

Response to UN Human Rights Committee's List of Issues  
and Vietnam's Replies  
Third Periodic Report review  
(CCPR/C/VNM/3)

Jointly prepared by:  
Boat People SOS, Buddhist Solidarity Association, Defend the Defenders,  
Association of Con Dau Parishioners, Montagnard Evangelical Church of  
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## INTRODUCTION AND EXECUTIVE SUMMARY

Boat People SOS, Coalition to Abolish Modern-day Slavery in Asia (CAMSA), Defend the Defenders, Buddhist Solidarity Association, Association of Con Dau Parishioners, Montagnard Evangelical Church of Christ, and Junior Sacerdotal Council of Cao Dai Religion jointly submit these replies to the List of Issues (LOIs) published by the UN Human Rights Committee on August 16, 2018 in relation to the third periodic report of Viet Nam on its implementation of the International Covenant on Civil and Political Rights. Our replies specifically address the following issues:

- Freedom of conscience and religious belief, Paragraphs 17 and 18
- Freedom of expression and the right to privacy, Paragraphs 19 and 20

### **Freedom of conscience and religious belief (arts. 2, 18, 26 and 27)**

#### **Contributions to Paragraph 17 of the LOIs:**

1. The Government of Vietnam has heralded its Law on Belief and Religion, which became effective January 1, 2018, to represent a major step towards in expanding the right to religious freedom for its citizens. The new law creates greater space and reduces barriers for recognized religions and sects to conduct religious activities and/or operations. However, this law further restricts the available space for followers of unrecognized religions and members non-registered churches to manifest their faith. The law has opted for severely restrictive definitions of religious believers and clerics that practically exclude all non-registered, unrecognized religions and/or sects. Its vague language enables local authorities to arbitrarily interpret the law to violate freedom of religion or belief. After the law took effect, incidents of forced renunciation and forced conversion of faith appear to be on the rise.
2. Considering that the Government has routinely used certain recognized religious organizations to suppress unrecognized religions and un-registered churches that it deems undesirable, the new law practically strengthens the Government's non-state instruments at the expense of independent religions and churches. Without a good understanding of this reality, casual observers may perceive that in the balance there have been some improvements while in fact the situation has become worse for many non-registered churches and unrecognized religions or sects. Following are some of the Articles in the new Law on Belief and Religion that may have contributed to the deteriorating conditions for many independent religions and churches.
3. Article 1 restricts the definition of "religious believer" to a person who believes in and follows a religion and is recognized by a religious organization of such religion. The same article defines religious organization as a grouping of believers which is organized according to a given structure recognized by the State to conduct religious activities. In other words, adherents of most religious communities, sects, and organizations that are not recognized by the government would not qualify as "religious believers" under the new law. Similarly, the Law on Belief and Religion defines:
  - "Monastic" as a believer who leaves his home to regularly lead a private life in accordance with dogmas, canon laws, and rules of a religious organization;
  - "Dignitary" as a believer who is ordained or designated by a religious organization to hold a religious title in such organization;
  - "Functionary" as a person who is appointed, elected or designated by a religious organization, a subordinate religious organization, or an organization which has been

granted certificate of religious activity registration, to a religious position in the organization.

4. Such restrictive definitions may be used as the basis for local authorities to bar members of unrecognized religions or un-registered churches from conducting religious rites even in their private homes unless they are officiated by dignitaries of a religion or sect recognized by the government.
5. On June 11, 2018 Cao Dai follower Mr. Nguyen Van Huy of 223B, Residential Cluster 6, Residential Zone 4, Town of Vinh Binh (Go Cong Tay District) submitted a request to the People's Committee of the Town of Vinh Binh to offer his home for impoverished Cao Dai families that could not afford to host memorial services for their deceased relatives. Mr. Huy's request included asking for the approval for a number of other Cao Dai Religion adherents and dignitaries to join and assist in conducting the prescribed ritual. The people's committee, in its July 5, 2018 response, rejected the request, citing Clause 1 of Article 16 (registration of religious activities for recognized religious organizations), implying that the request was denied because the Cao Dai Religion was not recognized by the Government. Similarly, in June 2018, Mr. and Mrs. Nguyen Huu Thiet, residents of Ward 2, Town of Go Cong, were convened to the local people's committee where they were ordered to stop letting others conduct religious rites at their home. Prior to that, the couple had offered their house to fellow followers of the Cao Dai Religion who did not have the proper religious setup at home (e.g., a complete altar) to conduct the nine-cycle post-burial rites for deceased family members.
6. Clause 2 of Article 16 (registration of religious activities for unrecognized religious groups) is even more problematic. It states that members of a non-registered religious organizations are entitled to registration of religious practice gathering on the condition that *"...the name of the religious practice gathering group is not identical to the names of religious organizations or organizations which have been granted certificates of registration of religious activities, or names of political organizations, socio-political organizations, or names of famous persons and national heroes."* This clause would make it practically impossible for followers of the Cao Dai Religion to get approval to conduct religious activities.
7. In 1978, the Government dismantled the sacerdotal structure of the Cao Dai Religion. With official name as Third Universal Amnesty Great Way of God, this religion was established in 1926 and had some 3 million followers. On May 9, 1997, by Decision No. 10/QD/TGCP, the Government established a new sect and accorded it legal status under the name "Third Universal Amnesty Great Way of God Cao Dai Tay Ninh" – the epithet "Cao Dai Tay Ninh" identifies that the new entity was a sect, and not the religion itself. The new Sect dissociates itself from spiritism, which is the fundamental tenet of Cao Dai Religion. The Government transferred most property, including the Tay Ninh Holy See, of the Cao Dai Religion to this newly established sect. Then in 2007, the Government approved the Sect's name change to "Third Universal Amnesty Great Way of God (Cao Dai Tay Ninh Holy See)". By putting the epithet "Cao Dai Tay Ninh" in parentheses (and adding "Holy See" to it), the name change apparently was intended for the new sect to pass for the Cao Dai Religion. Clause 2 of Article 16 would allow local governments to ban all religious activities, in public or in private, of followers of the original Cao Dai Religion unless they abandon their faith and convert to the new sect.
8. Article 17 (Process, procedure and approval authority for registration of religious practice gathering) specifies that a group of religious followers that is not a recognized religious organization must register their religious activities with the local commune-level people's committee and provide "documents proving to have the lawful premises for religious practice".

According to Article 1 (Definitions), “lawful premises” means land, residential house, or construction work which an organization or individual has the lawful right to use in accordance with the law. However, certain local authorities appear to have interpreted “to have lawful premises for religious practice” as the registrant must not only have lawful right to use the premises but also get government approval for using these premises specifically for religious activities. Consequently, there have been instances of religious activities in private homes that were previously allowed but are now outlawed under the new law.

9. On May 15, 2018, the People’s Committee of Lien Trach Commune, Bo Trach District, Quang Binh Province issued Notice No. 41/TB-UBND banning prayer service at the private home of Mr. Dinh Xuan Ngoc for “conducting religious activities at a location non-compliant with the regulations,” citing Article 17, among other articles, of the Law on Belief and Religion. Mr. Ngoc is a member of the Yen Giang Parish, a community of approximately one thousand Catholics, mainly farmers living in extreme poverty and having low education. This rural area has few accessible roads and therefore many parishioners cannot easily attend church. Since 2014, the Parish Priest, Reverend Cao Duong Dong, had regularly made home visits and conducted prayer service at the home of the elderly, those with disabilities, and those without means of transportation. This all changed under the new law as interpreted by the local authorities.
  
10. The government has since 2013 taken measures to force the monks and followers at Dat Quang Temple in Ba Ria – Vung Tau Province to join the government-sanctioned Buddhist Church of Vietnam.<sup>1</sup> In February 2014 Ven. Thich Vinh Phuoc, the temple’s Abbot, laid the foundation for a temporary wooden structure that would serve as living quarters for the clergy. Public security officers came, dismantled the structure and seized all the lumber; only the foundation was left. On October 6, 2015 the government mobilized approximately 300 of its personnel including public security, fast-response police, border control public security, plain-clothed officers passing for thugs... to dismantle the foundation. In 2016, the government-controlled Buddhist Church of Vietnam sued Ven. Thich Vinh Phuoc, claiming that it owned Dat Quang Temple. On January 26, 2018 the People’s Court of Appeal had to dismiss the lawsuit as the plaintiff could not produce evidence of ownership. However, the People’s Court decided that as Dat Quang Temple no longer belonged to the government-sanctioned Vietnam Buddhist Sangha, it had no recognition or legal status as religious edifice. Based on that decision, on October 19, 2018 the local government sent in workers to remove the statue of Buddha that had been situated on the ground of the temple for years, reasoning that Dat Quang Temple had not yet been approved for religious practice.
  
11. The new Law on Belief and Religion apparently emboldened some registered religious organizations to infringe on the rights of non-registered ones. What happened to the **Hoa Loc Cao Dai Temple** in Hoa Phu 2 Hamlet, Dinh Thuy Commune, Mo Cay Nam District, Ben Tre Province, is an example. This temple was built in 1955 by a follower of the original Cao Dai Religion on the land of his family. After his passing away in late 2014, his daughter Ms. Vo Thi Hien became the de facto custodian of the temple. For years the Cao Dai Tay Ninh Sect had tried to claim ownership of this temple. On September 25 officials of the commune (the Deputy Communist Party Secretary, the Chairman of the People’s Council, the Vice-Chairman of the People’s Committee, the Chairman of the Fatherland Front Committee, the Chief of Police, and the Chairperson of the Cultural and Social Committee) told Ms. Hien that the temple, for not submitting itself to the government-recognized Cao Dai Tay Ninh Sect, could not be considered a religious place; she therefore must take down the plaque displaying the name of the temple, which had been there since 1955. She was also told to take down the Cao Dai Religion’s flag which Cao Dai followers had used since 1926, and stop inviting Cao Dai followers to the temple,

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<sup>1</sup> Id.

including those who had gone to this temple for decades. These officials also instructed Ms. Hien that all religious activities conducted at the temple must be approved by the provincial representatives of the Cao Dai Tay Ninh Sect. On January 6, 2019, ignoring this order 25 Cao Dai adherents conducted religious ceremony at the Hoa Loc Temple. The representatives of the local government and clergy members of the Cao Dai Tay Ninh Sect came to stop them, explaining that the Cao Dai adherents must submit themselves to the Cao Dai Tay Ninh Sect in order for their religious rites to be approved. The intruders issued a threat: "Trouble will befall this temple unless you comply with our orders".

