninh Province issued its verdict, denouncing Cao Dai Religion to be reactionary and a puppet of the French and American colonialists. The Fatherland Front, founded in 1977, is an arm of the Vietnamese Communist Party (VPC). Using this “verdict” as justification, on December 13, 1978 the People’s Council of Tay Ninh Province passed a resolution to outlaw Cao Dai Religion and disband its entire administrative structure, from the central to the local levels including its Legislative Body, its Executive Body, and its three councils. On June 4, 1980, by Decision No. 124, the People’s Committee of Tay Ninh Province took all lands, totaling over 2,355 hectares, belonging to Cao Dai Religion, and most of its religious properties including its hospital, university, library and many schools. The only religious properties exempted from confiscation were the Tay Ninh Holy See Temple and nine other facilities; they were placed under state management instead.

Under threat from the government, Cao Dai Religion’s Legislative Body (officially known as Hiep Thien Dai, or Divine Alliance Temple) issued Religious Order No. 01/HTDL dated March 1, 1979 to suspend the Legislative and Executive Bodies, disband its three councils, and dismantle its administrative structure at all five levels (the village, district, province, region and central levels). In their last-ditch attempt to save Cao Dai Religion from extinction, the Legislative Body created an interim administrative office known as the “Governing Council” (Hoi Dong Chuong Quan) to manage its day-to-day activities at the central level, cope with policies of the government, and maintain contact with Cao Dai Religion followers throughout the country and overseas. Cao Dai Religion’s once large administrative structure was reduced to a small interim office staffed by only ten people.

In 1984, the People’s Committee of Tay Ninh Province disbanded the interim Governing Council and replaced it with the Managerial Council, created by the government to tightly monitor and control followers of Cao Dai Religion. The Managerial Council was staffed with individuals who answer to the VCP, not Cao Dai Religion leaders. Five years later, on September 14, 1989, the People’s Committee of Tay Ninh Province abolished the Managerial Council and replaced it with a new Governing Council.

Despite having the same name, this new Governing Council was not part of the Legislative Body, and only oversaw activities of adherents of Cao Dai Religion in Tay Ninh Province. The VCP’s Provincial Committee of Tay Ninh Province hand-picked some mid-ranking clergy members of Cao Dai Religion who collaborated with the VCP to staff the new Governing Council. For example, the Governing Council’s Chair, Mr. Ho Ngoc Tho, was member of the Fatherland Front of Tay Ninh, which had issued the 1978 verdict calling for the abolition of Cao Dai Religion.

Facing mounting international criticisms, in the early 1990’s the VCP changed its strategy: Force Cao Dai Religion adherents to join a new religion that he would create and control. The Secretariat of

VPC's Central Committee on November 14, 1992 issued Announcement No. 34-TB/TW titled "Opinions of the Secretariat regarding Undertaking and Tasks towards Cao Dai Religion." This document laid down Vietnam's policy of dividing and isolating Cao Dai communities: "Regarding its organization, we shall not allow Cao Dai Religion to form an administrative structure that is similar to that of a government, and shall not allow the different Cao Dai Sects with national presence to unify under any form, even under the form of an 'alliance'..."

Implementing this strategy, on May 27, 1996 the VCP's Provincial Committee of Tay Ninh submitted its "Plan No. 01" to the VCP's Central Committee. This document acknowledged that the VCP's strategy to "encircle Cao Dai Religion and restrict it to Tay Ninh locality until its eventual death" did not succeed, and proposed to elevate the Tay Ninh Sect to become a religion, with a Sacerdotal Council operating on the national scale. On May 29, 1996 the VCP's Tay Ninh Provincial Committee designated Communist party members to form a Steering Committee to ensure that:

- The new "Cao Dai Tay Ninh Religion" is but a sect;
- Spiritist séances are banned; and
- The Sacerdotal Council has only two levels instead of the five administrative levels of Cao Dai Religion.

