

**STATEMENT OF
HMONG NATIONAL DEVELOPMENT, INC. (HND)**

For the Hearing on

**“PERSECUTION OF RELIGIOUS AND INDIGENOUS COMMUNITIES IN
VIETNAM”**

**TOM LANTOS HUMAN RIGHTS COMMISSION
U.S. HOUSE OF REPRESENTATIVES**

March 26, 2014

I. Introduction

Vietnam’s poor record on human rights is well-documented. The Vietnamese Communist Party (CPV) has a long history of brutally suppressing dissent in order to preserve its own power in this one-party, authoritarian state.

Human rights abuses are endemic throughout Vietnam, but are often specifically targeted towards the religious and ethnic minorities that live in Vietnam’s remote provinces, such as the Hmong. While Vietnamese laws formally prohibit all forms of discrimination against ethnic minorities, longstanding societal discrimination against ethnic minorities continues to be manifested from the national to the provincial level. (*See, eg*, HRW, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” 2011; HRW, “On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta,” 2009.) Although U.S. State Department reports do mention that ethnic minorities are discriminated against throughout the country, the reports fail to adequately reflect the severity and scope of the torture and persecution that the Hmong and other ethnic minorities such as the Montagnards and Khmer Krom face, especially when it comes to religious persecution.

Though the persecution of Hmong Protestants has been ongoing for decades, this statement will focus on the most recent incidents of religious persecution. The Addendum following this Statement discusses in further detail prior incidents of religious persecution and the other types of human rights violations perpetrated against the Hmong by the Vietnamese government.

II. Vietnam’s Restrictions on Religious Freedom

Vietnamese law requires all religious organizations to be registered and subsequently approved by the government. Participating in independent religious organizations is viewed as challenging the authority of the government. Even in the cases of government approved religious

organizations, legal protections “are both vague and subject to arbitrary or discriminatory interpretations based on political factors; and new converts to some Protestant and Buddhist communities face discrimination, intimidation, and heavy pressure to renounce their faith.” (U.S. Commission on International Religious Freedom [hereinafter “USCIRF”] Annual Report, 2011.)

On the individual level, believers who are members of unrecognized religions “continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy.” (USCIRF Annual Report, 2012.)

In September 2004, the Secretary of State designated Vietnam as a ‘Country of Particular Concern’ under the International Religious Freedom Act for particularly severe violations of religious freedom. Among the most important reasons for this designation was the harsh treatment often meted out to Protestants, particularly those who are members of ethnic minority groups. “The U.S. Ambassador and other U.S. officials, including the Ambassador at Large for Religious Freedom, raised concerns about the repression of Protestantism in the Central and Northwest Highlands, detention and arrest of religious figures, and other restrictions on religious freedom with government cabinet ministers up to the level of Deputy Prime Minister, CPV leaders, provincial officials, and others.” But serious violations of religious freedom, particularly against Hmong and other ethnic minority Protestants, continued. (U.S. State Department, International Religious Freedom Report [hereinafter “IRFR”], 2004.)

In 2006, this designation was lifted due to some progress made by the Vietnamese government with respect to religious freedoms. However, this “progress,” including increased registration of church groups, largely occurred in the more densely populated urban areas and was not enacted equally throughout the country. Specifically, these improvements were not implemented in the more remote provinces in the highlands, where many ethnic minorities including the Hmong reside, and where access by outsiders is severely restricted. USCIRF’s Annual Report for 2013 states that any improvements with respect to religious freedom “often depended on geographic area, ethnicity, relationships between religious leaders and local officials, or perceived ‘political’ activity.” While people living in large urban areas generally enjoy greater religious freedoms, “ethnic minority Protestants and Buddhists and religious groups that seek to operate independent of government control continue to experience severe abuses, including arrests, forced renunciations of faith, and long-term incarcerations.” (USCIRF Annual Report, 2013.)

Rather than seeing any improvement, Vietnam’s record on religious freedom for its ethnic minorities has seen a steady decline in the years since the CPC designation was lifted in 2006. Any religious activity by ethnic minorities is viewed as inextricably linked to political dissidence, leaving people of faith vulnerable to arrest and prosecution for their presumed opposition of the Communist government.

Conditions continue to deteriorate, and as a result of Vietnam's "systematic, ongoing, and egregious violations [of religious freedoms]," USCIRF recommended that Vietnam again be designated as a "country of particular concern" in 2013. (USCIRF Annual Report, 2013.)

III. Religious Persecution of Hmong Protestants in Vietnam

The Hmong residing in Vietnam's remote Northwest Highlands have been converting to Christianity in large numbers since the late 1980s. According to the U.S. State Department's International Religious Freedom Report for 2012, the number of Protestants in Vietnam ranged from approximately 1%-2% of the population. Approximately two-thirds of these Protestants are ethnic minorities living in the Northwest Highlands, including the Hmong. (U.S. State Department IRFR, 2012.)

According to Compass Direct News, a long-time source of credible information about rights violations against Protestants in Vietnam that is often used as the basis of U.S. State Department reports, "The Hmong Christian movement in Vietnam's Northwest Mountainous Region has grown from nothing to some 400,000 believers in the last two decades. The Hmong Christians remain under heavy government suspicion and are regularly objects of harassment and sometimes outright persecution." ("Vietnamese Officials Destroy Two New Church Buildings," Compass Direct News, June 27, 2012.)

Vietnamese government officials have been employing numerous means of religious persecution in an attempt to suppress the spread of Christianity among the Hmong and punish those who refuse to renounce their faith. Local authorities sometimes use "contract thugs" to harass, threaten, or beat Hmong Protestant religious leaders. (USCIRF Annual Report, 2011; and U.S. Department of State, Country Reports on Human Rights Practices for 2011, Vietnam Report.) Common methods of repression used in the Northern Highlands include "forcing church gatherings to cease, closing house churches, and confiscating property." (USCIRF Annual Report, 2011.)

A. Obstruction of Religious Burial Practices

Recently, the Hmong have begun to adopt more modern approaches to burying and honoring their dead, in accordance with a sect of Christianity led by Hmong Christian leader Duong Van Minh. The traditional Hmong burial practice involved keeping the body in the house for seven days and killing cows or buffalos to be offered to the dead during several days of rituals. ("On-going Brutal Suppression of the Cultural Rights of Hmong Christians," Boat People SOS [BPSOS], November 20, 2013.) Minh, who had been imprisoned by the Vietnamese government for his beliefs between 1990 and 1995, recognized that the traditional burial practice was an economic burden to families that were already struggling to survive. He advocated for reforms to this practice, and many Hmong Christians began keeping their dead for no more than one day

and burying them in coffins with simple rituals that did not require the killing of cattle. According to Minh, Hmong Christians should “simply trust in God” when their loved ones pass away and dispense with the traditional practices that had been harming their communities. (“Hanoi Hospitals Refuse Treatment to Ailing Hmong Christian Leader,” Radio Free Asia, Feb. 14, 2014.)

1. Campaign Against Hmong Burial Reforms

To support their new burial practices, Hmong villagers began building small storage facilities to store funeral accessories that the entire village could share. (“On-going Brutal Suppression of the Cultural Rights of Hmong Christians,” BPSOS, November 20, 2013.) In 2008, the authorities in Cao Bang, Bac Kan, Thai Nguyen and Tuyen Quang provinces began an “aggressive campaign” to try and force Hmong Christians to go back to the old way of burying their dead. *Id.*

It is clear that this was an official campaign, with specific directives coming from the central government to the provincial authorities. A memo from the Ministry of Interior in Hanoi to the People’s Committees of the four provinces mentioned above directs the provincial authorities to “take appropriate actions” against the followers of the Duong Van Minh organization by “direct[ing] various departments and local offices to mobilize the mass, and convince [the] local people of ethnicities in the preservation of their culture, faith and good traditions, and dismantling the ‘outbuilding’ (sheds) that were illegally built.” (Memo from Ministry of Interior Re “Duong Van Minh Organization,” June 7, 2013 [translated by BPSOS].) The memo notes that the “‘Duong Van Minh organization’ failed to qualify for registration as a religion and ... [t]herefore, this organization is not considered as a legitimate religious organization.”

In addition, a booklet titled, “Propaganda Campaign to Stop the Activities of Illegal Duong Van Minh Organization,” obtained by BPSOS, encourages the Hmong to ignore Duong Van Minh’s teachings and “instead focus on productive labor such as farming, breeding of livestock, taking of family; and cooperate with the authorities to dismantle the “outbuildings” (sheds storing funeral objects), and put on trial those who violate the law.”

The Vietnamese government embarked on this campaign to prevent the Hmong from practicing their Christian faith, employing methods of destruction to try to keep them tied to their traditional animist backgrounds.