12. Many other Cao Dai temples are facing the same threat such as the Nam Hoai Nhon Cao Dai Temple and the An Ninh Tay Cao Dai Temple. Many Cao Dai temples have been successfully taken over, including with the use of violence and the support of government authorities, by the Cao Dai Tay Ninh Sect, such as Saigon Cao Dai Temple (April 14, 2005), Dinh Quan Cao Dai Temple (December 27, 2009), Phu My Cao Dai Temple (September 16, 2012), Long Binh Cao Dai Temple (July 3, 2013), and Phu Thanh A Cao Dai Temple (March 20, 2017). Cao Dai Religion followers at these temples may only return to their places of worship if they join the Cao Dai Tay Ninh Sect. Conditioning the continued existence of the Hoa Loc Temple and many other temples of the Cao Dai Religion and subjecting religious activities of followers on their submission to a different faith (the 1997 Cao Dai Tay Ninh Sect) is tantamount to forced conversion of faith, a gross violation of Article 18 of the ICCPR. The new Law on Belief and Religion may accelerate the elimination of an entire religion that was established almost a century ago.
13. When Vietnam's National Assembly sought comments for its draft of the Law on Belief and Religion, many religious organizations and civil society organizations in Vietnam had submitted their comments, including:

*"We note that this item, '...a believer is an individual who believes in a religion and who is recognized by a religious organization as a member', has imposed a two-tiered prerequisite for a person to be recognized as a believer. Thus, the government's indirect recognition dictates who can or cannot be a believer. Consequently, the words "recognized by the State" in Item 10, Article 3 will insidiously abrogate religious rights in violation of international covenants on religion." (Vinh Diocese)*

*Please be advised that Item 1 of Article 18 of the International Covenant on Civil and Political Rights (ICCPR) states that: "This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." Item 2 of Draft 4's Article 2 restricts religious freedom to: "practice their religion at home and in legal places of worship". (Vinh Diocese)*

*The limitation of expression of religious rights of the ICCPR does not include acts considered to "harm national security." ICCPR Item 3, Article 18 stipulates: "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others". Thus, penalties for "harming national security" should not be part of the Law on Religion and beliefs. (Vinh Diocese)*

*The [draft law] sets up very narrow definitions of beliefs, religions, believers, clergy members, belief-based activities, religious activities, etc. (article 3, dLRB4) and avoids recognizing explicitly the right to "have or adopt a religion or belief of her/his choice" as an absolute human right. With these definitions, the dLRB4 will continue to discriminate and screen out*

*many beliefs or religions, no matter with a long historical legacy or newly founded. (Group of Hoa Hoa Buddhists)*

*The [draft law] legalizes the system of permits and administrative controls to harass beliefs or religions. Firstly, the threefold registration system: 'registration of religious activities', 'registration of religious operations' and 'registration of religious organizations' (article 12, 13, 17 dLRB4), is the way to screen out many beliefs or religions based on the very narrow definitions in article 3 dLRB4, and drive many of them into illegality, regardless whether they are not willing or not allowed to register. (Group of Hoa Hao Buddhists)*

*[The draft law] is based on the tactic of whittling down the status of the Cao Dai adherents so that they could no longer be regarded as adherents for lack of a religious organization. The draft law deprives adherents of religions of their religious structure and foundation, thus causing them to drift aimlessly without hope. This is a very devious noose intended to strangle the Cao Dai Religion to death. (Popular Council of Cao Dai Religion)*

*Freedom of religion is universal and inalienable. It is a right, not a favor, and therefore one needs not ask for it. Draft 4 will abruptly turn this right into a favor that the government may choose to grant. Freedom of religion will be determined by the government's recognition of religious organizations. This is an unethical requirement. (Popular Council of Cao Dai Religion)*

*[The draft law] contains many provisions intended solely to benefit the government (e.g., Article 9 and other articles specifying required registrations) while neglecting the people's interests and skirting the legal personality status of religious organizations. (Vietnamese Conference of Catholic Bishops)*

*[The draft law] does not conform to the UN Universal Declaration of Human Rights (Article 18) and the SRV's Constitution as amended in 2013 (Article 24). We found that Draft 4 represents a step backward relative to the Ordinance on belief and religion of 2004. Draft 4 would create many burdensome procedures and many restrictive mechanisms that will hamper religious operations and activities. (Vietnamese Conference of Catholic Bishops)*

*[The draft law:] continues to apply the asking-giving system in which too many kinds of applications are required for the purpose of controlling, restraining and cornering the religions, limiting the religion freedom more strictly... [and] contains a lot of contradictory articles, especially these articles contradict the International Covenant on Civil and Political Rights (Article 18) and contradict the Constitution of Vietnam (Article 24). (Vietnam Interfaith Council)*

14. Most of the public comments were compiled into an open letter to the Speaker of Vietnam's National Assembly.<sup>2</sup> It was endorsed by 67 Vietnamese and international civil society organizations. Apparently, the Government of Vietnam called for public comments but disregarded most of them.
15. Recommendations: We respectfully recommend the following amendments to the Law on Belief and Religion:
  - (1) The definition of a religion should be made consistent with Article 18 of the International Covenant on Civil and Political Rights (ICCPR). In the current draft, a religious organization has been defined as "a group of people ... which is recognized by the government" (our

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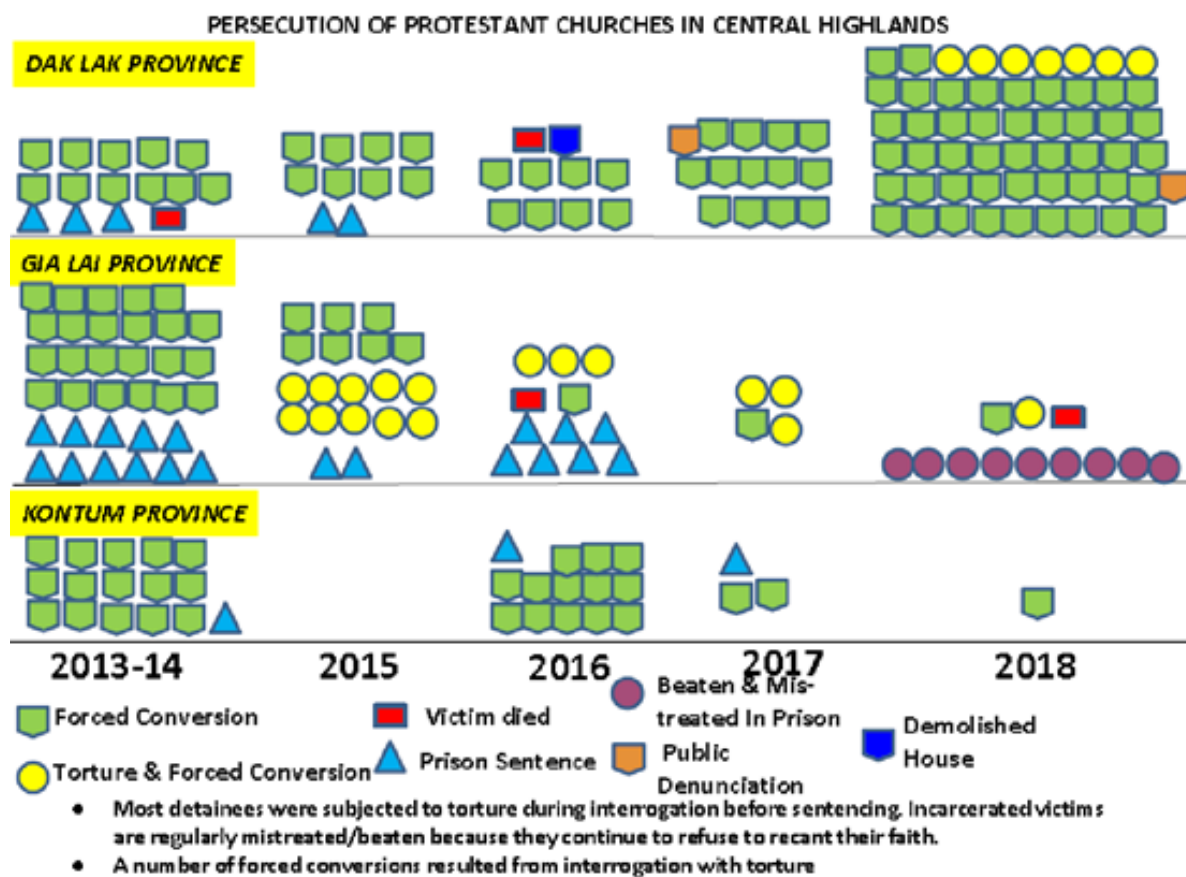
<sup>2</sup> "Open letter to the President of the Vietnam National Assembly on Vietnam's draft Law on Belief and Religion," available at <http://dvov.org/wp-content/uploads/2019/01/2016.09.28-Open-Letter-to-the-Vietnam-National-Assembly-with-67-signatures.pdf>

emphasis) (Article 2.13). This leaves members of religious organizations who cannot or choose not to register with the authorities in a legal limbo, with no legal safeguards for conducting religious activities;

- (2) Registration with the government should not be made a prerequisite for the exercise of freedom of religion or belief. The onerous and complex registration process requires approval from the authorities for religious activities, operations and status as an organization. The guarantees outlined in Article 18 of the ICCPR are independent of and cannot be conditioned on any domestic process of notification, authorisation, recognition or registration;
- (3) The law must not allow officials to arbitrarily interfere in the internal affairs of religious organizations. Provisions in the law allow the authorities to interfere excessively in the internal decisions, appointments, training, teachings and programmes of religious organisations. Limitations on the manifestation of freedom of religion or belief must never exceed in either purpose or scope those permitted in article 18(3) of the ICCPR. As the UN Special Rapporteur on Freedom of Religion or Belief, Dr. Heiner Bielefeldt, said after his visit to Vietnam in 2014, "...registration should be an offer by the State but not a compulsory legal requirement";
- (4) Ambiguous and potentially discriminatory language should be removed. The draft law contains ambiguous language regarding "good traditional cultural values" and "sowing division" that could be used to discriminate against ethnic and indigenous minorities, independent groups and those whose religion or belief is seen as "foreign";
- (5) Provisions should be made to establish legal channels and mechanisms for people to file complaints, and have those complaints independently investigated and acted on, in cases of alleged violations of the right to freedom of religion or belief.

### **Contributions to Paragraph 18 of the LOIs:**

16. Despite Vietnam's outright denial that the use of torture, arrest and imprisonment to force followers of unrecognized religions or members of un-registered churches to renounce their faith had ever occurred, the following chart paints a different picture. It summarizes violations of freedom of religion or belief of Montagnard Christians in the Central Highlands that have been reported to the UN Special Procedures from 2013 to 2018 (See Appendix 1). Accordingly, there have been 25 instances of torture, 4 extrajudicial killings, over 30 imprisonment cases, 150 reports of forced renouncement of faith, and 4 detentions exceeding a month without warrants. In 2018, the number of incidents of forced renunciation of faith spiked in Dak Lak Province, and so did the number of incidents of reporting beating and mistreatment against Montagnard Christians in prison in Gia Lai Province.



**Figure 1. Religious Freedom Violation Incidents Reported by Victims (submitted to UN Special Procedures) –references are listed at the end of this report.**

*Note: Each symbol represents an individual being persecuted on a specific day, or the same individual on a different day, or a different individual on the same day – this characterization facilitates comparing the persecution severity among different provinces.*

17. The persecution against Montagnard Evangelical Church of Christ (MECC) serves as an illustrative example. Founded in 2009, this network of house churches had a membership of some 1,500 in 2016. This number plummeted to just over 100 in 2018 due to forced renunciation or conversion of faith. In 2016, the Government arrested Pastor A Dao, the head of MECC, after his return from a conference on freedom of religion or belief held in East Timor. He was sentenced to 5 years for "helping individuals to escape abroad illegally", a charge he denied. Throughout 2017, the provincial governments in the Central Highlands sent public security police to the house of each MECC pastor and deacon, ordering them to sign a pre-written statement to renounce their faith. The public security police also threatened followers with imprisonment if they did not leave MECC. The attack on followers of MECC intensified soon after the new Law on Belief and Religion took effect. On January 12, 2017 the public security police of Gia Lai Province issued an arrest warrant against Pastor A Ga, the founder of MECC, again on the fabricated charge of "organizing, forcing others to escape abroad or to stay abroad illegally". At the time Pastor A Ga was seeking asylum in Thailand with his wife and son; they all had been recognized as refugees. For their safety, the office of the UN High Commissioner for Refugees relocated them to the Philippines. They arrived in the United States on September 25, 2018.

18. On January 12, 2018 Pastor Ksor Sun from Jung Hamlet, Ea Yong Commune, Krong Pac District was ordered to report to the Ea Yong Commune Government Center, where 6 policemen



interrogated him about his activities in the MECC and the calendars printed by MECC. He was told that as MECC had not been recognized by the government, it had no right to print the calendar bearing its logo. They also told Pastor Ksor Sun to leave MECC. In the following days the public security police went to the house of all MECC followers to confiscate MECC-produced calendars. On October 3, officers from the police units of the province, district, commune, and village, and the chief of Ea Yong Commune assembled villagers for a public denunciation session, where Pastor Ksor Sun was condemned, in his presence, for unlawful religious activities. Police officers introduced a number of local residents, including a government employee, to denounce Ksor Sun for not leaving the banned church to join an approved church. Senior Lt. Colonel Nguyễn Vinh of DakLak Province's PA 90 (security) police branch stated that the government shall punish all MECC followers pursuant to the law.

