

**Testimony of
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U.S. Commission on International Religious Freedom
Before the
Tom Lantos Human Rights Commission
On
Status Update: Religious Freedom in Vietnam
August 18, 2010**

Mr. Chairman, Members of Congress, thank you for this opportunity to testify before the Tom Lantos Human Rights Commission. With the Chairman's approval I would like to submit my testimony for the record, along with the chapter on Vietnam from USCIRF's 2010 Annual Report.

The topic we are considering here today is timely. As you know, Secretary Clinton recently visited Vietnam where she publicly criticized the Vietnamese government for its attacks on religious communities and said that our two countries have "profound differences" regarding protection of human rights.

USCIRF commends the Secretary's public statements and urges her to back up these words with concrete actions, including designating Vietnam as a "country of particular concern," (CPC) for its systematic, ongoing, and egregious violations of religious freedom, actively supporting internet freedom and civil society development, and supporting passage of the Vietnam Human Rights Act.

USCIRF has testified numerous times before this Commission and traveled multiple times to Vietnam since 2003, the last trip being in May 2009. Sadly, we cannot conclude that religious freedom conditions have improved markedly in recent years. Vietnam continues to backslide on

human rights and there remain too many religious freedom violations, too many individuals detained for independent religious activity or peaceful religious freedom advocacy, too many cases of discrimination and forced renunciations of faith targeting new converts to Protestantism, and too many stories of government approved violence targeting Buddhists and Catholics. These abuses occur despite the protections found in Vietnam's Constitution and despite Vietnam's international obligations under the International Covenant on Civil and Political Rights (ICCPR).

The U.S.-Vietnamese relationship is rapidly growing in many different areas. The U.S. should clearly articulate our interest in human rights improvements and use all available diplomatic tools to advance that interest. U.S. policy should clearly signal support for those in Vietnam peacefully seeking to advance both prosperity and universal rights.

This hearing is also timely because the residents of Con Dau reportedly face ongoing intimidation in their land dispute with the Vietnamese government. As you already know, in order to build a resort, the Vietnamese government has detained and harassed Con Dau villagers, used violence to disrupt a peaceful religious ceremony, beat to death one Con Dau resident, and caused a woman reportedly to suffer a miscarriage.

The opening statements of Members of the Tom Lantos Commission summarized well the facts of the Con Dau case. The witnesses who follow will offer more details about what is currently taking place there.

In the remainder of my testimony I want to connect the Con Dau case to the overall decline in human rights in Vietnam and offer some suggestions for U.S. diplomatic and Congressional action.

The Con Dau case is similar to a number of violent clashes over property that have recently occurred between the Catholic Church and the Vietnamese government. In the last several years, disputes over religious property have led to harassment, property destruction, detention, and violence, sometimes by "contract thugs" hired by the government to break up peaceful prayer vigils. In addition, lawyers for those detained at peaceful prayer vigils have been intimidated and briefly detained.

While the Con Dau village case is not a dispute between the Catholic Church and the

Vietnamese government, it is connected to other property disputes by the methods utilized by the authorities to disrupt a peaceful religious ceremony with physical harassment and violence—desecrating the burial of a Con Dau resident in the village's historic cemetery. It is also connected because the moving of the cemetery and villagers from their land would signal the end of the 135 year history of the Catholic parish.

Over the past several years, USCIRF has expressed concern about the Vietnamese government's inability to resolve property disputes with religious communities. We also have expressed concern about the issue of police impunity and the use of thugs to intimidate Catholics peacefully protesting confiscation of property or engaging in peaceful religious ceremonies at disputed sites.

Too often, police and government officials are not held fully accountable for abuses, which, in the past, included engaging in or encouraging violence against religious leaders. At this time, no one has been held accountable for the beatings in custody or the death of the Con Dau villager.

Unfortunately, these issues are not isolated and represent an ongoing religious freedom problem in Vietnam. Buddhists and Protestants all have encountered problems due to police impunity and resolving property issues. In the last year, some monks associated with Buddhist teacher Thich Nhat Hanh were detained, sexually molested in custody, and forcibly expelled from their monastery. Less than a month ago, government employed thugs intimidated Protestant worshippers in Phu Yen province.

