

**Civil Society Contributions
to the UN Human Rights Committee
for Vietnam's List of Issues Prior to Reporting**

Freedom of Religion

A Joint Submission

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Introduction

This joint report is submitted in response to the UN Human Rights Committee's request for inputs from civil society for its development of the list of issues to be transmitted to the Socialist Republic of Vietnam (SRV). This joint submission addresses the following concluding observations by the Committee from its third periodic review of Vietnam. In addition, this joint submission also addresses the issues of “**Torture and ill-treatment**” and “**Right to liberty and security of persons**” as they affect religious and indigenous communities.

Background information

Persecution against religious and indigenous communities who resist government control in Vietnam has gotten significantly worse in recent years. There are three worrying trends as part of this backsliding: (1) increased forced conversion and renunciation of faith; (2) the expanding role of state-controlled religious organizations as instruments of repression; and (3) the government's more frequent use of transnational repression to silence advocates in the Vietnamese diaspora who speak out on behalf of the persecuted in Vietnam.

The Socialist Republic of Vietnam (SRV) is a one-party state with the Vietnamese Communist Party (VCP) maintaining absolute control over the country's political, economic and social life. The Vietnamese communist leadership is as anti-religion as their counterparts in China, Laos and North Korea. The regime steadfastly follows Marxism-Leninism, which Vietnam's new President re-affirmed in his March 2, 2023 acceptance speech.¹ As religions encourage people of the same faith to act in community and follow a calling higher than the communist doctrine, the regime sees this as a threat to its monopoly on power that must be nipped in the bud. In this regard, not much has changed since the last ICCPR review of Vietnam in 2019.

Some recognized churches in Vietnam have reported improvements under the 2016 Law on Belief and Religion. While it is true that churches operating under the umbrella of the government have enjoyed greater latitude under the new law, it is a fallacy to reason that as long as the government approves enough state-controlled religious organizations, that means it is making progress toward religious freedom. Oftentimes, slight improvements reported by state-controlled religious organizations come at the (unreported) heavy expense of non-recognized ones: Such reported improvements practically help the government assert greater state control over religions while making the outside world believe that it is complying with its international human rights commitments. In practice, the country's leadership seeks to strike a balance between its inherent enmity towards religions and its need to present a façade of tolerance to the world by increasingly using state-controlled religious organizations as complementary instruments of religious repression.

The UN Committee on the Elimination of all forms of Racial Discrimination (CERD), in the Concluding Observations from its latest review of Vietnam, recognized, to some extent, the SRV's use of state-controlled religious associations to subdue unaffiliated Montagnard Christian house churches: “28. *The Committee is deeply concerned by restrictions on freedom of religion that*

¹ Vietnam's new president pledges to make people's interests focal point of policymaking, VNExpress, 2 March, 2023, available at: <https://e.vnexpress.net/news/news/vietnam-s-new-president-pledges-to-make-people-s-interests-focal-point-of-policymaking-4576602.html>

disparately affect members of ethnic minorities, in particular by... (d) Institutionalized forms of religious intolerance and discrimination, including denial of school admission or medical treatment, of individuals belonging to ethno-religious minority groups who refuse to renounce their religion or belief or to join the State-controlled religious associations.”²

Persecution against Buddhists

Vietnam follows in the footsteps of China in outlawing churches led by those who want to remain free of the government’s undue interference in their spiritual affairs and in creating state-controlled impostors as substitutes. In 1981, the government outlawed the Unified Buddhist Church of Vietnam (UBCV), founded in 1964 and which at the time represented Vietnam's majority religion. Most of its top leaders were sent to prison; some died of torture in detention while others became permanently incapacitated after release. In the same year, the government created the Vietnam Buddhist Sangha, which later changed its name to the Buddhist Church of Vietnam (BCV). Buddhist monks refusing to join the state-controlled BCV find themselves denied personal documents and restricted in their movements; their temples have been systematically seized and transferred to BCV or destroyed. Most foreigners visiting Vietnam and the majority of Vietnamese in Vietnam cannot distinguish between BCV and UBCV.

Buddhists who identify themselves with UBCV have been harassed, threatened, socially isolated, kidnapped and/or physically assaulted by the police. The following cases illustrate the plight of UBCV followers.

1. The case of Mr. Trần Văn Thường in Bà Rịa - Vũng Tàu Province serves as an illustrative example – his entire family were subjected to intimidation and reprisals because of their support of UBCV Buddhist monk Ven. Thích Vĩnh Phước. In 2011 the District Government ransacked and destroyed Pháp Biên Pagoda, which Thường’s family had built 11 years earlier with their own money. The government destroyed it after members of this pagoda affirmed their affiliation to the Unified Buddhist Church of Vietnam. Thường submitted an incident report to the UNSR/FORB. In 2016 and 2017, Thường attended the SEAFORB Conference (held in East Timor and the Philippines respectively) where he reported police attacks on other pagodas and Buddhist communities. On 10 September 2020, the police arrested Trần Văn Khương (his son) at Khương’s workplace. When Thường and other family members went to the police station to inquire about the disappearance, the police detained and interrogated the father, another son along with a friend of the family about their 22 August International Day Commemorating Victims of Acts of Violence Based on Religion or Belief and advocacy activities. Prior to that, Mr. Thường’s daughter was similarly kidnapped. This was not the first time a close family member of Thường was abducted. On 10 December, 2018, at 9:30 a.m., Thường's daughter Ty Tran was abducted by police officers near the Town of Phước Bửu while driving her mother to the market. First, traffic police officers forced the mother and daughter to stop their motorcycle, claiming that they had just

² CERD/C/VNM/CO/15-17, Concluding observations on the combined fifteenth to seventeenth reports of Viet Nam, 8 December 2023, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FVNM%2FCO%2F15-17&Lang=en

committed some traffic infraction. Right away, Security Branch police officers (in plain clothes) separated the mother from the daughter, forced the daughter into a van, and rushed away, leaving the mother behind. The mother screamed to draw the attention of bystanders and demanded an explanation from the remaining plainclothes officers. They lied by saying that Ty had been arrested for drug trafficking but offered no proof and showed no arrest warrant. After the incident was widely reported in the social media, and the human rights officer at the US Consulate General in HCM City placed a call to the Bà Rịa – Vũng Tàu provincial government to inquire about the incident, Ty was released at 5 pm, 30 kilometers away and 8 hours after the abduction. The police did not provide her any report of the interrogation session as called for by the law. Her two phones were confiscated. Thường filed a report of this incident with the UN Reprisals Team.

Expropriation of UBCV and unaffiliated Buddhist pagodas

In pre-1975 South Vietnam, there were close to five thousand pagodas³, largely affiliated with UBCV. Most of these pagodas have been expropriated by the government and then demolished or transferred to the government-created BCV. Abbots of the relatively few remaining UBCV pagodas are constantly under government pressure to join BCV or witness their pagodas seized and/or demolished. Below are illustrative examples.

1. An Cu Pagoda in Son Trà District, Danang City: In response to the September 24, 2018 decision by the local government to seize the land for the An Cu 4 Residential Project (while offering to compensate at less than 2% of fair market value), Abbot Thich Thien Phuoc (legal, non-religious name: Coi Van Huynh), the owner of An Cu Temple, proposed 2 alternatives to enable the replacement temple to continue to serve the existing congregation:
 - Compensation in the form of an equivalent land parcel (317.7 m2) in a nearby location, on which the government would build a temple of comparable size and quality before turning it over to the abbot, or
 - Compensation in the form of an equivalent land parcel (317.7 m2) in a nearby location coupled with a land use permit and a permit to construct the replacement temple (in which case the abbot would need to raise funds for the design and construction of the temple).

Without responding, the government razed the temple on November 9, 2018. The taking of An Cu Temple's land conveniently served another policy objective of the central government: eradicating the remnants of the independent UBCV.

2. Son Linh Pagoda in the Town of Pleikàn, Ngọc Hồi District, Kontum Province: The local government demolished the temple on January 11, 2019 when Abbot Thích Đồng Quang was in Huế City for cancer treatment. The government's pretext - the temple sits on agricultural land - is not supportable because nearby houses and shops have not been

³ "... of the 4766 pagodas in the country, 1275 were built after 1954 and 1295 were renovated or rebuilt after that year". Gheddo, Piero. *The Cross and the Bo-Tree: Catholics and Buddhists in Vietnam*. Translated by Charles Underhill Quinn. New York: Sheed and Ward, 1970.

targeted like the pagoda although their land is also zoned as agricultural. In July 2021, Ven. Thích Nhật Phước who succeeded Abbot Quang applied for a building permit to shore up the still standing warehouse to reside in and serve local Buddhists, but none was issued. In December 2021, he decided to shore up the warehouse. When he was away on 13 December 2022, the government demolished this humble structure. He now must live in a makeshift shack near the outdoor toilet.