19. On October 04, 2018 Pastor Y Nuen Ayun and Evangelist Y Jon Ayun from Puan B Village, Ea Phe Commune, Krong Pac District, Dak Lak Province were ordered to participate in a meeting of villagers that the government had convened. Many police officers from the police units of the province, district, commune, and village were there. The police ordered the two to be criticized in public, and police officers began to humiliate them verbally. The Chief of Ea Phê Commune Police said that his office would render the victims and their families stateless through not renewing the two men's household registration cards when they expire. Fearing police reprisal, Evangelist Y Jon Ayun went into hiding shortly thereafter. In late 2018, the public security prohibited the celebration of Christmas for MECC followers at three locations in Dak Lak Province: Ea Khit Hamlet, Ea Bhok Commune, Cu Kuin District; Kmleo Hamlet, Hoa Thanh Commune, Ban Me Thuot City; Kmrong B Hamlet, Ea Tu Commune, Buon Me Thuot City.
20. In recent years, the authorities in Gia Lai, Kon Tum and Dak Lak Provinces have closed down at least seven Montagnard churches:
  - In 2014, the authorities of Chu Pah Commune, Cheo Reo District, Gia Lai Province burned down the Plei Monu village church belonging to Bahnar adherents.<sup>3</sup>
  - In 2014, the local authorities burned a Jarai ethnic church located in Plei Treng Village, Ia Pair Commune, Phu Thien District, Gia Lai Province.
  - On January 17, 2015, a worship chapel of Dà Jak Village, Dak Mol Commune, Dak Glei District, Kon Tum Province was demolished by the local authorities of Dak Glei District.
  - In late 2015, Buon Kroa C house church was shut down by the local authorities of Cuor Dang Commune, Cu Mgar District, Dak Lak Province.
  - Buon Ea Khit village church was shut down on July 12<sup>th</sup>, 2017 by the local authorities of Ea Bhok Commune, Cu Kuin District, Dak Lak Province.
  - A house church of Buon Kroa B villagers was shut down on September 26, 2018 by the local authorities of Cuor Dang Commune, Cu Mgar District, Dak Lak Province.
  - Buon Cuor Dang Evangelical Church was shut down in October 2018 by the authorities of Cu M'Gar District, Dak Lak Province.<sup>4</sup>
21. Responding to the LOI item on expropriation of land of religious organizations and communities, the Government of Vietnam claims that "certain religious organizations and individuals did not comply with the policy of removing religious facilities for the interest of economic and social development in the locality. Instead, they committed acts in attempt to incite petitions and demonstration, adversely affecting the life and business of people." It cited general policy and

<sup>3</sup> <https://canadafreepress.com/article/vietnam-burned-montagnard-christian-church-and-four-christians-need-urgent->

<sup>4</sup> <https://www.persecution.org/2018/10/12/montagnard-house-church-central-vietnam-faces-shutdown/>

aggregate statistics instead of addressing specific cases. The following sample of specific cases warrant detailed and concrete answers from the Vietnamese government.

22. **Vuon Rau Loc Hung (Loc Hung Vegetables Garden):** Located in Tan Binh District, HCM City, this community has been targeted by the government for land expropriation for almost two decades. On January 4 and then January 8 of 2019, the government of Tan Binh District, HCM City mobilized hundreds of members of the public security and demolition workers to destroy an entire Catholic community that had existed since 1954 and that in recent years served as sanctuary for at-risk human rights defenders and victims of government persecution. This community started out as a settlement area for mostly Catholics who migrated South from North Vietnam as part of the 1954 Geneva Accord. The community is part of the Loc Hung Parish and most families in this community earned their living by growing vegetables that they sold at local markets. On December 29, 2018, the People's Committee of Tan Binh District notified community members of the decision to dismantle all structures erected without permission after January 1, 2018. On January 4, 2019 hundreds of police officers escorted a large contingent of demolition workers using bulldozers to demolish two homes. On January 8, they returned to complete the demolition of all remaining homes, estimated at some 500, including those built prior to 2018.<sup>5</sup> The entire community was destroyed. The demolition workers also uprooted all the vegetables, plants and trees that were the source of livelihood of community members. The police detained about ten persons who attempted to protect their homes. Reacting to public outcry, on January 9 the government issued an official statement affirming that its policy was not to expropriate land, only to remove structures illegally built. However, the following day the government cleared the land and posted a billboard indicating that all 4.8 acres of land had been rezoned for a new school complex. Allegedly the government had bypassed the process of consultation and compensation negotiation with the residents as required by law and ignored that most of this land is property of the Catholic Archdiocese of HCM City.
23. On January 8, at 5:30am Cao Ha Truc, a resident of Vuon Rau Loc Hung and a key organizer of demonstrations against land grab, was abducted as he walked out of his home. Police officers in civilian clothes covered his head with a black plastic bag. He was taken to an unknown location where the interrogators coerced him into admitting to disturbing public order. One of them hit him in the face and on his head as he insisted that he only demonstrated against expropriation of land. He was left without food. At around 8:00pm he was moved by car to another location, his head again covered with a hood. Later he recognized this new place to be the police station of Ward 10, Tan Binh District. At 2:00am the police again forced him to admit to disturbing public order but Truc did not yield to intimidation. Thirsty, he asked for water but was denied. By 2:30am of the following day he was released along with a fellow community member who had also been arrested; when Truc arrived back at the community he found his home as well as all other homes in the community razed to the ground. On January 16, the Police Department of HCMC declared that they were consolidating evidence to criminally prosecute some 20 Loc Hung Vegetables Garden dwellers for obstructing officials on duty. A few days later, the authorities announced the names of 6 suspects that they would prosecute. Apparently, this move was designed to target influential community members deemed by government authorities to be leaders in the fight against land grab.

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<sup>5</sup> "Vietnam demolitions pit Catholic Church against authorities", The Sydney Morning Herald, 18 January 2019, available at: <https://www.smh.com.au/world/asia/vietnam-demolitions-pit-catholic-church-against-authorities-20190118-p50s7x.html?fbclid=IwAR1EoEarGPiYAP6v0Z2bQX79eJKDcj8aYNfwgAKWaezhFWpU8fUllqn4yds>

24. **Con Dau Parish, Da Nang City:** At the time of our submission of the joint report for ICCPR Review,<sup>6</sup> the Government of Da Nang City was temporarily suspending its expropriation of lands from the remaining some 100 household of Con Dau parishioners. This suspension was partially motivated by strong international condemnation, including from the UN Special Procedures. However, on November 15, 2018 the land grab resumed -- the government sent in a demolition team along with hundreds of public security officers and anti-riot police to destroy seven homes -- the ten households occupying these homes are now living in makeshift tents set up on the premises of their destroyed homes. These seven homes were among some 40 homes still standing. Altogether they housed approximately eighty households. Mrs. Nguyen Thi Hai, one of the parishioners who stayed to defend their almost 150-years old parish, was in the United States visiting her children and meeting with U.S. government officials when her home was demolished. Upon return to Vietnam she became homeless and now lives in a makeshift tent.
25. Note that the police raid against Con Dau parishioners on May 4, 2010 to carry out the government's policy of land grab came with extreme violence committed by the police during and after the raid. The government has ignored the multiple denunciations by victims of torture and police beatings. During the raid, over 100 parishioners were beaten and injured by the police -- two pregnant women later suffered miscarriage; 62 parishioners were arrested and detained -- they were tortured for days, and some, for weeks. Seven of them were charged of "opposing government officials on duty" and kept in pre-trial detention. The law office of Dr. Cu Huy Ha Vu, a well-known legal scholar, agreed to represent these Con Dau parishioners. The Da Nang City government, however, barred his law firm from appearing in court. Six of the three detainees were sentenced to prison terms. At the trial, the detainees denounced the police's use of torture to force him to admit to crimes he did not commit. The presiding judge summarily dismissed the allegation of torture and proceeded to sentence them to imprisonment. One parishioner who escaped arrest was later caught and tortured to death. Dr. Vu was also arrested on fabricated charges and then sentenced to seven years in prison. Under international pressure, Vietnam released Dr. Vu in April 2014 for direct departure to the U.S. from his prison cell. A total of 128 of Con Dau parishioners have resettled to the United States as refugees after years of seeking asylum in Thailand. Many of them have testified before the US Congress and reported acts of torture and police violence directly to the UN Special Rapporteurs on Cultural Rights and the UN Special Rapporteur on Freedom of Religion or Belief. Despite ample evidence, there has been no investigation into the reported massive use of violence and torture against Con Dau Parishioners. Arguably, the government would not investigate itself when the use of violence and torture was part of its policy to suppress popular resistance to land grab.
26. **Thien An Monastery, Hue City:** This case was reported in a prior joint shadow report.<sup>7</sup> Following is additional information indicating that the government continues its attempt to expropriate land of the Monastery and has not taken any measure to investigate the use of violence against the monks who peacefully defended the lands of their monastery. At 8:00 AM on June 28, 2017, the government of Thua Thien -- Hue Province mobilized about 200 public security agents and plainclothes police officers pretending to be thugs; they entered the Thien An Monastery armed with dangerous weapons like knives, metal batons, police's gears. They brutally attacked the monks. They deliberately broke the Cross. The following day they came back to destroy trees and the soccer field of the monastery. During these two days, the police and thugs attacked and injured many monks, including Hoang Van Cuong, Nguyen Van Chinh, Cao Dinh Khuong, Nguyen Huu Duc, Phan van Gioan, Vo Phan Thin, Tru Manh cuong, Hoang Si Nghi, Nguyen Van Xuan, Thai An Binh, Truong Vinh Hau and Father Vo Van Giao. The traffic police surrounded the monastery,

<sup>6</sup> Joint submission for ICCPR Review:

[https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/INT\\_CCPR\\_ICO\\_VNM\\_30999\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/INT_CCPR_ICO_VNM_30999_E.pdf)

<sup>7</sup> Id.

blocking other monks from taking the injured to the hospital. Although the victims had identified individuals involved in the beatings and had denounced them, no investigation has been conducted to this day. On December 12, 2017, to prepare for Christmas the monks erected a makeshift gate on a road within the premise of the monastery; the public security police came and took it down. On March 1, 2018, the monks erected a dry pine tree to welcome the new Director of the Monastery; again the public security police came with the mobile police, traffic police, plain-clothed security personnel, rangers and officials of the Tien Phong Company – the company that would take over the lands of the monastery for its development project; they confiscated the pine tree without warrant. On July 18, 2018 workers from Tien Phong Company, escorted by the public security, intruded the monastery and threatened the monks. Between those two attacks, someone repeatedly set afire the pine forest on the Monastery's land on March 4, May 10, May 22, May 23 and July 4. In early September 2018, a private citizen started building a shrine to his ancestors on the land owned by the Monastery, with official permission of the local authorities despite protest by the Monastery.

27. The Government has used non-state actors to expropriate the property of un-registered religious organizations. On July 23, 2017, as Cao Dai followers were preparing to conduct religious rites at the **Nam Hoai Nhon Cao Dai Temple**, which is located in Hoai Nhon District, Binh Dinh Province, a group of government representatives and members of the Cao Dai Tay Ninh Sect entered the temple without asking for permission. The group included Mr. Vo Xuan Phong, Deputy Chair of the People's Committee of Hoai Tan Hamlet; Mr. Ngo Tu, Chair of the Fatherland Front of Hoai Tan Hamlet; four plain-clothed public security agents; and three representatives of the Cao Dai Tay Ninh Sect: Messrs. Nguyen Hop, Ho Tan Thu, and Vo Van Dong. Mr. Hop read the Cao Dai Tay Ninh Sect's order of eviction against the custodian of the Nam Hoai Nhon Temple, which belonged to the Cao Dai Religion. Seeing the strong determination of Cao Dai followers to defend their temple, the government officials left. Members of the Cao Dai Tay Ninh Sect, finding themselves abandoned, also left shortly thereafter. On August 22, 2017 a member of the Cao Dai Tay Ninh Sect pressed the temple's custodian to deliver it to the 1997 Cao Dai Sect; he beat a female follower of the original Cao Dai Religion when she protested, causing her to collapse; she later had to be taken to a hospital. She sued the perpetrator for compensation but on August 1, 2018 the people's court dismissed her complaint. The Cao Dai Tay Ninh Sect continues to pressure Cao Dai followers to deliver their temple to the sect.