2. Destruction of Funeral Storage Facilities

As a part of the 2008 campaign, “[t]he police joined forces with the militia, members of the people’s committees and thugs to demolish the funeral storage facilities” in Cao Bang, Bac Kan, Thai Nguyen and Tuyen Quang provinces. (“On-going Brutal Suppression of the Cultural Rights of Hmong Christians,” BPSOS, November 20, 2013.) By 2012, many of the Hmong villagers

had rebuilt the storage facilities that had been demolished. But again, “the government sent in the plain-clothed police and thugs to destroy these facilities and arrested a number of Hmong villagers. The Hmong villagers who used their own bodies to protect these facilities were met with violence.” *Id.*

According to BPSOS, the police conducted another wave of raids on April 8 and 9, 2013 to destroy these storage facilities. On April 8, 2013 in Luong Dien Hamlet, Na Phac Town, Ngan Son, Bac Kan Province, “police in civilian clothes used electric batons in their assault and took away eight villagers.” *Id.* According to the BPSOS report, the following day in Bo Dich Block, Quoc Toan Village, Tra Linh Hamlet, villagers that attempted to prevent the destruction of the facilities, including women, were shocked with electric batons until they passed out. *Id.* Similar police raids took place in Ba Lam, Hoa An, but the villagers there were able to successfully defend their storage facility and prevent its destruction. *Id.*

3. Persecution of Duong Van Minh’s Followers

Many Hmong sent petitions to the central government protesting the destruction of the storage facilities and the obstruction of their religious practices. These petitions remained unanswered. *Id.* In early October 2013, a number of Hmong villagers from the four provinces camped out in Mai Xuan Thuong Park in Hanoi in protest. The Vietnamese government responded with arrests, violence, and detentions. “On October 23, 2013, the police of Thuy Khue Ward violently dispersed the gathering and drove the protestors away in police vans... A Hmong adult (Duong Van Phung) and a child (Hoang Thi Vang) suffered injuries caused by electric batons used by the police. They passed out and had to be hospitalized.” *Id.* The protestors were rounded up and detained at the government Reception Center in Hanoi. Some were later taken to Cao Bang Province, others were taken away and not seen again. *Id.*

When a number of Hmong protestors returned to Hanoi on October 27, 2013, the same thing happened to them. In October and November 2013, at least eight Hmong activists who were followers of Minh’s were arrested as they protested for freedom of religion and belief (“Hanoi Hospitals Refuse Treatment to Ailing Hmong Christian Leader,” Radio Free Asia, Feb. 14, 2014). “On Nov. 23, police forces surrounded an ethnic Hmong village at Cao Bang province and demolished their funeral storage facility, in an incident that was followed by an attack on another Hmong village in the province the next day...” (“Hanoi Hospitals Refuse Treatment to Ailing Hmong Christian Leader,” Radio Free Asia, Feb. 14, 2014.)

Duong Van Minh is currently suffering from a serious kidney ailment and is in need of regular dialysis. While he was able to receive treatment last year in 2013, the authorities questioned him while he was in the hospital for an hour a day. *Id.* He is again in need of treatment, but the hospitals in Hanoi are now refusing to treat him, apparently due to his religious beliefs. *Id.*

The Vietnamese government continues to impose severe penalties on Minh's supporters. According to activists, seven of Minh's followers have been imprisoned and their trials are ongoing. They are being tried under an extremely vague penal code provision, Article 258, which serves to squelch political dissidence and restrict freedom of expression.

On March 14, 2014, Hoang Van Sang, a 60-year old follower of Minh's, was sentenced in Tuyen Quang province to 18 months in jail for "abusing democratic rights to infringe on the State and others' benefits' under Article 258 of Vietnam's penal code..." ("Hmong Ordered Jailed for Defying Vietnamese Government Campaign," Radio Free Asia, March 14, 2013.) Sang's "crime" was building a funeral facility that would accommodate the new burial practices advocated by Minh. *Id.*

Shortly after Sang's sentencing, Hmong Christian villagers began mobilizing in support of those that had been arrested and were awaiting trial. Sources in Vietnam state that some one thousand Hmong villagers began marching to the court in Tuyen Quang to protest at the upcoming trials and demand religious freedom and respect for their cultural rights. Carrying banners expressing their support for those arrested, the villagers began the long trek on March 18, 2014 to make their voices heard. However, many were prevented by the police from making it to the trials.

On the day of the March 20, 2014 trial of Ly Van Dinh and Duang Van Tu, the police blocked the villagers from entering the area. The hearing was "held under tight security as police kept protesting Hmong villagers at bay." ("Tight Security as Vietnamese Court Orders Two More Hmongs Jailed," Radio Free Asia, March 20, 2014.) The police "blocked [the] Hmong from traveling to the court, ripping away protest banners and confiscating other items carried by the marchers." *Id.* Ly Van Dinh and Duang Van Tu were sentenced to 21 months and 15 months in jail, respectively, for violating Article 258 of Vietnam's penal code. Another trial is set for March 27, 2014. Thao Quan Mua is accused of "gathering people to build a funeral home." *Id.*

The Vietnamese government's most recent, ongoing campaign of religious repression demonstrates its willingness to use brute force in order to prevent Hmong Christians from practicing their religion and deny them the right to self-determination.

B. Special Directives for Provincial Authorities Aimed at Religious Repression of Hmong Protestants

Vietnam's carefully orchestrated campaign against Duong Van Minh and his followers is unfortunately not an isolated instance, but is part of an ongoing policy to eradicate Christianity among Hmong populations. This policy began when the Hmong first started converting to Christianity, and has been ongoing since.

The Vietnamese government has viewed the spread of Christianity among its ethnic minorities as a threat, due to its perception of Christianity as an "American" religion in direct conflict with

Communism and loyalty to the Communist government. For groups such as the Hmong, which has unique historic ties to the U.S., this conversion to Christianity has been viewed with particular hostility. USCIRF states in its 2013 Annual Report that “[t]he government continues to view with suspicion the growth of Christianity among Hmong in Vietnam’s northwest provinces... Local officials have forced church gatherings to disperse, required groups to limit religious holiday celebrations, closed unregistered house churches, and pressured individuals to renounce their religious beliefs.” The Report goes on to say that, while some religious groups are able to officially register and operate with the acquiescence of the government, in the northwest provinces where the Hmong reside, “campaigns to curtail new conversions [to Protestantism]” among the ethnic populations have “brought arrests, detentions, displacements, and harassment of members of new Protestant churches in the past year.”

The growth of Protestantism in the Northern Highlands, an area which is largely shielded from foreign scrutiny, is viewed by the Vietnamese government as a potential threat to national security. The fact that the Vietnamese government equates Protestantism with political dissidence and labels religious leaders as “separatists” makes people of faith vulnerable to a host of very broad laws meant to suppress political dissent. Although Vietnam’s constitution and the 2004 Ordinance on Religion and Belief provide for freedom of belief, both the Ordinance and its implementation decree “... warn that the ‘abuse’ of freedom of belief or religion ‘to undermine the country’s peace, independence, and unity’ is illegal, and religious activities must be suspended if they ‘negatively affect the cultural traditions of the nation.’” (U.S. State Department IRFR, 2012). Thus, government officials may restrict religious freedoms based on an arbitrary decision that the religious activities are posing a threat to the country’s peace.

A stark example of this attitude occurred in Muong Nhe in Dien Bein province in May 2011. According to eyewitness accounts, thousands of Hmong Christians had peaceably gathered in Muong Nhe in protest of the religious persecution that they had been long been suffering. In response, “... Vietnamese military troops and helicopters moved in to suppress the assembled people.” (“Vietnam: Investigate Crackdown on Hmong Unrest,” Human Rights Watch, May 17, 2011.) Many injuries and even deaths at the hand of the Vietnamese military were reported by those at the gathering. Scores of Hmong were arrested, and eight have been sentenced for two years and more for charges such as “disrupting security.”¹ This framing of religious expression as political dissidence is often used with Hmong Christians and is in line with the Vietnamese government’s policy of religious repression in the northwest provinces.

¹ These events are described in further detail in the attached Addendum.

1. Handbook for Provincial Officials in Northwest Provinces

The 2004 Ordinance on Religion and Belief states that citizens have the right to freedom of belief and religion. It was cited as great progress in Vietnam's respect for religious freedoms. However, the Vietnamese government has made clear that different rules apply to the ethnic minorities residing in the remote highlands, including the Hmong. The government officially sanctions the crackdown of religion in these regions, while touting the expansion of religious freedoms elsewhere in the country, primarily in urban areas. USCIRF's 2012 Annual Report states, "Contrary to the [2004 Ordinance on Religion and Belief's] provisions, local officials have told religious groups and visiting USCIRF delegations that the Ordinance's provisions do not apply in their provinces. In the northwest provinces, there remain hundreds of applications for legal registration that have not been acted upon by government officials."

Rather than implement the Ordinance in ethnic minority areas, "the Committee on Religious Affairs in Hanoi published a handbook instructing provincial officials in the northwest provinces on ways to restrict religious freedom, including a command to 'resolutely subdue' new religious growth, 'mobilize and persuade' new converts to return to their traditional religious practice, and halt anyone who 'abuses religion' to undermine 'the revolution' – thus seemingly condoning forced renunciations of faith." (USCIRF Annual Report, 2013)

As a result of many criticisms from the international community, two revisions of the handbook have been released since 2007. "Neither, however, offers much improvement on the original." (USCIRF Annual Report, 2011.) These new versions continued to include language which instructed provincial officials to "control and manage existing religious practice through law, halt 'enemy forces' from 'abusing religion' to undermine the Vietnamese state, and overcome the extraordinary... growth of Protestantism." (USCIRF Annual Report, 2011.)

