

REPORT

To the United Nations Special Rapporteur on Freedom of Religion

Or Belief

The Special Rapporteur on Freedom of Religion or Belief was appointed by the United Nations' Human Rights Commission through Resolution 6/37 "to continue her/his efforts 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."

Consequently the Special Rapporteur urges governmental and non-governmental organizations, religious or belief-based communities, and individuals to provide him with any credible information related to violations of freedom of religion or belief ongoing or likely to happen.

Please complete the following template and submit it 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 (address for non-urgent situations) or

urgent-action@ohchr.org (address for urgent situations). Subject of email must say: Special Rapporteur on freedom of religion or belief).

1/- General Information

-Does the incident involve an individual or a group?

A group.

-If it involves a religious or belief group, please state the number of people involved and the denomination of the group

Over 100 members of the independent Cao Dai Church were involved.

-Country(ies) in which the incident took place

An Ninh Tay Cao Dai Temple in An Hoa Hamlet, An Ninh Tay Commune, Duc Hoa District, Long An Province, Vietnam.

-Nationality(ies) of the victim(s)

All are Vietnamese citizens of the main "Kinh" ethnic group.

-Does domestic law require (re-) registration of religious associations and if yes, what is the current status of the group in question?

Vietnam requires all religious organizations to register. The state-sponsored Cao Dai organization seized the Central Temple and its original name belonging to the independent Cao Dai Church, and assumed this Church's identity. The state-sponsored Church has been attempting to take over the few temples remaining under the control of the independent Church, e.g. the one in An Ninh Tay.

2/- Identity of the Persons Concerned

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

Family name: Le

First name: Minh Chau

Denomination of his/her religion or belief: Cao Dai.

Place of residence or origin: An Hiep Hamlet, An Ninh Dong Commune, Duc Hoa District, Long An Province.

Birth date: 1983

Gender: male

Persons authorized to represent victims:

- Dr. Nguyen Dinh Thang, an American citizen who is the Executive Director of Boat People SOS.

- Ms. Katie Duong, an American citizen currently on the International Relations Committee of the independent Cao Dai Church, to provide all the details to your Office. Her contact information: Tel. 469.525.3356 (3112 North Jupiter Road, Suite 216, Garland, Texas 75044, USA)

(the complete list of victims is in Part 1 of the addendum)

3/- Information regarding the alleged violation

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

1:50 pm on March 24, 2016

-Place (location and country/countries)

An Ninh Tay Cao Dai Temple, An Hoa Hamlet, An Ninh Tay (ANT) Commune, Duc Hoa District, Long An Province, Vietnam.

-Please provide a detailed description of the circumstances of the incident in which the alleged violation occurred and the nature of the government action

At 1:50 pm on March 24, 2016, the government and state-sponsored Cao Dai Church mounted an operation to seize ANT Temple. Government officials involved included: Mr. Vo Van Bon, deputy chief of public security of ANT Commune; Mr. Nguyen Thanh Phong, Religious Affairs Committee of ANT Commune; Mr. Lai Tri Man, deputy chairman, Religious Affairs Committee, and member, Cultural and Information Committee of ANT Commune; Mr. Quy, Communist Party Secretary of An Hoa Branch; and a number of public security officers of ANT Commune.

(Photos 1, 2, and 3 in addendum)

Members of the state-sponsored Church included: (a) GS Thuong Canh Thanh, chairman of Committee Representing 36 religious units of the Town of Tan An, Long An Province; (b) Temple Manager Thuong Nhuong Thanh, manager of the temple in the Town of Hau Nghia, Duc Hoa District, Long An Province (the state-sponsored Church appointed Mr. Nhuong manager of ANT Temple, but he met with resistance from members of the independent Church and local residents; he had participated in previous operations intended to seize temples belonging to members of the independent Church); (c) Mr. Thuong Ngoan Thanh and a number of Le Sanh-rank members who manage temples in other locations. The group rushed into ANT Temple, bringing with them 2 locks to lock down the front and back doors (Photos 4, 5 in addendum).