28. An Cu Buddhist Temple in Son Tra District, Da Nang City: In response to the September 24, 2018 decision by the local government to seize the land for the An Cu 4 Residential Project (while offering to compensate at less than 2% of fair market value), Abbot Thich Thien Phuoc (legal, non-religious name: Coi Van Huynh), the owner of An Cu Temple, proposed two alternatives to enable the replacement of temple to continue to serve his Buddhist congregation:

- Compensation in the form of an equivalent land parcel (317.7 m2) in a nearby location, on which the government would build a temple of comparable size and quality before turning it over to the abbot, or
- Compensation in the form of an equivalent land parcel (317.7 m2) in a nearby location coupled with a land use permit and a permit to construct the replacement temple (in which case the abbot would need to raise funds for the design and construction of the temple).

Without responding to the request, the government razed the temple on November 9, 2018. The taking of An Cu Temple's land conveniently served the policy objective of the central government: eradicating the remnants of the independent Unified Buddhist Church of Vietnam.

29. Lien Tri Buddhist Temple in Thu Thiem, HCM City was demolished on Sept 8, 2016 despite public outcry within the country and by the international community.<sup>8</sup> In May 2018, evidence surfaced showing that Lien Tri Buddhist Temple was not within the area zoned and approved for expropriation by the central government. Several HCM City officials were arrested while others placed under investigation. On May 19, 2018 the Le Hieu Dang Club, a civil society organization, initiated a petition calling on the central government to return the land seized from Lien Tri Temple and fully compensate its Abbot, the Most Venerable Thich Khong Tanh, for all material and psychological damages and to allow him to rebuild his temple. The petition was co-signed by dozens of civil society organizations and individual human rights advocates. On September 27, they issued a follow-up petition. While recognizing its wrongful acts, the government has so far not responded to the petitions for redress.
30. A massive land grab targeting Montagnards in the Central Highlands happened in January 2019. On January 17, 2019 the Vietnamese Truong Thinh Company and its Indian partner, Olam, sent workers to take over 800 hectares of land that span Ia Le Commune of Chu Puh district and Ia Pair Commune of Phu Thien District in Gia Lai Province, and Ea Hleo Commune of Ea Hleo district in Dak Lak Province. They came at night with bulldozers to destroy all the crops while residents were at home. Reportedly, Olam and Truong Thinh companies had obtained the signature of the Chairman of the People's Committee of Gia Lai Province to clear out the land for their future pepper and cashew plantations. The residents were not given any prior notice, nor did they get to negotiate compensation. As a result, more than 500 Montagnard households lost their property and means of living. When some of the residents expressed their intention to bring the matter to court, representatives of the Olam and Truong Thinh companies threatened them with arrest and imprisonment.
31. **Recommendations:** Instead of reiterating statements of general policies and aggregate statistics, the Government of Vietnam should address specific cases raised by the UN Special Rapporteurs, UN Treaty Bodies and international human rights organizations in recent years. Namely we recommend that the Government of Vietnam:
- (1) Investigate and report findings on the use of violence, including arrest, abduction, detention, torture, and imprisonment, by government units to expropriate land of Con Dau Parish, Dong Yen Parish, Loc Hung Vegetables Garden Community, Thien An Monastery, Dat Quang Buddhist Temple, An Cu Buddhist Temple, and Lien Tri Buddhist Temple;
  - (2) Investigate and report findings on the land grab against Montagnard residents of Ia Le Commune of Chu Puh District and Ia Pair Commune of Phu Thien District in Gia Lai Province, and Ea Hleo Commune of Ea Hleo District in Dak Lak province;
  - (3) Investigate and report on the use of violence, including abduction, detention and torture, by the Cao Dai 1997 Sect, with the support of government officials, to expropriate the following temples of independent Cao Dai congregations: Saigon Temple, Dinh Quan Temple, Long Binh Temple, An Ninh Tay Temple, Phu Thanh A Temple, and Nam Hoai Nhon Temple;
  - (4) Report on punitive measures taken against the perpetrators and compensation to the victims of violence, including arrest, abduction, detention, torture and imprisonment.

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<sup>8</sup> [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/INT\\_CCPR\\_ICO\\_VNM\\_30999\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/INT_CCPR_ICO_VNM_30999_E.pdf)

## Freedom of expression and the right to privacy (arts. 17 and 19)

### Contributions to Paragraph 19 of the LOIs:

35. As of January 1, 2019, the NOW! Campaign, an initiative involving 14 international and Vietnamese civil society organizations, the government of Vietnam was holding at least 244 in prisons or similar forms of detention compared to 165 cases in November 2017, when the campaign was launched. This makes the country the second largest jailer of dissidents in Southeast Asia, only behind Myanmar. The above number includes 224 who have been convicted, typically of political crimes such as “propaganda against the state” and “injuring the national unity,” and 20 others who are held in pre-trial detention. In addition, eight persons who participated in peaceful protests in mid-June of 2018 were given between five months and two years of suspended prison terms. Many bloggers, lawyers, unionists, land rights activists, political dissidents, and followers of non-registered minority religions have been arrested and detained for peacefully exercising their internationally and constitutionally protected rights, principally the right to freedom of expression, freedom of peaceful assembly and freedom of religion or belief. The list does not include individuals who have engaged in or advocated violence. In 2018 alone, Vietnam arrested 27 human rights activists and convicted 40 activists with a total imprisonment of 300 years and 69 years under house arrest. In addition, 64 peaceful protesters were convicted in connection to the mass demonstrations that started in mid-June, where tens of thousands of protesters opposed the two bills on special economic zones and cyber security. The demonstrators were sentenced to a total of 121 years and five months in prison and nine years of suspended prison terms. See Appendix 2 for the list of prisoners of conscience grouped by the charge leveled against them.

### Contributions to Paragraph 20 of the LOIs:

36. In June 2018, the National Assembly passed another cybersecurity law that went into effect on January 1, 2019. This law requires online businesses, such as Google and Facebook, that currently store their data outside of Vietnam to store their data inside Vietnam, and to turn over user data to the Ministry of Public Security or the Ministry of Information and Communications upon request.<sup>9</sup> Equally concerning are provisions that make it illegal to “distort history, deny revolutionary achievements, [or] undermine national solidarity.”<sup>10</sup> These vague terms allow the government tremendous leeway to target those who use the internet or communication apps to discuss political and religious views.<sup>11</sup> The law will give the government enhanced authority to “surveil the internet, including the ability to force international technology companies with

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<sup>9</sup> IFEX, *Vietnam’s Cybersecurity Law Threatens Free Speech and Digital Economy*, (June 26, 2018), <https://www.ifex.org/vietnam/2018/06/25/cybersecurity-law/> (noting that article 26 of the cybersecurity law requires companies to verify user information, and provide user information to the Ministry of Public Security upon request); see also Mai Nguyen, *Vietnam Lawmakers Approve Cyberlaw Clamping Down on Tech Firms, Dissent*, Reuters, (June 12, 2018) <https://www.reuters.com/article/us-vietnam-socialmedia/vietnam-lawmakers-approve-cyber-law-tighten-rules-on-google-facebook-idUSKBN1J80AE>; Asian Correspondent, *Vietnam Passes Law Requiring, Google, Facebook to Reveal User Data*, (June 12, 2018) <https://asiancorrespondent.com/2018/06/vietnam-passes-law-requiring-google-facebook-give-user-data/#8iVQGlajBPOoks2l.97>.

<sup>10</sup> Human Rights Watch, *Vietnam: Withdraw Problematic Cyber Security Law*, (June 7, 2018), <https://www.hrw.org/news/2018/06/07/vietnam-withdraw-problematic-cyber-security-law> (citing to Article 8 of the law).

<sup>11</sup> *Committee to Protect Journalists, New Cybersecurity Law Threatens Press Freedom in Vietnam*, (June 12, 2018) <https://cpj.org/2018/06/new-cybersecurity-law-threatens-press-freedom-in-v.php> see also Bao Ha, *Vietnam says Cybersecurity Law Needed to Ensure National Security*, VN Express International, (June 12, 2018) <https://e.vnexpress.net/news/news/vietnam-says-cybersecurity-law-needed-to-ensure-national-security-3762377.html>.



operations in the country to reveal their users' personal information and censor online information on demand.”<sup>12</sup>

37. Despite the international attention accorded to the said Law on Cybersecurity, it was only one of the many laws that threaten freedom of expression and freedom of internet. the 1999 Criminal Code included broad provisions that were worded vaguely enough to criminalize a range of protected speech, religion, association, and assembly-related activities. A civil society activist peacefully protesting or a journalist or blogger reporting on government policy might be charged with some combination of “carrying out activities aimed at overthrowing the people’s administration,”<sup>13</sup> “undermining the unity policy,”<sup>14</sup> “conducting propaganda against the state,”<sup>15</sup> “disrupting security,”<sup>16</sup> “abusing democratic freedoms to infringe upon the interests of the state,”<sup>17</sup> “resisting persons in the performance of their official duties,”<sup>18</sup> or a number of other national security or public order related provisions.
38. The revised Criminal Code of 2015, taking effect on January 1, 2018, preserves all of these problematic provisions, increases the length of the sentences and includes harsher penalties and more expansive provisions for the crimes with which government critics are most commonly charged. The punishment for “undermining the unity policy,” for example, was increased from a range of 5 to 15 years to a range of 10 to 20 years for serious cases and from a range of 2 to 7 years to a range of 5 to 12 years for less serious cases. Likewise, the punishment for “conducting propaganda against the state” rose its minimum time of imprisonment from 3 years to 5 years.
39. Article 109 criminalizes the mere act of joining an organization that acts against the government, a blatant violation of Article 22 of the ICCPR that guarantees freedom of association. Articles 116 and 117 criminalize the making, storing or dissemination of materials that, *inter alia*, defame or contain distorted information about the government, which is in violation of an individual’s right to “seek, receive and impart information and ideas of all kind” under Article 19(2) of the ICCPR. Article 331 even criminalizes the “[abuse of] freedom of speech, freedom of the press, freedom of religion, freedom of association and other democratic freedoms to infringe upon the interests of the state, lawful rights and interests of organizations and/or citizens” which impermissibly restricts all civil and political rights within the bounds of the government’s interest.<sup>19</sup>
40. The amended Criminal Code also includes a new range of “preparatory” offenses, which criminalized “any person who makes preparation for the commitment of this criminal offense”; this new category of offense was added to, *inter alia*, the crimes of “carrying out activities aimed at overthrowing the people’s administration,”<sup>20</sup> “undermining the unity policy,”<sup>21</sup> “conducting propaganda against the state,”<sup>22</sup> and “disrupting security.”<sup>23</sup> The Criminal Code does not include

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<sup>12</sup> [Committee to Protect Journalists, New Cybersecurity Law Threatens Press Freedom in Vietnam, \(June 12, 2018\) https://cpj.org/2018/06/new-cybersecurity-law-threatens-press-freedom-in-v.php.](https://cpj.org/2018/06/new-cybersecurity-law-threatens-press-freedom-in-v.php)

<sup>13</sup> Criminal Code (1999), No. 15/1999/QH10, art 79, (December 21, 1999)

[http://www.wipo.int/wipolex/en/text.jsp?file\\_id=385615](http://www.wipo.int/wipolex/en/text.jsp?file_id=385615) (This provision was included in the amended Criminal Code at Article 109).

<sup>14</sup> *Id.* at art. 87 (Criminal Code (2015) Article 116).

<sup>15</sup> *Id.* at art. 88 (Criminal Code (2015) Article 117).