Then, on September 30, 1996 the Mass Mobilization Committee of VCP's Central Executive Committee issued Announcement No. 319/TB.BDV instructing the Fatherland Front, the Central Committee on Religious Affairs and the Ministry of Interior that in the process of forming the new religion, they must: "Ensure the strict leadership of the VCP. Build *core forces and positive elements* to meet the need of forming the [political] base for the near and long terms... Guard against, fight off and deal with any manifestation of opportunism, division, or opposition by bad elements." In a later directive, the Mass Mobilization Committee emphasized the importance of forming and developing the "core forces and political base within the Cao Dai sects" by "screening, selecting and rallying the core forces, political bases and party members (including former party members) towards establishing core cells directly led by party committees at different levels... Should focus on the quality and give importance to the principle of secrecy, tight control in core tasks, particularly relating to the political bases." [Circular No. 31 HD/DVTW, dated February 16, 1998]

The Steering Committee set up by the VCP's Provincial Committee of Tay Ninh Province oversaw the drafting of the new religion's charter, which renounced Spiritism, the theological foundation of Cao Dai Religion; created an organizational structure with the Governing Council at the top; and allowed clergy members to be appointed or promoted without divine consent through spiritist séances as required by Cao Dai Religion's Holy Constitution and New Codes. The new sect was so different from Cao Dai Religion that it would arguably constitute a different faith.

On May 9, 1997, by Decision No. 10/QD/TGCP the Government approved the charter of the Tay Ninh Sect, accorded it legal status, and gave it the name "Dai Dao Tam Ky Pho Do Cao Dai Tay Ninh" – the addition of "Cao Dai Tay Ninh" was to emphasize that it was only a sect of Cao Dai Religion. Trang Quang Canh, presently a priest of this sect and the Chair of its Overseas Representative Committee, admitted that "*This policy was manifested by granting legal status to the Cao Dai Tay Ninh sect, approving its charter dated April 5, 1997, which was drafted by the Governing Council... under the command of the Government of Tay Ninh Province.*" [Declaration of July 3, 2000]

The Governing Council of the Tay Ninh Sect was populated with individuals who were associated with the VCP or part of the government:

- Mr. Ho Ngoc Tho, Chair, was Vice Chair of the Central Committee of the Fatherland Front of Vietnam for the 1994-1999 term. He was also a member of the Central Committee of the Fatherland Front of Tay Ninh Province.
- Nguyen Thanh Tam, Vice Chair, was member of the Fatherland Front of Tay Ninh Province, for the 1994-1999 term. In July 1997 he was selected by the VCP to be National Assembly member.
- Mrs. Huong Nhin, Member, was member of the Fatherland Front of Tay Ninh Province, for the 1994-1999 term.

Note all three were members of the Fatherland Front of Tay Ninh Province, which in 1978 issued the verdict to abolish Cao Dai Religion.

The government turned over to the Tay Ninh Sect's Governing Council all properties of Cao Dai Religion that were under state management. On September 15, 2017, the highest authority of the Cao Dai Religion, its Legislative Body, issued an official statement denouncing the Tay Ninh Sect of grossly violating the rights of Cao Dai followers:

“Another important act of persecution by the Cao Dai Tay Ninh Sect: The Sacerdotal Council of Cao Dai Tay Ninh Sect unanimously instructed its Representative Committee for Tay Ninh Province to issue document No. 42/90.BDD-VT dated September 2, 2015, reporting to the government at different levels in Tay Ninh Province its aim to form 75 groups organized into 16 clusters to persecute, terrorize followers who preserve their original faith at funerals and altar erecting services in private homes.

“Next, the Church of Cao Dai Tay Ninh Sect instructed the security of the inner quarters of the Holy See to use force against members on the Legislative Body of the original Cao Dai Religion, close the office of the Legislative Body, and evict members on the Legislative Body from the inner quarters of the Holy See.”