The 2007 revised version of the handbook also states that "local officials must try to 'solve the root cause' of Protestant growth by 'mobilizing' ethnic groups to 'preserve their own beautiful religious traditions . . .'" (USCIRF Annual Report, 2013.) Specifically, the handbook calls on local officials to "encourage the return to traditional beliefs" -- essentially condoning forced renunciation of faith -- despite the fact that these forced renunciations have been outlawed.

The handbook illustrates Vietnam's official government policy of religious repression of Hmong Protestants and its view of the Protestants as a political threat to be eliminated. Hmong Protestants are unable to contact foreign governments or international organizations for assistance because any "foreign relations of religious organizations, and particularly human rights defenders within such organizations, are the focus of particular suspicion." (Christian Solidarity Worldwide [CSW], Analysis of White Paper on Religion – Vietnam, 2007.) Moreover, diplomats and foreign journalists must obtain official permission in order to visit the Northern and Central Highlands regions of Vietnam, and when visits are authorized, they are heavily

monitored. This enforced isolation means that very little information can leave these regions without passing through the strict censorship of the central government.

2. Prime Minister's Special Directive No. 1 Regarding Protestantism

Another example of the Vietnamese government's deliberate repression of religion, masked under the guise of expanded freedoms, is the Prime Minister's Special Directive No. 1 Regarding Protestantism. The Directive "promised quick registration for local congregations to carry on religious activity while larger issues were being worked out." ("Vietnamese Officials Destroy Two New Church Buildings," *Compass Direct News*, June 27, 2012.) However, in the Vietnamese version of a February 2012 news release regarding the effectiveness of the Directive, "an official of the Government Committee on Religious Affairs said the directive had provided a 'breakthrough' in the government's management of religion by 'limiting the unusually rapid development of the Protestant religion.'" *Id.* The English version of this news release apparently did not contain this telling language. The Prime Minister's Special Directive No. 1 is but one example where "the very instrument that was publicized locally and internationally as proof of Vietnam's liberalizing religion policy apparently had contrary purposes." *Id.*

C. Forced Renunciations of Faith

The practice of forced renunciation of faith, although formally banned by Decree 22 in 2005, persists at both the local and provincial levels. Forced renunciations of faith "are not isolated cases, but are sanctioned by central government authorities to thwart the growth of Protestantism among ethnic minorities." (USCIRF Annual Report, 2013.) In particular, "local authorities are pressuring Hmong Protestants to recant their religious practices and return to traditional practices." (U.S. State Department IRFR, 2010.)

In an article from July 1, 2013, International Christian Concern reported that police officers attacked a Hmong Christian couple in Lao Cai province "after the couple refused to recant their newly found Christian faith. Police repeatedly struck both the husband and wife until the wife began bleeding..." ("Vietnamese Police Attack Christian Couple for Refusal to Recant Faith," International Christian Concern, July 1, 2013.) The article goes on to say that "Christians among the Hmong communities both in northwestern Vietnam and the Central Highlands regularly face pressure to recant their faith and return to more traditional animist belief systems." *Id.*

In December 2012, "officials in Tua Chua district, Dien Bien province beat several members of a house church, issued heavy fines, and threatened to expel them from their properties unless they renounced their faith and 'returned to our family alters' (traditional animist practices)." (USCIRF Annual Report, 2013.) USCIRF also reported that, in February 2013, "mobs attacked new Protestant converts in Ngoc La village, Mang Ri commune, Tumorong district for leaving their

ancestral religion and bringing Christianity to ‘revolutionary villages’ (areas important during the U.S.-Vietnam war). Several individuals were badly beaten and homes and personal property were destroyed. Local authorities did nothing to deter the attacks.” (USCIRF Annual Report, 2013.)

These forced renunciations of faith are unfortunately not new, and have been occurring for many years now. The attached Addendum describes additional instances of forced renunciation of faith that have occurred throughout the past several years, as well as other types of persecution faced by Hmong Protestants.

D. Church Registration Issues

Regulations regarding church registration were promulgated in 2004 and 2005, “ostensibly to expand religious freedom and move Vietnam from an ideological opposition to religion to a managerial approach.” (“Vietnamese Officials Destroy Two New Church Buildings,” Compass Direct News, June 27, 2012.) However, although the registration system is framed by the Vietnamese government as evidence of “progress” in expanding religious freedoms, it is actually the opposite. It is a tool for restricting religious freedom and justifying persecution of those groups that the government seeks to oppress.

In general, Hmong Protestants are often subjected to more severe constraints on the practice of their religion than are imposed on other groups, particularly when it comes to the registration requirement. USCIRF stated in its 2011 Annual Report that, “unlike in some parts of the Central Highlands, the government has moved very slowly to extend legal recognition to Hmong Protestant churches. The number of legally-recognized churches and meeting points has reached 100 in the past year, but an estimated 1,000 religious groups are seeking affiliation with the ECVN. Hundreds of applications for legal recognition have been declined or ignored, despite provisions in the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner.” (USCIRF Annual Report, 2011.)

USCIRF’s 2013 Annual Report shows that no progress has been made since the 2011 Report. It states, “There continue to be hundreds of Hmong congregations in the northwest provinces whose applications to join the recognized Northern Evangelical Church (NECV) are ignored.” (USCIRF Annual Report, 2013.) According to Compass Direct News, “... more than half of Vietnam’s Protestants remain unregistered, with many seeing their prospects for becoming legally recognized as hopeless. Hundreds of congregations have tried to apply for registration... only to have officials simply refuse to accept the applications... If the registration request is received, sources said, it often goes unanswered for years, contrary to time limits for government reply in the legislation. Christian leaders who have long tried to register their congregations say that fewer than 5 percent have been granted permission to carry on religious activities. As a result, sources said, large numbers of congregations remain subject to various kinds of

harassment and sometimes arbitrary closure.” (“Vietnamese Officials Destroy Two New Church Buildings,” Compass Direct News, June 27, 2012.)

Hmong Protestants seeking to register their churches have been told they need a recognized minister in order to register, though when some obtain the necessary certification as ministers, local authorities do not recognize their certification.

Although the Prime Minister’s Special Directive No.1 Regarding Protestantism, discussed above, was supposed to allow local congregations to register quickly, “the disclosure required in the registration process... has led to more government scrutiny and has not reduced long waiting times for routine permissions.” *Id.* I

The Vietnamese government continues to use the tactic of touting new laws and regulations as expanding religious freedoms, when in fact they serve the opposite purpose. Decree 92, which was presented by the government as an advance in religious freedoms, was put into effect in January 2013. But rather than expanding freedoms, Decree 92 “further extend[s] controls on religious groups.” (HRW World Report, 2014: Vietnam.) According to USCIRF, “Decree 92 does not expand protections for religions, continues government oversight and control of all religious activity, and demonstrates the government’s continued suspicion of religious individuals and groups.” (USCIRF Annual Report, 2013.) According to Human Rights Watch, in its enforcement of Decree 92, “the government monitors, harasses, and sometimes violently cracks down on religious groups that operate outside of official, government-registered and government-controlled religious institutions.” (HRW World Report, 2014: Vietnam.)

According to Decree 92, there are different levels of legal status, and “a religious organization must have 20 years of government approved operation before it can apply for a higher level of recognition.” *Id.* As noted in USCIRF’s 2013 Report, the new requirement makes it impossible for groups such as the Hmong Protestants to gain any form of legal status because they have emerged in the past ten to fifteen years. Therefore, rather than demonstrating an increase in religious tolerance on the part of the government, the registration system serves to further limit the free exercise of religion.

IV. Virtually All Hmong Asylum Seekers in Thailand Denied Protection by UNHCR

According to NGOs on the ground in Bangkok, there are currently over 300 Hmong Christians in Thailand who have fled Vietnam due to the religious persecution they had suffered there. They come with stories of extreme persecution, including torture for refusing to renounce their faith and destruction of their churches, homes, and farmland. Many were forced to flee Vietnam because they were being hunted down by the Vietnamese police for attending the May 2011 gathering in Muong Nhe.

The Hmong Christians came to Thailand seeking the protection of the United Nations High Commissioner on Refugees (UNHCR), however almost every single application for refugee status has been denied. Out of all of the applications submitted to date, according to advocates working with the asylum seekers in Thailand, only two have recently been granted refugee status. The rest of the cases have all been denied, and their appeals have also been dismissed, in what appear to be blanket denials by UNHCR of the refugee claims from ethnic minorities from Vietnam, including the Hmong, Montagnards, and Khmer Krom. The Hmong in Thailand have therefore been left in an extremely desperate and precarious plight, unable to return to Vietnam due to the continued persecution they will face there, and left vulnerable to deportation and exploitation in Thailand, with no chance at third country resettlement.