The group went to see Sub-dignitary Le Minh Chau and Assistant Dignitary Phan Trong Huu to demand that they ceded the temple to them. Seeing the belligerent attitude of the intruders, the two men ran outside. Upon discovering that the intruders had locked the doors, the two men screamed for help. Local residents rushed over to help defend the property.

Approximately 10 minutes later, local residents broke through the gate to help Messrs. Chau and Huu, and additional residents came to support them. The intruders saw the growing size of the defenders' group and decided to leave. Public Security Deputy Chief Ban was the first person to run out.

Rather than letting the intruders take off, the defenders insisted that the illegal entry group explain their unethical and unlawful attempt (Video clip 1 in addendum).

With government representatives among the intruding group listening, the defenders stated that the temple resulted from the Ho Pháp's endeavors in the distant past, and their faith was with Sub-dignitary Chau who follows the authentic Cao Dai Church, and not with the state-sponsored Cao Dai Church. The defenders requested the governments of the commune, district, and Long An Province to cease interfering with their Church's internal affairs, and to warn state-sponsored Church members to refrain from coming to the temple to cause trouble.

At 5 p.m., Mr. Chau requested the local residents and other followers of the original Church to let the intruders leave. He also expressed his hope for the cessation of attempts to take over the temple (Video clip 2 in addendum).

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

Government officials such as the commune's public security officers and members of the commune's Religious Affairs Committee, and members of the state-sponsored Cao Dai Church have been attempting to pressure the followers of the independent Cao Dai Church (founded in 1926) to join the state-sponsored Church that the government had established in 1997.

- In attacking a temple whose adherents have been holding out against the government's pressure, the government and its sponsored Church violated the original Church's property ownership and cultural rights.
- With respect to the Universal Declaration of Human Rights and international covenants: they also violated Article 18 of the Universal Declaration of Human Rights and Article 18 of the International Covenant on Civil and Political Rights (on freedom of thought, conscience, and religion).
- With respect to Vietnamese law:
They violated Articles 14 and 24 of the 2013 Constitution, Article 1 of the 2004 Ordinance #21 on belief and religion, and Article 2 of Decree #92 in the area of freedom of belief or religion.
The government and its state-sponsored Church continue to implement the latter's Circular # 42/90 issued on October 14, 2015, essentially directing regional Church Governing committees to forcibly prevent adherents of the independent, vintage 1926 Church from practicing their faith and conducting religious activities (the government appended its appeal to local authorities to assist the state-sponsored Church in its violation).
(Evidence 1 in addendum).

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

Participating government officials included:

Mr. Vo Van Bon, deputy chief of public security of An Ninh Tay Commune; Mr. Nguyen Thanh Phong, a member of the commune's Religious Affairs Committee; Mr. Man, deputy chairman of the commune's Religious Affairs Committee; Mr. Quy, Communist Party Secretary of An Hoa Branch; and a number of the commune's public security officers.

Members of the state-sponsored Church included: GS Thuong Canh Thanh, chairman of Committee Representing 36 religious units of the Town of Tan An, Long An Province; Temple Manager Thuong Nhuong Thanh; Mr. Thuong Ngoan Thanh, and a number of Le Sanh-rank members who manage temples in other locations.

The intruders' motive is to continue the implementation of the central government's Cao Dai decision of July 20, 1978 and resolution of December 13, 1978 aiming at exterminating the Cao Dai Church and its doctrine.

Are the perpetrator(s) known to the victim? Yes (Video clip 2 in addendum)

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

The perpetrators are government employees and the state-sponsored Cao Dai Church is the government's instrument used to systematically eliminate the independent Church. The government must be held accountable for this violation of human rights.

-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.