The Tay Ninh Sect, a non-state actor created in 1997, carries out the government's plan to efface Cao Dai Religion, which was founded in 1926. In the process, the Tay Ninh Sect has committed gross violations of religious freedom, often acting in coordination with local government authorities. Its human rights violations can be grouped into four categories: (1) taking of Cao Dai temples by force or coercion; (2) prohibiting Cao Dai followers from gathering at their Holy See; (3) interfering with religious activities of Cao Dai followers; (4) barring the burial of Cao Dai followers in the cemetery reserved for them... These violations of religious freedom have aimed to force Cao Dai Religion followers to submit themselves to the Tay Ninh Sect, which essentially constitutes forced conversion of faith. Following are a few illustrative examples.

Saigon Cao Dai Temple: In 1949, the founder of Cao Dai Religion bought a French villa in District 5, Saigon to serve as a temporary office where he and Cao Dai clergy members worked and rested each time they visited Saigon. In 1999, Cao Dai followers pooled their money, equivalent to 95,000 USD, to convert it into a temple. In July 2001, as the temple was inaugurated, the Tay Ninh Sect dispatched Mr. Kieu Ngoc Minh to Saigon to claim it as the sect's property. Cao Dai followers resisted the takeover. On April 14, 2005, escorted by officials of the local Committee on Religious Affairs, members of the local Fatherland Front, officials of the District 5 government, and public security agents, officials of the Tay Ninh Sect expelled Cao Dai Religion followers from their temple. Cao Dai

Religion followers had to hold their bi-monthly religious ceremonies on the pavement in front of their own temple for eight years before they built a makeshift place of worship in 2013.

Dinh Quan Cao Dai Temple: Founded in 1970, this temple served 500 Cao Dai followers in Dinh Quan District, Dong Nai Province. On November 19, 2008, the Tay Ninh Sect sent its representatives to demand that the Administrative Committee of the temple surrender it to them. The Administrative Committee explained that the temple belonged to the Cao Dai Religion, not the Tay Ninh Sect. On Sunday December 27, 2009 members of the Tay Ninh Sect came again, this time escorted by government officials. They attacked the Cao Dai Religion followers at the temple, but failed to take over the temple. The following day they came back, escorted by thugs, public security agents, military personnel, and local government officials. They punched, kicked and beat up all Cao Dai Religion followers present at the temple. They also damaged parts of the temple. Overwhelmed by brutality, the Cao Dai Religion followers had to leave their temple. Members of the Tay Ninh Sect moved in and occupied it. In 2017, they demolished the Dinh Quan Cao Dai Temple. On January 13, 2018, Mr. Nguyen Thanh Tam, Chair of the Governing Council of the Tay Ninh Sect, attended the brick-laying ceremony to build a new Tay Ninh Sect temple on the grounds of the old temple.

Denied access to the Holy See: In 2008 the Popular Council of Cao Dai Religion, a network of followers fighting to preserve their faith, announced their plan to convene members, on March 17, at the sacred “Pagoda Tree” area on the grounds of their Holy See. Their intention was to publicly request that the Tay Ninh Sect stop passing itself to be Cao Dai Religion, give Cao Dai Religion followers access to facilities of their Holy See, and return the Holy See to the Cao Dai Religion. Six days before the event, the Governing Council of Tay Ninh Sect issued Announcement No. 01/83-HDCQ.TT to condemn the Popular Council of Cao Dai Religion of “inciting chaos, causing disunity within the religion, intentionally using deceiving words, tricking the faithful to go down a sinful path towards the religion, violating the law”. On March 14, the public security surrounded the house of Duong Xuan Luong, who was suspected of being the key organizer behind the planned event, to arrest him but he was not at home. The public security issued an arrest warrant against him – he had to live in hiding until his arrival to the United States in April 2017.