3. Thiên Quang Pagoda in Xuyên Mộc District, Ba Ria - Vung Tau Province: Built over the site of an abandoned mountain top quarry over many years (from Year 2000), the site is now very scenic with lots of trees and is the center of a vibrant religious life for a thousand local Buddhists and many hundred Buddhists from nearby provinces. In recent years, the local government ordered its demolition, citing the lack of construction permits - although there was no possibility that the local government would issue construction permits to independent abbots. Another threat is the plan to have an irrigation canal dug through a well used area within the pagoda grounds rather than slightly rerouting the planned canal along one side of the temple land. From mid-2022 to January 2023, the local government demolished some light structures (wooden guest house, wooden gate, recently renovated bamboo hut) built for religious activities as the Lunar New Year approaches in early 2023, citing the lack of construction permits (that are impossible to get from the same local government). The frequent visits by American and German diplomats to this pagoda may have deferred its complete demolition.

Abbots whose pagodas were demolished have been put on a black list of those who are forbidden to participate in religious Buddhist events at other Buddhist pagodas (unless they have agreed to join VBS). They typically have to look for a place to live the rest of their lives, e.g., at another independent pagoda whose monks are also being monitored, or live with relatives or friends. Below are two cases in point.

1. Most Venerable Thích Thiện Minh spent twenty-six years in prison for his refusal to leave the UBCV. In 1979 he was evicted from his temple and sentenced to life imprisonment. In 1986 he protested the mistreatment of political prisoners by prison management organizations; for that he received a second life sentence. After imprisoning him, the government seized his Buddhist temple in Bạc Liêu Province. He was released in February 2005 after much advocacy by Buddhists and human rights organizations. The government did not return his pagoda to him. Wherever he went, he faced harassment by the local authorities. Whoever offered him temporary residence would receive threats from the police. After years of moving from place to place, in 2010 he moved in with his younger sister in Hóc Môn District, HCM City. He has since turned her private home into a makeshift place of worship which is known as the Lộc Uyển Meditation Center. The police continue to watch and harass him. At times he has had to seek refuge in some independent Buddhist temple.
2. Most Venerable Thích Không Tánh was the Abbot of Liên Trì Pagoda before the communist takeover of South Vietnam in 1975. He was sentenced in 1976 to 10 years in prison for submitting petitions to the government asking that individuals who have joined religious orders be exempted from military services. He was released in 1987. In 1992, HCM City government condemned him to 5 years in prison and 5 years of

detention upon his release from jail for having participated in activities aimed at restoring the UBCV at the time led by Supreme Patriarch Venerable Thích Huyền Quang. In October 1994, upon his release from jail, he came back to Liên Trì Pagoda to live, work, and serve out his home detention sentence there. In 1995, HCM City Public Security Forces arrested him again as he was assisting Venerable Thích Quảng Độ, Head of UBCV's Institute for the Propagation of the Faith, in a mission to provide relief to victims of flooding in the Mekong River Delta. On 4 August, 1995 The HCM City People's Court sentenced him to 5 years in jail under the fabricated charge of sabotaging the policy of national unity and taking advantage of democratic liberties to harm the interests of the State. On 3 September, 2014, the Chairman of the People's Committee of District 2, HCM City signed a Decision to "approve the plan to compensate and support the Liên Trì Worship Establishment in the Thủ Thiêm planned city development zone". The Most Venerable Thích Không Tánh refused to relocate his pagoda because the compensation offered by the government would not be sufficient to rebuild a new pagoda and also because the new location allocated by the government would be too far away for most of his followers. On 8 September, 2016, the government sent in the demolition team to demolish Liên Trì Pagoda. The Most Venerable Thích Không Tánh has since sought refuge at the Giac Hoa Pagoda in HCM City.

BCV as government's instrument of repression

The government has used the state-created and controlled BCV as an instrument of repression against Buddhist groups and communities that resist government control. The following illustrative cases show how the government works hand in hand with BCV clerics to harass and punish Buddhist groups that refuse to disband themselves or join BCV.

1. Ven. Thích Đức Minh, abbot of Thiền Lam Pagoda, Town of Cai Lậy, Tiền Giang Province, reported on 20 February 2019 that the monks affiliated with BCV were spreading rumors to defame him such that some out-of-town charitable groups stopped donating food and other necessities to the needy of the congregation of this 100-years old temple. The government targeted the abbot because he resisted its demand for the pagoda's land. Recently, Judge Phan Thanh Sơn of the People's Court of Cai Lậy warned him that the government was about to ask him to voluntarily find another location for his pagoda before it forcibly seizes its land.
2. In July 2022, the 92-year old founder of the 29-member Buddhist group known as Thiền Am Bên Bờ Vũ Trụ (Zen Hermitage at the Edge of the Universe) and his five disciples were sentenced to a total of 23.5 years in prison under Article 331 of Vietnam's Penal Code (abusing democratic freedoms to infringe upon the interests of the State, lawful rights, and interests of organizations and/or citizens) based on the allegations of two BCV clerics. These BCV clerics accused the group's members of using Buddhist terminologies such as meditation center and child monks, dressing themselves in saffron robes, interpreting Buddha's teachings in their own way, and displaying statues of Buddha without BCV's approval and of allegedly characterizing one of these two BCV clerics "as ignorant as a cow". The BCV clerics further claimed that the ten child monks being raised by this unaffiliated Buddhist group were the "products of incest". Yet, four rounds of forced DNA tests conducted by the police have failed to support that allegation. In early 2023, the police notified three of the lawyers who represented the

Buddhist group of being themselves subjects of criminal investigation under the same Article 331; they successfully fled to the United States. Prior to their escape, their situation had been raised with Vietnam by three UN special rapporteurs, including the Special Rapporteur on the independence of judges and lawyers.⁴

Close collaboration between Government authorities and BCV

The case of the Thiên Am (Zen Hermitage) above shows how closely the police collaborated with BCV and thugs to attack this small group of 29 Buddhists that refused to join BCV. It all started after this Buddhist group gave shelter to a young woman running away from sexual abuses by her own father who happened to be close to BCV cleric Thích Nhật Từ.⁵

On 28 September 2019, Ms. VTDM (born 1999) came to Thiên Am asking for refuge from her father whom she alleged to have sexually abused her with the collusion of her mother, allegedly herself a victim of ongoing domestic violence. She later decided to become a female monk. On 13 October 2019, VTDM's parents came to Thiên Am to look for her, but she was not there. Her father returned on October 24 with some 50 thugs who ransacked Thiên Am's facility, beat up group members, and stole their collective life savings totaling 305 million VND (13,000 USD). One young monk, Lê Thanh Nhị Nguyễn, was hacked with a machete and suffered severe injuries. However, Ms. VTDM had already relocated to a Buddhist temple in Bà Rịa – Vũng Tàu Province. Thiên Am reported the incident to the Đức Hoà District public security police, which conducted a superficial investigation. On 15 April 2021, the People's Court of Đức Hoà District sentenced only one female mob member to 2 years in prison and ordered that she pay 8.93 million VND (approximately 382 USD) to Lê Thanh Nhị Nguyễn. A few months later, the appeals court commuted her prison sentence to a suspended one. No other perpetrator was held accountable, including Ms. VTDM's father who planned and led the mob attack, for trespassing, conspiracy, destruction of property, or robbery. Reflecting on this ruling, a young monk of Thiên Am opinionated on YouTube that there was either negligence or cover-up by the responsible authorities. The police later cited his statement as justification to prosecute Thiên Am under Article 331 - "abusing democratic freedoms to infringe upon the interests of the State, lawful rights, and interests of organizations and/or citizens."

Upon learning of the violent attack, Ms. VTDM returned to Thiên Am to clear its name from her father's false accusations. The police invited her to their station purportedly for their investigation into the violent attack. On 12 December 2019, when Ms. VTDM came to the police station, she was abducted and delivered to her parents against her will. In a video posted on YouTube on 31 October 2020, Ms. VTDM described in detail her abduction: the police officers grabbed her, holding tight her arms and legs and muzzling her mouth; they shoved her into an ambulance car waiting outside and under guard by scores of public security police officers.

⁴ AL VNM 1/2023, available at:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27938>

⁵ Negative Impacts of Religious Persecution on Ten Child Monks at Thiên Am Bên Bờ Vũ Trụ (TABBV), BPSOS' Joint Submission to the UN Committee on the Rights of the Child, August 15, 2022, available at:

<https://dvov.org/wp-content/uploads/2022/08/BPSOS-UNCRC-report-on-TABBV-for-public-release.pdf>

Not seeing Ms. VTDM coming out after a long while, Thiên Am members sounded the alarm on Facebook. They felt responsible for her safety and its 90-years old founder expressed concern that her father would blame Thiên Am for her disappearance as pretext to launch another brutal attack. The police later used the Facebook postings as evidence to prosecute the Thiên Am group.

