

Report

to the Special Rapporteur of the United Nations on Religious Freedom & Beliefs

1- General information:

Violations are involved with a group of persons:

First incidence: occurring on 11 January, 2011; a number of persons who presented themselves as Buddhists led a gang of thugs coming to and vandalize Phap Bien Temple then took away assets and belongings from this establishment. We, the administration of the temple called the local authorities for help several times, but no one showed up. Therefore, the thugs freely ransacked the temple; they even brought in heavy equipment to dig up the foundations and completely destroyed the temple;

Second incidence: Being deprived from a place of worship, we collected contribution among ourselves and donated labor work to built a temporary building to be used for worshipping and learning sutras. Suddenly, at 8:00 pm on 25 August, 2011, around 150 public security agents (policemen) appeared and surrounded the building, then scourged us without pity causing injuries to several of us. They also tore down this temporary place of worship.

- If this violation case is related to a religious/faith group, please indicate the number of persons and the religion/faith of this group:

We are 80 members of Phap Bien Buddhist Temple. Most of us live in the surrounding areas, and some coming from other villages.

-Country in which the violation occurs:

Socialist Republic of Vietnam

-Citizenship of the victims:

Vietnamese

-Are the religious organizations in this country required to register with the government? If yes, what is the status of the above religious group as far as registration is concerned?

The Religion & Belief Act in 2004 requires that all religious groups be registered with the Vietnamese authorities and be administered by a government sanctioned (“quoc-doanh” in Vietnamese) organization, which serves the interests of the State. Whoever did not follow these directives are considered illegal. We, belonging to the United Buddhist Church of Vietnam, do not accept to be administered by the government in guiding our religious beliefs. Therefore, we are subjected to constant harassment of and persecution by the government. Since 1975 our real properties, monastery and temple have been constantly attacked and destroyed, or gradually taken over by the government. All religious activities were obstructed or banned by the public security agents (police); and many followers have been threatened, arrested, beaten and imprisoned by the government.

2-Identity of the victims:

For each individual, please provide the following:

-Surname (family name): **Tran**

-First name: **Thuong**; *Middle name:* **Van**

-Religion or faith: Buddhism

-Place of residence: Ho Tram commune, Phuoc Thuan hamlet, Xuyen Moc district, province of Ba Ria-Vung-Tau

-Telephone # 01665512742

-Age: 60

-Gender: male

-Citizenship: Vietnamese

Other victims /witnesses:

Le Thanh Phuc *(by order of family name-middle name- first name)*

-Religion: Buddhism

-Place of residence: Ho Tram commune, Phuoc Thuan hamlet, Xuyen Moc district, province of Ba Ria-Vung-Tau

-Telephone # 0903275113
-Age: 64
-Gender: male
-Citizenship: Vietnamese

Tran Van Phe (*by order of family name-middle name- first name*)

-Place of residence: Ho Tram commune, Phuoc Thuan hamlet, Xuyen Moc district, province of Ba Ria-Vung-Tau
-Telephone # 01694008012
-Age: 30
-Gender: male
-Citizenship: Vietnamese

Nguyen Thi Thuy (*by order of family name-middle name- first name*)

-Place of residence: Ho Tram commune, Phuoc Thuan hamlet, Xuyen Moc district, province of Ba Ria-Vung-Tau
-Telephone # 01688556490
-Age: 52
-Gender: female
-Citizenship: Vietnamese

Tran Van Thinh (*by order of family name-middle name- first name*)

-Place of residence: Ho Tram commune, Phuoc Thuan hamlet, Xuyen Moc district, province of Ba Ria-Vung-Tau
-Telephone # 0917957519
-Age: 45
-Gender: male
-Citizenship: Vietnamese

3. Details of violations

First incidence:

At 3:00 pm on 11 January of 2011

-Place where violation occurs: at Phap Bien Temple, 282 subdivision 13, Ho Tram commune, Phuoc Thuan hamlet, Xuyen Moc district, province of Ba Ria-Vung-Tau

-Geographic zone of the unit (of Buddhism religion): Ho Tram commune, Phuoc Thuan hamlet, Xuyen Moc district, province of Ba Ria-Vung-Tau, belonging to the United Buddhist Church of Vietnam.

-Describe the violation of religious freedom:

Phap Bien Temple was founded since February 2000. Time after time the government hampered, obstructed our religious activities especially during the main Buddhist celebrations of the year. The adherents were harassed and threatened. The reasons for these atrocities are simple: because we refused to register with the authorities, to join and to turn over our real properties & assets to the government sanctioned Buddhist Church (called “quoc-doanh”). Despite of all these difficulties, the love and bond between us are very strong and we are united in the defense and protection of our faith; throughout the ten-years of its existence, Phap Bien Temple had been the refuge of choice for our followers who are united and dedicated to a good cause.

