Individual Complaints and Model Questionnaire of the UN Special Rapporteur on Freedom of Religion or Belief

The Special Rapporteur on freedom of religion or freedom of belief has been mandated by Human Rights Council Resolution 6/37, "... to continue his/her efforts in all parts of the world to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures as appropriate."

Therefore, the Special Rapporteur would like to reiterate his invitation to governmental and nongovernmental organizations, religious or belief communities as well as individuals to submit any reliable information they may possess with regard to potential or actual violations of the right to freedom of religion or freedom of belief. Subsequently, the Special Rapporteur may raise his concerns about the incidents reported and request Governments to make observations and comments on the matter. Please note that, as a general rule, the existence and content of both urgent appeals and letters of allegation remain confidential until a summary of such communications and the replies received from the State concerned are included in the Special Rapporteur's report to the Human Rights Council.

In its Resolution 6/37 of 14 December 2007, the Human Rights Council urged States:

- (a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practice freely one's religion, including the right to change one's religion or belief, is violated;
- (b) To design and implement policies whereby education systems promote principles of tolerance and respect for others and cultural diversity and the freedom of religion or belief;
- (c) To ensure that appropriate measures are taken in order to adequately and effectively guarantee the freedom of religion or belief of women as well as individuals from other vulnerable groups, including persons deprived of their liberty, refugees, children, persons belonging to minorities and migrants;
- (d) To ensure that any advocacy of religious hatred that constitutes incitement to discrimination, hostility, or violence is prohibited by law;
- (e) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines, and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;
- (f) To review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private;
- (g) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these

purposes and the right of all persons to write, issue, and disseminate relevant publications in these areas;

- (h) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable, or humanitarian institutions is fully respected and protected;
- (i) To ensure that, on account of religion or belief or the expression or manifestation of religion or belief, no one within their jurisdiction is deprived of the right to life, liberty, or security of person, subjected to torture or arbitrary arrest or detention, or denied the rights to work, education, or adequate housing, as well as the right to seek asylum, and to bring to justice all perpetrators of violations of these rights;
- (j) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;
- (k) To step up efforts in implementing the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief;
- (1) To take all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance, and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities, and devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion, or belief;
- (m)To promote and encourage, through education and other means, including regional or international cultural exchanges, understanding, tolerance and respect in all matters relating to freedom of religion or belief.

In the discharge of his mandate, the Special Rapporteur has developed this information sheet to facilitate the submission of information. Although communications are also considered when they are not submitted in the form of this model questionnaire, the Special Rapporteur would be grateful for receiving information tailored to his mandate. The objective of this questionnaire is to have access to precise information on alleged violations of the rights to freedom of religion or freedom of belief. If any information contained in the questionnaire should be kept confidential please mark "CONFIDENTIAL" beside the relevant entry. Please do not hesitate to attach additional sheets, if the space provided is not sufficient.

Should you have any questions concerning the completion of this form, please feel free to contact the Special Rapporteur. He has also developed a framework for communications which details the applicable international legal standards. An online digest of this framework together with pertinent excerpts of the Special Rapporteurs' reports is available at:

http://www2.ohchr.org/english/issues/religion/standards.htm

Model Questionnaire

The questionnaire below should be filled out and sent to:

Special Rapporteur on freedom of religion or belief c/o Office of the High Commissioner for Human Rights United Nations at Geneva 8-14 avenue de la Paix CH-1211 Geneva 10 Switzerland Fax: (+41) 22 917 90 06 E-mail: freedomofreligion@ohchr.org or urgent-action@ohchr.org (then please include in the subject box: Special Rapporteur on freedom of religion or belief)

1. GENERAL INFORMATION

- a) Does the incident involve an individual or a group? A religious group.
- b) If it involves a religious or belief group please state the number of people involved and the denomination of the group:

There are 23 people in total. All are Catholics.