Back at her parents' home, Ms. VTDM was again sexually abused by her father. About eight months later, she successfully fled from home and went into hiding. In a video subsequently posted on YouTube, she disclosed that the police of Đức Hoà District and state media came to her parents' home, staged a television interview, and coerced her to admit that she was not abducted by the police. Defiant, she reaffirmed her abduction by the police and asked to be rescued from her abusive father. The interview was never aired.

In late 2021 the police department of Đức Hoà District, Long An Province announced its decision to prosecute key members of Thiên Am on charges of incest – the police accused that the ten child monks and child nuns at Thiên Am were not orphans but birthed by the nuns who were themselves fathered by its 90-years old founder, appropriation of others' property through fraud, and violation of Article 331.

On 4 January 2022, the police raided Thiên Am to deliver the prosecution decision. Two days later, a police investigator forcibly took Ms. BNT (born 1997), a young Buddhist nun who took care of the child monks, to a gynecological examination at Xuyên Á Hospital (located in Đức Hoà District). She was ordered to take off her clothes, and a medical staff poked an equipment into her vagina reportedly to test her claimed virginity. After the incident, she filed a complaint. The police invited Ms. BNT to an investigation interview but the investigator turned out to be the same police officer who forcibly took her to the gynecological examination. Ms. BNT refused to talk to him. The police investigation never took place.

The incest charge was dropped because four rounds of forced DNA tests did not turn up any evidence of incestual relationship among Thiên Am members. The misappropriation of property charge was also dropped because no one stepped forth to claim harm or loss of property. On 20 July 2022, the group's 90-years old founder and five young monks were tried for defaming the Public Security Office of Duc Hoa District, Buddha and Buddhism, and a prominent member of the BCV; and of distorting Buddha's teachings. They were sentenced to a total of 23.5 years in prison.⁶

Persecution against Hoa Hao Buddhists

Hoa Hao Buddhism (PGHH in Vietnamese) is a Buddhist sect founded by Prophet Huynh Phu So in 1939 at Hoa Hao Village, Tan Chau District, Chau Doc Province in Vietnam (presently

⁶ IRFBA Chair's Statement on Vietnamese Religious Prisoners of Conscience: Lê Tùng Vân, Lê Thanh Trùng Dương, Lê Thanh Hoàn Nguyễn, Lê Thanh Nhật Nguyễn, Cao Thị Cúc, and Lê Thanh Nhị Nguyễn, September 3, 2023, available at: <https://www.state.gov/irfba-chairs-statement-on-vietnamese-religious-prisoners-of-conscience/>

Phu My Town, Phu Tan District, An Giang Province). According to a report ⁷ published in September 2019 by the UK Home Office, “Hoa Hao Buddhism is the fourth largest religion in Viet Nam after Buddhism, Catholicism and Cao Daism”.

Reflecting the communal life of their practice, traditionally Hoa Hao Buddhists set up prayer halls (Dao Trang) – gathering places set up by followers or groups of followers for communal use to conduct cultural activities, group study, group meditation, and social activities. There were also lecture halls (Doc Giang Duong) erected in different villages to provide platforms for lecturers to speak to large outdoor gatherings of Hoa Hao Buddhists.

Administrative council structure established by Prophet Huynh dissolved and replaced by the Central Executive Committee appointed by the government

Before the Vietnamese Communists took control of South Vietnam in April 1975, the organizational structure of Hoa Hao Buddhism was divided into five levels of administrative committees, which were elected by Hoa Hao followers: the central, provincial, district, communal, and hamlet levels. The central level is in turn led by the Central Administrative Council and the Supervisory Council.

An article on the web site of the Vietnam Government Committee for Religious Affairs (GCRA), a political entity established in 1955 per the direction ⁸ of the Prime Minister of Vietnam and placed under the Government Office, acknowledged that "*Founder Huỳnh Phú Sổ established management boards for Hòa Hảo Buddhism at all levels in 1945. However, because of historical circumstances, the Contemporary Central Representative Board of Hòa Hảo Buddhism was not formally established until 1963 and recognized by the Sài Gòn regime on 5 February 1964.*" ⁹

However, it was stated in another article (in Vietnamese) ¹⁰ on the same GCRA website that after the liberation of the South and reunification of the country, in mid-1975 two representatives of the Ancestral Temple - the birthplace of the Prophet Huynh and considered as the Holy Ground by all Hoa Hao Buddhist followers (Note: those two individuals held no official positions in the Hoa Hao administrative council hierarchy), issued a statement dissolving the Administrative Executive Council at all levels.

The same article went on and stated that on June 11, 1999, the GCRA issued Decision No. 21/QĐ/TGCP on recognizing the organization and activities of a new Hoa Hao Representative Committee (now the Hoa Hao Buddhist Central Executive Committee). Then in June 2024, a

⁷ Report of a Home Office fact-finding mission to Vietnam, September 9, 2019, 7.3.1, page 26, available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/831143/VNM_FM.pdf

⁸ Historical marks of 60-year development the Government Committee for Religious Affairs, April 8, 2015, available at: <https://religion.vn/about-us/historical-marks-of-60-year-development-the-government-committee-for-religious-affairs-post9DR3A3ZqLp.html>

⁹ Hoa Hao Buddhism, December 8, 2013, available at: <https://religion.vn/religion/hoa-hao-buddhism-post1XR2O0Za4N.html>

¹⁰ Khái quát lịch sử hình thành và phát triển của Giáo hội Phật giáo Hòa Hảo, September 17, 2021, available at: <https://btgcp.gov.vn/gioi-thieu-cac-to-chuc-ton-giao-da-duoc-cong-nhan/khai-quat-lich-su-hinh-thanh-va-phat-trien-cua-giao-hoi-phat-giao-hoa-hao-postvongv4mqKL.html>

new Charter was established. The “2004 Charter” affirms the orientation of the Hòa Hảo Buddhist Congregation as “For Dharma, for the Nation” (Vi Đạo pháp, vì Dân tộc). According to the “2004 Charter”, the Hòa Hảo Buddhist Congregation is administered by a two-level system of management committees set up at local level (communes/districts) and provinces/cities, at the top of which is the Hoa Hao Buddhist Central Executive Committee, designated as the sole legal representative of all Hoa Hao followers (*tổ chức đại diện hợp pháp duy nhất của đồng bào theo PGHH*).

A country information report on Vietnam by the Australian Department of Foreign Affairs and Trade (DFAT) published in December 2019 recognized "A key distinction is between registered and unregistered faith groups.... Registered groups worship with limited or no Government interference; those that are not registered may be pressured by Government to join the registered group."¹¹

Persecution of Hoa Hao followers who resist government’s control

1. The case of Mr. Bui Van Trung, Bui Van Tham and their family

Mr. Bùi Văn Trung is a devoted Hoa Hao buddhist and a respected leader among the Hoa Hao practitioners in his local religious community. He is the head of a family whose 5 members were sentenced to a total of 24 years imprisonment and 2 years suspended sentence for refusing to dissolve the Prayer Hall he established at his own home in 2015.

The local authority often came and requested that Mr. Trung must register with the Hoa Hao Buddhist Central Executive Committee to be allowed to hold religious activities. Mr. Trung refused because that state-run council consists of members appointed by the government and its missions are politically motivated. As a consequent, Mr. Trung and his family members often face harassment, physical assaults. The public security agents of Phuoc Hung ward and An Phu district frequently deployed criminal police and traffic police to set up blockages to prevent Hoa Hao followers from coming to Mr. Trung’s Prayer Hall to participate in prayers and doctrine study groups. Unidentified individuals threw wastes and rotten fishes into the Prayer Hall. In multiple incidents, the public security and a number of unidentified men threw rocks, wooden sticks, and beaten guests who came to attend religious services at his Prayer Hall.

On July 26, 2012, his son, Bui Van Tham, was abducted on the street in the middle of the night on July 26, 2012 by a group of unidentified individuals wearing face masks to cover their faces. Tham was held hostage by the local authorities who demanded his father (Mr. Bui Van Trung) to dissolve their home Prayer Hall as the condition for his release. Mr. Trung refused, then Tham was charged with “Resisting persons performing their official duties” (Article 257 of the Vietnam Penal Code 1999) and sentenced to 2 years and 6 months in prison.

On October 30th, 2012, Mr. Bui Van Trung was tried on the charge of “resisting persons performing their official duties” and sentenced to 4 years in prison.

Less than 8 months after his release, Mr. Bui Van Trung was arrested again on June 26, 2017 following a state crackdown on a Hoa Hao Buddhist event at his Prayer Hall in

¹¹ DFAT Country Information Report VIETNAM - January 2022, January 11, 2022, para. 3.15, available at: <https://www.dfat.gov.au/sites/default/files/country-information-report-vietnam.pdf>

April 2017. This time, he was charged with "causing public disorder" (Article 245/1999 Vietnam Criminal Code). His son, Bui Van Tham, received 6 years. Mr. Trung's wife (Le Thi Hen) was given a two-year suspended sentence; his daughter (Bui Thi Bich Tuyen) was sentenced to three years in prison. and two other Hoa Hao Buddhists, Nguyen Hoang Nam and Le Thi Hong Hanh were sentenced to four and three years, respectively. Asia News reported on this incident ¹² and the EU's External Action division denounced the sentences.¹³

2. The case of jurist Nguyen Bac Truyen and his wife Bui Thi Kim Phuong

Nguyen Bac Truyen is a prominent religious freedom advocate in Vietnam. He was imprisoned twice for his peaceful advocacy for religious freedom, democratic reform, and human rights.