It is evident that the following perpetrators are state agents: Mr. Vo Van Bon, deputy chief of public security of An Ninh Tay Commune; Mr. Nguyen Thanh Phong, a member of the commune's Religious Affairs Committee; Mr. Man, deputy chairman of the commune's Religious Affairs Committee; Mr. Quy, Communist Party Secretary of An Hoa Branch; and a number of the commune's public security officers. They must be held accountable for violating domestic law and going against international conventions whose clauses they were supposed to implement.

(Video clip 1 in addendum).

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?

The victims could identify the perpetrators as state agents, i.e., government employees and members of the state-sponsored Church.

(Video clip 2 in addendum)

- If there were witnesses for this event, please provide their names, relationship with victims, and contact information, e.g., email address, telephone numbers. In case they choose to keep their identities secret, state if they are family members, passers-by, etc. Please supply any available evidence.

4/- 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, etc.).

No.

-Were there any other steps taken?

None.

- Steps taken by the authorities:

None.

-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.

The government does not and will not investigate because, as in numerous other cases, it is the mastermind and coordinator of the violations.

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

The government would accuse authors of complaints of plotting to overthrow the government. Depending on specific circumstances, public security would request targeted individuals to report for interrogations during working sessions, or would accumulate evidence so that the government can charge them with harming national security.

5/- Identity of the person or institution submitting this form:

-Family name: Duong

-First name: Katie

-Contact number or address (please indicate country and area code): phone: 469. 525. 3356 (3112 North Jupiter Road, Suite 216, Garland, Texas 75044)..

-Status: individual, group, NGO, religious or belief group, intergovernmental agency, government. Please specify:

Religious group: the Cao Dai Popular Council is engaged in advocacy to enable all Churches, including the Cao Dai Church vintage 1926, to enjoy freedom of religion (without having to depend on the government's approval of prescribed requests) as envisioned in the international covenants to which Vietnam is a party with the obligation to implement those covenants' provisions.

If the victims did not prepare this report, do you act with knowledge and on behalf of the victim(s)? Yes, the victims know and collaborated on this reporting activity, e.g., Messrs. Le Van Be, Le Minh Chau, Tong Minh Hieu.

Please state whether you want your identity to be kept confidential: No

Report submitted on: April 3, 2016

Signature: Katie Dương

Addendum.

List of victims.

<u>Họ (Family name)</u>	<u>Tên (Given name)</u>	<u>Tôn giáo (Religion)</u>	<u>Quê quán (Residence)</u>	<u>Năm sinh (Birth Year)</u>	<u>Giới tính (Gender)</u>
Lê	Minh Châu.	Cao Đài.	Ấp (Hamlet) An Hiệp, Xã (Commune) An Ninh, Đông, Huyện (District) Đức Hòa, Tỉnh (Province) Long An.	1983	Nam (Male)
Nguyễn	Văn Bé	Cao Đài.	Ấp 2, Xã Long Thuận, Huyện Thủ Thừa, Tỉnh Long An.	1945	Nam
Phan	Trọng Hữu	Cao Đài.	Ấp An Hiệp, Xã An Ninh Đông, Huyện Đức Hòa, Tỉnh Long An..	1983	Nam
Nguyễn	Thị Liễu	Cao Đài.	Ấp An Hòa, Xs An Ninh Tây, Huyện Đức Hòa, Tỉnh Long An.	1950.	Nữ (Female)

Tổng	Minh Hiếu	Cao Đài.	Ấp An Hiệp, Xã An Ninh, Đông, Huyện Đức Hòa, Tỉnh Long An.	1988	Nam
Võ	Văn Liêm	Cao Đài	03/69 Ấp Trường Lưu, Xã Trường Đông, Hòa Thành, Tây Ninh.	1937	Nam

Addendum.

- **Photos:** If photos are available, number them by writing on the photos (or add number to the file name for electronic files), note location and date, time, describe relationship to the report, and identify persons in photos. In appropriate report sections, please note the number of the accompanying photos.