Disrupting religious services in private home: On November 13, 2015 at the home of Mrs. Pham Kim Anh in Truong Cuu Hamlet, Truong Hoa Commune, Hoa Thanh District: Mrs. Anh invited clergy members of Cao Dai Religion to officiate the mourning ceremonies for her mother, who passed away at age of 89. On November 12, the Vice Chair of Truong Hoa Commune, Mr. Vo Van Hanh, the Chair of the local Fatherland Front, Mr. Tran Trong Nghia, and the head of the local Tay Ninh Sect, Nguyen Van Kieng, had ordered that Mrs. Anh invite Tay Ninh Sect clergy members instead. Mrs. Anh explained that her inviting clergy members of the Cao Dai Religion was in accordance to her deceased mother’s last wish. At 11:15 am on November 13, the government and Tay Ninh Sect used a loud speaker to order mourners to leave. Then, Tay Ninh Sect clergymember Thuong Hung Thanh led about 80 sect members and thugs bursting in Mrs. Anh’s home and attacked the mourners; they kicked the tables where mourners were having lunch. Mr. Pham Van Quy, head of the commune Fatherland Front, brought reinforcement. The Deputy Chief of the commune public security forces also came with a number of uniformed male and female public security officers, six of them carrying police batons, and a number of plain-clothes officers. After the incident, the authorities detained Mrs. Anh and many of her guests (Mr. Pham Van Kiet, Ms. Pham Kim Thu, Mr. Tran Quoc My, and Ms. Lai) and only released them at 8:30pm the same day.

Blocking burial in Cao Dai Cemetery: On January 7, 2018, Cao Dai Religion follower Le Van Nha, 78 year-old resident of Ninh Phuoc Hamlet, Ninh Thanh Village, Chau Thanh District, passed away; his family invited clergy members of the Cao Dai Religion to conduct funeral services according to his last wish. On January 10, as his family and mourners proceeded to the Cuc Lac Thai Binh Cemetery, members of the 1997 Tay Ninh Sect blocked his burial, and government officials tried to talk family members into burying him at a different location. Family members had to leave the coffin unburied and unattended on the cemetery's ground. Upon hearing about the incident, Cao Dai Religion followers in the neighborhood came and laid flowers and gifts on the coffin, causing an embarrassing public scene. After more than a day of confrontation, the 1997 Tay Ninh Sect relented and let the mourning family members bury their dead. On January 15, 2018, Mrs. Nguyen Thi Anh conducted the ninth-day posthumous rite for her deceased husband according to Cao Dai traditions. The Tay Ninh Sect sent their members to disrupt the ceremony, insisting that it may resume only if officiated by clergy members of the Tay Ninh Sect.

Buddhist Church of Vietnam

The following passage in an official publication of the Australian Government offers a concise description of the independent Buddhist sects that existed in South Vietnam:⁸

“The Unified Buddhist Church of Vietnam (UBCV) was established in 1951, combining 11 Buddhist sects and claiming the support of the majority of Vietnamese people. The group currently represents over 75 percent of Vietnamese Buddhists. The UBCV has long been a prominent human rights advocate, taking part in the anti-war movement of the 1960s and campaigning for religious freedom. Despite disagreements among its leadership over how best to promote social change, the UBCV established a number of social institutions, including schools, Buddhist hospitals and orphanages. The group was banned by the Vietnamese government in 1981 after resisting attempts by the government to integrate it into the newly-established Vietnam Buddhist Church, the sole Buddhist organisation to be recognised by the Vietnamese authorities. Since the government requires that all religious groups are registered and operate under government-controlled organisations, the UBCV is not recognised as legitimate by the Vietnamese government and therefore its members face restrictions on openly practicing their faith.”

On the other hand, in 1981 the Vietnamese Government established the Vietnamese Buddhist Church (VBC) and forced all Buddhists to join it. The on-going case of Dat Quang Temple in Ba Ria – Vung Tau Province serves as illustration.

The government has since 2013 taken measures to force the monks and followers at Dat Quang Temple to join the Buddhist Church of Vietnam. This temple was established by the late Ven. Thich Thien Dat in 1995. The local government demanded that he register this temple under the government-created VBC as condition for construction permit.