<sup>16</sup> *Id.* at art. 89 (Criminal Code (2015) Article 118).

<sup>17</sup> *Id.* at art. 258 (Criminal Code (2015) Article 331).

<sup>18</sup> *Id.* at art. 257 (Criminal Code (2015) Article 330).

<sup>19</sup> *Id.* at art. 331.

<sup>20</sup> Criminal Code (2015), *supra* note **Error! Bookmark not defined.** at art. 109.

<sup>21</sup> *Id.* at art.116.

<sup>22</sup> *Id.* at art. 117.

<sup>23</sup> *Id.* at art. 118.

any requirement that such person has either specific intent to commit a crime or has taken direct action towards such crime's completion for such "preparation" to have occurred, a vagueness which thus allows the government to prosecute anyone for any speech or action deemed to be preparatory. In theory, these provisions would permit prosecution not just for a person protesting or writing a critical blog post, but also for a person who is merely walking towards a demonstration or into a cybercafé.<sup>24</sup>

41. Certain amendments to the Criminal Code impact defendants' procedural rights. For example, Article 19(3) requires a defense attorney to report his clients' "serious" or national security crimes—a provision which has a significant impact on a defendant's right to confidentially communicate with counsel.<sup>25</sup>
42. The 2004 Law on National Security, effective on July 1, 2005, defines (in Article 3) "national security" as "the stability and sustainable development of the socialist regime and the State of the Socialist Republic of Vietnam, the inalienability of the independence, sovereignty, unity and territorial integrity of the Fatherland." It also defines "activities of infringing upon the national security" as "acts of infringing upon the political regime, the economic regime, culture, security, national defence, external relations, independence, sovereignty, unity, territorial integrity of the Socialist Republic of Vietnam." Article 13 prohibits "organizing, operating, colluding with, instigating, controlling, inciting, buying off, deceiving or dragging other persons to oppose the people's administration, to abolish the leadership role of the Communist Party of Vietnam, to divide the country, to disrupt the national unity bloc." Article 5 puts national security protection under the leadership of the CPV. The law equates threats to the CPV and the party's ideology with threats to national security, and outlaws dissents and any mobilization of people outside of the CPV's control. It accordingly specifies constitutional limitations on the right to privacy, freedom of expression, freedom of assembly, freedom and association, and other civil and political freedoms.
43. It imposes communications intervention in cases of apparent threats to national security. In such cases, the authorities can take control of the communications means in certain areas (Article 21), or to check, requisition, suspend or stop means of communications, as well as to check computers and computer networks (Article 24). The law does not mention any clear and precise manner, time limits, specific procedures, or rules on the destructions or erasure of surveillance data, and fails to establish an independent mechanism to review and check on communications surveillance to ensure its legality. It can be used to target those who peacefully exercise fundamental civil and political freedoms, especially those who criticize and challenge the CPV.
44. It grants the government broad authority to intervene in telecommunication networks, computers, and computer network while not clarifying a legal process of issuing orders. It does not require prior judicial authorization, fails to create a mechanism of check and balance for the intervention, and does not safeguard the right to notification.
45. The 2006 Law on Information Technology was adopted on June 29, 2006 and took effect on January 1, 2007. It grants the government broad authority to obtain and monitor digital information through technology companies without prior judicial authorization, and does not grant these companies the right to challenge government's orders. It requires server/hosting service providers to share with the authorities information of their clients upon government request. It also allows the authorities to monitor digital information and to ask technology companies to monitor digital

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<sup>24</sup> Freedom Now, *Using Law as a Tool of Oppression: Vietnam's Crackdown on Civil and Political Rights*, (Draft version, July 6, 2018)(on file with author)

<sup>25</sup> HWR, *Vietnam: New Law Threatens Right to a Defense*, (June 21, 2017) <https://www.hrw.org/news/2017/06/21/vietnam-new-law-threatens-right-defense>



information. Under Article 18, organizations and individuals that lease space for digital information storage have “to comply with competent state agencies’ request to determine lists of owners that hire digital information storage space for the establishment of their websites and lists of owners of digital information stored by such organizations or individuals.”

46. The 2009 Law on Telecommunications, adopted on November 23, 2009 and taking effect on July 1, 2010, provides legal grounds for the government to obtain and monitor digital information, including the name, address, telephone numbers of caller and recipient, location of caller and recipient, call duration and other private information of users upon request by the government. The law provides legal grounds for the government to obtain and monitor digital information without prior judicial authorization.
47. Decree 72, issued on July 15, 2013 and taking effect on September 1, 2013, mandated that blogs and social websites could only be used to share personal information and prohibited the sharing of news articles and material harmful to national security or opposing the Vietnamese government.<sup>26</sup> It provides guidance to the Law on Information Technology, the Law on Telecommunications, and other laws on managing the internet. Articles 24, 28 and 34 require companies, organizations that run news websites, social networks, mobile news services, and online games to have at least one server located in Vietnam for government’s inspection. Companies have the obligation to provide their clients’ data “upon request of competent authorities as prescribed by law”. This regulation also applies to foreign companies.
48. Decree 174, effective since 2014, imposes fines on anyone criticizing the government or “spreading propaganda” on social media.<sup>27</sup>
49. Decree 25/2011/ND-CP,<sup>28</sup> issued on April 6, 2011 and taking effect on June 1, 2011, requires telecommunication service providers to store the registered subscriber information in accordance with the Ministry of Information and Communications, and to provide the information to competent state agencies upon request. It specifies the types of information that the subscribers must provide to service providers: (1) for individuals, full name, date of birth, number, date and place of issuance of identity cards for the Vietnam citizens or passport for foreign citizens; (2) for organizations, organization name, operating address, registration number and date established, number and date of the license for operation or number and date of certificate of registration of business of the organization; the full name, date of birth, number, date and place of issuance of ID card or passport of the person acting as a representative and whose name is written in the contract for use of telecommunication services. The information can also be used to serve “the national security, social order and safety” and “other purposes as prescribed by the Ministry of Information and Communications.”
50. Decree 72/2013/ND-CP, issued July 15, 2013, imposes many restrictions on freedom of expression<sup>29</sup>. It puts Internet users’ personal data at risk by requiring companies and organizations that run news websites (Article 24), social networks (Article 25), mobile news services (Article 28), and online games (Article 34) to have at least one server located in Vietnam for government’s

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<sup>26</sup> BBC News, *Vietnam Internet Restrictions Come into Effect*, (September 1, 2013) <https://www.bbc.com/news/world-asia-23920541>; Committee to Protect Journalists, *New Cybersecurity Law Threatens Press Freedom in Vietnam*, (June 12, 2018) <https://cpj.org/2018/06/new-cybersecurity-law-threatens-press-freedom-in-v.php> (hereinafter CPJ).

<sup>27</sup> *Freedom in the World: Vietnam 2017*, *supra* note **Error! Bookmark not defined.**

<sup>28</sup> <https://thuvienphapluat.vn/van-ban/Cong-nghe-thong-tin/Nghi-dinh-25-2011-ND-CP-huong-dan-Luat-Vien-thong-121713.aspx>

<sup>29</sup> <http://www.bbc.com/news/world-asia-23920541>

inspection<sup>30</sup>. Article 22 requires foreign organizations, enterprises, and individuals that provide public information across the border that is accessed by Vietnamese people or from people in Vietnam must comply with Vietnam's law. Article 24 requires service providers to have at least one server in Vietnam for the inspection, storage, and provision of information at the request of competent authorities, and settlement of customers' complaints in accordance with regulations of the Ministry of Information and Communications. Article 25 requires service providers to provide personal information of the users at the request of competent authorities, and to ensure that only the persons that provide accurately their personal information are allowed to establish personal websites or provide information on social networks. Articles 28 and 34 similarly require mobile phone and game service providers to place at least one server in Vietnam.

51. Decree 49/2017/ND-CP, issued on April 24, 2017 as amendment to Decree 25, requires clients to provide a portrait photo to their telecommunications providers, making it significantly easier for the government to identify and track down a user through the facial recognition technology while being able to monitor every single movement of any citizens without the use of a warrant. For example, through CCTV, the government can quickly identify participants in a protest by retrieving the person's data from the service provider when the facial recognition matches the information from the CCTV footage with the database maintained by the service provider.
52. The 2015 Law on Cyber Information Security, No. 86/2015/QH13, was passed on 19 November 2015 and came into force on 1 July 2016. It regulates information network systems ostensibly to ensure the security of online information but includes provisions that require businesses providing encryption services to be based in Vietnam, and to provide user data, when requested, to the Ministry of Public Security. The government can thus monitor private communications and use them as basis for retaliatory actions against government critics.<sup>31</sup>
53. The Law on the Press, effective January 2017, was designed to consolidate the CPV's control over the media. Presented as a law that "prescribes citizens' rights to freedom of the press and freedom of speech in the press,"<sup>32</sup> in actuality it aims to ensure that the domestic media does not publish or promote ideas that are seen as challenging the CPV's ideology and national policies.<sup>33</sup> Article 4(2) prescribes that the press should "propagandize and disseminate, and contribute to the protection of, the line and policies of the Party...and build and promote socialist democracy, strengthen the great national unity bloc, and build and protect the socialist Fatherland of Vietnam."<sup>34</sup>
54. Decree 27/2018/ND-CP, issued on March 1, 2018 and taking effect on April 15, 2018, amended Decree 72. It maintains most of the regulations of Decree 72 and adds a requirement that social networks/news websites must ask their users to provide real identity and store their users' accounts' information, including IP and activity logs, for at least two years. Both decrees provide legal basis for communications surveillance without specifying any clear and precise manner, time limits, specific procedures, rules on the destructions or erasure of surveillance data, or any

<sup>30</sup><https://thuvienphapluat.vn/van-ban/Cong-nghe-thong-tin/Decree-No-72-2013-ND-CP-internet-services-and-online-information-202402.aspx?tab=1>

<sup>31</sup> Michael L. Gray, *The Trouble with Vietnam's Cybersecurity Law*, *The Diplomat*, (October 21, 2016) <https://thediplomat.com/2016/10/the-trouble-with-vietnams-cyber-security-law/>.

<sup>32</sup> Law on the Press, No. 103/2016/QH13, (2016) art. 1, *available at* [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=447052](http://www.wipo.int/wipolex/en/text.jsp?file_id=447052); *see also* Vietnam Law & Legal Forum, *Revised Law on Press*, (November 1, 2017) <http://vietnamlawmagazine.vn/revised-law-on-press-5693.html>.

<sup>33</sup> Law on the Press, *supra* note 32; *see also* Feliz Solomon, et al., *Press Freedom is Under Attack Across Southeast Asia: Meet the Journalists Fighting Back*, *Time*, (June 22, 2018)

[http://amp.timeinc.net/time/longform/press-freedom-southeast-asia?\\_\\_twitter\\_impression=true](http://amp.timeinc.net/time/longform/press-freedom-southeast-asia?__twitter_impression=true).

<sup>34</sup> Law on the Press, *supra* note 32 at art. 4(2).

mechanism to review and check on communications surveillance activities independently. Both decrees grant the government broad authority to obtain and monitor digital information through technology companies without prior judicial authorization, and do not grant these companies the right to challenge the government's orders. Decree 27 requires users to provide real identity information, including full name, birthday, and identity card/passport information. It also forces social networks to store user account data, including log in – log out activities, Internet Protocol (IP) addresses, and content posting logs, for at least two years. Thus, requiring news websites, social media, mobile news services, and online games to store their data in Vietnam obviously provides the authorities broad access to the data because the government can send requests to the local data centers and order them to comply while they cannot make such requests to foreign data centers.

