

Update on the Vietnamese Government's Persecution of An Cu Buddhist Temple in Son Tra District, Da Nang City, Vietnam

(1) General Information:

This report is an update of the 2017 religious incident report (previously submitted to the Special Rapporteur in May 2017 and resubmitted with the current report) on the persecution of An Cu Buddhist Temple and its congregation in Son Tra District, Da Nang City, Vietnam. The temple's abbot has steadfastly remained with the independent, persecuted Unified Buddhist Church of Vietnam (UBCV). A recent Son Tra District decision resulted in the November 9, 2018 date of forced eviction of the temple's abbot and immediate demolition of the temple.

In the past few years, the local government has been harassing the congregation and temple monks in various ways, including using security forces to deny entry to the temple on the days of major Buddhist celebrations, issuing invitations to individual adherents to report for interrogation in order to intimidate them and stop them from coming to the temple, among other tactics. The imminent seizing of the temple without proper compensation and other assurance to allow its replacement will ensure the disappearance of another independent Buddhist temple, thus serving the central government's strategy of placing all religious organizations under the Communist Party's control.

- 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: The congregation An Cu Temple and its abbot,.
- Location of the incident:
Area 49, An Hai Bac Ward, Son Tra District, City of Da Nang, Vietnam.
- Nationalities of the victims: All are Vietnamese citizens, main ethnic group (Kinh) of Vietnam.
- Country(ies) in which the incident took place: Vietnam
- Nationality(ies) of the victim(s): Vietnamese
- 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 be registered with the government. UBCV is an independent religious organization established before 1975. After 1975, many of UBCV's monasteries, temples, educational and charitable facilities were taken over by the government. The government has been persecuting UBCV in an attempt to seize its remaining temples. Temples are coerced to join the government-sanctioned Vietnamese Buddhist Sangha (VBS) established in 1981. Otherwise, the government persecutes using measures such as disrupting religious events, preventing adherents from attending events, requiring victims to come to police stations for interrogations, threatening them with imprisonment, etc.

(2) Identity of the Persons Concerned

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

1. Family name: Huỳnh; Middle name and first (given) name: Văn Côi
Religious name: Thích Thiện Phúc Denomination: UBCV
Place of residence or origin: An Hai Bac Ward, Son Tra District, Da Nang City.
Birth date: 1963 Gender: male
Nationality: Vietnamese - Ethnic Group: Mainstream Vietnamese (Kinh)
Person authorized to represent victim: Mr. B. and Boat People SOS (BPSOS)

2. Several members of the congregation

(3) Information Regarding the Alleged Violation

The district's plan for developing the An Cu 4 Residential Project calls for taking various land parcels in the community, including An Cu Temple's land. The government intended to get rid of the independent temple through offering an unacceptable compensation for the land, at less than 2% of the property's market value, making it impossible to rebuild an independent temple anywhere else within the congregation's reach (pp. 2 and 3 of the 2017 report).

The Decision of the People's Committee of Son Tra District of September 24, 2018 (See Evidence Addendum) indicated that they would take the land by force no later than November 23, 2018 (no mention of a more acceptable and fair compensation). Ven. Thien Phuc responded by posting a petition on his Facebook page (See Addendum) requesting the government to build a similarly sized temple before relocating him, or give him a parcel of land of the same size within the community while ensuring that the appropriate agencies issue the needed permits to build a new temple (again, letting him stay at the current temple until the other one is completed).

A recent Notice of the Committee for Forcible Measures of the District dated November 2, 2018 requested Ven. Thich Thien Phuc to be present at the temple site at 8:00 am on November 9, 2018, the date that the committee chose to take over the temple on behalf of the district government (see Addendum).

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

Are the perpetrator(s) known to the victim? Yes, they work for Son Tra District.

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

State agents, based on the evidence shown.

- 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.

1/ Mr. Nam Thành Nguyễn, Vice-Chair of the People's Committee of Son Tra District and Chair of the Forcible Measures Committee

2/ Ms. Thanh Tâm Thị Trần, Chair of the People's Committee of Son Tra District

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.).

Ven. Thien Phuc wrote a petition on his Facebook page requesting the local government to build a new temple of the same size to exchange for his current temple to be demolished, or to provide funding and permits for his construction of a new temple near the An Cu 4 Project.

- Were there any other steps taken? None.

- Steps taken by the authorities: None, because the government is the perpetrator.

(5) Identity of the person or institution submitting this form:

- Family name: withheld for security reason

- Given name: B. (member, Association for Advancing Freedom of Religion or Belief).