The Con Dau case is a microcosm of the larger decline in human rights conditions in Vietnam. It is an issue that will require concerted efforts by the U.S. and the international community if there is to be future progress on human rights and religious freedom.

U.S. Should Urge Hanoi to Uphold its Own Laws / Hold Police Responsible

To address the current situation, the U.S. Embassy should visit Con Dau village and meet with its remaining residents. While we all support continued economic growth and prosperity in Vietnam, it should not come at the price of human rights abuses, harassment, and death.

In addition, the State Department should urge Hanoi to hold accountable those police and government officials responsible for the deaths and detentions of Con Dau residents and uphold Vietnam's own laws ensuring "fair compensation" in eminent domain cases.

The issue of police impunity should be a top priority of U.S. human rights diplomacy because it is a recurring human rights and religious freedom problem in Vietnam. While it is not an issue Hanoi wants to address, there is one recent case that can be used as a model. Several weeks ago, a police officer was charged in the death of a young motorcyclist who was detained and beaten to death after a routine traffic stop. We hope that there is an investigation and those found responsible for the death of the Con Dau resident are also held responsible.

Hanoi should also be encouraged to uphold its own laws governing eminent domain disputes. In May 2009, a Prime Ministerial decree was issued to ensure "fair compensation" when land was sought for economic development. The Con Dau residents have sought fair compensation and have made proposals and counterproposals in order to live near their historical parish church and the graves of their ancestors. These proposals have been met with harassment, intimidation, detention, beatings, and death. This is unacceptable particularly at a time when Vietnam is seeking foreign direct investment.

U.S. Should Clearly Articulate its Interest in Human Rights/ Religious Freedom

In recent months, the Obama Administration has accelerated its involvement with Vietnam by expanding military relations, negotiating an agreement on nuclear energy cooperation that does not include provisions required of countries in the Middle East concerning enrichment of nuclear materials, and weighing in on access to sea lanes and long disputed boundaries between Vietnam and China.

What kind of message is sent to those Vietnamese peacefully seeking to advance universal human rights and the rule of law when the U.S. offers diplomatic plums to advance Vietnamese interests without at the same time advancing U.S. interests in freedom of religion and human rights?

Raising the issues publicly and consistently with Hanoi is a good start, and we have commended Secretary Clinton's recent statements, but words should be backed by actions that have proven to bring results.

One way the Obama Administration can help to advance religious freedom and diminish

religious freedom violations is to re-designate Vietnam as a “Country of Particular Concern” or CPC. When used in the past, the CPC designation produced tangible improvements on the ground and did not hinder progress on other bilateral issues. In fact, trade, investment, humanitarian programs, and military relations expanded during the period when Vietnam was a CPC. The CPC designation can be used again to bring concrete change.

The CPC recommendation has bipartisan support in Congress. We want to thank Members who have consistently advocated and written letters to support re-designating Vietnam as a CPC. The State Department is currently considering whether or not to designate Vietnam as a CPC, so the time is ripe for focused congressional engagement on this issue. Though this designation has been an uphill battle, USCIRF will continue to work, with the support of those in this room, toward that goal.

The Obama Administration can also be a stronger voice for human rights in Vietnam by signaling its support for passage of the Vietnam Human Rights Act (S. 1159/H.R. 1969). This bill has been re-introduced this year in both the House and the Senate. USCIRF supports the provisions found in this bill and hopes it will be discussed, considered, and passed during the current session of Congress, and signed by the President.

Protecting and promoting religious freedom is a core interest of the American people and critical to the success of many of our global interests. We believe that the CPC designation and the Vietnam Human Rights Act contain powerful tools to spotlight abuses of religious freedom and related rights, encourage future improvements, and demonstrate that U.S. policy and programs are on the side of those, like the villagers of Con Dau, peacefully seeking to live without fear, intimidation, corruption, and police impunity.