55. Recommendations: The Vietnamese government needs to make substantive and substantial changes to its current legal system to improve the protection of citizens' privacy and their freedom of thought and expression, including:

- (1) Amending or removing the following provisions in the 2015 Criminal Code:
  - (i) "sabotaging implementation of socio-economic policies" (Article 115);
  - (ii) "sabotaging implementation of solidarity policies" (Article 116);
  - (iii) "making, possessing, spreading information, materials, items for the purpose of opposing the State of the Socialist Republic of Vietnam" (Article 117);
  - (iv) "disruption of security" (Article 118);
  - (v) "organizing, coercing, instigating illegal emigration for the purpose of opposing the people's government" (Article 120); and
  - (vi) "illegal emigration for the purpose of opposing the people's government" (Article 121);
- (2) Amending the 2015 Criminal Procedures Code to grant the People's Courts system the power of approving and/or rejecting all kinds of surveillance orders;
- (3) Amending the 2015 Criminal Procedures Code to abolish all forms of digital communications surveillance that are not in line with the provisions on special methods of investigation and proceedings. As an alternative to amending the Code, the National Assembly may pass a resolution on the implementation of the Code that abolishes those forms of surveillance;
- (4) Amending the 2015 Criminal Procedures Code to recognize the right to receive notifications of persons under surveillance and grant them the right to challenge the surveillance orders in the court;
- (5) Removing all provisions that require service providers to place servers in Vietnam or to provide user information to the government;
- (6) Recognizing the right to be forgotten, which guarantees that users can request technology companies to erase their personal data stored in the companies' system;

- (7) Removing provisions in the 2018 Cybersecurity Law that make “to distort history, deny revolutionary achievements, [or] undermine national solidarity” a criminal offense.

## **Appendix 1 - Summaries of incidents featured in Figure 1**

Note: All incidents have been reported to one or more UN Special Procedures.

### **Case 1 -- Torture**

#### **Report for Human Rights Defender Fund**

Summary: Mr. Rmah Klum who was born in 1964. is from Lop Village, Ya Le Commune, Chu Puh District, Gia Lai Province. A member of the Evangelical Church of Vietnam/Southern Region, he worshipped at home. Police arrested him at his home in October 2016, detained him for 19 days, and tortured him for his religious activities.

### **Case 2 – Forced renouncement of faith and long-term imprisonment**

#### **Report subm. to UN: PROTDegar Inci\_Eng GiaLai 2014-11-11EventstoSep2014**

Police officers took Messrs. Kpuih Khuong, Rmah Khil and Rmah Bloanh (Kenh San Village, Ia Le Commune, Chu Puh District, Gia Lai Province) to their station to force the victims to sign a pledge to leave the Degar Church. As these church leaders continued to resist forced renouncement of faith, the police arrested them. A court sentenced them to 11, 9, and 8 years, respectively, for undermining solidarity policy.

### **Case 3 -- Forcing victims to stop religious activities and imprisonment of a victim**

#### **Report PROTBaptist Inci\_Eng Kontum 2015-09-25EventsFeb6-Aug26**

### **Case 4 -- Unlawful arrest, torture and imprisonment of a pastor**

#### **Report PROTChrist Inci\_Eng 2016-09-17 EventsAug18-Aug20**

Summary: On Apr 12, 2016, the police interrogated two adherents of the Evangelical Church of Christ, A Trung and Pastor A Đảo, on their meeting with the ambassador-at-large for international religious freedom from the U.S. On June 15, 2016, the government disrupted a prayer session in A Đảo's home several times and arrested adherents after they left the session. At 7 pm on August 18, 2016, A Đảo was arrested on the way to Chu Se District, Gia Lai Province. After a few months of torture, he was sentenced to 5 years in prison.

### **Case 5 -- Forcing Pastor Đình Uy to sign a statement of commitment to recant his faith, disband his house church and join a government-approved Church**

### **Case 6 -- Torture of a pastor leading to his death.**

#### **Report PROTDegar Inci\_Eng KsorXiem 2016-06-20EventsSep13-Jan25**

Summary: On December 24, 2015, Ayun Pa District police officers came to Pastor Ksor Xiem's house and ordered him to report for interrogation. The primary objective of his interrogators was forcing him to recant his faith. Upon hearing his refusal to recant, they

used batons and other things to beat him up in the interrogation room until he passed out. He f was very sick when they released him died on January 14, 2016.

#### **Case 7 -- Torture leading to death**

**Report 20170116\_HDOK\_YP\_rs\_sw\_EN**, prepared by surviving son.

Summary: Y Ku Knul often worked the land by himself in places where no one else was around. Police officers took advantage, tortured him to death, and made it look like he had hung himself. Location: Town of Buon Ma Thuot, Daklak Province.

#### **Case 8 -- Forced recantation of faith**

**Report PROTChrist Daklak Inci\_Eng 2014-04-08 EventJan12**

#### **Case 9 -- Forced recantation of faith**

**Report PROTChrist Inci\_Eng 2015-09-28 EventsAug-Sep**

#### **Case 10 -- Torture and arbitrary arrest**

**Report PROTChrist Inci\_Eng GiaLai 2015-08-19 EventsAug2-Aug4**

#### **Case 11 -- Torture and forced conversion**

**Report PROTChrist Inci\_Eng 2015-09-28 EventsAug-Sep**

Summary: On September 9, 2015, Êa Phê commune police officers, as well as Krong Pắc District and Đắk Lắk Province officers came into the house and arrested Missionary Y Jon Ayun. He refused to go. The officers beat him, handcuffed him, and drove him to the Krong Pắc District police station where he was forced to recant his faith and forbidden from making telephone contact with pastors in the country or abroad. He was held until September 14, 2015.

#### **Case 12 -- Arbitrary detention leading to imprisonment**

**Report PROTBaptist Inci\_Eng Kontum 2015-09-25EventsFeb6-Aug26**

Summary: On March 13, 2015, when adherents of the Baptist Church in Sa Thay District, Kontum Province started on their trip to Ho Chi Minh City for religious studies, police in Daklak Province arrested and delivered them to police in Kontum Province for interrogation. They sent one of the adherents to prison under a false charge (trying to leave the country illegally) because he refused to admit guilt while the other victims yielded to police pressure and confessed to the false charge.

#### **Case 13 -- Forced recantation of faith using torture**

**Report PROTMennon Inci\_Eng GiaLai 2015-12-03EventsJan-Sep25**

Summary: On April 21, 2014, a number of police organizations and local government entities joined forces. They forced Kpa Y Tran of Phu Can Commune to sign a prepared report with a

statement about committing to leave the Mennonite Church. However, he refused to sign. They warned that if he continued to disobey, they would suppress the victim's church in the region.

On Aug 26 and 27, 2015, policemen in Gia Lai Province, took 2 adherents of the Gia Lai Mennonite Church to the commune government building where they interrogated and beat the victims. One of the victims was detained and tortured during 3 days. On Sep 25, 2015, policemen threatened another adherent with dire consequences unless he stopped his religious activities.

#### **Case 14 -- Forced recantation of faith**

##### **Report PROTDegar Inci\_Eng KpuihNghin 2016-03-24EventstoJan6**

Summary: In 2014-2016, government forces of Chu Se District, Gia Lai Province monitored suspected adherents of the Degar Evangelical Church to stamp out any attempt at practicing their religion, requested them to meet for interrogation about religious activities, and demanded victims to recant their faith while threatening them with harsh measures in case of non-compliance.

#### **Case 15 -- Forced recantation of faith**

##### **Report PROTDegar Inci\_Eng PuihHih 2016-11-30EventsSep11-Sep22**

Summary: Police units of Ia To, Ia Chia, and Ia Duk Communes, Ia Grai District, and Gia Lai Province persecuted Degar Evangelical Church followers in Ia Grai District. The persecution of this Church has been ongoing from 2006. In some cases, the government sent adherents to prison under trumped up charges (e.g., 6 years for Puih Hih prior to 2015). Puih Hih fled in November 2015 after receiving a tip about an upcoming police visit, fearing the worst. In June 2016 he went to Thailand after spending 7 months in hiding. Police raided his home because his family worshipped at home. In September 2016, police interrogated 2 Church adherents, accusing them of communicating with Puih Hih, and threatened them with harsh measures unless they recant their faith.

#### **Case 16 -- Torture to force recantation of faith and eventual imprisonment of victim**

##### **Report PROTDegar Inci\_Eng RmahPrai 2016-03-31EventsMay10-Dec14**

Summary: On May 10, 2014, the Chu Puh District police interrogated Rmah Prai and ordered him to recant his faith. When he refused to comply, they detained him overnight without food or water. On Dec 14, 2014, they went to Rmah Prai's home while he and other adherents met to discuss a plan to celebrate Christmas, handcuffed him and tortured him with electric batons and regular batons. Then they forced him to sign a pledge to recant his faith. In July 2015, police and militia raided his home and detained him. On December 2015, the "mobile" court of Gia Lai convened in a nearby village (to speed up the persecution process) and sentenced him to 6 years in prison.

#### **Case 17 -- Forced recantation of faith**

**Report PROTChrist Inci\_Eng-2016-04-12EventsMar12-Apr7**

**Report PROTChrist Inci\_Eng 2016-07-08EventsMar30-Jun2016**

**Report PROTChrist Inci\_Eng 2016-10-20 EventsJun17-Jul21**

Summary: During the first 6 months of 2016, the police suppressed freedom of religion of the Church of Christ in Krong Pac District, Dakak Province, Krong Pa District, Gia Lai Province, Cu Kuin District, Daklak Province). The authorities threatened and compelled adherents to recant their faith.

#### **Case 18 – Forced recantation of faith**

**Report PROTChrist Inci\_Eng 2016-11-28 EventsOct-MidNov**

Summary: The government forced members of the Evangelical Church of Christ in Kontum and Gia Lai provinces to recant their faith, and prevented them from contacting other Christians in Vietnam and other countries. Vietnamese government personnel ordered victims to join a denomination that the government has approved.

#### **Case 19 – Forced recantation of faith**

**Report PROTChrist Inci\_Eng 2017-01-20 EventsNov16-22**

Summary: The police in the Central Highlands provinces of Daklak, Kontum, and Gia Lai continued to persecute, in a coordinated manner, the Evangelical Church of Christ in Ro Koi Commune in Kontum Province and the hamlets Jung and Tara in Daklak Province.

#### **Case 20 – Forced recantation of faith**

**Report PROTChrist Inci\_Eng 2017-01-20 EventsNov28-Dec16**

Summary: Police officers at local, provincial and regional levels forced members of the Montagnard Evangelical Church of Christ in Daklak Province's Krong Pac District and Kontum Province's Sa Thay District to recant their faith. This occurred on November 28 and December 3-16, 2016.

#### **Case 21-Forced recantation of faith**

**Report PROTDegar Inci\_En KsorYBlia 2017-05-11PhuYenMar13-Feb14**

Summary: The police in Pưng B Hamlet and Ea Lăm Commune (Sông Hình District, Phu Yen Province) requested Ms. Nay H Oanh to come for a meeting in which the policeman said that they forbade her from remaining in the Degar Evangelical Church and threatened her with imprisonment unless she complies, as they had imprisoned her father.

#### **Case 22-Forced Recantation of Faith - Case from CAPThailand, Bangkok**



The Chu Se District police in Gia Lai Province continued to interrogate and force Evangelical Church of Christ adherents to recant their faith, e.g, victim Ms. Rah Lan H'Luen on June 22, 2017.

#### **Case 23-Forced Recantation of Faith**

##### **Report PROTChrist\_inci-En\_Hlue2017-08-15\_EventsJun-Jul2017**

On July 11, 2017, Chu Se District police, Gia Lai and Daklak Provinces police interrogated Rah Lan Sam and ordered him to leave the Church of Christ or else face prison and other punishments.

#### **Case 24-Forced Recantation of Faith**

##### **Report PROTChrist KsorSun YNgyet-incin\_En eventsJan-Mar2018**

On January 24, 2018, police officers from Hoa Thang Commune, Town of Buon Ma Thuot, and Daklak Province interrogated Y Ngyet Buon Krong and ordered him to leave the Church of Christ.