- Contact information: % BPSOS, 6066 Leesburg Pike, Falls Church, VA 22041, USA
Tel: 703-538-2190

Do you act with knowledge and on behalf of the victim(s)? Yes.

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

Date you are submitting this: November 3, 2018.

ADDENDUM- Evidence

- Translation of Notice of the Committee for Forcible Measures dated November 2, 2018, requesting Ven. Thich Thien Phuc (name at birth: Coi Van Huynh) to be present at the temple site at 8:00 am on November 9, 2018, as the Committee will demolish all the built structures in the process of taking over the site;
- Translation of Decision of the People’s Committee of Son Tra District, Da Nang City, of September 24, 2018, on forcibly taking the land of An Cu Temple no later than November 23, 2018;
- Translation of Petition of Ven. Thich Thien Phuc posted in October 31st, 2018 on his Facebook page in which he requested the government to consider 2 alternative compensation schemes and relocation schedules to make it possible to build a replacement temple of the same size in an accessible area of town;
- Recent photos of the temple and its vicinity.

PEOPLE’S COMMITTEE of SON TRA DISTRICT
Committee for Forcible Measures
No. 02/TB-BTHCC

SOCIALIST REPUBLIC OF VIETNAM
Independence-Liberty-Happiness
Son Tra, November 2, 2018

NOTICE

**Time Frame To Implement the Decision to Forcibly Take Back Land
being used by Mr. Coi Van Huynh, Parcel No. 116, Map No. 19, in An Hai Bac Ward
of Son Tra District, Da Nang City**

Pursuant to Decision No. 4514/QD-UBND of September 24, 2018 issued by the Chairperson of the People’s Committee of Son Tra District on taking back land being used by Mr. Coi Van Huynh, Parcel No. 116, Map No. 19, in An Hai Bac Ward of Son Tra District;

Pursuant to Decision No. 4526/QD-UBND of September 25, 2018 issued by the Chairperson of the People’s Committee of Son Tra District to establish the Forcible Measures Committee to take back land;

The Forcible Measures Committee of Son Tra District hereby notifies Mr. Coi Van Huynh that at **8:00 a.m. on November 9, 2018** we will be at your domicile, Parcel No. 116, Map No. 19, in An Hai Bac Ward of Son Tra District to implement Decision No. 4514/QD-UBND of September 24, 2018 issued by the Chairperson of People’s Committee of Son Tra District on taking back land as the law prescribes.

The Forcible Measures Committee of Son Tra District is notifying Mr. Coi Van Huynh and the appropriate agencies to implement the decision.

Recipients:

- As above
- People’s Committee of the District
- Forcible Measures Committee members
- File

**For The Committee for Forcible Measures
COMMITTEE CHAIR**

Nam Thành Nguyễn
Vice Chairperson of the People’s Committee



**PEOPLE'S COMMITTEE
SON TRA DISTRICT**
No. 4514/QD-UBND

SOCIALIST REPUBLIC OF VIETNAM
Independence-Liberty-Happiness
Son Tra, September 24, 2018

DECISION
To Forcibly Take Back Land
THE CHAIRPERSON OF THE PEOPLE'S COMMITTEE OF SON TRA DISTRICT

- Pursuant to the June 19, 2015 Law on the Organization of the Government;
- Pursuant to the November 29, 2013 Land Law;
- Pursuant to the Central Government's Decree No. 43/2014/ND-CP of May 15, 2014 which provides guidance on the implementation of a number of provisions of the Land Law;
- Pursuant to the Central Government's Decree No. 47/2014/ND-CP of May 15, 2014 which provides guidance on compensation and assistance for relocation when the government takes back land;
- Pursuant to the Central Government's Decree No. 01/2017/ND-CP of January 6, 2017 which amends or supplements a number of decrees guiding the implementation of the Land Law
- Pursuant to Circular No. 30/2014/TT-BTNMT of June 2, 2014 issued by the Minister of Natural Resources and the Environment to prescribe documentation for allocating land, leasing land, changing land use, and taking back land;
- Pursuant to Decision No. 15/2017/QD-UBND of April 10, 2017 issued by the People's Committee of Da Nang City on promulgating regulations on the process and procedures for taking back land and compensating, aiding, and relocating those affected by the government's decision to take back land in Da Nang City;
- Pursuant to Decision No. 2473/QD-UBND of April 18, 2006 issued by the People's Committee of Da Nang City on amending the overall size of the An Cu 4 Residential Project;
- Pursuant to Decision No. 1175/QD-UBND of March 13, 2014 issued by the People's Committee of Son Tra District on taking back land and turning it over to the Management Committee of the Bach Dang Dong Project aiming to build the An Cu 4 Residential Project;
- Considering the Office of Natural Resources and the Environment's recommendation document No. 368/TT-Tr-TNMT dated July 12, 2018;