Shortly before he passed away on September 23, 2013, Ven. Thich Thien Dat made a will to transfer the ownership of his temple to Ven. Thich Vinh Phuoc, a member of UBCV. Nevertheless, the government ordered Ven. Thich Vinh Phuoc to hand it over to the BCV. In February 2014 Ven. Thich Vinh Phuoc laid the foundation for a temporary wooden structure that would serve as living quarters for the clergy. Public security officers came, dismantle the structure and seize all the lumber; only the foundation was left. On October 6, 2015 the government mobilized approximately 300 of its personnel

⁸ Country Advice – Vietnam, Australian Government, Refugee Review Tribunal, February 2, 2010. Available at: <https://www.justice.gov/sites/default/files/eoir/legacy/2013/06/11/Unified%20Buddhist%20Church%20of%20Vietnam.pdf>

including public security, fast-response public security, border control public security, plainclothed officers passing for thugs... to dismantle the foundation. This operation also involved traffic police controlling access to the temple with several layers of checkpoints and the militia stopping anyone from approaching the temple. Public security searched for cell phones inside the temple and on the surrounding grounds, arresting anyone who tried to take pictures.

As about ten Buddhists, including followers and monks, were praying and meditating inside the temple, Mr. Nguyen Hoang Thu, chief of Bau Lam Commune public security, ordered his people to break tiles on the roof and spray tear gas down to force out the Buddhists praying inside. As Monks Thich Thien Duc and Thich Thien Dat, and a Buddhist follower, Mr. Le Van Phu, refused to leave, the government forces carried them out. The police took three other Buddhist followers to the local public security station: Huynh Minh Nhat, Nguyen Thanh Cong, and Nguyen Van Bi. Mr. Doan Van Manh, deputy chief of Bau Lam Commune public security, interrogated Nguyen Thanh Cong inside an enclosed room and beat him until he vomited and passed out. His relatives later had to take him to the Ba Ria Hospital for treatment.

The government then brought in heavy equipment to demolish the concrete foundation and used trucks to immediately remove the broken pieces in order to dispose of the evidence. After 3 hours, the government forces withdrew after seizing cell phones belonging to the victims. In 2016, the government-controlled Buddhist Church of Vietnam sued Ven. Thich Vien Phuoc, claiming that it owned Dat Quang Temple. On January 26, 2018 the People's Court of Appeal had to dismiss the law suit as the BCV could not produce evidence of ownership.

Use of state media to defame independent religions

The government controls all media outlets in Vietnam. The state media has routinely sided with the government-created non-state actors in their attack on independent religions. Following are illustrative examples.

On May 8, 2017 the state media of Nghe An Province carried news that 600 members of the Farmers Association, hundreds of members of the Women's Union and thousands of "concerned" citizens in the province demonstrated against Rev. Dang Huu Nam, priest of Phu Yên Parish, and Rev. Nguyen Dinh Thuc, priest of Song Ngọc Parish, calling for their expulsion from these localities. A few days later the Director of the Public Security Department of Nghe An Province, Nguyen Huu Cau, was quoted in the news condemning these two Catholic priests as "extremist subjects using religion as camouflage".

On May 27, 2015, as some 200 Cao Dai followers coming from different parts of the country gathered on the grounds of their Holy See, now occupied by the government-created Tay Ninh Sect, they were surrounded by public security police, militia members, traffic cops, plainclothes police, and some 20 members of Tay Ninh Sect's inner quarters security unit wearing red armbands. These security members attacked the Cao Dai Religion followers with batons and spray paint; at the same time, the police dispersed Cao Dai Religion followers who were arriving with water cannon from nearby fire trucks. About ten members of the security unit physically assaulted Mr. Tran Van Hap, Deputy Administrator of a Cao Dai congregation located in the proximity of the Holly See. They wrestled him to the ground, kicked him at his face and groin, beat him on his head and stomach with baton. They then dragged him on the ground for about 20 meters, tied his hands with a rope and took him into a facility where 12 public security officers in uniform were already waiting. These public security