- c) Country(ies) in which the incident took place: Vietnam
- d) Nationality(ies) of the victim(s): All are Vietnamese.
- e) Does domestic law require (re-)registration of religious associations and if yes, what is the current status of the group in question?

Vietnamese government requires registration of religious associations However, Vietnamese government has always been restricting or causing difficulties to people who participate in religious activities.

2. IDENTITY OF THE PERSONS CONCERNED

Note: if more than one person is concerned, please attach relevant information on each person separately.

- a) Family name: Nguyễn First name: Thơ Denomination of his/her religion or belief: Catholic Place of residence or origin: Trung Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 32 Sex: Female Nationality(ies): Vietnamese
- b) Family name: Nguyễn First name: Sáng

Denomination of his/her religion or belief: *Catholic* Place of residence or origin: *Trung Ké Gai Village, Hung Tây Commune, Hung Nguyên* District, Nghệ An Province, Vietnam. Age: 48 Sex: Female Nationality(ies): Vietnamese

c) Family name: Nguyễn

First name: Vuong Denomination of his/her religion or belief: Catholic Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 39 Sex: Female Nationality(ies): Vietnamese

d) Family name: Nguyễn

First name: *Khiêm* **Denomination of his/her religion or belief**: *Catholic*

Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 50 Sex: Female Nationality(ies): Vietnamese

e) Family name: Ngô

First name: Nhi Denomination of his/her religion or belief: Catholic Place of residence or origin: Nam Ké Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 45 Sex: Female Nationality(ies): Vietnamese

f) Family name: *Nguyễn*

First name: Thiết Denomination of his/her religion or belief: Catholic Place of residence or origin: Nam Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 32 Sex: Female Nationality(ies): Vietnamese

g) Family name: Nguyễn
First name: Đàn
Denomination of his/her religion or belief: Catholic
Place of residence or origin: Trung Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên
District, Nghệ An Province, Vietnam.
Age: 59

Sex: Female Nationality(ies): Vietnamese

- h) Family name: Nguyễn First name: Bình Denomination of his/her religion or belief: Catholic Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 48 Sex: Female Nationality(ies): Vietnamese
- i) Family name: Nguyễn First name: Vân Denomination of his/her religion or belief: Catholic Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 29 Sex: Female Nationality(ies): Vietnamese
- j) Family name: Võ

First name: Sự Denomination of his/her religion or belief: Catholic Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 38 Sex: Female Nationality(ies): Vietnamese

k) Family name: Đặng First name: Hồng

Denomination of his/her religion or belief: *Catholic* Place of residence or origin: *Trung Ké Gai Village, Hung Tây Commune, Hung Nguyên* District, Nghệ An Province, Vietnam. Age: 38 Sex: Female Nationality(ies): Vietnamese

- I) Family name: Nguyễn First name: Lệ Denomination of his/her religion or belief: Catholic Place of residence or origin: Trung Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 73 Sex: Female Nationality(ies): Vietnamese
- m) Family name: Nguyễn First name: Thu

Denomination of his/her religion or belief: Catholic Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 46 Sex: Female Nationality(ies): Vietnamese

n) Family name: Nguyễn

First name: Hiền Denomination of his/her religion or belief: Catholic Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 50 Sex: Female Nationality(ies): Vietnamese

o) Family name: Phan

First name: Phước

Denomination of his/her religion or belief: Catholic Place of residence or origin: Trung Ké Gai Village, Hung Tây Commune, Hung Nguyên District, Nghệ An Province, Vietnam. Age: 43 Sex: Female Nationality(ies): Vietnamese

p) Family name: Nguyễn

First name: Thành
Denomination of his/her religion or belief: Catholic
Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên
District, Nghệ An Province, Vietnam.
Age: 50
Sex: Female
Nationality(ies): Vietnamese

- q) Family name: Võ
 - First name: Van Denomination of his/her religion or belief: Catholic Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 43 Sex: Male Nationality(ies): Vietnamese
- r) Family name: Võ