HEREBY DECIDES

Measure 1: To forcibly take the land being used by Mr. Coi Van Huynh, Parcel No. 116, Map No. 19, in An Hai Bac Ward of Son Tra District for failing to comply with Decision No.1175/QĐ-UBND of March 13, 2014 issued by the People’s Committee of Son Tra District on taking back land and turning it over to the Management Committee of the Bach Dang Dong Project aiming to build the An Cu 4 Residential Project.

The forcible land confiscation time frame shall be: September 24 - November 23, 2018

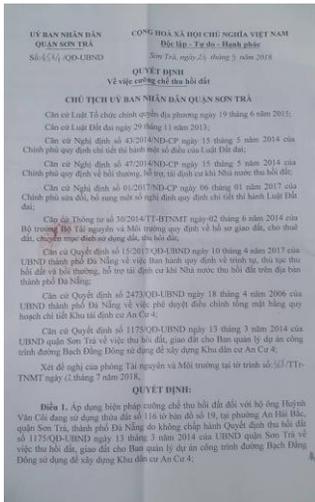
Measure 2:

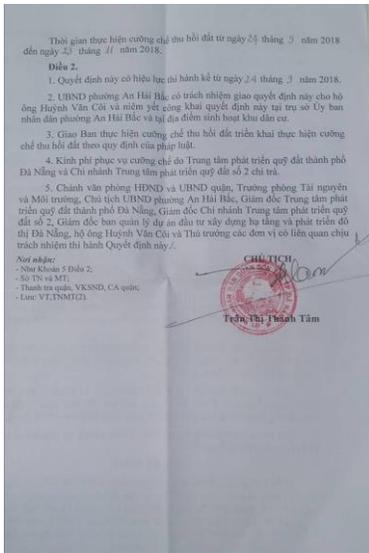
1. This decision is effective on September 24, 2018.
2. The People’s Committee of An Hai Bac Ward shall deliver this Decision to Mr. Coi Van Huynh’s household and post it in the ward’s government center and the location for residents’ civic activities.
3. The Committee for Forcible Measures shall implement the eviction and other measures prescribed by law.
4. Implementation costs shall be paid by the Center for Developing Da Nang City’s Land Assets and its No. 2 Branch Office.
5. The heads of the executive offices of the People’s Council and People’s Committee of the district, the Chief of the Office of Natural Resources and the Environment, the Chairman of the People’s Committee of An Hai Bac Ward, the Director of the Center for Developing Da Nang City’s Land Assets, the Chief of Branch No. 2 of the Center for Developing Da Nang City’s Land Assets, the Director of the Committee for Managing the Development of Da Nang City’s Infrastructure and Urban Development, Mr. Coi Van Huynh’s household, and the heads of other appropriate organizations shall implement this Decision.

Recipients:

- Per Bullet 5 of Measure No. 2
- Office of Natural Resources and the Environment
- District: Inspector General, Procuracy, Police
- Files: Documents, N. Resources & Envir. (2)

CHAIRPERSON
Thanh Tâm Thị Trần
 (signed, sealed)





MONK THICH THIEN PHUC ON THE GOVERNMENT’S DECISION TO TAKE BACK THE LAND OF AN CU TEMPLE IN SON TRA DISTRICT OF DA NANG CITY (October 2018 Facebook post)

I, Cui Van Huynh, religious name: Thich Thien Phuc, currently residing in An Cu Buddhist Temple, previously Cluster No. 171 and currently Cluster No. 80, An Hai Bac Ward, Son Tra District, Da Nang City, would like to submit to you, the senior government officials, my petition related to your taking back the land to turn it over to the Management Committee of the Bach Dang Street Project aiming to build the An Cu 4 Residential Project.

Senior government officials leading the various levels of government: Considering that this project is an ordinary residential development project and not a major Ministry of Defense project or one of national scope, relocating us within the community is possible. We will relocate for the sake of the city’s wellbeing and development. Still, we submit the following petition:

ALTERNATIVE ONE

- We will not sell the temple’s land
- We will not accept compensation, either monetary or in the form of another land parcel elsewhere
- We will not relocate immediately. Give us a replacement parcel of the land in the same area on Vuong Thua Vu Street of the same size, 317.8 square meters, as the current temple, and build for us another temple of the same size as recorded in your assessment document. Once the temple is built, please issue us the permit to use the land and the property situated on it. At that time we will hand over our current permit and proceed to hand over the current site before relocating.