PHOTO 01 (for Section 3 of report, “description of the circumstances”)

The commune’s public security officers at the gate of An Ninh Tay Cao Dai Temple.



PHOTO 02 (for Section 3, “description of the circumstances”)

Vo Van Bon, deputy chief of the commune’s public security organization, directed the intrusion



PHOTO 03 (for Section 3, “description of the circumstances”)

Mr. Man of the Religious Affairs Committee and Mr. Bon, deputy director of the commune’s public security organization



PHOTO 04 (for Section 3, “description of the circumstances”)

Public security officers and Messrs. Nường and Ngoan (state-sponsored Cao Dai Church) discussed their plan in front of the temple.



PHOTO 05 (for Section 3, “description of the circumstances”)

Members of the state-sponsored Cao Dai Church



- **Video Material:** If video clips are available, please number them (using their file names), note location and date/time of the recorded events and their relationship to the report, and identify beginning and ending time points on each. Please note in appropriate sections of the report the supporting video material (by number).

Two video clips are included:

Video 01 (2.19 seconds):

(Section 3 of report: responsible State agents).

Link: https://www.youtube.com/watch?v=w_DAYNYnqoY&feature=youtu.be

Deputy chief of public security of ANT Commune, Mr. Vo Van Bon, ran away to hide his role in directing the attack on the temple.

Thanks to the timely intervention by local residents and Church adherents, the government failed in its attempt to seize An Ninh Tây Temple. Mr. Vo Van Bon, deputy director of the commune's public security organization, was the first to run. However, the defenders had just locked the gate. Mr. Bon changed his position in an attempt to extricate himself and leave members of the state-sponsored Church behind.

Second No. 45: ... *Unlock the gate first before we talk it over...* (whereas the intruders were the ones who had brought the locks in their plot to prevent intervention from the outside while they attempted to seize control of the temple).

Second 1,14: government official feigning innocence and having nothing to do with the attempt

1,49: The deputy director of the commune's public security organization directing the intruders asking for the current, authentic temple administrator, Mr. Le Minh Chau.

Video 02 (5.35 seconds):

(Section 3 of report: identification of state-sponsored Cao Dai Church members as perpetrators).

Link: https://www.youtube.com/watch?v=0Q6sPCEV1a0&ebc=ANyPxKrtTPBMRnn_RuAkaFhbcTA-3Mtl8u2SH-GaEsVmTcGUV7KqJQfV3ZFbAISB6bjXPY1-0Kjf9Cxb8IU3ZhZClciO7OzGnA

After the exit of the deputy director of the commune's public security organization, the gathered rescuers expressed their faith in Sub-dignitary Lê Minh Châu and unhappiness with the state-sponsored Church members.

1,35: Seeing state-sponsored Church members out while feeling outraged; insisting on keeping the locks as evidence.

3,09: Asking state-sponsored Church members to behave as good religious people once they leave.

3,35: Not letting go of state-sponsored Church members' vehicles and demanding keys ...resolutely.

4,57: Chiding state-sponsored Church members for entry with the objective of forcibly seizing the property. Finally, peace has returned for the authentic adherents.

- **Evidence:** If relevant documents are available, e.g., government reports, victims' complaints submitted to the authorities, letters requesting individuals to report to public security facilities, indictments, sentences, government decisions, medical reports, etc., they may be enclosed. Such evidence needs to be linked to the relevant section of the report. Conversely, note in appropriate sections of the report the type of accompanying evidence.

Evidence 01 in addendum: Circular No. 42/90 of October 8, 2015.