First name: Lộc Denomination of his/her religion or belief: Catholic Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 53 Sex: Male Nationality(ies): Vietnamese

s) Family name: Võ

First name: Nhàn
Denomination of his/her religion or belief: Catholic
Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên
District, Nghệ An Province, Vietnam.
Age: 48
Sex: Female
Nationality(ies): Vietnamese

t) Family name: Pham

First name: Lợi
Denomination of his/her religion or belief: Catholic
Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên
District, Nghệ An Province, Vietnam.
Age: 46
Sex: Female
Nationality(ies): Vietnamese

u) Family name: Nguyễn

First name: Biên Denomination of his/her religion or belief: Catholic Place of residence or origin: Trung Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 47 Sex: Male Nationality(ies): Vietnamese

- v) Family name: Nguyễn First name: Thân Denomination of his/her religion or belief: Catholic Place of residence or origin: Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam. Age: 63 Sex: Female Nationality(ies): Vietnamese
- w) Family name: Nguyễn

First name: *Tuyết* Denomination of his/her religion or belief: *Catholic* Place of residence or origin: *Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên* District, Nghệ An Province, Vietnam. Age: 52 Sex: Female Nationality(ies): Vietnamese

3. INFORMATION REGARDING THE ALLEGED VIOLATION

Date and time (approximate, if exact date is not known):

December 17, 2017 from 6:30 AM to 5:00 PM.

- Place (location and country/countries):
 , Bắc Kẻ Gai Village, Hưng Tây Commune, Hưng Nguyên District, Nghệ An Province, Vietnam.
- Please provide a detailed description of the circumstances of the incident in which the alleged violation occurred respectively the nature of the governmental action: Around 6:30 AM on December 17, 2017, a number of women who belonged to Ke Gai parish were irrigating the field which belonged to them. This property in Ao Láp area, Hung Tây Commune, Hung Nguyên District, Nghệ An Province was passed on to these owners by their ancestors. These people voluntarily offered their property for a Catholic church to be built on this land.

Approximately 15 minutes later (around 6:45 AM), the local government and the district security agents came to the place, threatened, and ordered these women to stop working. These women realized the order was unreasonable and denied to follow.

About 8:00 AM, there are more than one hundred young adults coming into the area by two buses and motorcycles. These people, wearing the red with a yellow star flag which is the communist Vietnamese flag, started to attack these women right on their land where they were irrigating the field. The local government and the security agents from Hung Nguyên District, Nghệ An Province witnessed the incident. These young adults, with the direct order from and joining in with the Hung Tây Commune leader and security agent lead, rudely attacked these Kẻ Gai women causing several serious injuries. Some of the men from Kẻ Gai tried to stop the attack but the Hung Tây Commune leader, security agent lead and the young adults wearing the red with a yellow star flag attacked these men until these men were down and unconscious at the scene.

The local government disabled 5 men and was going to take them to the post. However, a good number of Ké Gai people aggressively opposed the act forcing the government to release these 5 men.

About 9:10 AM, the local government called for additional 200 mobile police to the scene. At the meantime, the Ké Gai people forced the government and the security agent representative to explain the cause of the attack and requested a report to be written. The situation was a chaos and the people was furious.

Around 1:00 PM, Pastor Joseph Nguyễn Đức Nhân of Kẻ Gai parish started the communication with the Deputy of Nghệ An Province, Lê Xuân Đại, and requested the mobile police troop to depart the area. Mr. Đại agreed. However, the mobile police troop just moved to an empty land about 100 meters away from the scene.

Around 2:30 PM, a few hundred mobile polices were present at the scene.

Around 4:00 PM, a few hundred more mobile police came. The total number of mobile police at this time went up to close to a thousand. All were equipped with weapons. Police dogs were also brought to the scene. This number did not include approximately two thousand mobile police gathered at Cửa Lò waiting for orders. This information was provided and confirmed by one of the mobile police on duty at that time. Sensing the negative intention from the local government, the Pastor of Ke Gai Parish requested the victims and other Ke Gai people to leave the scene for safety.