V. Recommendations:

It is clear that, despite Vietnam's increased presence on the international stage, it has failed to make progress in protecting human rights and has in fact continued an alarming trend of increased persecution of Hmong Protestants and other ethnic minorities in its remote provinces. The U.S. and the international community at large must put pressure on the Vietnamese government to stop the escalation of exploitation, oppression and violence against its own citizens, and to protect the rights of its most vulnerable.

(1) To the US Government:

- a. The Administration should re-designate Vietnam as a Country of Particular Concern.
- b. Congress should pass the Vietnam Human Rights Act, which would preclude the US from providing Vietnam with any increase in non-humanitarian assistance unless Vietnam makes substantial progress in improving its human rights record.
- c. The US government should call for the immediate release of all prisoners of conscience, and the Vietnamese government should free all political prisoners and other prisoners of conscience. There are approximately 150 such prisoners known to human rights organizations, not counting potentially hundreds of religious prisoners from ethnic minorities and indigenous peoples.
- d. The US should ensure that human rights be part of the Trans-Pacific Partnership (TPP) negotiations with Vietnam. It is important to send a clear and strong message to the Vietnamese government that expanded trade and partnership with the United States must be pre-conditioned on significant improvements in human rights, especially in religious freedoms.
- e. Country Reports on Human Rights Practices for Vietnam should accurately reflect the continuing and severe repression of politically and religiously active Hmong; DRL

should conduct interviews with Hmong asylum applicants and refugees both in Southeast Asia and in the United States to supplement its inadequate information on the human rights situation in the Northwest Highlands.

- f. The State Department's Office of International Religious Freedom should verify the status of the registration of 671 Hmong House Churches that Boat People SOS (BPSOS) has compiled and report its findings in its annual report on international religious freedom.
- g. Rather than accepting the Vietnamese government's assertion that an increase in church registrations illustrates an expansion of religious freedoms, the US government should recognize the registration system for what it is—a tool to further limit the exercise of religion—and seek to eliminate the registration requirement.

(2) To the UNHCR:

- a. UNHCR should ensure that the cases of Hmong asylum seekers are being examined on a case-by-case basis and that applicants are being permitted to present all relevant evidence in support of their claims. UNHCR should examine the practices and policies at the Bangkok office that may be hindering a proper analysis of claims, including the use of certain legal standards and interviewing practices which work against applicants, in order to ensure that the Bangkok office is fulfilling the organization's mission of providing protection to individuals with meritorious claims of refugee status.

ADDENDUM

To the

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Additional Human Rights Violations Against the Hmong in Vietnam

I. Additional Examples of Religious Persecution of Hmong Christians

A. Forced Renunciation of Faith

In 2010 and 2011 there were multiple instances in which local officials in Dien Bien forced Hmong Protestants to renounce their faith through methods such as fines, beatings, threats of property confiscation and expulsion, and even death threats: As noted by USCIRF in its 2011 Annual Report:

- “In June 2010, several Hmong Protestants from Trung Phu village, Na Son Commune, Dien Bien Dong district, Dien Bien province were threatened with death and beaten severely unless they renounced their faith”
- “In June 2010, 25 individuals from Ban Xa Fi #1, Xa Xa Tong, Huyen Muang Dien Bien Dong, Dien Bien province were threatened with confiscation of property and beatings unless they gave up Protestantism. The leader of the local congregation was driven from his home and relocated to another village. Authorities continue to harass and intimidate the villagers.”
- “In March 2011, 21 people belonging to an unrecognized Protestant church in Pha Khau Village, Phinh Giang Commune, Dien Bien Dong district, Dien Bien Province, were threatened with property confiscation and forced relocation unless

they stopped meeting to worship. The individuals refused and authorities continue to harass and intimidate them.”

- “[I]n March 2011, Hmong Protestants leaders who started an unrecognized congregation in Ha Tam village, Muong Ba commune, Tua Chua district, Dien Bien province were detained and interrogated by local authorities. They subsequently were expelled from the district. The ‘new’ converts in Ha Tam village were threatened and ordered to renounce their faith.” (USCIRF Annual Report, 2011.)

The State Department’s Religious Freedom report for 2010 describes another example of forced renunciation: “In the Ho Kaw Village of the Dien Bien Province in 2009, district officials pressured 10 Christian families to recant their faith.” Among them were “[t]hree ethnic Protestant H’mongs, Sung Cua Po, Sung A Sinh, and Hang A Xa, who refused to renounce Christianity [and] were allegedly detained, handcuffed, and beaten by police in order to force them to renounce their faith. Following the beatings, most Christians in the village stopped practicing their religion under pressure from local officials and family members. . . . After additional police threats, Po signed a renunciation of Christianity. In March, Po and his family fled his home after continued abuse from authorities and family members, and have not been seen since that time.” (U.S. State Department IRFR, 2010.)

The persecution of Hmong Protestants goes back a number of years, with many incidents taking place in Dien Bien province in 2006 and 2007, as reported by USCIRF in its 2008 Annual Report:

- “In Dien Bien province, Muong Lay district, Cha Cang commune, local authorities encouraged Hmong clan leaders to pressure local Protestant families to cease practicing their faith, including by forcing some families to construct traditional altars in their homes and/or to sign formal documents renouncing their beliefs.”
- “In Dien Bien province, East Dien Bien district, police broke up a house church meeting, banned worshippers from gathering, confiscated religious material, fined followers, forced some to cut wood, and visited the homes of church members to pressure them to abandon their faith.”
- “Religious leaders in the northwest provinces and central coast region, including leaders and followers from the Inter-Evangelistic Movement Bible Church, also reported that they were being denounced as “enemies of the state” for “believing in an American religion,” and were forced to pay fines.”

- “In January 2007, security officials threatened to freeze the bank account of a Protestant leader in Muong Khong district, Dien Bien province unless he either left the district or renounced his faith.”
- “Members of one house church Protestant group in the northwest provinces report that police actively broke up meetings of worshippers and authorities refused to register their meeting areas. Members of this group reported that they were forced to ‘meet secretly at night, in the fields’ in order to worship and that police actively pressured them to abandon their religion and return to ‘traditional beliefs.’ There are no reports that any security officials have been punished for these actions, despite the fact that they have been technically illegal since the February 2005 decree.”
- “In Muong Nhe district, Dien Bien province, a house church deacon was detained after he returned from Hanoi carrying church documents and applications for registration. Since that time, there are reports that a special task force of security personnel has been living in the district to monitor the activities of Hmong Protestants there.”
- “Police have threatened to charge the village chief of Muong Nhe district, Dien Bien province with national security crimes for sending researchers documents about government attempts to ‘prohibit Christian practice’ in the northwest provinces.”
- “In 2006, Protestants in Muong Lay district, Dien Bien province, were forced by police to construct traditional animistic altars in their homes and sign documents renouncing Protestantism.” (USCIRF Annual Report, 2008.)

B. The May 2011 Gathering in Muong Nhe

In May 2011, a mass gathering occurred in Muong Nhe in response to decades of political repression and religious persecution of Hmong Protestants. Boat People SOS and other human rights organizations have spoken at length with participants of the May 2011 gathering who have since fled Vietnam and are seeking asylum in Thailand. The asylum seekers have discussed in detail what occurred at the gathering, as well as the events that preceded it.

The May 2011 gathering was preceded by several incidents of harsh repression in Dien Bien province in early 2011, as discussed above, which further inflamed simmering discontent by Hmong Protestants. Among these incidents was the demolition of an entire Protestant Hmong village in Muong Nhe District.

In January 2011, authorities in Muong Nhe District sent military troops with orders to raze all the homes and confiscate all the farm land in the Hmong village of Na Khua in Nam Nhu commune

of Muong Nhe. The village is home to over a hundred households, all Protestant, who had been seeking legal recognition of their church since 2006. Authorities had repeatedly put pressure on the villagers to renounce their faith, claiming Protestantism to be an American religion. When villagers refused to recant their religion, on January 28, 2011, government-hired workers, escorted by armed troops, started to demolish the villagers' homes. Over a hundred Hmong households were evicted from their ancestral lands. (BPSOS Congressional Testimony and Report, January 2012.)

Hmong villagers decided to hold a mass prayer gathering to ask for an end to religious persecution and the confiscation of their homes and land. Word got out to Hmong populations living in other provinces, where they too suffered severe forms of religious persecution, forced renunciation of faith, and confiscation of land.

Muong Nhe, where many Hmong Protestants have been forced off their land, was a logical place for Hmong to gather. For decades Muong Nhe has also been the site of numerous incidents of harsh religious persecution against Hmong Protestants, as documented by USCIRF, the U.S. State Department, and respected international NGOs such as Freedom House.

Beginning on or about March 25, 2011, news of the impending gathering in Muong Nhe began to spread in the following provinces: Dien Bien; Lai Chau; Son La; Lao Cai; Yen Bai; Ha Giang; Cao Bang; Dak Lak; Dak Nong; Binh Phuoc; and Lam Dong. "On April 30, 2011, thousands of Hmong began to gather near Huoi Khon Village in Muong Nhe district of Dien Bien." HRW, May 17, 2011. This date and location have been confirmed by Hmong Vietnamese asylum seekers who had attended the gathering.