(for Section 3 of report: information regarding the violation, identity of victims, and indications that they were targeted for their religious affiliation)

Translation of Document whose image is shown at the end of the translation:

Circular No. 42/90

*Committee representing
The Church
Tay Ninh Province
No. 42/90. BDD. VT*

**Church of the Great Way of the Third Age of
Universal Redemption (90th year)
Tay Ninh Temple**

To: Governing committees of 75 local church branches in Tay Ninh Province

The Committee representing the Tay Ninh Temple has received much input from believers and Governing committees of local church branches. In the recent past, a group in Tay Ninh Province proclaimed themselves as "Adherents of the Original, Authentic Church" and conducted rites such as funeral, Taking Position, Statue Installation, Healing Prayers, etc. in the local branches' communities at the homes of adherents who are less knowledgeable about our Church's laws and do not understand the principles, procedures, administrative prescription, and rites that the Church has promulgated.

By order of the Tay Ninh Temple and based on the meeting on Day 26 of the 8th lunar month in the Year of the Goat (October 8, 2015) involving the Committee and Governing committee representatives of the 75 local Church branches, during which there was uniform agreement on measures needed to prevent and reverse the violations carried out by the self-proclaimed “Adherents of the Original, Authentic Church”. The measures include:

1/Members of Governing committees, clergy, adherents appointed to functions, and believers shall, upon finding out that those masquerading as Cao Dai adherents or representatives of Tay Ninh Temple are coming to your communities to conduct unauthorized religious operation or activities, should (this applies to Governing committee members and adherents appointed to functions) intervene and provide thorough explanations, and help them obey the Church’s laws. Should the unauthorized group refuse to comply, you shall immediately notify in writing the local government so that it provides you with legal support and enforcement authority.

2/Mobilize and organize intervention by adherents appointed to functions, personnel from the Church’s committees and departments with the intent to disperse and firmly deny the unauthorized group the opportunity to carry out its plans.

3/Notify the nearby branches’ Governing committees and ask for additional personnel to provide support for upholding our Church’s internal solidarity as guided by the Committee representing the Tay Ninh Temple. This is necessary for us to fulfill the mission that the Temple has assigned and uphold the Church’s laws in accordance with the responsibility of clergy members and adherents appointed to functions.

4/Resolutely prevent the self-proclaimed “Adherents of the Original, Authentic Church” from organizing religious activities not authorized by the Church and with the potential to degrade the Cao Dai Church’s authority and prestige.

We ardently desire that Governing committees, clergy, adherents appointed to functions, and believers work closely with one another to implement well the Church’s teachings, maintain order, peace, love, and glory to our Church for this and future generations.

Respectfully,
Tay Ninh,
Day 26 of the 8th lunar month in the Year of the Goat
(October 8, 2015)
Chair of Committee representing the Church-
GS Thai Tho Thanh
GS Huong Lan, Deputy Leader of DTNP Committee
Thuong Huu Thanh, Deputy Leader of Cluster 1
Ngoc Hoa Thanh, Deputy Leader of Cluster 2
Thai Tong Thanh, Deputy Leader of Cluster 3

Handwritten note: *Sent to communes and towns for their coordination to implement this Circular.*

Hoa Thanh, November 10, 2015

Nguyen Van Khanh Em

Cc:

Tay Ninh Church (for information)

Religious Affairs Committee, Patriotic Front Committee, Public Security of Tay Ninh

Internal Affairs Office, Patriotic Front Committees of Districts and Towns (for your assistance)

75 local branches (for implementation)

Copy to file

ĐẠI ĐẠO TAM KỲ PHỔ ĐỘ

(Cửu Thập Niên)
TÒA THÁNH TÂY NINH
SỐ 29
Ngày 04/11/2015

Kính gửi: Ban Cai Quản 75 Họ Đạo trong Tỉnh Tây Ninh.

Ban Đại diện Hội Thánh Tỉnh Tây Ninh nhận nhiều phản ánh của Tín Đồ và các Ban Cai Quản Họ Đạo. Thời gian qua trong địa bàn Tỉnh Tây Ninh có nhóm người tự xưng "Bảo Thủ Chơn Truyền" đến các Họ Đạo tổ chức hành Lễ Tang, An Vi, Thượng Tượng, Cầu Kinh Giải Bệnh cho các gia đình Tín Đồ kém hiểu biết về luật Đạo, không thông hiểu nguyên tắc, thủ tục, hành chánh, Nghi Lễ đạo mà Hội Thánh qui định.