ALTERNATIVE TWO

- If you prefer that we build the new temple, please give us an equivalent parcel as previously described. The Office of Natural Resources and the Office of Construction should issue to us the land use permit and construction permit to enable us to have the new temple built. Please ensure that we will have sufficient time to complete

construction in view of potential risks and let us put up the sign plate as currently displayed in our current temple. At that time we will turn over the current site.

If the government would not choose either alternative, please notify me 15 days before the forcible eviction to allow me time to pack my clothes and other personal items. On the eviction day, I will willingly leave the temple to the government. Please allow me to witness the demolition of the temple. Afterwards, I will find a place to stay.

May you all enjoy good health.

Petitioner:

CÔI VĂN HUỖNH (Monk Thích Thiện Phúc)

TÂM TÌNH CỦA THẦY THÍCH THIÊN PHÚC VỀ VIỆC NHÀ CẦM QUYỀN THU HỒI ĐẤT CHÙA AN CƯ - QUẬN SƠN TRÁ, THÀNH PHỐ ĐÀ NẴNG.

Tôi tên Huỳnh Văn Côi, Đạo hiệu Thích Thiện Phúc. Hiện trú tại Chùa An Cư, Tổ 171 nay là tổ 80 Phường An Hải Bắc, Quận Sơn Trà, Thành phố Đà Nẵng. Tôi kính trình đến các cấp lãnh đạo kiến nghị về việc thu hồi đất. Giao cho ban quản lý dự án công trình đường Bạch Đằng sử dụng để xây dựng khu dân cư An Cư 4.

Thưa quý ông bà lãnh đạo thuộc các cấp chính quyền. Xét rằng dự án trên không phải là một dự án quan trọng thuộc bộ Quốc phòng hay các dự án có tầm cỡ của Quốc gia. Mà chỉ là một dự án khu dân cư bình thường. Vì vậy, yêu cầu tái định cư tại chỗ là điều khả thi. Vì sự an sinh và phát triển của thành phố, vì sự tọa lạc của chùa An Cư chúng tôi, chúng tôi sẽ ra đi nhưng chúng tôi kiến nghị:

THỨ NHẤT:

- Chúng tôi không bán đất Chùa.
- Chúng tôi không nhận tiền đền bù, không nhận đất ở nơi khác.
- Chúng tôi Không chấp nhận đi đến địa phương nơi khác. Hoàn đổi đất và tái định cư tại chỗ đường Vương Thừa Vũ cho Chùa một lô đất bằng tổng diện tích đất mà Chùa bị thu hồi là 317,80m2. Lãm lại chùa tương đương với diện tích đã được đo đạc như trong bản kiểm định. Sau khi xây dựng xong cấp quyền sở hữu sử dụng đất và tài sản gắn liền trên đất, thì chúng tôi sẽ trao quyền sở hữu sử dụng cũ và tiến hành bán giao mặt bằng về nơi ở mới.

THỨ HAI:

- Nếu muốn chúng tôi tự định đoạt thì phải cấp lại đất tương đương cũng như trên, số tài nguyên và số xây dựng phải cấp giấy quyền sử dụng đất và giấy phép xây dựng để chúng tôi tiến hành làm lại nơi mới, phải bảo đảm thời gian chung tôi xây dựng lại kéo tránh những bất trắc có thể xảy ra, đồng thời treo bảng Chùa như cũ. Chúng tôi sẽ bán giao mặt bằng.
- Trường hợp không giải quyết được, nếu cưỡng chế thì chính quyền thông báo cho tôi biết trước 15 ngày để tôi dọn xếp y phục và dụng cụ cá nhân. Đến ngày cưỡng chế khi chính quyền đến chúng tôi tự đi ra và giao Chùa cho chính quyền định đoạt, cho chúng tôi xem cảnh phá Chùa. Xong chúng tôi đi tìm nơi tá túc.

Kính chúc Quý Ngài Sức Khỏe. Người kiến nghị kính trình.
HUỖNH VĂN CÔI (Tỳ-kheo Thích Thiện Phúc)



Photo #1: Abbot Thich Thien Phuc outside the meditation hall.



Photo #2: Urban redevelopment construction has started around the temple, making it difficult to conduct religious activities.