When the people left the scene, the mobile police troop also departed.

The incident ended about 5:00 PM.

- Which indications exist that the victim(s) has been targeted because of his/her religion or belief?

There were signs of discrimination of religion and Catholic church was targeted. The indications were:

- The Ké Gai women were irrigating the field which was passed on to them by their ancestors. Since they did not do anything against the law, there was no reason the police stopped them from working and threatened them.
- The field, where the incident occurred, was offered to the Catholic church by Ke Gai people to build a church for the new Parish to be formed. The incident that the Hung Tây Commune leader and security agent lead together with the people wearing the red with a yellow star flag attacked Ke Gai women right on this field implied the followings:
 - *The government prevented Catholic church from expansion.*
 - The government wanted Catholic church's dependency so they were able to monitor the church activities and limit the freedom of religion.
 - They used forces to break the willingness to practice freedom or religion from the people.
- The incident occurred at Ké Gai Parish on December 17th, 2017 was in sequence with a series of religious suppression by the government and police force at different parishes of Vinh Diocese, such as Đông Kiều, Song Ngọc, Phú Yên, Cồn Sẻ, etc. This has proven the government í having a grand plan to persecute the Diocese of Vinh.

- Identification of the alleged perpetrator(s), name(s) if known and/or function, suspected motive:

- 1. Mr. Lê Xuân Đại, Vice Chairman of Nghệ An Province People's Committee
- 2. Mr.Lê Khắc Thuyết, Deputy Chief of Nghe An Province Police
- 3. Mr.Phan Đình Sửu, Commander of PA88 Office of Nghe An Province Police
- 4. Mr. Hoàng Văn Phi, Party Secretary of Hung Nguyen District
- 5. Mr.Ngô Phú Hàn, Chairman of Hung Nguyen District People's Committee
- 6. Mr.Lê Văn Thái, Chief of Hung Nguyen District Police
- 7. Mr. Vuong Truòng Sinh, Deputy Commander of Hung Nguyen Police
- 8. Mr.Nguyễn Văn Thu, Chairman of Hung Tay Commune People's Committee
- 9. Mr.Trần Văn Hiển, Deputy Party Secretary of Hung Tay Commune
- 10. Mr.Cao Văn Lực, Chief of Hung Tay Commune Police
- 11. Mr.Cao Văn Thành, Commander of Hung Tay Commune Militia
- 12. Mr. Cao Đức Anh, Secretary of Hung Nguyen District Party Organization
- 13. Mr.Cao Văn Minh, Hung Tay Commune police officer
- 14. Mr.Nguyễn Văn Thắng, Chairman of Hung Nguyen District National Front Committee

Mr.Nguyễn Hữu Hà, Director of Hung Nguyen District Resource Environment
 Mr.Hạnh, Hung Nguyen District police officer
 Mr.Bình, Deputy Chief of Hung Nguyen District Police
 Mr.Lâm, Hung Nguyen District Environmental police

Motivations of the perpetrators:

They do not want the Catholic Church to expand, especially in the Diocese of Vinh (including 3 provinces of Nghe An, HaTinh and Quang Binh). This is caused by these reasons:

- a. Atheistic of the Communism
- b. The priests from Vinh Diocese often strongly speak up of the government violations of religious freedom and human rights. For the people, priests are the ones with reputation and always be on the side of the oppressed.
- c. The Catholics are very organized, unified and support of each other, especially during the difficult time. The government *i* afraid of the wide network of the Catholics unification.
- d. The current Vietnam economy, political and society situation are in severe crisis, therefore, the government want to suppress any voice against them or any demand to change from the people.

- Are the perpetrator(s) known to the victim? *Yes.*

- Are state agents or non-state-actors believed to be responsible for the alleged violation?