According to those who attended the gathering, the Hmong Protestants attended the gathering for two main reasons: First, to demand the return of their land that had been confiscated without appropriate compensation by the Vietnamese government; second, to demand the right to practice their religion freely.

Those who attended the gathering state that, on May 2, 2011, government officials came to Muong Nhe and asked the Hmong why they had come there. One of the asylum seekers explained, "We answered because the government officials destroyed our farm land and sold our land to the rich, and have persecuted our Christian ways from 1990 until now." For these reasons, the Hmong had come together to beg government officials to return their land so that they could support their families and to grant the people the ability to practice their religion freely.

On May 2, 2011 police and local government officials arrived at the site of the Hmong gathering. Authorities spoke to individual protestors, asking for the reasons behind their gathering. They took the protestors' identification documents and recorded their names and residence information with the promise that their demands would be taken into consideration. Based on interviews with

the asylum applicants, these records appear to have been used to track and arrest protestors in later months.

On May 3, 2011 the Vietnamese security forces increased their presence in the area. On May 4, 2011, two helicopters arrived at the area where the Hmong gathered, according to the asylum applicants. One of the asylum seekers who had attended the gathering said the voice, which identified itself as Prime Minister Nguyen Tan Dung, said: “I ask/beg for you to return to your homes. We will find farm land for you people so you can eat and drink. I am coming one time only. I will not come again. If you do not go home, don’t . . . say that I didn’t warn you.”

The second helicopter that arrived poured a colored liquid down upon the area where the Hmong gathered. It caused the leaves on the trees to turn a “funny color,” and the water in the well where they drank to look oily, he said. A number of the participants believe that this unknown substance resulted in the deaths of some of the Hmong who were at the gathering. In particular, several of the applicants mentioned that two children and an elderly woman died soon after the liquid was dropped from the helicopter. The applicants said those who died had drunk the infected water or had eaten rice cooked with the infected water. While Vietnamese government officials admitted that at least one child died during the gathering, they blamed lack of food and water and poor sanitary conditions at the encampment. (Radio Free Asia, “Protests in Dien Bien as told by locals,” May 13, 2011 and DPA, “Babies die from poor conditions at protest camp,” May 9, 2011.)

Human Rights Watch reported that “[o]n May 4 and 5, Vietnamese military troops and helicopters moved in to suppress the assembled people.” HRW, Vietnam: Investigate Crackdown on Hmong Unrest, May 17, 2011.) Several of the applicants confirmed that there was a marked increase in the presence of Vietnamese armed forces on May 4 and 5, of several thousand soldiers and police.

1. The Crackdown on May 6

On May 6, 2011, the assembled military and police, armed with truncheons, electric shock batons, pistols, and AK-47 assault rifles, began to use force to disperse the crowd, according to those in attendance. According to Human Rights Watch, “There are unconfirmed reports that dozens of Hmong were killed or injured” by security forces during their attack on the gathering, adding that confirmation of the reports was difficult because “[t]he authorities sealed the area and refused permission to foreign diplomats and journalists to travel there.” (HRW, Vietnam: Investigate Crackdown on Hmong Unrest, May 17, 2011.)

A number of the asylum applicants reported seeing participants in the gathering who were seriously injured, with some possibly killed, during the attack. The applicants reported the following:

- An acquaintance from Dak Lak province was being beaten on the head with a baton. When the man fell to the ground, the applicant believed he was dead. The applicant then fled the gathering site.
- On May 6, 2011 the applicant saw a child about 13 years old stabbed by the police. He also saw a man, approximately 40 years old, hit in the head with a baton.
- A man was beaten and collapsing on the ground. “His wife came and hugged him. The police came and stabbed her in the stomach. I saw that and did not want to stay and watch anymore so I ran.”
- “On the 6th I saw many people being beaten. But it was chaotic. I saw people being beaten and arrested -- both men and women; children as well. I was scared, so I ran.”

Government officials, such as the deputy chair of the provincial People’s Committee, rejected reports by foreign media agencies that local authorities used force to dispel the unrest, or that many Hmong were arrested and even killed: “The chairperson noted that while dispersing the crowd, the Muong Nhe authorities did not use force, but only organized working teams of mass organizations to help the people understand the scheme of these bad elements and to voluntarily return to their residential areas. They also provided medical care and treatment for those who were ill, especially the elderly and children, to ensure security and order there.” (*Quan Doi Nhan Dan* [People’s Army] newspaper, May 29, 2011.)

Spokeswoman Nguyen Phuong Nga from the Ministry of Foreign Affairs of the Socialist Republic of Vietnam also stated that the protestors left Muong Nhe voluntarily. (Radio Free Asia, December 5, 2011.) This is inconsistent with the reports of the applicants in these cases, all of whom indicate that participants were driven from the area by violent means. The government account is also called into question by the reported extent of military and police deployment at the gathering.

2. Government Responses to the May Gathering, including Subsequent Persecution of Participants and Others

The state-controlled media in Vietnam, as well as some foreign wire services and radio stations, have attributed the mass gathering of Hmong to cult-like beliefs spread through a radio program that a Hmong “King” or “savior / messiah” would come to the area on or around May 21, 2011 to unite the Hmong and create their own Hmong Kingdom there. In rationalizing the crackdown on the gathering, the Vietnamese government has focused its propaganda messages on this point, which resonates with its long-held official line that Hmong Protestantism is not a genuine religion, but a guise for anti-government activities used by “hostile forces” to dupe and incite the gullible, ignorant Hmong.

In the government's first public response to the unrest on May 5, the Foreign Ministry spokesperson told the press: "Taking advantage of the situation some bad elements tried to provoke the crowd and mobilize to establish an independent 'kingdom' of the Hmong, disturbing the social order, security and safety of the locality." (Reuters, May 6, 2011.) Three days later, *Quan Doi Nhan Dan* (People's Army) newspaper stated: "These acts of misusing religion to violate the law and destabilize Hmong ethnic communities in Muong Nhe, Dien Bien, should be promptly terminated. The instigators should be exposed and strictly punished under the law." (*Quan Doi Nhan Dan*, May 8, 2011.)

According to the Hmong asylum seekers, however, there was no discussion of seeking independence or autonomy among those who joined the gathering in Muong Nhe. Instead, they say they gathered because of long-standing grievances over government confiscation of their land and persecution of them as Protestants. While it is unclear whether some in the crowd initially gathered in response to a radio program, what is clear is the decades of persecution suffered by those in the crowd and that many joined the crowd in protest of this treatment.

- ***Restrictions on Media Access and Mobility***

Radio Free Asia reported that after the incident the Vietnamese government did not allow journalists or representatives of foreign governments or international organizations to enter the region. The reason stated was poor weather conditions. (AFP, May 6, 2011; Radio Free Asia, May 13, 2011.) Foreign media were finally authorized to visit Muong Nhe on May 26-27. (*Quan Doi Nhan Dan* [People's Army], May 29, 2011.)

According to a number of the applicants in these cases, freedom of mobility for Hmong Protestants in Vietnam was further restricted after the May 2011 gathering. Prior to the gathering, a permit was required only to travel outside the province. After the gathering, Hmong villagers are not allowed to travel outside their own villages without a permit.

- ***Subsequent Arrests and Mistreatment of Hmong***

An unconfirmed number of Hmong who had gathered in Muong Nhe were detained in the months following the gathering. On May 12, Ministry of Foreign Affairs spokeswoman Nguyen Phuong Nga stated the authorities have arrested "a number of extremists" but provided no information about the numbers, identities, or whereabouts of those arrested. ("Vietnam: 'Extremists' detained in Hmong gathering," Associated Press, May 12, 2011.)

The official state media in Vietnam have reported on the detention and arrests of Hmong in conjunction with the unrest, such as the eight who were sentenced to prison in March 2012 (see below.) Christian Solidarity Worldwide (CSW), a respected international non-governmental organization based in London, has reported that up to 130 participants may have been arrested and detained at the time of the gathering. (CSW, "Vietnam: eight Hmong sentenced following last year's cult gathering in Dien Bien province," March 16, 2012.)

The asylum applicants state that in the weeks and months after the gathering of Hmong Protestants in May 2011, many Hmong Protestants were detained and/or subjected to physical violence. They recount the following:

- Mr. Giang A Su, a leader of an unregistered church in Lao Cai province, was summoned to the district office in December 2011 for his alleged participation in the gathering. He was detained there for two days. When the police released Mr. Giang A Su they threatened to re-arrest him soon. Mr. Giang A Su did not attend the May 2011 gathering.
- Mr. Vang A Chu and Mr. Ly A Chi from Nam Nhu III village in Dien Bien province were arrested in August 2011.
- Mr. Giang A Vang from Dien Bien was arrested after the gathering. Reports by the government-run news media confirm the arrest and conviction of a Mr. Vang A Giang.
- On December 12, 2011, police in Dak Lak province shot and killed a Hmong man who had participated in the gathering while he was in hiding in the jungle. He was from Cu Pui commune, Krong Bong district in Dak Lak.

Vietnamese police also attempted to arrest a number of those who had participated in the gathering. Those who fled to Thailand often did so after the police came to their homes and the homes of their family members in order to arrest them.