Thực hiện sự chỉ đạo của Hội Thánh Cao Đài Tòa Thánh Tây Ninh và căn cứ tinh thần phiên họp ngày 26 tháng 8 năm Ất Mùi (DL; 08-10-2015) của Ban Đại Diện Hội Thánh và 75 Ban Cai Quản Họ Đạo đồng thống nhất đưa ra các biện pháp ngăn chặn, giải tán các việc làm sai trái của nhóm người tự xưng " Bảo Thủ Chơn Truyền " như Sau:

1/- Các Ban Cai Quản, Chức Sắc, Chức Việc, Tín Đồ phát hiện nhóm người giả danh Người Đạo, Cao Đài Tòa Thánh Tây Ninh đến địa bàn tổ chức hoạt động Tôn giáo trái pháp luật, thì Ban Cai Quản Họ Đạo, Chức Việc đến giải thích cặn kẽ, tạo điều kiện giúp đỡ theo luật đạo, nếu không chấp hành cần báo ngay cho Chính Quyền địa phương (Báo cáo bằng Văn Bản) để được hỗ trợ về tính pháp lý và tư cách pháp nhân.

2/- Vận động, tổ chức lực lượng Chức Việc, Nhân Viên các Ban, Bộ của Đạo đến giải tán nhóm người nói trên bằng nhiều hình thức ngăn chặn, cương quyết không cho họ thực hiện

3/- Thông báo cho các Ban Cai Quản lân cận hỗ trợ về lực lượng, nhân Sự ủng hộ về tinh thần thể hiện mối đoàn kết trong đạo, theo sự hướng dẫn của Ban Đại Diện Hội Thánh Tỉnh Tây Ninh giúp nhau hoàn thành nhiệm vụ Hội Thánh giao và thực thi pháp Luật Đạo đã qui định cho Chức Sắc, Chức Việc trong phạm vi trách nhiệm.

4/- Cương quyết không để cho nhóm người tự xưng " Bảo Thủ Chơn Truyền " tổ chức các hoạt động Tôn giáo trái với Pháp Chánh Truyền và luật đạo làm ảnh hưởng sự uy nghiêm của Tôn Giáo Cao Đài.

Rất mong các Ban Cai Quản Họ Đạo, Chức Sắc, Chức Việc, và đồng Đạo đoàn kết, cùng nhau thực hiện tốt lời dạy của Hội Thánh và giữ gìn trật tự, kỷ cương, đem lại thương yêu, hòa ái, vẻ vang nền đạo cho thế hệ hiện tại và tương lai.

Nay kính

Tây Ninh ngày 02 tháng 9 năm Ất Mùi
(DL; 14-10-2015)

PHÓ BAN ĐTNP

Giáo Sư HƯƠNG LAN
PHÓ BAN CỤM 1

BAN ĐẠI DIỆN HỘI THÁNH

TỈNH TÂY NINH

Giáo Sư THÁI THỌ THANH
PHÓ BAN CỤM 3

Giáo Hữu THƯỢNG HỮU THANH Giáo Hữu NGỌC HÒA THANH Giáo Hữu THÁI TỔNG THANH

NƠI NHẬN

- Hội Thánh " Kinh Tường "
- Ban Tôn Giáo, UBMTTC, Công An Tỉnh Tây Ninh
- Phòng Nội Vụ, UBMTTC các Huyện, Thành Phố
- Vui lòng giúp đỡ
- 75 Họ Đạo " để thực hiện "
- Lưu VP

Mời gửi các xã, thị trấn phối hợp thực hiện theo nội dung Công văn này.

Hòa Thành, ngày 10/11/2015

Nguyễn Văn Khanh Bm