



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

# COUNTRY UPDATE: VIETNAM

June 2020

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### USCIRF's Mission

*To advance international freedom of religion or belief, by independently assessing and unflinchingly confronting threats to this fundamental right.*

## Religious Prisoners of Conscience in Vietnam

*By Dominic J. Nardi, Policy Analyst*

### Overview

The number of individuals in Vietnam imprisoned for the nonviolent expression of their beliefs has increased significantly during the past decade. According to [Amnesty International](#), as of May 2019, there were at least 128 prisoners of conscience, compared to 75 in 2013. Other advocacy groups, such as the [NOW! Campaign](#), report as many as 251 prisoners of conscience were being held in 2019, compared to just 165 in 2017. Much of this increase stemmed from the arrest of activists who participated in widespread protests during the summer of 2018 against a draconian Cybersecurity Law and a draft bill on special economic zones.

This report provides updates on the situation of several high-profile religious prisoners of conscience. According to some estimates, around a third of Vietnamese prisoners of conscience were targeted in whole or part because of their religious affiliation or advocacy on behalf of freedom of religion or belief (FoRB). The individuals come from a variety of religious traditions, including Catholicism, Evangelical Christianity, and Hoa Hao Buddhism. Prisoners of conscience are disproportionately likely to identify with a religion; only approximately 20–30 percent of Vietnamese belong to a religious group, compared to approximately half of prisoners of conscience (see Figure below). The report also explains some of the challenges prisoners of conscience have faced in prison, including being denied access to religious texts and adequate healthcare.

### Religious Prisoners of Conscience

The U.S. Commission on International Religious Freedom (USCIRF) defines "[religious prisoners of conscience](#)" (RPOCs) as individuals who are:

*imprisoned, detained, under house arrest, or disappeared for their religious beliefs, non-belief, identity, activity and/or advocacy for FoRB or related rights, provided that they have not used or advocated violence.*

The inclusion of "or related rights" acknowledges that the protection of FoRB sometimes depends on the individual's ability to exercise other civil and political rights. For example, freedom of expression allows human rights advocates to criticize laws that infringe upon religious freedom. On the other hand, sometimes individuals who serve as religious leaders or advocate for FoRB are targeted for reasons unrelated to religious freedom. In Vietnam, a significant overlap often exists between activists

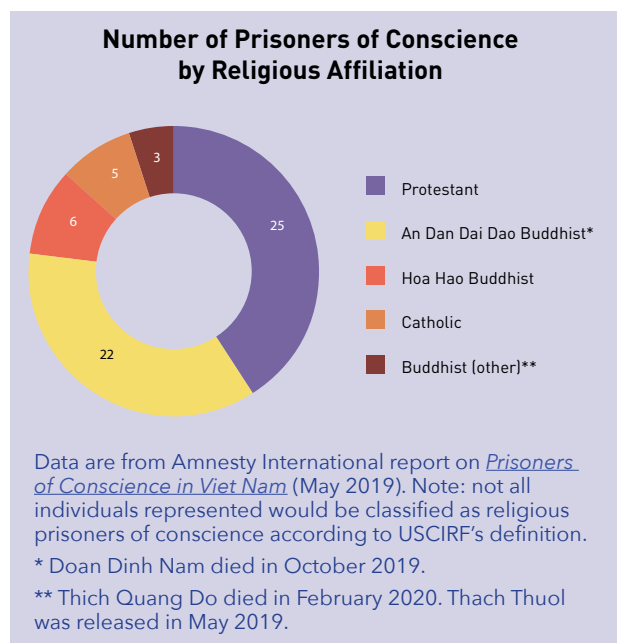


who work on FoRB and those who work on other civil and political rights, making it difficult to determine if a particular prisoner of conscience was in fact targeted because of his or her religious faith or for FoRB advocacy. Some RPOCs in Vietnam were arrested for unregistered religious activity. According to the [Law on Belief and Religion](#), religious groups are required to register with the government. However, some religious communities refuse to participate in government-approved religious associations due to fear of persecution or concern for their independence, leading to both government-sponsored and independent organizations competing to represent the religion. For example, Hoa Hao Buddhist preacher Bui Van Trung used his house for group prayers. In response, authorities demanded that he register the prayer hall with the state-affiliated Hoa Hao Central Administrative Council. He refused, and he was arrested in 2012 and sentenced to four years' imprisonment. In June 2017, police established a checkpoint near his house to block Hoa Hao Buddhists from attending the commemoration of his mother's death anniversary. When

Trung and his family protested, authorities [arrested](#) him and his family and charged them with "disrupting public order" under Article 245 of the Penal Code. Bui Van Trung and his son Bui Van Tham were sentenced to six years' imprisonment, while other members of the family were sentenced to lesser prison terms.