He was arbitrarily arrested in 2006 and sentenced to 3.5 years in prison and 2 years of probation. Since his release from the first prison term, Mr. Truyen focused much of his efforts on defending and promoting religious freedom.

Nguyen Bac Truyen and his wife, Bui Thi Kim Phuong, also a Hoa Hao Buddhist, faced constant government harassment and official reprisals for his human rights work, including at least four instances of physical assault by state security agents and their henchmen.

In one instance in 2014, hundreds of police violently expelled Truyen and his wife from their home in Dong Thap province, where they had been supporting persecuted Hoa Hao Buddhists.

On July 30, 2017 he was abducted near his workplace at the Catholic Redemptorist Church in Ho Chi Minh City. On April 5, 2018, in a one-day trial, closed to the public, he was sentenced to 11 years imprisonment and 3 years probation on a subversion charge.

Not only Nguyen Bac Truyen was punished, but also his wife suffered from reprisal. Her movement was closely monitored by local authorities. People who provided her with assistance were threatened and warned not to have any association with her.

In March 2019, Bui Thi Kim Phuong was stopped by Tan Son Nhat Airport Police when she was about to board a flight to attend meetings on human rights with European Union officials. She continued to be placed on the travel ban list and unable to travel to the United States to attend the annual International Religious Freedom Summit in 2021 and 2022, which she was invited to by the Co-Chairs of the Summit.

¹² A Buddhist Hoa Hao family is on trial for gathering in prayer, February 8, 2018, available at: <https://www.asianews.it/news-en/A-Buddhist-Hoa-Hao-family-is-on-trial-for-gathering-in-prayer-43047.html>

¹³ Statement by the Spokesperson on the sentencing of human rights defenders in Vietnam, February 9, 2018, available at: https://www.ecas.europa.eu/node/39655_en

Nguyen Bac Truyen and Bui Thi Kim Phuong were mentioned multiple times in the reprisals reports by the UN Human Rights Council.^{14 15 16 17}

As the result of a global campaign for the release of Nguyen Bac Truyen, he was released on September 8, 2023 after more than six years of unjust imprisonment. As the condition of his release, Nguyen Bac Truyen and his wife were immediately sent into exile in Germany.

Nguyen Bac Truyen, Bui Van Trung, Bui Van Tham, and other imprisoned Hoa Hao Buddhists were listed in the Freedom of Religion or Belief victims database.¹⁸

Obstruction and disruption of religious activities of independent Hoa Hao followers

Quang Minh Temple (Quang Minh Tu), located in Cho Moi District, An Giang Province¹⁹ is one of the very few, if not the only, independent Hoa Hao temple not yet falls under the control of the state-sanctioned Hoa Hao Buddhist Central Executive Committee. Since 1982, its Abbot, the ven. Vo Van Thanh Liem, has been arrested, detained, and imprisoned more than two dozen times and spent more than 10 years in prison in total. Currently, he is still under constant surveillance by the authorities and frequently insulted and assaulted by the local public security forces and their henchmen.

Religious ceremonies held at Quang Minh Temple are often obstructed or disrupted by plain [cloth individuals. At times, violent acts were committed by the perpetrators.](#)

In July 2023, during the commemoration of Hoa Hao Day of Initiation, road blocks were set up to prevent Hoa Hao followers from going to Quang Minh temple. In addition, there were two large trucks parked on the street, blocking the entrance to the temple. During the night, the banners with celebrating messages were torn up or vandalized.

Most recently, during the first week of 2024, while the state-sanctioned Hoa Hao organizations are allowed to plan elaborate celebrations and parades on the occasion of the 104th birthday of Prophet Huynh Phu So, the Founder of Hoa Hao Buddhism²⁰, public security agents set up 4 roadblocks near Quang Minh Temple and tried to threaten and stop adherents from heading toward the temple. Some turned around and left; very few were determined to participate in the celebration at the temple despite the threat. Several Hoa Hao followers were blocked by state security agents at Thuan Giang ferry terminal, about 2-3 km from Quang Minh Temple. The

¹⁴ UN Intimidation and Reprisals Report 2015, par.42: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/182/81/PDF/G1518281.pdf>

¹⁵ UN Intimidation and Reprisals 2019, par. 83, 84, 120 and par.110, 113 of Annex II: https://www.ohchr.org/sites/default/files/Documents/Issues/Reprisals/A_HRC_42_30.pdf

¹⁶ UN Intimidation and Reprisals 2020, par. 125, 145, 146, 148: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/239/52/PDF/G2023952.pdf>

¹⁷ UN Intimidation and Reprisals 2021, par. 126, 152, 154: https://www.ohchr.org/Documents/Issues/Reprisals/A_HRC_48_28.docx

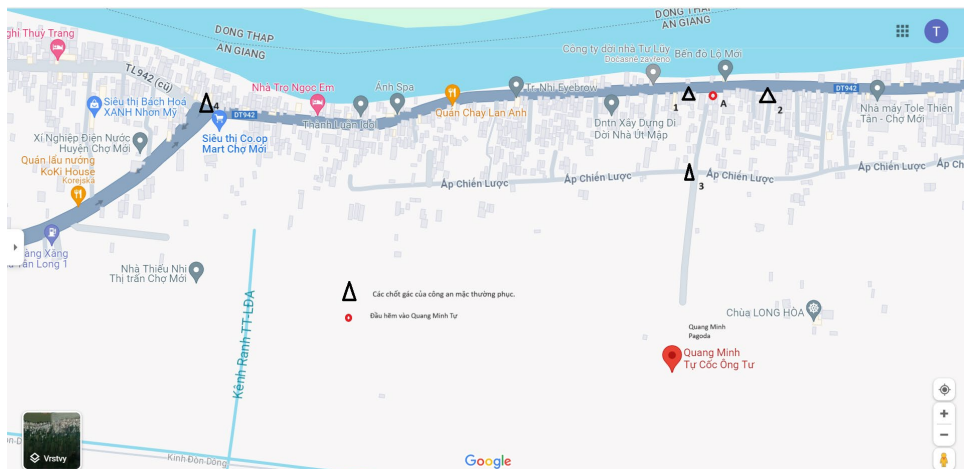
¹⁸ <https://www.uscirf.gov/religious-prisoners-conscience/current-rpocs/nguyen-bac-truyen>
<https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/bui-van-trung>
<https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/bui-van-tham>

¹⁹ Location of Quang Minh Temple on Google Map: <https://maps.app.goo.gl/3LbHBuvvg7E3grBtA9>

²⁰ Kế hoạch xe hoa số 1879/TB/BTSTU ngày 18/12/2023 của Ban Trị sự Trung ương Giáo hội Phật giáo Hoà Hảo, available at: <https://pghh.org.vn/news/?ID=2688&CatID=73>

agents were being very aggressive and kicking angrily at the adherents' vehicle. Therefore the Hoa Hao faithful dared not to proceed.

In the map below, the four black triangles denote the roadblocks set up by security agents in civilian clothing.



A delegation of 15 individuals from Tien Giang Province riding in a 16-seat van made it through the roadblocks and arrived in the temple yard. But shortly afterward, the driver, who was also the owner of the van, received a phone call from the public security in Tien Giang Province demanding the group to leave Quang Minh Temple immediately. Out of concern for their safety, the group had to return to Tien Giang Province.

For those who made it to the temple and participated in the ceremony, upon their return they were stopped on the street by plain cloth individuals who instructed them to sign a statement, pledging not to go to Quang Minh Temple during Hoa Hao celebrations and commemorations. Those who refused to sign were temporarily detained. The security agents threatened to beat up a female adherent who refused to sign the statement. Out of fear, her husband must sign it.

