

Case BPSOS-04 – Con Dau Parish, Da Nang City

Prepared by BPSOS, February 25, 2017

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Egregious human rights violations: arrests, torture, imprisonment, forced relocation, expropriation of properties with low or no compensation, destruction of cultural life, religious persecution

Corruption: Systemic corruption involving leadership members of the Party Secretariat and People's Committee of Da Nang City and its subunits Cam Le District and Hoa Xuan Ward governments.

Perpetrators:

- (1) Nguyễn Bá Thanh (born April 18, 1953; deceased February 13, 2015), late member of the Vietnamese Communist Party (VCP)'s Politburo, late Party Secretary and People's Council President and formerly Chair of People's Committee of Da Nang City: He was known as "Mr. Five Percent" because he allegedly charged 5% to 8% in "commission" over any development project approved in Da Nang City. In an interview with Radio Free Asia on February 16, 2015, former Head of Economic Department and Member of the VCP Standing Committee of Da Nang City Do Xuan Hien disclosed that Nguyen Ba Thanh became rich through urban planning and relocation implementation: "*Nguyễn Bá Thanh took the land from people, for each square meter he gave them only 19,500 VND as compensation, while having demanded 150,000 VND per m² for himself from contractors...! Thus is it corruption, bribery or not?*" (see http://www.rfa.org/vietnamese/in_depth/Corruptions-and-anti-corruption-in-vietnam-vhung-12062009132947.html). In 2000, the People's Procuracy of Da Nang City concluded, from its investigation, that allegations that Nguyen Ba Thanh received 4.4 billion VND (equivalent to US \$250,000) from the Han River Bridge project were grounded, and sent its report to the Central People's Procuracy. However, several investigators were prosecuted instead, including Police Major General Tran Van Thanh (Chief Inspector of the Ministry of Public Security), Lt. Colonel Duong Ngoc Tien (Chief Representative of Ho Chi Minh City's Public Security Newspaper) and a former police major. They were all sentenced to prison terms by Da Nang City's People's Court; their sentences were upheld by Da Nang City's High Court. Police Major General Thanh was later announced innocent by Vietnam's People's Supreme Court.

Other sources:

https://wikileaks.org/plusd/cables/09HOCHIMINH CITY236_a.html

http://www.rfa.org/vietnamese/in_depth/Two-men-of-the-same-name-and-stories-about-anti-corruption-part1-tvan-12132009132259.html

http://www.bbc.com/vietnamese/vietnam/2013/01/130129_danang_thanhtra_chinhphu.shtml

- (2) Trần Văn Minh (born 1955), former Chairman of People Committee of Da Nang City (2006–2011): He authorized and supervised the attack on Con Dau parishioners at the funeral of May 4, 2010 in which over one hundred were injured; of these 62 were detained and tortured and six were sentenced to prison terms. He set up command center to direct the attack at the home of a parishioner only about 400m from the location of the beatings. He was directly responsible for

carrying out the policy of Mr. Nguyen Ba Thanh (now deceased), the Communist Party Secretary of Da Nang City, and gave orders to its Public Security Department.



Trần Văn Minh

- (3) **Võ Văn Thương** (born 1958), former Chairman of the People's Committee of Cam Le District in Da Nang (2010–2016), current Party Secretary and Chairman of the People's Committee of Hai Chau District, Da Nang City (2016–present): As Chairman of the People's Committee of Cam Le District, he was in charge of the Hoa Xuan Eco-resort Project. He signed multiple expropriation orders to enforce land grabbing of Con Dau Parish as part of a deal with Sun Group to develop an eco-resort. Copies of these orders are on file. He was present at most meetings with Con Dau parishioners where he used threats and intimidation to force them to surrender their lands and homes. He was among the government cadres personally directing the assault on the mourners of the funeral on May 4, 2010.



Võ Văn Thương

- (4) **Lê Quang Nam** (born 1970), Director of Department of Natural Resources and Environment (DONRE) of Da Nang City: Until July 2016, he was Party Secretary of Cam Le District and responsible for formulating policy to evict and relocate Con Dau parishioners. In July 2016, as the new Department of Natural Resources and Environment of Da Nang City, he continued to work with Sungroup to expropriate lands and real properties of the remaining 93 families of Con Dau parishioners. Da Nang City Land Management & Exploitation Corporation, a state-owned enterprise under DONRE, forms a tri-partite partnership with Sungroup and Bank for Investment and Development of Vietnam, a state bank, to sell lands expropriated from Con Dau parishioners to private investors.