#### **Case 25-Forced Recantation of Faith with Torture**

##### **Report PROTGospelMission\_En CuKuinDistr-Apr-May2018**

On October 5, 2017 Cu Kuin District police (DakLak Province) detained Y Than Buon Dap during 3 days and tortured him to force him to recant his Gospel Missionary Church denomination. This group kept Y Bhuar Buon Dap for an entire day on April 27, 2018 to force him to recant. On May 10, 2018, they forced Y Cieu Bkrong to leave his church.

#### **Case 26-Forced Recantation of Faith**

##### **Report PROTChrist inci\_En 2017-07-22 DiepTDay Events May-Jun2017**

On June 13, 2017, Tra Cu District Police and the PA88 Branch of the police of Tra Vinh Province ordered Ms. Diệp Thị Đây (of Kim Son Commune in Tra Cu District) to leave her Evangelical Church of Christ.

#### **Case 27-Forced Recantation of Faith**

##### **Report PROTChrist inci\_En 2017-05-31 YNuenAyun Events Apr5-May23**

In April 2017, DakLak Province police interrogated and threatened Y Nuen Ayun with reprisals if he does not leave the Evangelical Church of Christ.

#### **Case 28-Forced Recantation of Faith**

##### **Report PROTChrist inci\_En 2017-07-17 YQBDap Events May-Jun2017**

On June 28, 2017, Krong Pak District police and Dak Lak Province police interrogated Y Quynh Buon Dap of Ea Yong A Hamlet, Ea Yong Commune, Krong Pak District and ordered him to leave the Evangelical Church of Christ.

### **Case 29-Forced Recantation of Faith**

#### **Report PROTChrist inci\_En 2017-07-17 YQBDap Events May-Jun2017**

On June 28, 2017, Krong Pak District police and Dak Lak Province police interrogated Y Nuen Ayun of Puan B Hamlet, Ea Phe Commune, Krong Pak District and ordered him to leave the Evangelical Church of Christ.

### **Case 30-Forced Recantation of Faith with Torture**

#### **Report PROTGospelMiss\_En-BuonHo-KrongNa\_ Apr-May2018**

On April 10, 2018, the police tortured Y Min Ksor and Y Pum Bya (both from Ea Drong Commune) to force them to leave the Gospel Missionary Church and join the Evangelical Church of Vietnam/Southern Region, a government-approved one. On May 5, 2018 they tortured Y Khen Nie and on May 7, 2018, they forced Y Khit Buon Dap to do likewise.

### **Case 31-Forced Recantation of Faith**

#### **PROTChrist-Inci\_En-YQuynh-YKuo-Events Apr2018**

On April 18, 2018, the police of the Town of Buon Ma Thuot in Daklak Province ordered Y Ksor Bya of Kơ MLeo Hamlet, Hoa Thang Commune, Town of Buon Ma Thuot to stop his religious activities because the government disapproves of the Evangelical Church of Christ. On April 27, 2018, DakLak Province police and Krong Pak District police interrogated and ordered Y Quynh Buon Dap of Ea Yong A Hamlet, Ea Yong Commune, Krong Pak District to leave the Church of Christ.

### **Case 32-Forced Recantation of Faith**

#### **PROTChrist\_YNguyet\_En\_Event Aug26-30 2018**

On August 26, 2018, employees of the governments Klo Meo Village and Hoa Thang Commune, including police officers and civilian employees, entered the house of Y Nguyet Buon Krong who was hosting a group of 30 Church of Christ adherents who had come to pray and worship Jesus. The government group ordered all those present to leave the Church of Christ. On August 30, 2018, Daklak Province police interrogated Y Klo Bya of Kơ MLeo Village, Hoa Thang Commune, Town of Buon Ma Thuot, and ordered him to leave the Church of Christ.

### **Case 33-Public Denunciation of Unregistered Church Adherent**

#### **PROTChrist\_YNuen-YJon-KsorSun\_En 2018Oct3&4**

In October 2018 Pastor Ksor Sun of the Evangelical Church of Christ was subjected to a public denunciation by villagers whom the police had coached for this task. A number of government officials also chimed in during the event whose public shaming approach was intended to punish the victim for his association with this church.

### **Case 34-Forced Recantation of Faith**

#### **PROTChrist\_YNguyet\_En\_Event Aug26-30 2018**

In late August 2018 Y Kươ Byă from Kơ MLeo Village, Hòa Thắng Commune, Town of Buôn Ma Thuột, was interrogated by the police and told that he must leave the Evangelical Church of Christ to join the State-sanctioned Evangelical Church of Vietnam/Southern Region

### **Case 35-Denied Christmas Celebration to 500 Christians.**

#### **PROTChrist\_YKhBdap&YtlupADrong\_En Events2018Dec22to24**

On December 25, 2018 a group of 50 or more police officers and other officials stopped 500 adherents who had come from several villages from celebrating Christmas. The incident took place in Ea Khit Village, Ea Bhôk Commune, Cư Kuin District, Daklak Province.

### **Case 36-Forced Conversion of a Couple and Detention Leading to Death of Pastor**

#### **PROTChrist\_PROTDegar\_KsorKla-killed\_En Events2018Sep-Nov**

##### Daklak Province:

Police interrogators threatened to impose a fine on a couple in Hoa Dong Commune, Krong Pac District: “The Church of Christ is not approved and you must leave it to join either the Evangelical Church of Vietnam/Southern Region or the Nam Phương Baptist Church”. Four government officials came to another adherent’s house in the Town of Buon Ma Thuot to stop a private worship session attended by 21 adults and 3 children.

##### Gia Lai Province (Nú Village, Ia Siêm Commune, Krông Pa District):

On October 28, 2018, 20 Krông Pa District police officers, with police dogs, broke into the house of Pastor Ksor Kla at about 3 a.m., entered the house, searched it, and arrested Ksor Kla (Degar Evangelical Church). Charging him with “spreading Degar Protestantism”, they took him to their station. After interrogating him for a few days, they released him. He told his wife that after eating some food in detention he felt abdominal pain and could not move his limbs. He became sicker by the hour and died on November 5, 2018.

### **Case 37-Harassment and Demolition of Crops and House of Independent Christians**

#### **Report PROTChrist Demol House Y Duong Krong'sstatement-VN**

In July 2015 the police destroyed crops grown by a Church of Christ family in Cu Bao Commune, Town of Buon Ho, Daklak Province. On April 27, 2016, 10-12 police officers came unannounced to the house of a relative of the family, Mrs. H’Kiem Krong, and immediately demolished it. They took down all the boards used for the walls and cut up its simple roof.

### **Case 38-Forced Recantation of Faith and Ban on Christmas Celebration**

#### **Report PROTChrist ForcedRecan & XmasForbid 20180807\_Rah\_LS\_En-statements**

On July 11, 2017 a police officer of the Town of Chu Se (Gia Lai Province) ordered a Church of Christ adherent to sign a pledge to leave his Church because the government does not recognize this church. In early December 2017 the police interrogated the victim again and this time forbade him and other adherents from celebrating Christmas.

## Appendix 2: Prisoners of conscience grouped by the articles of the 2015 Penal Code

Article 109 (79 in Penal Code 1999): Activities against the people's government/Carrying out activities aimed to overthrow the government.

<i>No.</i>	<i>Name</i>	<i>Birth Year</i>	<i>Date of Arrest</i>	<i>Sentence</i>	<i>Detention facility</i>
1	Tu Cong Nghia (M)	1993	Nov 2016	10 years	HCM City's Police Temporary detention
2	Phan Trung (M)	1976	Nov 2016	8 years	HCM City's Police Temporary detention
3	Nguyen Quoc Hoan (M)	1977	Nov 2016	13 year	HCM City's Police Temporary detention
4	Nguyen Van Duc Do (M)	1975	Nov 2016	11 years	HCM City's Police Temporary detention
5	Luu Van Vinh (M)	1967	Nov 2016	15 years	HCM City's Police Temporary detention
6	Dao Quang Thuc (M)	1960	17 Oct 2017	14 years	Hoa Binh's Police Temporary detention
7	Le Dinh Luong (M)	1965	24 Jul 2017	20 years	Nghe An's Temporary detention Nghi Kim
8	Nguyen Van Tuc (M)	1974	1 Sep 2017	13 years	Prison camp No. 6 in Nghe An
9	Nguyen Trung Truc (M)	1963	4 Aug 2017	12 years	Quang Binh's Police Temporary detention
10	Nguyen Trung Ton (M)	1971	30 Jul 2017	12 years	Gia Trung Prison camp in Gia Lai
11	Truong Minh Duc (M)	1960	30 Jul 2017	12 years	Prison camp No. 6 in Nghe An
12	Pham Van Troi (M)	1972	30 Jul 2017	7 years	Ba Sao Prison camp in Ha Nam
13	Nguyen Bac Truyen (M)	1968	30 Jul 2017	11 years	An Diem Prison camp in Quang Nam
14	Tran Thi Xuan (F)	1976	17 Oct 2017	9 years	Prison camp No. 5 in Thanh Hoa
15	Huynh Huu Dat (M)	1970	1 Feb 2017	13 years	N/A
16	Tran Huynh Duy Thuc (M)	1966	24 May 2009	16 years	Prison camp No. 6 in Nghe An
17	Le Thanh Tung (M)	1968	15 Dec 2015	12 years	Prison camp No. 5 in Thanh Hoa
18	Tran Anh Kim (M)	1949	21 Sep 2015	13 years	Prison camp No. 5 in Thanh Hoa
19	Ngo Hao (M)	1943	February 2013	15 years	An Diem Prison camp in Quang Nam
20	Nguyen Dang Minh Man (F)	1985	2 Aug 2011	8 years	Prison camp No. 5 in Thanh Hoa
21	Ho Duc Hoa (M)	1974	August 2011	13 years	Ba Sao Prison camp in Ha Nam
22	Pham Thi Phuong (F)	1945	April 2010	11 years	An Phuoc Prison camp in Binh Duong
23	Phan Van Thu (M)	1948	5 Feb 2012	life imprisonment	An Phuoc Prison camp in Binh Duong
24	Le Xuan Phuc (M)	1951	5 Feb 2012	15 years	Xuyen Moc Prison camp in Ba Ria-Vung Tau
25	Le Trong Cu (M)	1966	5 Feb 2012	12 years	Prison camp No. 5 in Thanh Hoa
26	Le Duy Loc (M)	1956	15 Feb 2012	12 years	Prison camp No. 5 in Thanh Hoa
27	Nguyen Ky Lac (M)	1956	6 Feb 2012	12 years	Xuan Loc Prison camp in Dong Nai
28	Do Thi Hong (F)	1957	14 Feb 2012	13 years	Binh Phuoc Prison camp in Binh Phuoc
29	Ta Khu (M)	1947	6 Feb 2012	16 years	Xuyen Moc Prison camp in Ba Ria-Vung Tau
30	Tran Phi Dung (M)	1984	10 Feb 2012	13 years	Prison camp No. 6 in Nghe An
31	Tran Quan (M)	1966	10 Feb 2012	13 years	An Diem Prison camp in Quang Nam
32	Vo Ngoc Cu (M)	1951	6 Feb 2012	16 years	Xuyen Moc Prison camp in Ba Ria-Vung Tau

33	Vo Thanh Le (M)	1955	5 Feb 2012	16 years	Xuyen Moc Prison camp in Ba Ria-Vung Tau
34	Vo Tiet (M)	1952	5 Feb 2012	16 years	Prison camp No. 6 in Nghe An
35	Vuong Tan Son (M)	1953	10 Feb 2012	17 years	Xuyen Moc Prison camp in Ba Ria-Vung Tau
36	Doan Dinh Nam (M)	1951	6 Feb 2012	16 years	Xuyen Moc Prison camp in Ba Ria-Vung Tau
37	Doan Van Cu (M)	1962	10 Feb 2012	14 years	Prison camp No. 5 in Thanh Hoa
38	Le Duc Dong (M)	1983	5 Feb 2012	12 years	An Diem Prison camp in Quang Nam
39	Luong Nhat Quang (M)	1987	March 2012	12 years	Prison camp No. 6 in Nghe An
40	Phan Thanh Tuong (M)	1987	28 Feb 2012	10 years	Xuan Loc Prison camp in Dong Nai
41	Nguyen Dinh (M)	1968	N/A	14 years	N/A
42	Nguyen Thai Binh (M)	1986	23 Nov 2012	12 years	N/A
43	Phan Thanh Y (M)	1948	23 Nov 2012	12 years	Xuyen Moc Prison camp in Ba Ria-Vung Tau
44	Tu Thien Luong (M)	1950	23 Nov 2012	16 years	An Diem Prison camp in Quang Nam
45	Huynh Duc Thanh Binh (M)	1996	7 Jul 2018	Pre-trial detention	HCM City's Police Temporary detention