Vietnamese authorities have persecuted the An Dan Dai Dao Buddhist sect for decades, including by confiscating its temples. In 2003, the group established an ecotourism company at the Da Bia Tourist Resort in Phu Yen Province that was also intended to serve as a spiritual center, in part, to replace confiscated temples. In February 2012, Vietnamese authorities [arrested](#) An Dan Dai Dao leader Phan Van Thu and 21 other members. They were accused of using the ecotourism company as a front to recruit members and sentenced under Article 79 of the Penal Code for allegedly "plotting to overthrow the government." Their sentences ranged from 10 years to life; they were still imprisoned as of May 2020. This mass arrest of An Dan Dai Dao leaders severely undermined the group's ability to operate.

Several religious leaders have been arrested because of their advocacy on behalf of religious freedom generally or certain religious communities specifically. For example, A Dao, a member of the Ha Lang ethnic group, was the lead pastor of the unregistered Montagnard Evangelical Church of Christ (ECC). In August 2016, he attended the Southeast Asia Freedom of Religion or Belief (SEAFORB II) Conference in Dili, East Timor. Shortly after his return, he was arrested while traveling to visit church members in Gia Lai Province. Authorities also reportedly [interrogated](#) members of his church and demanded that they cease all contact with overseas “foreign reactionaries.” On April 28, 2017, A Dao was sentenced to five years’ imprisonment under Article 275 of the Penal Code for allegedly “helping individuals to escape abroad illegally.” He denied the charge and claimed he was tortured because he refused to confess. (USCIRF adopted him through its [Religious Prisoners of Conscience Project](#) in May 2020.)



[Nguyen Bac Truyen](#) is a Hoa Hao Buddhist, lawyer, and founder of the Vietnamese Political & Religious Prisoners Friendship Association. Much of his work has focused on providing pro-bono legal assistance to families of prisoners of conscience and persecuted religious communities. (USCIRF adopted him through its [Religious Prisoners of Conscience Project](#) in November 2019.) He was arrested and sentenced to 3.5 years’ imprisonment in 2006 and again detained in July 2017. At the time, he was working for the Catholic Redemptorist Church, which provides legal assistance to victims of land expropriation

and health services to more than 5,000 veterans of the former Republic of South Vietnam. On April 5, 2018, Truyen was tried and sentenced to 11 years’ imprisonment followed by three years of house arrest for “carrying out activities aiming to overthrow the government.” The trial lasted just one day. Vietnamese authorities accused him of being a member of the Brotherhood for Democracy, a civil society organization that advocates for peaceful political reform; however, Truyen has reportedly said that he was not a member and preferred to focus on his religious freedom advocacy. Truyen’s appeal to the Appellate Court was denied on June 4, 2018.

The Vietnamese government has released several high-profile prisoners of conscience, but often made their freedom conditional upon them immediately leaving the country. On June 7, 2018, the human rights lawyer and religious freedom activist [Nguyen Van Dai](#) was released more than a decade before his 15-year sentence expired, and he boarded a flight to Germany immediately upon release. In May 2019, the government released the Venerable Thach Thuol, a Khmer Krom Buddhist monk imprisoned in 2013 for teaching the Khmer language in his temple, after the completion of his six-year sentence.

### Prison Conditions

Under international human rights standards, the right to freedom of belief or religion does not cease because an individual has been imprisoned. According to the United Nations Human Rights Committee’s [General Comment No. 22](#), Article 18 of the [International Covenant on Civil and Political Rights](#) protects the right of prisoners to “continue to enjoy their rights to manifest their religion or belief to the fullest extent compatible with the specific nature of the constraint.” In addition, Rule 41(3) of the UN [Standard Minimum Rules for the Treatment of Prisoners](#) mandates that prisoners not be denied access to a priest, monk, or other qualified representative of any religion. Rule 42 specifically requires authorities to provide prisoners with access to religious texts.

The text of Vietnam’s [Law on Belief and Religion](#) reflects these standards; according to Article 6(5):

*Persons held in custody or temporary detention in accordance with the law on custody and temporary detention; persons who are serving imprisonment sentences; persons who are serving the measure of consignment to a reformatory, compulsory education institution or compulsory detoxification establishment have the right to use religious books and to manifest their beliefs or religions.*

### **Patriarch Thich Quang Do**

Vietnam's most famous religious prisoner of conscience was the Most Venerable [Thich Quang Do](#), Patriarch of the Unified Buddhist Church of Vietnam (UBCV). Vietnamese authorities had harassed and detained Thich Quang Do due to his religious freedom advocacy and the UBCV's refusal to join the state-affiliated Vietnamese Buddhist Church. He was placed under effective house arrest in October 2003 in Thanh Minh Zen Monastery, but was expelled in October 2018. He resided at Tu Hieu Pagoda in Ho Chi Minh City until his [death](#) on February 22, 2020. USCIRF received reports that authorities blocked UBCV members from attending his funeral. Thich Quang Do was part of USCIRF's [Religious Prisoners of Conscience Project](#).