Lê Quang Nam

- (5) **Colonel Nguyễn Văn Tiến**, Commander of the Cam Le District Police Department: He directly ordered the arrest and interrogation of a number of Con Dau parishioners following the May 4, 2010 police attack. He personally threatened a number of these detainees with torture and harms. He also ordered the arrest of other Con Dau Parishioners after the May 4, 2010 incident, including the interrogation of Nguyen Thanh Nam, who later died of torture-inflicted injuries.



Colonel Nguyễn Văn Tiến

- (6) **Colonel Lê Văn Tam** (born 1959): Deputy Commander of Police Department of Da Nang City (2009 - 2015), Commander of Police Department of Da Nang City (May 2015 - present): Colonel Tam was the highest-ranking police officer of Da Nang City directly directing the use of force and violence against mourners at the funeral procession in Con Dau Parish on May 4, 2010.



Colonel Lê Văn Tam

- (7) **Colonel Trần Mưu** (born May 23, 1962), Deputy Commander of Da Nang City Police (May 2015 – present): Then Lieutenant Colonel and Deputy Commander of the Cam Le District Police Department (2009–2015), on May 4, 2010 he led hundreds of members of the public security and police mobile unit to attack mourners of a funeral procession in Con Dau. The government forces used tear gas, batons, and rubber bullets to attack parishioners, arrested several victims, and tortured the detainees at the police station. He directly oversaw the torture of the 62 Con Dau parishioners arrested on May 4, 2010. In 2015 he was promoted to Colonel and became Police Deputy Commander of Da Nang City.



Colonel Trần Mưu

- (8) **Huỳnh Đức Thờ** (born April 10, 1962), Chairman of the People’s Committee (Jan 2015 – present), Deputy Chairman of People’s Committee (Apr 2014 – Jan 2015), Director of Department of Planning and Investment (DPI) of Da Nang City (Jan 2010 – Apr 2014): Under his directorship, DPI approved land allocation to SunGroup for its eco-urban development project. After assuming the Chairmanship of People’s Committee of Da Nang City, he continues his predecessors’ policy of land grab against Con Dau parishioners. Note from World Bank report: “Investment projects that require land allocation for development go through a pre-planning process with the local DPI for investment approval and the local DOC [Department of Construction] for guidance on project location. Following these approvals, the project proponent negotiates any necessary compensation and resettlement plan... After investment approval, the proponent submits a request for land allocation to the local DONRE [Department

of Natural Resources, Environment and Housing].” See: <http://documents.worldbank.org/curated/en/692771468338945855/pdf/697890ESW0P0720AS0Main0Text0P072313.pdf>. Huỳnh Đức Thờ was recently exposed by a former Da Nang City People’s Committee Deputy Chair for owning an expansive home, four high-end land slots in the center of Da Nang City and in Quang Nam Province, investment in two farming projects, investment in four companies, and shares in a steel plant.



Huỳnh Đức Thờ

- (9) **Nguyễn Điều**: Retired Director of Department of Natural Resources and Environment of Da Nang City: In that capacity, he officially transferred expropriate lands of Con Dau Parish to Sungroup and assigned Land Management and Exploitation Corporation of Da Nang City, a state-owned enterprise, to partner with Sungroup in developing the eco-urban development project. During his 24 years with Da Nang City’s DONRE , Nguyễn Điều was responsible for land allocation and environmental projects. In April 2017 he received the Labor Medal of 2nd Order from Vietnam President Tran Dai Quang. See <http://www.baomoi.com/nguyen-giam-doc-so-tn-mt-tp-da-nang-nhan-huan-chuong-lao-dong-hang-nhi/c/21920785.epl>



Nguyễn Điều

(10) Nguyễn Văn Toàn (born 1960), Party Secretary and Chairman of the People's Committee of Hoa Xuan Ward (2008–present). As head of the local government, he supervised the local police to enforce the removal of 1,600 tombs from the Con Dau cemetery despite the outcry of relatives of the deceased, the expropriation of lands of Con Dau Parish, and the demolition of hundreds of homes of parishioners. He continues to direct the expropriation of Con Dau Parish until completion.



Nguyễn Văn Toàn

(11) Lê Viết Lam (born 1969 in Hoang Hoa, Thanh Hoa, Viet Nam), CEO of Sun Group LTD, Vietnam (2007–present): As CEO of the largest real estate development company in Vietnam, he is the primary investor in the Hoa Xuan Eco-Resort Development Project of 430 acres, encompassing Con Dau Parish. Working directly with Da Nang City and its DONRE, Lam was the driving force behind the expropriation of Con Dau Parish to sub-divide into lots and resell them on the open market at prices 200 to 300 times higher than what it compensated to Con Dau parishioners. The Sun Group and the local government are collaboratively exerting pressure on 93 families that refuse to vacate their land as ordered by the government.