Furthermore, three weeks before the celebration, public security of An Giang Province ordered the “Pure” Hoa Hao Buddhists, an unregistered Hoa Hao group, not to set up the religious stage, erect the Hoa Hao flag and banner, or organize any ceremony at the office of that group, located in Long Hoa hamlet, Long Giang commune, Cho Moi District, An Giang Province.²¹

The threats and harassment against unregistered groups and independent Hoa Hao followers are in stark contrast with the government's treatment of the registered Hoa Hao organizations and the state-sanctioned Hoa Hao Buddhist Central Executive Committee who organized the same celebration with hundreds of thousands of attendees. The Hoa Hao Buddhist Central Executive Committee enjoyed the visits, congratulations, and presents from high ranking government and communist party officials, such as Secretary of the An Giang Provincial Party Committee Le

²¹ RFA, Vietnam Interfaith Council Slams An Giang for Banning Birthday Anniversary of Hoa Hao Buddhist Founder, January 1, 2024, available at: <https://www.rfa.org/vietnamese/news/vietnamnews/vietnam-interfaith-council-slams-an-giang-for-banning-birthday-anniversary-of-hoa-hao-buddhist-founder-01052024032918.html>

Hong Quang and the Provincial Party Committee, The People's Council, The People's Committee, and Vietnam Fatherland Front Committee.²²

Persecution against Cao Dai followers

Similarly to what happened to UBCV, the Church of the Cao Dai Religion, which was founded in 1926, was quietly banished by the government in 1983 and replaced by a Governing Council under the control of the government. Seeing that Cao Dai followers continued to congregate in small groups to practice their faith in private homes, in 1997 the government created a new Cao Dai Sect (the “1997 Sect”) per instruction of the VCP and placed their trusted agents in leadership positions of its new creation.

The 1997 Sect, the impersonator of the Cao Dai Church, as instrument of persecution

To the international community, the government presented the 1997 Sect as the Cao Dai Church and invited diplomatic delegations to visit well-attended festivities hosted at the Tay Ninh Holy See. Visitors were made to believe that the Cao Dai Religion was thriving. In fact, the government-created impersonator was thriving at the expense of the Cao Dai Religion.²³ Sect members at all levels have committed, often with the support of the police, innumerable atrocities against Cao Dai followers, including beating, abduction, attempted murder, trespassing, interfering with religious services, expropriating property, demolishing graves, blocking funerals, etc. The government has steadfastly defended the criminal acts committed by members of the 1997 Sect.

However, the SRV could not extend its defense beyond Vietnam’s national borders. On August 16, 2023, the Texas Court in Dallas County ruled that the 1997 Sect and its leader, Mr. Nguyen Thành Tám, engaged in activities which affect interstate or foreign commerce, and directly conducted such enterprise’s affairs through a pattern of racketeering activity, in violation of 18 U.S.C. § 1962(c), the Racketeer Influenced and Corrupt Organizations (RICO) Act, which targets mafia-like organizations. The court ordered defendants to compensate plaintiffs the total of \$200,000 plus postjudgment interest at the rate of 6% per annum.²⁴ As part of this lawsuit, the jury reached the verdict that one US-based agent of the 1997 Sect must pay 3.2 million USD in damages to the plaintiffs.

In reaction to this court ruling, the Vietnamese Communist Party acknowledged that the 1997 Sect is not the same as the Cao Dai Church, which was established in 1926, but whitewashed the numerous criminal acts committed by the 1997 Sect against Cao Dai followers as mere conflicts between two Cao Dai organizations:

“... the incident ‘1997 Cao Dai versus Traditional 1926 Cao Dai’ that Nguyen Dinh Thang (the leader of BPSOS) repeatedly shared on social networks recently, is actually a conflict between

²² An Giang: Kỷ niệm 104 năm ngày Dân sinh Đức Huỳnh Giáo chủ Phật giáo Hòa Hảo, January 3, 2024, available at: <https://www.vietnamplus.vn/an-giang-ky-niem-104-nam-ngay-dan-sinh-duc-huynh-giao-chu-phat-giao-hoa-hao-post919028.vnp>

²³ The Impersonator: The government-created “1997 Sect”, Democratic Voice of Vietnam, available at: <https://dvov.org/the-real-cao-dai/>

²⁴ See court ruling: <https://dvov.org/wp-content/uploads/2023/12/2023.08.16-Judgement-signed.pdf>

the two Cao Dai religious organizations in the United States... However, BPSOS slandered the Vietnamese State when it said that the 1997 Cao Dai sect (a branch of the Tay Ninh Holy See Cao Dai Church in the United States) was ‘established by the Vietnamese state’ to ‘exterminate the Cao Dai religion in Vietnam’ and ‘attack’ those who defend the traditional 1926 Cao Dai religion in the United States.”²⁵

Expropriation of religious facilities of the Cao Dai Religion

The government transferred all religious facilities belonging to the Cao Dai Church at the Tay Ninh Holy See to the 1997 Sect. Sect members, often escorted by the police and using force, proceeded to seize over 300 local Cao Dai temples. The remaining dozen temples not yet taken are under constant threat of being seized.²⁶ Cao Dai followers have been barred from entering the temples they built with their own money and sweat. In May 2015, when some 300 Cao Dai followers attempted to convene at their Tay Ninh Holy See, they were brutally beaten by Sect members while surrounded by the police; one Cao Dai lay leader, Executive Committee Vice-Chair Trần Văn Hạp, was tied up by Sect members and delivered to the police.²⁷

The aspiration of all Cao Dai followers in Vietnam and among the diaspora is to celebrate, in late 2025, the 100th anniversary of the founding of their religion at our Tay Ninh Holy See and at their local temples throughout Vietnam, practically all of which are currently in the possession of a criminal enterprise.

The 1997 Sect violating Vietnam’s Law on Belief and Religion

The SRV, including its Judiciary, have acted to defend the 1997 Sect when its criminal activities and violations of Vietnam’s laws were reported to the police or challenged in court by its victims. Following is an ongoing illustrative case, where the 1997 Sect ordered the expulsion of a Cao Dai follower from his own religion.

On 18 June, 2020, Mr. Trần Ngọc Sương, who resides in Gò Công Town, Tiền Giang Province, filed a defamation lawsuit against the 1997 Sect and its head, Mr. Nguyễn Thành Tám, for issuing an order to expel Mr. Sương from the Cao Dai Religion even though he had joined the Cao Dai Religion more than three decades before the creation of the 1997 Sect. In doing so, Mr. Tám blatantly violated Vietnam’s Law on Belief and Religion.²⁸ Followers of Mr. Tám distributed his order to Cao Dai followers to

²⁵ “Việt Nam đóng góp tích cực bảo đảm quyền tự do tôn giáo,” Nhân Dân, 25 November, 2023, available at: <https://nhandan.vn/viet-nam-dong-gop-tich-cuc-bao-dam-quyen-tu-do-ton-giao-post784058.html> (English translation available at: <https://dvov.org/wp-content/uploads/2023/12/PB-ND-25-11-2023-Vietnam-actively-contributes-to-ensuring-religious-freedom.pdf>)

²⁶ Religion Bulletin – September 2020: The Fate Of Independent Cao Dai Temples, The Vietnamese, 9 December, 2020, available at: <https://www.thevietnamese.org/2020/12/religion-bulletin-september-2020-the-fate-of-independent-cao-dai-temples/>

²⁷ The 1997 Sect: Non-state actor with a long record of human rights violations against the Cao Dai Religion, BPSOS, 30 June 2018, available at: <https://dvov.org/wp-content/uploads/2018/07/1997-Sect-non-state-actor-June-30-2018-final.pdf>

²⁸ Article 5. - Prohibited acts: 1. Discriminating and stigmatizing people for beliefs or religions. 2. Forcing others to follow or not to follow, bribing others into following or not following, or hindering others in following or not following a belief or religion.

discredit and defame Mr. Suong. In at least one instance, a government official referred to this order to conclude that Mr. Suong was no longer a Cao Dai follower. The People's Court of Hoa Thanh Town decided not to review the complaint in accordance with the law. On 21 September, 2020, Mr. Suong filed a complaint with the Chief Justice of the People's Court of Tây Ninh Province and the Chief Justice of the People's Court of Hoa Thanh Town. Not receiving a response, on 4 December, 2020, he followed up with a request to the Chief Justice of the People's Court of Hoa Thanh Town, the Chief Justice of the People's Court of Tây Ninh Province, and the Chief Justice of the People's Supreme Court urging the courts to sort it out among themselves and let him know which one would hear the case. But on 11 December, 2020, the People's Court of Hoa Thanh Town notified him that his lawsuit was rejected on ground of lack of jurisdiction without explanation or specifying which other court would have jurisdiction. Meanwhile, Mr. Suong was placed under a travel ban by Vietnam's Ministry of Public Security.²⁹

Violations by the police

The SRV has worked hand in hand with the 1997 Sect in an attempt to force Cao Dai followers to join the 1997 Sect, thus submitting themselves to government control. This strategy worked so well that the massive, forced conversion of some one million Cao Dai followers has gone unnoticed by the international community for two decades. Cao Dai followers who refused to join the Cao Dai sect established in 1997 by the Vietnamese government have been harassed by the police, local government, and members of the 1997 Sect. Following are examples that have been reported to the UN Special Rapporteur on Freedom of Religion or Belief.