officers forced him to sign a statement that they dictated before setting him free. As he walked out of the facility, three female Cao Dai Religion followers ran to his assistance but were wrestled to the ground by the Tay Ninh Sect security members. These three women were brutally beaten by these security members of the Tay Ninh Sect: Mrs. Nguyen Thi Ngan, 73 years old; Mrs. Tra Thi Thu Ha; Mrs. Dang Thi Ngoc Anh. Ironically, about one kilometer away from the brutal public assault on Cao Dai Religion followers, the Tay Ninh Sect conducted its public activity without incident. On May 29 2015, the state media newspaper (Tay Ninh Newspaper) labeled members of Popular Council of Cao Dai Religion impostors who should be prosecuted for abusing rights to freedoms and democratic rights to infringe on interests of a legally recognized religious organization. On June 1 2015, the Tay Ninh Sect issued Announcement No 02/90, denouncing members of Popular Council of Cao Dai Religion as trouble makers and subversive elements.

The Government has targeted the Most Ven. Thich Khong Tanh, abbot of Lien Tri Temple, ever since he refused to join the government-created BCV. Located in Thu Thiem, District 2, Hochiminh City, Lien Tri Temple was established and built in 1956. Besides providing a place of worship for local Buddhist followers, it provided relief to flood victims, land grab victims and disabled veterans of the Republic of Vietnam. "People" Newspaper, the official organ of the Vietnamese Communist Party, has repeatedly printed articles to defame the Most Ven. Thich Khong Tanh, labeling his charitable work as subversive.⁹ On Sept 8, 2016, the government demolished Lien Tri Temple despite public outcry within the country and by the international community. Buddhist followers lost their place of worship and victims, a place they can go to for relief. At the same time, the government allowed the BCV to build a large temple not too far from the rubbles of Lien Tri Temple.

Denial of the right to peaceful assembly

The Vietnamese government has severely and blatantly hindered the peaceful assembly of followers of independent religions.

On the evening of April 18, 2017, traffic police and men in civilian clothes set up a checkpoint near Bui Van Trung's house in An Phu District, An Giang Province, to block independent Hoa Hao Buddhist followers from attending the anniversary commemoration of Trung's mother's death. The traffic police intercepted guests and confiscated their papers. Men in civilian clothes cursed and threatened to beat them. When Trung's son Bui Van Tham tried to stop the men from taking the motorbikes of guests to his house, they beat him. In response, Trung and dozens of Hoa Hao Buddhist followers staged a public demonstration in front of Trung's house to protest the government repression. Trung, his wife Le Thi Hen, his son Tham, his daughter Bui Thi Bich Tuyen, and two family friends were arrested. On February 9th, 2018, they were convicted on charges of disrupting public order under article 245 of the criminal code. Tham was also charged with "resisting people on public duty" under article 257. Trung and his son Tham were each sentenced to 6 years in prison. Trung's daughter Tuyen was sentenced to 3 years, and his wife Hen to 2 years of house arrest. Family friends and co-religionists Mr. Nguyen Hoang Nam and Ms. Le Thi Hong Hanh were sentenced to 4 and 3 years respectively. Trung and Tham are former prisoners of conscience who were only recently released from prison.