Lê Viết Lam

(12) Hồ Thị Nga (born 1974 in Hoa Xuan Ward, Cam Le District, Da Nang, Viet Nam): Allegedly working for Mr. Nguyen Ba Thanh and Da Nang City government officials, she tricked some one hundred households of Con Dau parishioners to hand their land use right certificates to her. Government officials then falsely claimed that these households had agreed to relinquish their

land and relocate. She reportedly received lands and monetary rewards from the government. In February 2017 she was arrested by the Police Department of Da Nang City on charges of deception and corruption, but these charges did not link her to high-level government officials.



Hồ Thị Nga

- (13) **Lê Viết Hiếu:** is Cmdr. Lieutenant Colonel of the Cam Le District Police who directly tortured a number of Con Dau parishioners.
- (14) **Phan Hữu Phùng:** is Cmdr. Lieutenant Colonel, Head of the Cam Le District Criminal Police Team of the Cam Le District Police, who directly tortured a number of Con Dau parishioners.
- (15) **Nguyễn Ngọc Tuấn:** is Lieutenant Colonel of the Cam Le District Police who directly tortured a number of Con Dau parishioners.
- (16) **Đặng Hồng Phúc:** is a police officer of the Cam Le District who directly tortured a number of Con Dau parishioners.
- (17) **Tuấn:** is Lieutenant Colonel of the Cam Le District Police who directly tortured a number of Con Dau parishioners.
- (18) **Liên:** is Lieutenant Colonel of the Cam Le District Police who directly tortured a number of Con Dau parishioners.
- (19) **Thành:** is Lieutenant Colonel of the Cam Le District Police who directly tortured a number of Con Dau parishioners.
- (20) **Mrs. Tân Thị Thu Dung,** presiding judge of People's Court of Cam Le District: In October 2010, she blocked the law firm of Dr. Cu Huy Ha Vu from representing the seven Con Dau parishioners facing prosecution. At the trial on October 27, 2010, she prohibited the defendants from speaking about torture by the police and meted prison sentences to six Con Dau parishioners.
- (21) **Mrs. Nguyễn Thị Cảnh,** presiding judge of the People's Court of Cam Le District: At the appeals hearing on January 26, 2011, she prohibited the petitioners from presenting their claims about

torture used by the police to force them to admit to crimes that they had not committed. She upheld the prison sentences of the lower court.

International References:

Ongoing Human Rights Violations by Vietnamese Gov't, Trade Topics at Hearing (June 17, 2015):

<http://chrissmith.house.gov/news/documentsingle.aspx?DocumentID=398225>

Report of the UN Special Rapporteur on freedom of religion or belief (January 30, 2015):

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_66_Add.2_E.doc

Viet Nam land grabbing case needs to be urgently addressed – UN human rights experts (March 26, 2014):

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14438&LangID=E#sthash.JJ7ZbEZh.dpuf>

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A_HRC_27_72_Eng%20Fre%20and%20Spa%20only.doc

[https://spdb.ohchr.org/hrdb/27th/public_-_UA_Vietnam_21.03.14_\(3.2014\).pdf](https://spdb.ohchr.org/hrdb/27th/public_-_UA_Vietnam_21.03.14_(3.2014).pdf)

Report of the Special Rapporteur in the field of cultural rights, Farida Shaheed, Addendum, Visit to Viet Nam (18–29 November 2013)

http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session28/Documents/A_HRC_28_57_Add.1_ENG.doc

Smith Holds Hearing Highlighting Vietnamese Gov't Human Rights Violations in Advance of the U.S. Vietnam Dialogue (April 10, 2013):

<http://chrissmith.house.gov/news/documentsingle.aspx?DocumentID=328489>

U.S. Commission on International Religious Freedom 2011 Annual Report Summary:

<https://www.uscirf.gov/sites/default/files/resources/Vietnam%20at%20a%20glance%20summary%20011.pdf>

Smith: Investigate and Hold to Account Those Responsible for Murder and Other Human Rights Abuses of Catholics in Con Dau (August 18, 2010):

<http://chrissmith.house.gov/news/documentsingle.aspx?DocumentID=203483>

State Department International Religious Freedom Report for 2010: It mentioned Con Dau case on pages 2 and 10.

Background Information:

Con Dau, a coterminous Catholic parish of approximately 2,000 parishioners, was established in 1885 by French missionaries. The early residents lived on the small fishing boats which they used for fishing and

moved easily around the area to evade attacks and capture by government officials when Vietnamese kings were persecuting Christians. The first thing the early residents built on the dry area of the island was a small temple where they came to pray together and to attend Mass served by a French priest commuting from a parish 30 miles away. The first church was built in 1895 at the very place where the current parish church is located. Renovated a number of times over the years to accommodate more parishioners, it has remained the center of every public activity in the parish.