Arrests and detentions have not been limited to those who actually participated in the gathering. Family members of protestors who are in hiding have been detained and abused in search of information on the whereabouts of their relatives. Family members of those who went into hiding were threatened and beaten by the police:

- *Imprisonment*

Vietnamese state media reported that on March 13, 2012, the Dien Bien Provincial People's Court sentenced eight Hmong to terms of up to two-and-a-half years' imprisonment plus two years' house arrest on charges of "disrupting security". State media accounts alleged that the eight, plus two Hmong "ringleaders" who remained at large (Vang A Ia and Thao A Lu), had incited ethnic Hmong to claim a government land grant in order to establish a separate Hmong state. Sentenced to 30 months were Giang A Si and Vang A Giang. Sentenced to two years were Mua A Thang, Thao A Khay, Chang A Do, Thao A Lau, Cu A Bao, and Giang Seo Phu. (BBC Vietnamese Service, March 14, 2012; *Cong An Nhan Dan* (People's Police) newspaper, March 14, 2012, Radio Free Asia, March 14, 2012; AFP, March 14, 2012.)

It should be noted that "Vietnamese courts remain under the firm control of the government and the Vietnam Communist party and lack independence and impartiality. Political and religious

dissidents are often tried without the assistance of legal counsel in proceedings that fail to meet international fair trial standards. Defense lawyers who take on politically sensitive cases are intimidated, harassed, debarred, and imprisoned.” (HRW World Report, 2012: Vietnam.)

II. General Human Rights Violations in Vietnam

Rather than improving its respect for human rights as it seeks a greater presence on the international stage, the Vietnamese government’s human rights record is actually getting worse. Human Rights Watch (HRW) states in its World Report that “[t]he human rights situation in Vietnam deteriorated significantly in 2013, worsening a trend evident for several years.” (HRW World Report, 2014: Vietnam.)

A. Freedom of Expression

Vietnam has seen a rise in the number of bloggers, activists, and other outspoken critics of the government in recent years, and it has responded with brutal suppression of these individuals and greater restrictions on the freedom of expression. In January 2014, “Vietnam had an estimated 150-200 political prisoners... including lowland Vietnamese and ethnic minorities prisoners....” (HRW World Report, 2014: Vietnam.)

The government has also responded to its increased criticism over the Internet with greater restrictions on digital freedom. Decree 72, “...which contains provisions legalizing content-filtering and censorship, and outlawing vaguely defined ‘prohibited acts,’ was signed on September 1, 2013. (HRW, Vietnam Universal Periodic Review [hereinafter UPR] Submission 2013.) Decree 174, signed on November 13, 2013, ‘impos[es] fines on people who post ‘propaganda against the state’ or ‘reactionary ideology’ on social media channels like Facebook.” (HRW, Vietnam UPR Submission 2013.)

The Vietnamese government also uses a system of surveillance to suppress political and religious dissenters. The U.S. State Department describes in its Country Reports on Human Rights Practices for 2013 the various methods that the Vietnamese government uses to monitor the population. It states, “Authorities continued to open and censor targeted persons’ mail; confiscate packages and letters; and monitor telephone conversations, e-mail, text messages, blogs, and fax transmissions. The government continued cutting the telephone lines and interrupting the cell phone and internet services of a number of political activists and their family members.” The government also uses block wardens and a system of household registration to monitor those whom they suspect of being involved in political or religious dissent. (U.S. State Department, Country Reports on Human Rights Practices for 2013, for Vietnam [hereinafter Human Rights Report 2013].)

B. Freedom of Movement and Assembly

Vietnamese law also restricts freedom of movement. All citizens are required to inform the local police when changing their residence or staying overnight at any location outside their own homes. Freedom of assembly is restricted as well, and “authorities require official approval for public gatherings and refuse to grant permission for meetings, marches, or protests they deem politically or otherwise unacceptable.” (HRW World Report, 2014: Vietnam.)

C. Land Rights and Discrimination Issues faced by Hmong Protestants

Lack of secure land tenure as well as unlawful appropriation of land by government officials and their associates has led to loss of farm land and increased poverty among the Hmong in their traditional home provinces in the Northern Highlands. “Although Vietnam has several laws and policies on land and other natural resources, none of these provide legal recognition of ethnic minorities’ customary collective rights to the land, the forest or their resources....” (International Work Group for Indigenous Affairs, Update 2011: Vietnam.)

The UN Independent Expert on Minority Issues, Gay McDougall, who visited Vietnam in July 2011, highlighted the growing problem of landlessness and confiscation of traditional agricultural lands among ethnic minority communities, as well as the authorities’ use of excessive force in dispersing peaceful gatherings over these issues. “Large areas of fertile lands have been turned over to industrial crops, including coffee and rubber, while massive in-migration of ethnic Kinh has put additional pressure on scarce available land. Some ethnic minority sources report alleged ‘land grabs’ and criticize resettlement programmes aimed at turning minority agricultural practices towards sedentary agriculture and removing them to make land available to migrant Kinh. They report that peaceful demonstrations over these issues have been met with excessive force, violence and arrests by the authorities.” (Report of the Independent Expert on Minority Issues, Gay McDougall, Mission to Vietnam, 5-15 July 2010.)

After being driven from their traditional homes and lands without any compensation, and unable to freely practice their religion, some Hmong Protestants have moved to the Central Highlands and other provinces in the south, hoping for less repressive living conditions there.

Unfortunately, many then encounter the same issues there, where local authorities harass ethnic minority Protestants, pressure them to renounce their religion, and confiscate their land. (See HRW, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” 2011.)

Stereotypes and derogatory views of ethnic minority groups in the media, as well as “views articulated by the Government may negatively influence public perceptions of ethnic minorities and lead to discriminatory treatment.” (Report of the Independent Expert on Minority Issues, Gay McDougall, Mission to Vietnam, 5-15 July 2010.) Discrimination against the Hmong as ethnic minority Protestants is often a factor in local authorities’ decisions to rule against them in land conflicts and refusal to issue them land titles.

Misperceptions and stereotypes about the Hmong are perpetuated by the use of derogatory language by “many officials, researchers and the media” in Vietnam. (Rob Swinkels and Carrie Turk, “Explaining ethnic poverty in Vietnam, a summary of recent trends and current challenges,” World Bank, Vietnam, 2006.) “Minorities are burdened further by perceptions of them as backward, passive, ignorant, and the architects of their own poverty and under-development. Besides constituting unfortunate stereotypes, this perception is used to lend justification to a top-down model of decision-making about minority issues and development models that undervalues genuine consultative processes and traditional knowledge.” (Report of the Independent Expert on Minority Issues, Gay McDougall, Mission to Vietnam, 5-15 July 2010.)

Hmong, particularly those lacking official household registration documents and those belonging to unregistered Protestant house churches, are often blamed in the state media for deforestation, as well as smuggling, drug running, and organizing plots against the government. A 2010 article in *Cong An Nhan Dan* (People’s Police) -- published more than a year before the unrest in Muong Nhe -- reported that Dien Bien’s police force had uncovered “sneaky groups” of Hmong who had disseminated distorted propaganda defaming the party and the government. (*Cong An Nhan Dan*, September 13, 2010.)

D. Torture in Police Custody

Police brutality, including torture and fatal beatings, continues to be reported in all regions of Vietnam. Human Rights Watch reports that “[o]fficial media and other sources continue to report many cases of policy abuse, torture, or even killing of detainees.” (HRW World Report, 2014: Vietnam.) Human Rights Watch also reports that “[p]olice frequently torture suspects to elicit confessions and, in several cases, have responded to public protests over evictions, confiscation of land, and police brutality with excessive use of force.” (HRW World Report, 2012: Vietnam.) The U.S. State Department has cited “[c]redible reports [which] suggested that local police continued to use contract thugs and citizen brigades to harass and beat political activists and others, including religious worshippers, perceived as undesirable or a threat to public security.” (U.S. State Department, Human Rights Report 2013.)

In March 2013, *Morning Star News* and several other media outlets reported that Vam Ngaij Vaj (also known as Hoang Van Ngai), a Hmong church leader, was beaten to death in police custody in Dak Glong District. Vaj and his wife were arrested by police while clearing brush from their field, and initially charged with “illegally destroying the forest.” According to media accounts, police allegedly beat Vaj around his neck and shoulders and likely used electric shock on him, resulting in his death on March 17, 2013. “Hmong Christian Leader in Vietnam Beaten to Death in Police Custody, Sources Say,” *Morning Star News*, March 28, 2013. The *Morning Star News* recounts, “Hmong churches in the Central Highlands often report harassment by a communist regime that views Christianity as a threat, and the spurious charge of “destroying forest” on their own property was consistent with such harassment.”

Many of those who have been killed in detention were arrested for minor infractions such as traffic violations. (HRW World Report, 2012: Vietnam,” and HRW, “Vietnam: Widespread Police Brutality, Deaths in Custody,” September 22, 2010.) However, those who have been arrested and tortured by Vietnamese police or government officials, or at the instigation or with the consent or acquiescence of such officials, also include a number of ethnic minority asylum seekers who returned to Vietnam, including several who were rejected in UNHCR refugee status determination proceedings.