Article 116 (87): Sabotaging implementation of solidarity policies/Undermining unity's policies

<i>No.</i>	<i>Name</i>	<i>Birth Year</i>	<i>Date of Arrest</i>	<i>Sentence</i>	<i>Detention facility</i>
1	A Gyun (M)	1980	N/A	6 years	Gia Trung Prison camp in Gia Lai
2	A Tik (M)	1952	N/A	8 years	N/A
3	Dinh Ku (M)	1972	N/A	7 years	N/A
4	A Thin (M)	1979	N/A	6 years	Gia Trung Prison camp in Gia Lai
5	A Ngo (M)	1998	N/A	7 years	Gia Trung Prison camp in Gia Lai
6	A Yen (M)	1984	N/A	9 years	Gia Trung Prison camp in Gia Lai
7	Y Hriam Kpa (M)	1976	30 Jul 2015	6.5 years	Dak Tan Prison camp in Dak Lak
8	Y Lao Mlo (M)	1987	N/A	8 years	N/A
9	A Quyn (M)	1973	N/A	9.5 years	N/A
10	Pastor Y Yich (M)	1969	13 May 2013	12 years	Gia Trung Prison camp in Gia Lai
11	Pastor A Byo (M)	1967	N/A	4 years	N/A
12	Y Drim Nie (M)	1979	29 Oct 2012	8 years	Gia Trung Prison camp in Gia Lai
13	A Tach (aka Ba Hloi) (M)	1959	N/A	11 years	N/A
14	Y Yem Hwing (M)	1972	29 Oct 2012	8 years	Gia Trung Prison camp in Gia Lai
15	A Chi (M)	1983	N/A	7 years	Gia Trung Prison camp in Gia Lai
16	A Hung (M)	1980	N/A	8 years	Gia Trung Prison camp in Gia Lai
17	A Ly (M)	1979	N/A	7 years	Gia Trung Prison camp in Gia Lai
18	Run (M)	1971	N/A	9 years	N/A
19	A Yum (aka Balk) (M)	1940	N/A	8 years	N/A
20	Buyk/Byuk (M)	1945	N/A	8 years	N/A
21	Buyk (M)	1963	N/A	9 years	Gia Trung Prison camp in Gia Lai
22	John "Chinh" (M)	1952	N/A	10 years	Gia Trung Prison camp in Gia Lai
23	A Hyum, (aka Ba Kol) (M)	1940	N/A	8 years	N/A
24	Siu Thai (aka Ama Thuong) (M)	1978	N/A	10 years	N/A
25	Kpuil Le (M)	N/A	N/A	8 years	N/A
26	Kpuil Mel (M)	N/A	N/A	9 years	N/A
27	Kpa Sinh (M)	1959	N/A	8 years	N/A
28	Rah Lan Blom (M)	1976	N/A	9 years	N/A
29	Rah Lan Mlih (M)	1966	N/A	9 years	N/A
30	Ro Mah Klit (M)	1946	N/A	8 years	N/A
31	Siu Brom (M)	1967	N/A	10 years	N/A
32	Siu Hlom (M)	1967	N/A	12 years	N/A

33	Ro Mah Pro (M)	1964	N/A	8 years	N/A
34	Rmah Hlach (aka Ama Blut) (M)	1968	N/A	12 years	N/A
35	Siu Koch (aka Ama Lien) (M)	1985	N/A	9 years	N/A
36	Noh (M)	1959	N/A	12 years	N/A
37	Ro Lan Ju (aka Ama Suit) (M)	1968	N/A	9 years	N/A
38	Siu Ben (aka Ama Yon) (M)		N/A	12 years	N/A
39	Kpa Binh (M)	1976	N/A	9 years	N/A
40	Rmah Pro (M)	1964	N/A	unclear	N/A
41	Nhi (aka Ba Tiem) (M)	1958	N/A	10 years	N/A
42	Pinh (M)	1967	N/A	9 years	N/A
43	Roh (M)	1962	N/A	10 years	N/A
44	Pastor Y Ngun Knul (M)	1968	29 Apr 2004	18 years	Prison camp No. 6 in Nghe An
45	Y Bhom Kdoh (M)	1965	8 Oct 2012	8 years	Gia Trung Prison camp in Gia Lai
46	Y Chon Nie (M)	1968	29 Oct 2012	8 years	Gia Trung Prison camp in Gia Lai
47	Thao A Vang (M)	1986	16 Oct 2012	20 years	Na Tau Prison camp in Dien Bien
48	Vang A Phu (M)	1977	16 Oct 2012	20 years	Na Tau Prison camp in Dien Bien
49	Vang A Phu (M)	1988	16 Oct 2012	20 years	Na Tau Prison camp in Dien Bien
50	Vang A De (M)	1990	16 Oct 2012	20 years	Na Tau Prison camp in Dien Bien
51	Thao A Vang (M)	1962	16 Oct 2012	18 years	Na Tau Prison camp in Dien Bien
52	Phang A Vang (M)	1988	16 Oct 2012	15 years	Na Tau Prison camp in Dien Bien
53	Y Pum Nie (M)	1964	10 Apr 2018	Pre-trial detention	Dak Lak temporary detention facility

Article 117 (88): Making, storing, spreading information, materials, items for the purpose of opposing the state/  
Conducting anti-state propaganda

<i>No.</i>	<i>Name</i>	<i>Birth Year</i>	<i>Date of Arrest</i>	<i>Sentence</i>	<i>Detention facility</i>
1	Nguyen Dinh Thanh (M)	1991	8 Jun 2018	7 years	Binh Duong's Police Temporary detention
2	Nguyen Viet Dung (M)	1976	27 Sep 2017	6 years	Nghi Kim temporary detention, Nghe An
3	Tran Hoang Phuc (M)	1994	29 Jun 2017	6 years	An Phuoc Prison camp in Binh Duong
4	Vu Quang Thuan (M)	1966	2 Mar 2017	8 years	Ba Sao Prison camp in Ha Nam
5	Nguyen Van Dien (M)	1980	2 Mar 2017	6.5 years	Prison camp No. 5 in Thanh Hoa
6	Phan Kim Khanh (M)	1983	21 Mar 2017	6 years	Ba Sao Prison camp in Ha Nam
7	Tran Thi Nga (F)	1977	21 Feb 2017	9 years	Gia Trung Prison camp in Gia Lai
8	Nguyen Van Hoa (M)	1995	11 Jan 2017	7 years	An Diem Prison camp in Quang Nam
9	Ho Van Hai (Ho Hai) (M)	1957	2 Nov 2016	4 years	Chi Hoa prison, HCM City
10	Bui Hieu Vo (M)	1962	Mar 2017	4.5 years	N/A
11	Truong Thi Thu Hang (F)	1984	16 Feb 2017	4 years	N/A
12	Ta Tan Loc (M)	1975	16 Feb 2017	14 years	N/A
13	Nguyen Quang Thanh (M)	1983	16 Feb 2017	14 years	N/A
14	Nguyen Van Nghia (M)	1977	16 Feb 2017	12 years	N/A
15	Nguyen Van Tuan (M)	1984	16 Feb 2017	12 years	N/A
16	Pham Long Dai (M)	1996	16 Feb 2017	6 years	N/A
17	Doan Thi Bich Thuy (F)	1972	16 Feb 2017	5 years	N/A
18	Tran Thi Bich Ngoc (F)	1994	16 Feb 2017	3 years	N/A
19	Huynh Thi Kim Quyen (F)	1979	30 Apr 2017	4 years	N/A
20	Nguyen Tan An (M)	1992	30 Apr 2017	5 years	N/A
21	Nguyen Ngoc Quy (M)	1992	30 Apr 2017	4 years	N/A
22	Pham Van Trong (M)	1994	30 Apr 2017	3 years	N/A

23	Nguyen Thanh Binh (M)	1994	30 Apr 2017	3 years	N/A
24	Huynh Truong Ca (M)	1971	4 Sept 2018	5.5 years	Dong Thap's Police Temporary detention
25	Nguyen Huu Dang (M)	1983	24 Mar 2017	Pre-trial detention	HCM City's Temporary detention
26	Nguyen Van Quang (M)	1987	12 Jun 2018	Pre-trial detention	Thanh Hoa police's Temporary detention
27	Nguyen Trung Linh (M)	1968	May 2018	Pre-trial detention	Hanoi police's Temporary detention
28	Nguyen Ngoc Anh (M)	1980	30 Aug 2018	Pre-trial detention	Dong Thap police's Temporary detention

Article 118 (89): Disruption of security

<i>No.</i>	<i>Name</i>	<i>Birth Year</i>	<i>Date of Arrest</i>	<i>Sentence</i>	<i>Detention facility</i>
1	Nguyen Hoang Quoc Hung (M)	1981	Feb 2010	9 years	Xuyen Moc Prison camp in Ba Ria-Vung Tau
2	Nguyen Thi Ngoc Hanh (F)	1976	3 Sept 2018	Pre-trial detention	HCM City's Police Temporary detention
3	Ho Van Cuong (M)	N/A	4 Sept 2019	Pre-trial detention	HCM City's Police Temporary detention
4	Ngo Van Dung (M)	1969	4 Sept 2019	Pre-trial detention	HCM City's Police Temporary detention
5	Doan Thi Hong (F)	1983	2 Sept 2019	Pre-trial detention	HCM City's Police Temporary detention
6	Hoang Thi Thu Vang (M)	1966	3 Sept 2018	Pre-trial detention	HCM City's Police Temporary detention

Article 331 (258): Abusing democratic freedoms to infringe upon the interests of the State, lawful rights and interests of organizations and/or citizens. **This article is in the Offence against Administrative Management Order.**

<i>No.</i>	<i>Name</i>	<i>Birth Year</i>	<i>Date of Arrest</i>	<i>Sentence</i>	<i>Detention facility</i>
1	Do Cong Duong (M)	1964	24 Jan 2018	9 years	Bac Ninh's Police Temporary detention
2	Hoang Duc Binh (M)	1983	15 May 2017	14 years	An Diem Prison camp in Quang Nam
3	Nguyen Huu Vinh (M)	1956	5 May 2014	5 years	Prison camp No. 5 in Thanh Hoa
4	Nguyen Van Thien (M)	1961	N/A	4 years	N/A
5	Nguyen Hong Nguyen (M)	1980	June 2018	2 years	Can Tho police's Temporary detention
6	Truong Dinh Khang (M)	1992	Jun 2018	1 year	Can Tho police's Temporary detention
7	Doan Khanh Vinh Quang (M)	1976	Sept 2018	27 months	Can Tho police's Temporary detention
8	Bui Manh Dong (M)	1978	Sept 2018	30 months	Can Tho police's Temporary detention
9	Nguyen Danh Dung (M)	1987	16 Dec 2016	Pre-trial detention	Thanh Hoa police's Temporary detention
10	Le Minh The (M)	1963	10 Oct 2018	Pre-trial detention	HCM City's Police Temporary detention
11	Le Anh Hung (M)	1973	5 Jul 2018	Pre-trial detention	Hanoi's Police Temporary detention



12	Nguyen Duy Son (M)	1981	8 May 2018	Pre-trial detention	Thanh Hoa police's Temporary detention
13	Nguyen Van Truong (M)	1976	9 Feb 2018	Pre-trial detention	Thai Nguyen police's Temporary detention