Surrounded by two rivers and built by many generations of residents, Con Dau became a typical Vietnamese farming village with a vast green rice field surrounding rural houses protected by rows of bamboo trees. Visible from any angle is the high tower of the church at the center of the village. The farming and church activities over the years have built a unique culture for the community that is difficult to find nowadays in Vietnam, a culture shaped by their history of survival, self-sufficiency, self-preservation, interdependence, and mutual support.

Every year, on All Souls Day on November 2nd, everyone attends Mass at the chapel at the center of the parish's cemetery. This is a special time to pray for ancestors and relatives. During the month of November, every clan in the parish organizes a banquet for members of their extended family to stay in touch with one another. They also come together to the cemetery to visit their relatives' graves, light candles, bring flowers, and clean up around graves. They also take turns to come together in each family for evening prayers every night.

The parish church is the place where everyone is baptized. It is the place where they are married and the last place where they are honored when they die. Most of the parishioners live in Con Dau, their birth place, even though some work in Da Nang City. Over the years, a few hundred parishioners have moved to other towns in the south or overseas but always keep contact with their parish and come back to visit whenever they can.

The parish's cemetery was built in the early days of the Con Dau Commune. It is the place where generations of parishioners were buried. Its chapel serves as the second place of worship for the parishioners, especially when there is a death in the parish. It has become a tradition that everyone in the parish comes to pay tribute to the deceased. All final rituals are performed at the cemetery and parishioners gather nightly to pray for the deceased.

The life of everyone in Con Dau Commune was completely disrupted when in May 2007 the government of Da Nang City announced a plan to expropriate 430 hectares of land in the Hoa Xuan Ward area, including the entire village of Con Dau (110 hectares) so as to lease them to developers to build an eco-resort. The project went to a private company, the Sun Group. The government offered pitifully low compensation for the land, at only \$2.50/m². However, monetary compensation was not what the parishioners sought. They wanted to preserve their parish which is inseparably tied to their Catholic faith and to their unique culture.

The people of Con Dau Commune proposed to move their homes closer to their church, offering the surrounding rice fields to the government to build the new eco-resort, but the government flatly rejected that option and repeatedly made it clear that staying was not an option. The government ordered the relocation of the cemetery to a mountainous area, far from any inhabitable place. In the new location they would have to live mingled with non-Catholics and therefore would lose their distinct

communal characteristic and culture. All 1600 tombs in Con Dau's cemetery, which had been declared a cultural heritage by the Vietnamese government, would have to be moved.

The local government resorted to many measures to achieve their goal, including threats and harassment. With few exceptions, Con Dau parishioners refused to move. The government placed a ban on further burials in the cemetery. On May 4, 2010, hundreds of anti-riot police officers assaulted parishioners who attended the funeral of a 93-year old parishioner. Police used tear gas, metal batons, electric rods, and rubber bullets to attack the funeral procession. They stole the casket and beat up the mourners. More than 100 mourners were injured, including children, pregnant women and the elderly. Sixty-two parishioners were arrested and brought to the police station. They were all subjected to torture. Six were sentenced to prison terms. One parishioner who escaped arrest was later caught and tortured to death.

Hundreds of parishioners had to move under pressure and threat or after their homes had been forcefully demolished. Over 100 parishioners had to flee to Thailand to avoid arrest or soon after being released from detention or prison; most of them, including a number of torture victims, have been recognized as refugees and resettled to the United States. Still, many parishioners continue to dig in and are determined to save their parish despite the unrelenting pressure from the government. They have petitioned to the Prime Minister for intervention, staged months of protests in Ha Noi, and repeatedly spoke to representatives of the central government and to Da Nang City government officials, all to no avail so far.

Dr. Cu Huy Ha Vu, a well-known legal scholar, directly confronted the Da Nang City government at least twice. He spoke out in support of Major General Tran Van Thanh's anti-corruption efforts and advocated for the People's Supreme Court to overturn the sentences of lower courts. Then in or around October 2010 Dr. Vu's law firm agreed to represent Con Dau parishioners who were facing charged for "opposing government officials on duty". The Da Nang City government, however, barred his law firm from appearing in court. Dr. Vu was soon arrested on fabricated charges and then sentenced to seven years in prison (see <https://www.hrw.org/report/2011/05/26/vietnam-party-vs-legal-activist-cu-huy-ha-vu>). Under international pressure, Vietnam released Dr. Vu in April 2014 for direct departure to the U.S. from his prison cell. He is currently lecturer at a law school in Chicago.