1. On 27 August 2020, at 7:00 AM, Mr. Trần Văn Bé was on his way to take care of personal business when members of the police of the commune and criminal police of Tiền Giang Province accosted him, ordered him into a vehicle which took him to an interrogation room in a prison where security officers of the Ministry of Public Security questioned him. They seized his cell phone and printed the evidence they found such as emails, text messages, etc. and ordered him to sign on each page to declare that the materials were from his cell phone. They cited his "criminal" acts, including: (a) Signing the joint letter addressed to Vietnam's Prime Minister to request the release of prisoners of conscience during the pandemic and the issuance of household registry and personal identification documents to de facto stateless Hmong Christians in Vietnam, (b) Observing the International Day Commemorating Victims of Violence Based on Religion or Belief, (c) Participating in a webinar coordinated by BPSOS which featured freedom of religion topics and with participation of human rights defenders and US government officials, (d) Attending training on civil society, human rights and how to write reports on violations to the

²⁹ "Ms. Nguyen Xuan Mai, Mr. Pham Tan Hoang Hai, Mr. Nguyen Van Thiet, Mr. Tran Ngoc Suong and Ms. Luong Thi No participated in the previous conferences. Between 28 October 2019 and 1 November 2019, they were individually banned from travelling to the conference in Bangkok either under the order of the Ministry of Public Security of Viet Nam or local police authorities. Mr. Nguyen Anh Phụng (independent member of the Cao Dai religious group), who had initially planned to attend the conference, was interrogated at home for additional information on the conference even though he ultimately did not attend." (VNM 2/2020)

UN. The police warned that they would take action against his wife and children by linking them to his religious freedom advocacy.

2. In January 2023, Mr. Lê Văn Một, a Cao Dai follower who managed a non-profit funeral home in Tân An City, was issued a fine by Hương Thọ Phú Commune because he served Cao Dai adherents who refused to join the 1997 Sect. Mr. Một has submitted several complaints against this discriminatory practice (hence violating Article 5.1 of Vietnam's Law on Belief and Religion) but the commune government still issued a citation as the basis of a fine without responding in writing to his repeated written complaints and requests for an explanation.
3. In September 2023, Mr. Trần Văn Đực and Ms. Trần Thị Điệp, both Cao Dai followers in Long Thuận Commune, Bến Cầu District, Tây Ninh Province, were told that they were breaking the law because they practiced their religion without joining the 1997 Sect, and they would be punished if they kept doing this.

The police intentionally humiliated female Cao Dai followers to destroy their image in the eyes of their co-religionists.

1. Ms. Nguyễn Xuân Mai is the elected Chairperson of the Executive Committee of the Cao Dai Parish in the Town District of Gò Công, Tiền Giang Province. In late June 2022, she attended the International Religious Freedom Summit in Washington, DC, USA, where she exposed the crimes committed by the 1997 Sect against Cao Dai followers. On her return trip on 23 July, the security police detained her at Tân Sơn Nhất Airport, took her to an interrogation room, ordered her to undress, searched her body and luggage, interrogated her, confiscated her personal documents, took her cell phone and deleted her Facebook account after printing its contents. They only released her at 2:30 a.m. Among her interrogators were officers coming from the Ministry of Public Security in Ha Noi. On 6 August 2022, Ms. Mai wrote a complaint asking the Ministry of Public Security to investigate its officers' violations of her dignity as a person and as a religious dignitary. Instead of an answer, on 25, 30, and 31 March 2023, the police interrogated her at the management office of Vĩnh Long City Market where she has a retail stall. They showed her a Decision to Fine her 7 million VND for her practicing her religion independently from the 1997 Sect. On 21 December 2023, she was again interrogated by five police officers with one coming from Ha Noi and four from the Provincial Police Department. They asked her about her communications with her fellow Cao Dai followers overseas, with UN agencies, and with the US Department of State as well as the US Commission on International Religious Freedom (USCIRF). They instructed her to stop reporting violations and attending human rights training offered by BPSOS or the livelihood of her two adult children would be affected. After confiscating her cell phone, the police released her at 7:40pm but

threatened that they would call her in for future “work sessions”.³⁰ See her complaint filed with different government authorities in Appendix 1.

2. In September 2021, officers from the MPS in Ha Noi and from the provincial police, dressed as medical personnel, intercepted three Cao Dai adherents, Ms. Nguyễn Hồng Phượng and her two brothers, when their COVID-19 testing was just completed and forcibly took them to a police station for interrogation. The police had worked with the commune government to ensure that the three victims (and not other members of their household) were the ones selected for testing on 18 September 2021. They were taken to different rooms at the police station for interrogation. Ms. Phượng was interrogated by a dozen security officers, including some claiming to be coming from Hanoi; they questioned her about her religious practice independent of the 1997 Sect and about her being at the 5th SEAFORB Conference in Thailand in 2019. They ordered her to remove her clothes, leaving only her underwear on her. They also demanded the password to her phone. When she resisted, an interrogator slapped her twice in the face. The police used special software to unlock her phone, then printed documents they found. They interrogated her for 12 hours. All three victims had their cell phones searched for contacts and materials related to their advocacy and reporting government violations to UN human rights mechanisms. They were threatened with severe punishment unless they stopped such “unlawful” activities. Her multiple complaints filed subsequently with the MPS and various local police agencies have been completely ignored. Instead, she was placed under a travel ban.³¹

The Catholic Church

The Catholic Church is the only independent religious organization that has been legally recognized by the Vietnamese Government, probably because of her ties to the Vatican and well organized structure. However, to undermine the influence of the Vatican and her resilience, the government supported the creation of the Catholic Solidarity Committee, the membership of which includes about 400 Catholics and scores of priests. Formed in November 1983 with the blessing of the VCP, Catholic Solidarity Committee is a member of the Fatherland Front, the popular arm of VCP. This organization has infiltrated Catholic congregations and the Church’s hierarchy. One of its founding members was Mr. Phan Khắc Từ, a Catholic priest who ostensibly lived with his wife and their two children. Due to the government’s support of Mr. Từ, Vietnam’s Catholic Conference of Bishops hesitated to discipline him for breaking his vow of celibacy. Members of this state-controlled organization have viciously attacked priests and

³⁰ “Ms. Nguyen Xuan Mai, Mr. Pham Tan Hoang Hai, Mr. Nguyen Van Thiet, Mr. Tran Ngoc Suong and Ms. Luong Thi No participated in the previous conferences. Between 28 October 2019 and 1 November 2019, they were individually banned from travelling to the conference in Bangkok either under the order of the Ministry of Public Security of Viet Nam or local police authorities. Mr. Nguyen Anh Phung (independent member of the Cao Dai religious group), who had initially planned to attend the conference, was interrogated at home for additional information on the conference even though he ultimately did not attend.” (VNM 2/2020)

³¹ Incident report to the UNSR-FORB: https://dvov.org/wp-content/uploads/2023/12/CaoD-Nguyen-Hong-Phuong_En-Event-2021-Nov.pdf

parishioners who speak out against social and environmental injustices, defend religious freedom, or simply refuse to compromise with the government. It serves the same purpose as the Chinese Patriotic Catholic Association, which now has a say in the appointment of bishops to China's mainland dioceses without Vatican approval.³²

Using the Catholic Solidarity Committee as an agent to infiltrate and corrupt the church, the Vietnamese government used many tactics as follows to weaken the Church from within.

Red Flag Associations

For years the Vietnamese police had been known for their use of thugs or policemen dressed in civilian clothing to attack peaceful demonstrators. However, these agents are assembled for one specific operation and then disperse 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 organizing protests against the Formosa Steel Plant in Hà Tĩnh Province, which caused the worst ecological disaster in Vietnam's contemporary history; to sow divisions between non-Catholics and Catholics and rally non-Catholics to boycott business transactions with targeted Catholic communities; and to intimidate parishioners by vilifying their priests, attacking their lay leaders, and desecrating their churches and homes. Their association membership is composed of members of the local security forces, government employees, members of government-sponsored organizations (ie. veterans, communist youths, women groups, etc.), unemployed adults, and thugs among others. The appearance of a Red Flag group was first reported in Nghe An Province in May 2017. A group of about 600 members staged a demonstration against Catholic priests who raised their voices about the grave environmental disaster caused by the Formosa Steel Plant. The thuggish crowd screamed insults at the adherents, threw bricks and rocks to damage their vehicles and several houses, desecrated the altar, and beat parishioners as they went home after Mass. The demonstrations targeted parish priests and parishioners who filed lawsuits against the Formosa Steel Plant. The movement later spread to other regions and also targeted non-Catholics. Victims filed complaints and requested government investigation, but the government did not respond. In certain locations, the local government did not even care to hide their reliance on Red Flag members to do their "dirty" work. There are signs that local governments have tacitly encouraged and facilitated the activities of Red Flag Associations. Red Flag members are coordinating their actions and sharing "best practices". It is imperative that the international community addresses this new phenomenon that increasingly threatens the safety of Catholic communities in Vietnam. When questioned by CERD during its recent review of Vietnam, the Vietnamese delegation characterized Red Flag Associations as "patriotic groups":

"The Government did not interfere in the establishment of associations; the Red Flag Associations were patriotic groups established in Nghe An Province to act against extremist Catholic priests who often distorted information and insulted the President. While those

³² "Zen threatens boycott of HK cardinal's Mass if Beijing bishop attends," The Pillar, November 3, 2023, available at: <https://www.pillaratholic.com/p/zen-threatens-boycott-of-hk-cardinals>

Associations had been involved in clashes, they had not yet been criminalized, and no related cases had been handled by the courts."³³

Imprisonment of environmental justice advocates

In early April of 2016, toxic waste dumped into the sea by the Formosa Steel Plant ravaged the coastal areas of Ha Tinh, Quang Binh, Quang Tri and Thua Thien - Hue provinces. Estimated damages included 140 tons of fish and 67 tons of raised clams lost, and 450 hectares of coral reefs destroyed. 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. In June of 2016, the Taiwan-based Formosa Plastics Group acknowledged responsibility and agreed to pay 500 million USD in compensation in a deal reached with the Vietnamese government, without consultation with the victims – the deal completely excluded Nghe An Province, which had the largest number of victims. In August 2016, more than 200 policemen blocked and assaulted some of the 4,000 Catholic parishioners in their march to Ky Anh township's administrative offices to file complaints against Formosa Steel Plant. Individuals identified by the government as organizers of peaceful demonstrations against the Formosa Steel Plant have been arrested and sentenced to prison. Other environmental justice advocates fled to Thailand to avoid arrest while others have gone into hiding in Vietnam.