USCIRF Delegation visiting UBCV Patriarch Thich Quang Do in September 2019

Despite this, Vietnamese authorities have reportedly denied FoRB rights to prisoners of conscience. [Nguyen Nang Tinh](#), a music teacher arrested in May 2019 for “anti-state” posts on social media, went on a hunger strike between March 13 and April 17 because prison guards at Nghi Kim Camp in Vinh City would not let him see a Catholic priest during Lent. He was also reportedly not allowed to pray or read religious books during this time. He ended his strike when he received a trial date for his appeal, but after his appeal was dismissed, he intended to resume his hunger strike. In another case, [Le Dinh Luong](#), an environmental activist who was sentenced to 20 years’ imprisonment in August 2018, was reportedly denied communion, access to a priest, and a Bible at Ba Sao prison in Nam Ha Province. USCIRF also has received reports that authorities at Xuyen Moc Prison in Ba Ria-Vung Tau Province have suspended Bui Van Tham’s rice rations because he complained about the lack of vegetarian meal options

consistent with Hoa Hao Buddhist beliefs. Other reports allege that Vietnamese security officials sometimes justify such restrictions as necessary because of the “attitude and manner of the prisoner,” even though no such exception is permitted under Vietnamese or international human rights law.

In addition to denial of FoRB-related rights, there are widespread concerns about access to healthcare and nutritional diets in Vietnamese prisons. Several religious prisoners of conscience are reportedly in poor health, either due to preexisting medical conditions or abuse suffered at the hands of prison authorities. An Dan Dai Dao Buddhist leader Phan Van Thu is [seriously ill](#), reportedly suffering cough, allergies, diabetes, and rheumatoid arthritis, but his wife’s request for a suspension of his sentence on medical grounds has not been granted. One of the other An Dan Dai Dao Buddhist prisoners, Doan Dinh Nam, passed away in

October 2019 due to kidney failure in Xuyen Moc Prison. Nguyen Bac Truyen still suffers gastrointestinal diseases and back pain due to mistreatment and unhygienic water during his first prison term. He has not had a proper medical exam since his arrest. Complicating the situation is that many prisoners rely upon family members to send them medication that they cannot otherwise obtain in prison. During the [COVID-19 epidemic](#), Vietnamese authorities suspended family visits and deliveries of supplementary food and medicine from families, which risks further exacerbating the situation.

USCIRF has also received reports of physical and psychological abuse against religious prisoners of conscience, despite the fact that the Vietnamese government has ratified the UN [Convention Against Torture](#). At the Bang Lang Detention Center in Kien Giang Province, authorities reportedly used an electric rod on Nguyen Hoang Nam, one of the Hoa Hao Buddhists arrested in June 2017, injuring his eyes. Pastor A Dao claimed he was abused by prison authorities, and family members who visited him saw bruises on his face. Vietnamese authorities have also attempted to punish prisoners of conscience by placing them in prisons located far from their families. For example, Nguyen Bac Truyen is being held at An Diem prison in Quang Nam Province, a thousand kilometers away from his wife in Ho Chi Minh City. He has submitted multiple requests to be transferred to a closer location, but to no avail. This practice of holding prisoners in remote prisons makes it financially prohibitive for some families to visit imprisoned relatives.

## Conclusions and Recommendations for U.S. Policy

As documented in USCIRF's recent [Country Update](#) about the Law on Belief and Religion and in USCIRF's [2020 Annual Report](#), the systematic, ongoing, and egregious violations of religious freedom violations in Vietnam go beyond the prisoners of conscience discussed in this report. However, focusing on

prisoners of conscience can be a useful approach for U.S. policymakers to promote religious freedom in the country. First, the cases of individual prisoners can serve to represent broader religious freedom violations in a country, especially when the worst abuses happen in remote rural areas far from international media—as is often the case in Vietnam. Perhaps more importantly, prisoners of conscience serve as a bellwether for broader religious freedom conditions. RPOCs are imprisoned because they took risks that others dared not. It is reasonable to assume that for every individual detained for his or her religious freedom advocacy, there are many more too afraid to criticize government policies openly. Finally, some of these individuals would—if released—become effective human rights advocates able to organize advocacy efforts. In essence, their release would not only be a temporary victory for religious freedom, but also help lead to more enduring change.

In both public and private forums, the U.S. government regularly [condemns](#) the arrest and sentencing of religious freedom activists in Vietnam. The annual [U.S.-Vietnam Human Rights Dialogue](#), which started in 1996, provides an opportunity for U.S. diplomats to ask for the release of certain prisoners of conscience. Through the [Tom Lantos Human Rights Commission's Defending Freedoms Project](#), Members of Congress also advocate for certain prisoners of conscience from Vietnam, including [Nguyen Bac Truyen](#), who was inducted into the program in early 2020. This advocacy work has been instrumental in securing the release of several prisoners of conscience from Vietnam. USCIRF urges the U.S. government to continue this advocacy at all levels of interaction with Vietnamese counterparts. In addition, USCIRF recommends expanding U.S.-government funded training about religious freedom for Vietnamese officials, including prison authorities. Ultimately, the U.S.-Vietnam relationship will be strongest when the two countries cooperate over not only shared security and economic interests, but also mutual respect for religious freedom and related rights.



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on threats to religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.

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