Political and religious detainees, including members of ethnic minority groups, and / or members of unapproved religious groups such as Protestant house churches, are even more likely than ordinary citizens to be tortured in police custody. “Political and religious detainees and others whose cases are considered sensitive are frequently tortured during interrogation, held incommunicado prior to trial, and denied family visits and access to lawyers.” (HRW World Report, 2012: Vietnam.)

This police brutality has been on the rise in recent years: “Since late 2006 we have observed significant increase in the use of violence and torture by the police, both in uniform and plainclothes, which coincided with the government crackdown against political dissidents and nonconformist churches. This crackdown has continued to this day.” (Statement of Nguyen Dinh Thang, PhD, Executive Director, BPSOS at the hearing on “Examining Ongoing Human Rights Abuses in Vietnam,” United States House of Representatives, January 24, 2012.)

Human Rights Watch noted, “People arrested on national security charges because of their religious or political beliefs are even more susceptible to torture, not only because police want to extract information or confessions from them, but because they are routinely held incommunicado, without access to legal representation and sometimes even family members, during their pre-trial detention period, which can last from three months to more than one year.” (HRW, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” March 30, 2011.)

People arrested for their political and religious beliefs in Vietnam face physical abuse at each stage of their arrest, detention, and imprisonment. BPSOS has spoken directly with many individuals who have fled Vietnam after suffering torture at the hands of the Vietnamese police, and has received details of the extreme abuse they suffered. Some are beaten into submission upon arrest or during transit to the police station so that they cannot shout out or draw attention to their plight from passersby. The beatings usually continue during the first several days in police custody, when most political and religious detainees are held incommunicado and denied any contact with family members or a lawyer. After transfer to a pre-trial detention center for investigation, the torture and physical abuse becomes systematic, meted out during interrogation sessions to extract information and coerced confessions from the prisoner. Former religious and political prisoners describe being beaten with truncheons and leather sandals, boxed on the ears until they bled, slammed against concrete walls, and shocked with electric batons.

Specific forms of torture, cited by Nguyen Dinh Thang in congressional testimony in January 2012, include:

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

Family members of religious and political prisoners in Vietnam have described the condition of their loved ones upon release: many have “gone crazy” and are never able to work again. Some are released early from prison to the hospital or home and die shortly after their release from injuries sustained during prison torture.

Statistics on demolition of funeral storage sheds of Hmong Christians
Prepared by VETO! Human Rights Defenders Network
March 26, 2014

Provinces (4)	Number of sheds demolished (24)	Number of districts (12)	Concentration (16 sheds concentrated in just 4 districts)
Bắc kạn	2	2	
Cao Bằng	11	5	7 sheds in Bảo Lâm District
Tuyên Quang	4	3	2 sheds in Hàm Yên District
Thái Nguyên	7	2	4 sheds in Đồng Hỷ District 3 sheds in Võ Nhai District

Date of construction:

- 24 sheds were built or rebuilt on the same day: 16/5/2013 in 4 provinces, including 11 newly built and 13 rebuilt after being demolished by the government.
- The village elders determined that the good days for construction would be between 16/5/2013 and 21/5/2013.
- Huyện Bảo Lâm, CB (Kinh ít hơn H'Mông) có nhiều xóm ở cách xa nhau theo DVM
- Năm 2007 HMông Thái Nguyên sợ không dám xây, sau đó can đảm làm theo 2013

Demolition date (people were paid 150.000 VND/day to demolish the sheds):

- 24/11/2013: 7 sheds demolished in Cao Bằng
- 5/1/2014: 3 sheds demolished in Thái Nguyên
- 6/1/2014: 3 sheds demolished in Thái Nguyên
- 15/10/2013: 3 sheds demolished in Tuyên Quang

No.	Address	Date construction completed (dd/mm/yy)	Date of demolition (dd/mm/yy)	Prior demolition		Province	District	Note
				Construction date (dd/mm/yy)	Demolition date (dd/mm/yy)			
1)	Xóm Đông Luông - Xã Quảng Chu – Huyện Chợ Mới – Tỉnh Bắc Kạn	16/5/2013	21/12/2013	31/12/2007	4/11/2008	Bắc kạn	Chợ Mới	
2)	Xóm Lũng Lạ – Thị Trấn Nà Phặc – Huyện Ngân Sơn -Tỉnh Bắc kạn	16/5/2013	14/11/2013	No	No	Bắc kạn	Ngân Sơn	Construction prohibited on 17/5/2013
3)	Xóm Phiêng Roọng – Xã Thạch Lâm –Huyện Bảo Lâm – Tỉnh Cao Bằng	16/5/2013	24/11/2013	14/11/2007	25/11/2008	Cao Bằng	Bảo Lâm	Construction prohibited on 18/5/2013
4)	Xóm Phiêng Phăng – Xã Nam Quang – Huyện Bảo Lâm – Tỉnh Cao Bằng.	16/5/2013	24/11/2013	16/11/2007	30/12/2008	Cao Bằng	Bảo Lâm	
5)	Xóm Khuổi Vin –Xã Lý Bôn – Huyện Bảo Lâm – Tỉnh Cao Bằng	16/5/2013-22/5/2013	24/11/2013	16/11/2007	4/12/2008	Cao Bằng	Bảo Lâm	
6)	Xóm Nà Pháo –Xã Vĩnh Quang – Huyện Bảo Lâm – Tỉnh Cao Bằng	16/5/2013	24/11/2013	17/09/2007	21/11/2008	Cao Bằng	Bảo Lâm	
7)	Xóm Nà Thẩn – Xã Thạch Lâm – Huyện Bảo Lâm – Tỉnh Cao Bằng.	16/5/2013	24/11/2013	18/11/2007	25/11/2008	Cao Bằng	Bảo Lâm	Construction prohibited on 18/5/2013
8)	Xóm Nà Hếng – Xã Nam Quang – Huyện Bảo Lâm –Tỉnh Cao Bằng	16/5/2013-22/5/2013	24/11/2013	19/09/2007	10/12/2008	Cao Bằng	Bảo Lâm	Construction prohibited on 18/5/2013
9)	Xóm Lũng Gà – Xã Văn Dính – Huyện Hà Quảng – Tỉnh Cao Bằng	16/5/2013	18/5/2013	20/12/2007	22/7/2008	Cao Bằng	Hà Quảng	The first to be demolished in the 4 provinces, only 2 days after its construction.
10)	Xóm Văn Thụ - Xã Nam Tuấn –	16/5/2013	28/9/2013	24/12/2007	16/1/2009	Cao Bằng	Hoà An	The second

	Huyện Hoà An – Tỉnh Cao Bằng							shed to be demolished, under the direction of the same Provincial Chair
11)	Xóm Cốc Nghè - Xã Cổ Linh – Huyện Pắc Nặm – Tỉnh Bắc Kạn	16/5/2013	19/11/2013	25/12/2007	16/9/2008	Cao Bằng	Pắc Nặm	
12)	Xóm Nà Nhuôm – Xã Nam Cao – Huyện Bảo Lâm – Tỉnh Cao Bằng	16/5/2013	24/11/2013	25/12/2007	8/1/2009	Cao Bằng	Bảo Lâm	Construction prohibited on 17+18/5/2013
13)	Xóm Bò Đích – Xã Quốc Toàn – Huyện Trà Lĩnh -Tỉnh Cao Bằng	16/5/2013	18/5/2013	No	No	Cao Bằng	Trà Lĩnh	
14)	Thôn Bản Khê - Xã Thượng Nông – Huyện Nà Hang – Tỉnh Tuyên Quang	16/5/2013		25/12/2007	20/1/2009	Tuyên Quang	Nà Hang	
15)	Thôn ngòi Sen - Xã Yên Lâm – Huyện Hàm Yên – Tỉnh Tuyên Quang	16/5/2013	15/10/2013	2007	2007 (?)	Tuyên Quang	Hàm Yên	Demolished right after the wooden frame was erected
16)	Xóm Làng Lê – Xã Hùng Lợi – Huyện Yên Sơn -Tỉnh Tuyên Quang	16/5/2013	15/10/2013	No	No	Tuyên Quang	Yên Sơn	
17)	Thôn Minh Tiến – Xã Minh Hương – Huyện Hàm Yên -Tỉnh Tuyên Quang	16/5/2013-22/5/2013	15/10/2013	No	No	Tuyên Quang	Hàm Yên	
18)	Xóm Lân Thùng – Xã Phương Dao – Huyện Võ Nhai -Tỉnh Thái Nguyên	16/5/2013	16/5/2013	No	No	Thái Nguyên	Võ Nhai	Obstruction by the local government. The shed could not be built.
19)	Xóm Trung Sơn – Xã Quang Sơn – Huyện Đồng Hỷ -Tỉnh Thái Nguyên	16/5/2013	5/1/2014	No	No	Thái Nguyên	Đồng Hỷ	