The Red Flag Association operatives, police officers, mobile police officers and government officers participated and directed the persecution have to be responsible for these violations.

If the perpetrators are believed to be State-agents, please specify (police, military, agents of security services, unit to which they belong, rank and functions, etc.), and indicate why they are believed to be responsible; be as precise as possible.
 The perpetrators are government officials, local police officers are still in office (refer to the Attachment #3 – List of perpetrators).
 The mobile police officers and the Red Flag Association operatives are the ones being

brought in from other areas so their names and positions are not known to report.

- If identification as State agents is not possible, do you believe that Government authorities or persons linked to them, are responsible for the incident, why? *These violations are directed by the government as being said above.*
- If there are witnesses to the incident, indicate their names, age, relationship and contact address. If they wish to remain anonymous, indicate if they are relatives, by-passers, etc.; if there is evidence, please specify.

The Pastor of Ke Gai Parish, Rev. Nguyen Duc Nhan who was at the scene that day and was authorized to speak on behalf of the 23 victims mentioned in section (2) above (Attachment #1 – List of the victims). He can witness for the incident. Rev. Nhan also the author of this report and his information is below in the section (5).

The proofs with photos (Attachment # 4 – Ke Gai incident Photos) and video notice (Attachement # 5 – Ke Gai Incident Video Notice) are attached with this report.

Link to the incident video:

https://drive.google.com/drive/folders/1okQBa2XDStCPpfPfS2PuLQp sVq2o4h7C

19. STEPS TAKEN BY THE VICTIM, HIS/HER FAMILY OR ANYONE ELSE ON HIS/HER BEHALF?

- Please indicate if complaints have been filed, when, by whom, and before which State authorities or competent bodies (i.e. police, prosecutor, court):

In January 18, 2018, the victims submitted a complaint denounce the perpetrators to the chief of Hung Nguyen district police, the investigation police office and the People's Procuracy of Hung Nguyen district, report the incident and request to take action against the perpetrators. The copy of this denouncement are also sent to the Vietnam Bishops Council, the Secretary General, Politburo of SRV, the Prime Minister of SRV, the President of National Assembly, the Central Religious Affairs Committee, Police and Government of Nghe An Province.

- Were any other steps taken?

Rev. Nguyen Duc Nhan and the victims requested the local police and government filed the report of the incident occurred at Ke Gai December 17, 2017 with the signature of government representatives and the victims (Attach # 6 – Ke Gai Incident Report)

 Steps taken by the authorities: The victims received a notification of receiving the denouncement from the Investigation Office, Police Division of Nghe An Province in January 29, 2018.

(Attachment #7 – Notification of receiving the Denouncement)

- Indicate whether or not, to your knowledge, there have been investigations by the State authorities; if so, what kind of investigations? Please indicate progress and status of these investigations as well as which other measures have been taken?

We don't know if the government is going to investigate, when or how to investigate.

- In case of complaints by the victim or its family, how have those authorities or other competent bodies dealt with them? What has been the outcome of those proceedings?

Right after the incident, the victims requested and demanded the local police and government to file a memo to report exactly what happen and sign on to the memo so there is no falsifying of the truth in the future.

20. IDENTITY OF THE PERSON OR INSTITUTION SUBMITTING THIS FORM

- Family name: _*Nguyen*
- First name: Duc Nhan
- Contact number or address (please indicate country and area code):
 Address: *Ke Gai Parish, Hung Tây Commune, Hung Nguyên District, Nghệ An Province, Vietnam*.

Fax: _____ Telephone: +84-966-204-522 Email: nguyenducnha_fire@gmail.com

- Status: Individual, group, non-governmental organization, religious or belief group, intergovernmental agency, Government. Please specify: *Pastor of Ke Gai Parish*
- Do you act with knowledge and on behalf of the victim(s)? <u>Yes</u>
- Please state whether you want your identity to be kept confidential: <u>Yes</u>

Date you are submitting this form:

Signature of the author