One day, finally pain and misery struck us. In June 2009, a monk named Thich Thien Thanh (also called Thich Thong Luan) arrived to the temple and asked for a three-month temporary residency to self-train religious virtue during the traditional “tranquil living” (or An Cu in Vietnamese) season of Buddhism. During that time Mr. Thanh succeeded in enticing a number of credulous church-goers and some outsiders with intention to establish a government sanctioned Buddhist temple (quoc-doanh). In the same time, he clandestinely connected with the public security (police) to call for meetings, without the knowledge of the administration of the Temple. He invited local Vietnamese authorities, cadres of the Father Land Front and representatives of the Committee for Religious Affairs of Xuyen Moc district to participate. The ultimate goal was to set up a Steering Committee of the newly founded government sanctioned Buddhist organization right at Phap Bien Temple. This served as a pretext for the police to pressure us to handle our real property and temple to the government, which in turn would give them back to the new

organization; and Mr. Thanh would become the manager of the temple. Since then the police was actively manipulating the temple activities with intent to create division and conflicts among the followers. Conflicts of interest and personality grew day after day and infighting became the norms. The new group caused a lot of troubles to other members of the temple, creating havoc to the Buddhist community for the whole entire year. For us, the administrators of the temple, we cannot accept this unbearable situation anymore, and resisted to the idea of giving our real property and the temple to the government. Recognizing that the scheme of taking over the temple could not be materialized, the government chose to the destruction of the temple and seizure of its assets and properties. Their goal is to eliminate all practices of traditional Buddhism managed by the United Buddhist Church of Vietnam or by other independent Buddhist organizations. That is the policy of the government of Socialist Republic of Vietnam since 1975 (when the South Vietnam fell to the Communist Regime).

The incidence of 11 January, 2011 at 3:00pm occurred as follows: a group of persons associated with the newly formed government sanctioned Buddhist organization “quoc-doanh” led by Mr. Bui Tan, along with the following individuals:

- 1/ Hoàng Thiêng
- 2/ Trần văn Hải
- 3/ Phan thị Gái
- 4/ Phan thị Huế
- 5/ Trần thị Huyền
- 6/ Trần văn viên
- 7/ Lê văn Mượn
- 8/ Hoàng Sáu
- 9/ Hoàng Khanh
- 10/ Hoàng Lúc

joined by other individuals and thugs arriving at the temple screaming and using hammers and crowbars blatantly vandalized temple property and taking away all assets belonging to the temple. With all that happened, despite our desperate attempt calling the authorities for help, we only received a mere reply by the authorities “it’s a matter of internal affairs of the temple and we are not in a position to intervene”. It is an irresponsible attitude of the government;

conducive to the following acts: the next days, these thugs and individuals came back, becoming more and more violent in ransacking. In the end they even brought in a heavy equipment to uproot and tear open the house foundation in pieces.

These acts of religious oppression and stealing properties of the temple during those three days caused turmoil to the whole population of Xuyen Moc district. The culprits should have been arrested and prosecuted, but to the contrary, were protected and encouraged by the local authorities. The law of Vietnam was totally absent in this case.

Second Incidence:

At 8:00 PM on 25 August of 2011

After what happened in the incidence of 11 January of 2011, we sent complaint letters to all levels of government responsible for law and order, but no response was received by us. Apparently the Vietnamese government was careless of these atrocities to a religion.

Lacking a place of worship and learning Buddhist sutras, we and other Buddhist followers contributed money, timber, bamboos and other building materials to erect a makeshift building and use it as a place of worship Buddha. Suddenly without notice, an army including government officials, civil defense, security police, mechanized /anti-riot police, unit 113 force and border agents, around 150 in total, surrounded us, while the traffic police blocked all accesses to the site. They forced their entry to the temporary temple. Mrs. Vo Thi Hanh, vice-chairwoman of the People's Communal Committee raised her voice and asked Mr. Tran Van Thuong to sign a pledge for not to proceed erecting the temple. We asked her who gave the order and to show us the order itself. But, nothing was shown to us. After many attempts to intimidate and threaten us, Mr. Nguyen Van Sinh, another vice-chair of the Communal Committee, gave a verbal order to demolish our makeshift building. We protested this violent act, the police rushed in and savagely beat us. To the last resort, we could only video filming the scenes, and they promptly snatched the filming devices from our hands. Being hurt and injured, we were unable to resist anymore. They continued the demolition until the end; and rapidly withdrew afterwards.