20)	Xóm Đồng Ương – Xã Dân Tiến – Huyện Võ Nhai -Tỉnh Thái Nguyên	16/5/2013	5/1/2014	<i>No</i>	<i>No</i>	Thái Nguyên	Võ Nhai	
21)	Xóm Kim Sơn – Xã Thần Xa – Huyện Võ Nhai -Tỉnh Thái Nguyên	16/5/2013	5/1/2014	<i>No</i>	<i>No</i>	Thái Nguyên	Võ Nhai	
22)	Xóm Liên Phương – Xã Văn Lang – Huyện Đồng Hỷ -Tỉnh Thái Nguyên	16/5/2013	6/1/2014	<i>No</i>	<i>No</i>	Thái Nguyên	Đồng Hỷ	
23)	Xóm Mỏ Nước – Xã Văn Lang – Huyện Đồng Hỷ -Tỉnh Thái Nguyên	16/5/2013	6/1/2014	<i>No</i>	<i>No</i>	Thái Nguyên	Đồng Hỷ	
24)	Xóm Bản Tền – Xã Văn Lang – Huyện Đồng Hỷ -Tỉnh Thái Nguyên	16/5/2013	6/1/2014	<i>No</i>	<i>No</i>	Thái Nguyên	Đồng Hỷ	

Tỉnh (4)	Số nhà (24)	Số huyện (12)	Tập trung (16 nhà ở 4 huyện)
Bắc Kạn	2	2	
Cao Bằng	11	5	7 nhà ở huyện Bảo Lâm
Tuyên Quang	4	3	2 nhà ở huyện Hàm Yên
Thái Nguyên	7	2	4 nhà ở huyện Đồng Hỷ 3 nhà ở huyện Võ Nhai

Ngày xây:

- 24 nhà được xây lại hoặc xây mới đồng loạt vào ngày 16/5/2013 ở 4 tỉnh, trong đó có 11 nhà được xây mới, 13 nhà bị đập phá
- Các cụ (Đào Đình Hoảng, từng bị bắt với DVM, và biết xem ngày) nói phải xây 16/5/2013 (Nhà Hếng, CB là nơi chọn ngày 16/5/2013) và chậm nhất 21/5/2013 phải xây xong vì là ngày tốt
- Huyện Bảo Lâm, CB (Kinh ít hơn H'Mông) có nhiều xóm ở cách xa nhau theo DVM
- Năm 2007 H'Mông Thái Nguyên sợ không dám xây, sau đó can đảm làm theo 2013

Ngày phá (người dân được thuê 150.000 VND/ngày để theo phá:

- **24/11/2013: phá 7 nhà ở Cao Bằng**
- **5/1/2014: phá 3 nhà ở Thái nguyên và 6/1/2014: phá 3 nhà ở Thái nguyên**
- **15/10/2013: phá 3 nhà ở Tuyên Quang**

tt	Địa chỉ	Ngày xây- hoàn thành (dd/mm/yy)	Ngày phá (dd/mm/yy)	Bị phá khi trước		Tỉnh	Huyện	Ghi chú
				Ngày xây (dd/mm/yy)	Ngày phá (dd/mm/yy)			
25)	Xóm Đồng Luông - Xã Quảng Chu – Huyện Chợ Mới – Tỉnh Bắc Kạn	16/5/2013	21/12/2013	31/12/2007	4/11/2008	Bắc kạn	Chợ Mới	
26)	Xóm Lũng Lịa – Thị Trấn Nà Phặc – Huyện Ngân Sơn -Tỉnh Bắc kạn	16/5/2013	14/11/2013	No	No	Bắc kạn	Ngân Sơn	Bị ngăn cản 17/5/2013

27)	Xóm Phiêng Roọng – Xã Thạch Lâm – Huyện Bảo Lâm – Tỉnh Cao Bằng	16/5/2013	24/11/2013	14/11/2007	25/11/2008	Cao Bằng	Bảo Lâm	Bị ngăn cản 18/5/2013
28)	Xóm Phiêng Phăng – Xã Nam Quang – Huyện Bảo Lâm – Tỉnh Cao Bằng.	16/5/2013	24/11/2013	16/11/2007	30/12/2008	Cao Bằng	Bảo Lâm	
29)	Xóm Khuổi Vin –Xã Lý Bôn – Huyện Bảo Lâm – Tỉnh Cao Bằng	16/5/2013- 22/5/2013	24/11/2013	16/11/2007	4/12/2008	Cao Bằng	Bảo Lâm	
30)	Xóm Nà Pháo –Xã Vĩnh Quang – Huyện Bảo Lâm – Tỉnh Cao Bằng	16/5/2013	24/11/2013	17/09/2007	21/11/2008	Cao Bằng	Bảo Lâm	
31)	Xóm Nà Thẩn – Xã Thạch Lâm – Huyện Bảo Lâm – Tỉnh Cao Bằng.	16/5/2013	24/11/2013	18/11/2007	25/11/2008	Cao Bằng	Bảo Lâm	Bị ngăn cản 18/5/2013
32)	Xóm Nà Hếng – Xã Nam Quang – Huyện Bảo Lâm –Tỉnh Cao Bằng	16/5/2013- 22/5/2013	24/11/2013	19/09/2007	10/12/2008	Cao Bằng	Bảo Lâm	Bị ngăn cản 18/5/2013
33)	Xóm Lũng Gà – Xã Vân Đình – Huyện Hà Quảng – Tỉnh Cao Bằng	16/5/2013	18/5/2013	20/12/2007	22/7/2008	Cao Bằng	Hà Quảng	Nơi bị phá đầu tiên trong 4 tỉnh, chỉ sau 2 ngày. Dân sợ và ít hiểu biết.
34)	Xóm Văn Thụ - Xã Nam Tuấn – Huyện Hoà An – Tỉnh Cao Bằng	16/5/2013	28/9/2013	24/12/2007	16/1/2009	Cao Bằng	Hoà An	Điểm phá sớm thứ 2, cùng do chủ tịch tỉnh chỉ đạo.
35)	Xóm Cốc Nghè - Xã Cô Linh – Huyện Pắc Nặm – Tỉnh Bắc Kạn	16/5/2013	19/11/2013	25/12/2007	16/9/2008	Cao Bằng	Pắc Nặm	
36)	Xóm Nà Nhuộm – Xã Nam Cao – Huyện Bảo Lâm – Tỉnh Cao Bằng	16/5/2013	24/11/2013	25/12/2007	8/1/2009	Cao Bằng	Bảo Lâm	Bị ngăn cản 17+18/5/2013
37)	Xóm Bô Đích – Xã Quốc Toàn – Huyện Trà Lĩnh -Tỉnh Cao Bằng	16/5/2013	18/5/2013	No	No	Cao Bằng	Trà Lĩnh	
38)	Thôn Bản Khê - Xã Thượng Nông – Huyện Nà Hang – Tỉnh Tuyên Quang	16/5/2013		25/12/2007	20/1/2009	Tuyên Quang	Nà Hang	

39)	Thôn ngòi Sen - Xã Yên Lâm – Huyện Hàm Yên – Tỉnh Tuyên Quang	16/5/2013	15/10/2013	2007	2007 (?)	Tuyên Quang	Hàm Yên	Mới dựng được khung gỗ thì bị phá và chờ đi trong ngày
40)	Xóm Làng Lê – Xã Hùng Lợi – Huyện Yên Sơn -Tỉnh Tuyên Quang	16/5/2013	15/10/2013	No	No	Tuyên Quang	Yên Sơn	
41)	Thôn Minh Tiến – Xã Minh Hương – Huyện Hàm Yên -Tỉnh Tuyên Quang	16/5/2013- 22/5/2013	15/10/2013	No	No	Tuyên Quang	Hàm Yên	
42)	Xóm Lân Thùng – Xã Phương Dao – Huyện Võ Nhai -Tỉnh Thái Nguyên	16/5/2013	16/5/2013	No	No	Thái Nguyên	Võ Nhai	Chính quyền ngăn chặn nên không dựng được
43)	Xóm Trung Sơn – Xã Quang Sơn – Huyện Đồng Hỷ -Tỉnh Thái Nguyên	16/5/2013	5/1/2014	No	No	Thái Nguyên	Đồng Hỷ	
44)	Xóm Đông Ương – Xã Dân Tiến – Huyện Võ Nhai -Tỉnh Thái Nguyên	16/5/2013	5/1/2014	No	No	Thái Nguyên	Võ Nhai	
45)	Xóm Kim Sơn – Xã Thần Xa – Huyện Võ Nhai -Tỉnh Thái Nguyên	16/5/2013	5/1/2014	No	No	Thái Nguyên	Võ Nhai	
46)	Xóm Liên Phương – Xã Văn Lang – Huyện Đồng Hỷ -Tỉnh Thái Nguyên	16/5/2013	6/1/2014	No	No	Thái Nguyên	Đồng Hỷ	
47)	Xóm Mỏ Nước – Xã Văn Lang – Huyện Đồng Hỷ -Tỉnh Thái Nguyên	16/5/2013	6/1/2014	No	No	Thái Nguyên	Đồng Hỷ	
48)	Xóm Bản Tền – Xã Văn Lang – Huyện Đồng Hỷ -Tỉnh Thái Nguyên	16/5/2013	6/1/2014	No	No	Thái Nguyên	Đồng Hỷ	