Confiscation of Church property

After 1954, the Vietnamese government confiscated thousands of real properties of the Catholic Church in North Vietnam, including all charity, healthcare and educational facilities. When the communist regime took over South Vietnam in 1975, it took over thousands of religious properties of the Catholic Church in the South. Many confiscated Catholic churches, schools, and buildings were converted into meeting places, silos, cooperative workplaces, or residence for government officials. Recently, the Vietnamese government has renewed its seizures of Catholic Church properties, demolishing several monasteries to build hotels and tourist resorts. For many years, Vietnamese Catholics have sought the return of church properties confiscated by the government with no success. On May 21, 2009, Nguyen Thanh Xuan, the government's Deputy Chief of Religious Affairs, announced that the state "has no intention of returning any property or assets to the Catholic Church or any other religious organization." On a rare occasion, the government has returned a very small fraction of such properties as a symbolic act to Saigon diocese, while most others have been sold, demolished, left to ruin, or used for commercial purposes. The confiscation is going on. In August 2020, at least 50 thugs and local officials from Thừa Thiên – Huế Province entered Thiên-An Abbey's premise, put up barbed wire and attempted to seize more land belonging to the abbey. For years the abbey has been attacked by thugs believed to be in alliance with the local government, who tried to ransack, seize part of the land, and resell it to real estate investors. They physically assaulted the peaceful monks and personally targeted their superior.

Lộc Hưng Vegetable Garden, in the suburbs of Saigon, is another example of recent government land expropriation. The expropriation was a completely sudden attack. In the early

³³ CERD/C/SR.3035, Summary Record of the Committee on the Elimination of Racial Discrimination, 111th session, 29 November 2023, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSR.3035&Lang=en

hours of 8 January 2019, a group of over 1,000 officers, military troops, and demolition workers with heavy machinery attacked Loc Hung without producing any warrants or official orders. The land originally belonged to the Paris Catholic Mission, who gave it to the Diocese of Saigon. Over one hundred Catholic families have lived there for four generations. The attack leveled 503 houses and sent thousands of residents to the street.

No:
09NXM/2024-01

SOCIALIST REPUBLIC OF VIETNAM
Independence - Liberty -Happiness

Vĩnh Long, 8 January 2024

REPORT OF EVENT AND REQUEST FOR COMMENTS

(Re. Vietnamese police forcing Ms. Nguyễn Xuân Mai to be interrogated)

To:

- Mr. Tô Lâm - Minister of Public Security. Address: 47 Phạm Văn Đồng, Mai Dịch Ward, Cầu Giấy District, Hanoi.
- Foreign Travel Management and Immigration Department - Ministry of Public Security. Address: 44 - 46 Trần Phú, Điện Biên Ward, Ba Đình District, Hanoi.
- Foreign Travel Management and Immigration Office– Police of Vĩnh Long Province. Address: 71/22A Cơ Điều, Ward 3, Vĩnh Long City, Vĩnh Long Province.

To (for assistance):

- Mr. Rashad Hussain - ambassador-at-large for international religious freedom, US Department of State.
- Mr. Sam Brownback - Former ambassador-at-large for international religious freedom USA, and former Kansas governor; Dr. Katrina Lantos Swett - President, Lantos Foundation for Human Rights and Justice.
- USCIRF.
- Special Rapporteur on Freedom of Religion or Belief, UN, and human rights organizations.

Person submitting report and request: Ms. Nguyễn Xuân Mai, Citizen Identity Card No. 086159001672 issued by Ministry of Public Security on 27 December 2022. Registered address: 136C Cluster 5, Ward 8, Vĩnh Long City, Vĩnh Long Province.

Minister Tô Lâm, Foreign Travel Management and Immigration Department - Ministry of Public Security, and Foreign Travel Management and Immigration Office – Police of Vĩnh Long Province.

On 19 October 2023, I sent Letter No. 06NXM/2023-65 requesting Mr. Tô Lâm and the Foreign Travel Management and Immigration Department to explain why there is a foreign travel suspension targeting me

On 5 November 2023, I received Letter No. 28733/QLXNC-P6 dated 27 October 2023 from the Foreign Travel Management and Immigration Department. The letter informed me that it had forwarded the letter to the Foreign Travel Management and Immigration Office of Vĩnh Long Province Police.

On 18 December 2023, I received Invitation Letter No. 36/GM from the Foreign Travel Management and Immigration Office of Vĩnh Long Province Police, inviting me to a meeting at its offices on 21 December 2023.

However, based on Decree No. 136/2007/NĐ-CP on Vietnamese citizens' foreign travel, Decree No. 65/2012/NĐ-CP, and Decree No. 94/2015/NĐ-CP modifying and supplementing certain articles of Decree No. 136/2007/NĐ-CP, only the Minister of Public Security has the authority to suspend the right to travel abroad for national security reasons, and the Foreign Travel Management and Immigration Department implements his decision. So, the Minister of Public Security and the Foreign Travel Management and Immigration Department must bear responsibility for the decision and send me a written explanation of the reason. The Foreign Travel Management and Immigration Office of Vĩnh

Long Province has no authority to respond to my letter, unless it can show written delegations from Mr. Tô Lâm and the Foreign Travel Management and Immigration Department, Ministry of Public Security. So, I sent a letter to the Foreign Travel Management and Immigration Office of Vĩnh Long Province, informing them that I was not going to comply with their invitation.

However, at 2 pm on 21 December 2023, when I was conducting by retail sales businesses at a stall in Vĩnh Long City Market, the market management team tricked me when requesting me to meet with them and discuss market business issues. When I arrived at the management office, eight uniformed police officers overpowered me without revealing their names, positions, and showing a written decision to interrogate. I recognized Messrs Trần Đại and Đỗ Thành – Ministry of Public Security; Nguyễn Tiến Quân and Nguyễn Văn Chiến – Police of Vĩnh Long Province. They ordered me to enter my password and hand them my phone. They searched for private information and recorded my interactions which they saw on the phone, then they ordered me to sign to confirm each interaction. They also threatened to have me sent to a place where I'll be fed and my children imprisoned if I continued to contact UN human rights committees and international human rights organizations. Near the end of the meeting, they handed me a statement they had prepared, asking me to read the statement for them to videotape. Not only did they not give me a copy of the meeting minutes, they insisted that I should not reveal their names or report the interrogation to anyone. I was released at 7:40 pm.

Mr. Minister and Public Security Agencies,

The Vietnamese government typically asserts to the people in our country and boasts to the international community that Vietnam is a socialist country with the rule of law, and no one and no organization is above the law. Therefore, I request Mr. Tô Lâm and individuals/agencies responsible for my forced interrogation cited in this report or having connections with the subject of this report comment on the lawfulness of the aforementioned group. Please cite the legal provisions authorizing them to trick me into coming to the office of the management of Vĩnh Long City Market, followed by forcing me to be interrogated; provisions authorizing them to enter my phone password for them to search for information which they reproduced on paper and had me sign my name to confirm it was from my phone; please also explain what they meant by “a place where I'll be fed”; and the basis for their authority to order me to read the statement prepared by them for video recording purposes; and also the reason for them to order me to not report the events to anyone.

It will be sufficient for you to provide explanations in writing.

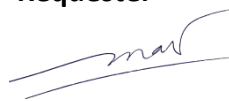
While waiting for your agency's explanation, I declare that I reject all commitments dated December 21, 2023 because I was forcibly interrogated and mentally terrorized, and I did not voluntarily sign any documents. any commitment.

Thank you.