A young man, Mr. Le Thanh Sinh was arrested and handcuffed; they (police) also took his cellphone.

Another young man, Mr. Tran Van Phe was handcuffed and lost a Canon filming camera to them (police);

Mr. Tran Van Thinh lost a cellphone to them (police);

and I, Tran Van Thuong, lost my I-phone to them (police).

-Identify the violators: Name, Position, Motives, (if there is more than one person, please do the same for each):

The violators in the 2nd incidence are the police officers in uniform. We, the victims tried to take pictures and tape record the scene but our devices had been taken away by the police; only a few short sequences are still available for review and herein attached

-Did the victims know the violators? Yes

-Should government officials or non-government organizations be responsible for these acts of violation?

Anybody who violates the law must be responsible for his own acts. In this case, as explained above, the violators are either government officials or under the protection of the Vietnamese authorities; therefore, we cannot rely on anybody or group to ask for help???

-Is any violator an employee of government agency/organization? If yes, please indicate their name, rank/position, organization (police, army, security), unit, government level (local, district, province or central). Please indicate why they should be responsible? Provide as much detail as possible.

1/ Nguyễn văn Sinh, vice-chair of Phuoc Thuan People's Communal Committee

2/ Nguyễn thị Hạnh, vice-chair of Phuoc Thuan People's Communal Committee

3 Nguyễn văn Bẩy, security police officer of Xuyen Moc district

4/ Võ văn Nỡ, chief security police of Phuoc Thuan commune

5/ Hoàng chí Dân, deputy-chief police of Phuoc Thuan commune

- 6/ Đỗ hoàng Nhân, security police officer of Phuoc Thuan commune
 - 7/ Nguyễn văn Lĩnh, security police officer of Phuoc Thuan commune
 - 8/ Võ ngọc Đẹp, judicial officer, Phuoc Thuan commune
- And other un-identified police officers in uniform.

Government officials and police officers must be held accountable for their acts as they violated the law pertaining to Religious Freedom, Property & Assets Protection, and Protection against Physical Harms. However, none of these rights are really protected in this case. However, in Vietnam, no laws will be applied if the order is coming from the top.

-If it cannot be identified that the government was directly involved, do you think of any government officials or agencies that must be responsible for this incident and why?

Please see answer above

-Witnesses: surname, first name, relationship with the victim(s) and address, E-mail address, telephone number. If anonymity is desired, please indicate whether the witnesses are relatives, passersby or else. Provide proof(s), if any.

Witnesses:

Trần văn Dinh
Lê thị Minh
Trần thị Thí
Nguyễn Hùng
Lê Thanh Bình
Trương Thanh

4. Please describe what was done by the victims, their family or somebody else to help the victims?
-have the complaints been filed? If yes, who filed it, month and day, to whom (government agency) was it sent?

On 30th January of 2011, the administration of Phap Bien Temple sent complaint letters to the Vietnamese authorities from commune, district and provincial to central levels and also to the Prime Minister Nguyen Tan Dung himself. The complaint letters have been resent many times.

-Apart of the complaint letter, are there any other means/measures?

During the night of 25 August of 2011, we dispatched the news a couple of times, and finally we got in contact with Mr. Hoang Long, correspondent of Chan Troi Moi channel. The news was aired on “Hiện Tình Vietnam (or Vietnam Actuality)”, a forum on Vietnamese events and matters.

In the morning of 27 of August, reporter Mac Lam of RFA (Radio Free Asia) continued to interview us.

- *Any response from the government yet?*
- *Did the government start the investigation?*
- *If yes, how was it conducted?*
- *Or are there any other measures initiated?*

None

- *How the government disposed of the case? And the results?*

Up to this very moment, no action had been taken by the government; no investigation from the police; complaints sent out were neither considered nor responded; no perpetrators were arrested, prosecuted or reprimanded whatsoever. The authorities acted as nothing has happened.

5. List of those or organizations who filed the complaint:

On behalf of the Administration of Phap Bien Temple, Provincial Office of the United Buddhist Church of Vietnam, province of Ba Ria – Vung Tau, Vietnam.

Tran Van Thuong (Buddhist Name: Tam Nhi)
Telephone # 01665512742

Email: tudosohai@gmail.com

- *Do you desire to keep the anonymity?*

Not necessary, it is at the discretion of the Rapporteur to reveal my identity or not.

26 March of 2014

Trần văn Thường (signed)

The following are those who support this report:

Lê Thanh Phúc
Trần văn Thịnh
Trần thị Thí
Lê thanh Tùng
Lê thị Minh
Trần văn Đình