⁹ Blocking a conspiracy to disrupt public order, People's Newspaper – electronic edition, August 25, 2007: <http://www.nhandan.com.vn/chinhtri/item/5899702-.html>

On November 13, 2015 Mrs. Pham Kim Anh in Truong Cuu Hamlet, Truong Hoa Commune, Hoa Thanh District invited clergy members of Cao Dai Religion to officiate the mourning ceremonies for her mother, who passed away at age of 89. On November 12, the Vice Chair of Truong Hoa Commune, Mr. Vo Van Hanh, the Chair of the local Fatherland Front, Mr. Tran Trong Nghia, and the head of the local Tay Ninh Sect, Nguyen Van Kieng, had ordered that Mrs. Anh invite Tay Ninh Sect clergy members instead. Mrs. Anh explained that her inviting clergy members of the Cao Dai Religion was in accordance to her deceased mother's last wish. At 11:15 am on November 13, the government and Tay Ninh Sect used a loud speaker to order mourners to leave. Then, Tay Ninh Sect clergymember Thuong Hung Thanh led about 80 sect members and thugs bursting into Mrs. Anh's home and attacked the mourners; they kicked the tables where mourners were having lunch. Mr. Pham Van Quy, head of the commune Fatherland Front, brought reinforcement. The Deputy Chief of the commune public security forces also came with a number of uniformed male and female public security officers, six of them carrying police batons, and a number of plain-clothes officers. After the incident, the authorities detained Mrs. Anh and many of her guests (Mr. Pham Van Kiet, Ms. Pham Kim Thu, Mr. Tran Quoc My, and Ms. Lai) and only released them at 8:30pm the same day.

The treatment of the Red Flag Associations by the government sharply contrasts with its treatment of Catholic communities that demanded justice. Individuals identified by the government as organizers of peaceful demonstrations against the Formosa Steel Plant have been arrested and sentenced to prison terms: Nguyen Van Oai, a former prisoner of conscience, received 5 years on September 18, 2017; Nguyen Van Hoa 7 years on November 27, 2017; Hoang Duc Binh 14 years on February 6, 2018; and Nguyen Nam Phong 2 years on February 6, 2018. Four women of Dong Yen Parish, which is located in the immediate proximity of the Formosa Steel Plant, were sentenced to 3 to 6 months of imprisonment on November 3, 2017 for "disturbing public order" – they had held a small demonstration to demand fair compensation for lost livelihood.

In 1994, the government arrested the Most Ven. Thich Nhat Ban, abbot of Ba La Mat Temple, and sentenced him to 5 years of imprisonment for joining with the UBCV Patriarch Most Ven. Thich Quang Do in providing relief to flood victims. It was his fifth time in prison. While he was in prison, the government demolished his temple and took over ten hectares of land belonging to the temple. In 1999, upon being released from prison, he was taken to a run-down house measuring 40m² located near his old Ba La Mat Temple. While petitioning for the return of the land belonging to his original temple, the Buddhist monk set up a shrine at his temporary residence. The local authorities have sent its people to go door to door and threatened local Buddhists against visiting him or attending his prayer service. Visitors are routinely intercepted and re-directed to the two BCV temples nearby. The government has used the same tactic to completely isolate UBCV monks from their followers, such as in the case of An Cu Temple and Giac Minh Temple in Da Nang City.

RECOMMENDATIONS

We respectfully offer the following recommendations to the Vietnamese Government and to the UN Human Rights Committee.

The Vietnamese Government should:

- Uphold its responsibility not only to respect but also to protect religious freedom;

- Investigate human rights violations committed by non-state actors and prosecute their members who carried out acts of violations of human rights or who had command responsibility for such acts;
- Stop giving government support to non-state actors in their acts of gross violations of human rights against religious communities and organizations;
- Stop using the state media to promote non-state actors and give them a voice to defame and attack other religions;
- Respect the right of independent religions to peaceful assembly, a right that a number of non-state actors currently enjoy at the expense of their targets for persecution.

The UN Human Rights Committee should:

- Take into consideration and monitor human rights violations committed by a non-state actors such as the Tay Ninh Sect, the Red Flag Associations, and some members of the Buddhist Church of Vietnam;
- Ensure that the Vietnamese Government not only respect but also protect human rights in accordance with its obligations under the ICCPR; and
- Ensure that individuals and groups taking part in the preparation of this report are not targeted for retaliation or punishment by the government, either directly or through non-state actors.