Enclosures

None

Requester



Ms. Nguyễn Xuân Mai

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Số:
09NXM/2023-01

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM
Độc lập-Tự do- Hạnh phúc

Vĩnh Long, ngày 8 tháng 1 năm 2024

VĂN BẢN TƯỜNG TRÌNH VÀ YÊU CẦU BÌNH LUẬN

(Về việc lực lượng công an Việt Nam cưỡng bức bà Nguyễn Xuân Mai làm việc)

Kính gửi:

- Ông Tô Lâm - Bộ Trưởng Bộ Công An. Địa chỉ: Số 47 Đường Phạm Văn Đồng, Phường Mai Dịch, Quận Cầu Giấy, Thành Phố Hà Nội.

- Cục Quản Lý Xuất Nhập Cảnh - Bộ Công An. Địa chỉ: 44 - 46 Trần Phú, Phường Điện Biên, Quận Ba Đình, Thành Phố Hà Nội.

- Phòng Quản Lý Xuất Nhập Cảnh – Công An Tỉnh Vĩnh Long. Địa chỉ: Số 71/22A Phó Cơ Điều, Phường 3, Thành Phố Vĩnh Long, Tỉnh Vĩnh Long.

Gửi để yêu cầu giúp đỡ:

- Ông Rashad Hussain - Đương kim Đại Sứ Lưu Động Về Tự Do Tôn Giáo của Bộ Ngoại Giao Hoa Kỳ.

- Ông Sam Brownback - Cựu Đại Sứ Lưu Động Về Tự Do Tôn Giáo của Bộ Ngoại Giao Hoa Kỳ, nguyên Thống Đốc Tiểu Bang Kansas và Bà Tiến Sĩ Luật Nhân Quyền Katrina Lantos Swett - Chủ Tịch Quỹ Nhân Quyền và Công Lý Lantos (Lantos Foundation for Human Rights and Justice)

- Ủy Hội Hoa Kỳ Về Tự Do Tôn Giáo Quốc Tế.

- Báo Cáo Viên Đặc Biệt Về Tự Do Tôn Giáo của Liên Hiệp Quốc và các tổ chức bảo vệ nhân quyền.

Người tường trình và yêu cầu: Bà Nguyễn Xuân Mai, Căn Cưóc Công Dân số 086159001672 do Bộ Công An cấp ngày 27 tháng 12 năm 2022. Địa chỉ thường trú: 136C Khóm 5, Phường 8, Thành Phố Vĩnh Long, Tỉnh Vĩnh Long.

Kính thưa ông Tô Lâm, Cục Quản Lý Xuất Nhập Cảnh -Bộ Công An và Phòng Quản Lý Xuất Nhập Cảnh – Công An Tỉnh Vĩnh Long.

Vào ngày 19 tháng 10 năm 2023, tôi đã gửi đơn số 06NXM/2023-65 yêu cầu ông Tô Lâm và Cục Quản Lý Xuất Nhập Cảnh giải thích lý do ra quyết định tạm dừng xuất cảnh đối với tôi.

Vào ngày 5 tháng 11 năm 2023, tôi đã nhận được thư trả lời số 28733/QLXNC-P6 ký ngày 27 tháng 10 năm 2023 của Cục Quản Lý Xuất Nhập Cảnh với nội dung chuyển đơn của tôi tới Phòng Quản Lý Xuất Nhập Cảnh Công An Tỉnh Vĩnh Long để giải quyết.

Vào ngày 18 tháng 12 năm 2023 tôi đã nhận được Giấy Mời số 36/GM của Phòng Quản Lý Xuất Nhập Cảnh – Công An Tỉnh Vĩnh Long mời tôi tới làm việc tại trụ sở cơ quan vào ngày 21 tháng 12 năm 2023.

Tuy nhiên căn cứ vào Nghị Định số 136/2007/NĐ-CP về xuất nhập cảnh của công dân Việt Nam, Nghị Định số 65/2012/NĐ-CP và Nghị Định số 94/2015/NĐ-CP sửa đổi và bổ sung một số điều của Nghị Định số 136/2007/NĐ-CP thì chỉ có ông Bộ Trưởng Bộ Công An mới là người duy nhất có thẩm quyền ra quyết định tạm dừng xuất cảnh vì lý do an ninh quốc gia và Cục Quản Lý Xuất Nhập Cảnh - Bộ Công An là cơ quan thực hiện. Ông Bộ Trưởng Bộ Công An và Cục Quản Lý Xuất Nhập Cảnh- Bộ Công An phải chịu trách nhiệm trước pháp luật về quyết định của mình và phải gửi thông báo cho tôi biết giải thích lý do tạm dừng xuất cảnh. Phòng Quản Lý Xuất Nhập Cảnh Công An Tỉnh Vĩnh Long không có thẩm quyền giải quyết đơn của tôi trừ khi chứng minh được rằng có văn bản ủy quyền của ông Tô Lâm và Cục Quản

Lý Xuất Nhập Cảnh -Bộ Công An. Vì vậy tôi đã gửi văn bản để báo cho Phòng Quản Lý Xuất Nhập Cảnh – Công An Tỉnh Vĩnh Long biết tôi không đến theo giấy mời nói trên.

Tuy nhiên, vào lúc 14 giờ ngày 21 tháng 12 năm 2023, khi tôi đang buôn bán tại sạp hàng ở chợ Vĩnh Long thì Ban Quản Lý chợ này đã lừa gạt tôi rằng cần tới gặp họ để trao đổi về công việc kinh doanh tại chợ. Khi tôi tới văn phòng Ban Quản Lý chợ thì một đám tám người mặc sắc phục công an đã xông tới áp chế tôi. Đám người này không xưng tên tuổi, chức vụ và xuất trình cho tôi xem quyết định làm việc hợp pháp với tôi nhưng tôi nhận diện được những người sau đây: Trần Đại và Đỗ Thành – Công An thuộc Bộ Công An; Nguyễn Tiến Quân và Nguyễn Văn Chiến – Công An Tỉnh Vĩnh Long. Đám người này ép buộc tôi phải mở điện thoại và đưa cho họ. Họ tự tiện lục soát thông tin trong điện thoại của tôi và ghi chép lại các cuộc liên lạc của tôi với mọi người ra giấy rồi bắt tôi ký xác nhận. Họ đe dọa sẽ cho tôi “không phải ăn cơm nhà” và sẽ bắt các con tôi vô tù nếu tôi còn tiếp tục liên lạc với các tổ chức bảo vệ nhân quyền của Liên Hiệp Quốc và quốc tế. Cuối buổi làm việc họ soạn sẵn những nội dung theo ý của họ rồi bắt tôi đọc để họ ghi video. Họ không giao biên bản buổi làm việc cho tôi và căn dặn đừng tiết lộ danh tính của họ cùng nội dung buổi bị cưỡng bức làm việc này với bất cứ ai. Họ thả cho tôi ra về lúc 19 giờ 40 phút.

Kính thưa ông Tô Lâm và các cơ quan thuộc Bộ Công An,

Chính quyền Việt Nam thường khẳng định với công dân trong nước và khoe khoang với quốc tế rằng Việt Nam là một quốc gia pháp chế xã hội chủ nghĩa; mọi người phải thượng tôn pháp luật; không ai và tổ chức nào đứng trên luật và ngoài luật. Vì vậy tôi yêu cầu ông Tô Lâm và các cá nhân, cơ quan đã cưỡng bức tôi làm việc hoặc liên quan đến vụ việc tôi đang tường trình bình luận rằng hành vi của đám người trên là làm việc đúng luật hay trái luật. Yêu cầu các ông bà và cơ quan viện dẫn điều luật cụ thể mà quý vị dùng làm căn cứ để lừa tôi tới văn phòng Ban Quản Lý chợ Vĩnh Long rồi cưỡng bức làm việc; căn cứ luật để buộc tôi phải mở điện thoại rồi quý vị sao chép nội dung trong đó ra giấy và bắt tôi ký xác nhận giải thích cho tôi rõ cụm từ “không phải ăn cơm nhà” nghĩa là gì; giải thích cho tôi rõ căn cứ pháp lý nào khiến quý vị không giao biên bản làm việc cho tôi; giải thích rõ căn cứ pháp lý nào cho phép quý vị soạn sẵn nội dung để ép buộc tôi cầm đọc cho quý vị ghi video; giải thích rõ vì sao tôi không được chia sẻ những gì quý vị đã làm việc với tôi cho mọi người cùng biết.

Việc trả lời và giải thích chỉ cần dùng bằng hình thức văn bản là đủ.

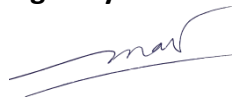
Trong khi chờ đợi giải trình của quý cơ quan, tôi tuyên bố bác bỏ mọi cam kết ngày 21 tháng 12 năm 2023 vì tôi bị cưỡng bức đi làm việc và bị khủng bố tinh thần chứ tôi không hề tự nguyện ký vào bất kỳ bản cam kết nào.

Trân trọng!

Các tài liệu đính kèm

Không

Người yêu cầu



Bà Nguyễn Xuân Mai