

## 1. Perpetrator Information

### 1A. Perpetrators against An Dan Dai Dao Buddhists 1B. Perpetrators against the Cao Dai Church (Church of the Third Amnesty of God) and Montagnard Christians

The Government of Phu Yen Province has a long-standing, consistent policy to suppress religious freedom and persecute members of religious organizations or communities that resist government control. We have documented its egregious, systematic and on-going violations of the religious freedom of Buddhists, Cao-Daists and Christians. The director of the Police Department of Phu Yen Province, along with some of his key subordinates, has command responsibility for this anti-religion policy. Key judges and the deputy director of the Procuracy of Phu Yen Province should be equally accountable for their persecution of the Buddhist Sect An Doan Dai Dao (ADDD), specifically, the 22 victims currently in prison (and listed on the victims page of the website of the U.S. Commission for International Religious Freedom).

#### Pham Van Hoa



Country: Vietnam

(Vietnamese name: Phạm Văn Hóa)

Title or Position: Police brigadier general, former Director, Police Department of Phu Yen Province

Date of Birth: unknown

Other Known Personal Identifiers (passport number, address, etc.): none

Past Travel to the United States: none

He retired in 2014 (<https://plo.vn/thoi-su/cong-an-phu-yen-co-giam-doc-moi-464516.html>)

He was the highest official directing the raid and arrest of victims at the ADDD eco-resort.

#### Nguyen Viet Hung



Country: Vietnam

(Vietnamese name: Nguyễn Việt Hùng)

Title or Position: Police colonel

Commander, Political Protection Section, Police Department of Phu Yen Province

Date of Birth: unknown

Other Known Personal Identifiers (passport number, address, etc.): none

Past Travel to the United States: none

He reported to Brigadier General Hoa.

**Luu Thanh Truc**



Country: Vietnam  
(Vietnamese name: Lưu Thanh Trúc)  
Title or Position: Police colonel  
Commander, Protective and Rapid Response Section, Police Department of Phu Yen Province  
Date of Birth: unknown  
Other Known Personal Identifiers (passport number, address, etc.): none  
Past Travel to the United States: none  
He reported to Brigadier General Hoa. His direct report was Lieut. Colonel Le Van Nghiep who directed the raid on the eco-resort, resulting in the detention of several ADDD adherents.

**Nguyen Van Khoa**

Country: Vietnam  
(Vietnamese name: Nguyễn Văn Khoa)  
Title or Position: Police colonel  
Commander, Security Investigation Office, Police Department of Phu Yen Province  
Date of Birth: unknown  
Other Known Personal Identifiers (passport number, address, etc.): none  
Past Travel to the United States: none  
He filed the made-up charge against ADDD.

**Nguyen Ngoc No**



Country: Vietnam  
(Vietnamese name: Nguyễn Ngọc Nô)  
Title or Position: Police lieutenant colonel  
Deputy commander, Traffic Police of Tuy An District, Police Department of Phu Yen Province  
Date of Birth: unknown  
Other Known Personal Identifiers (passport number, address, etc.): none  
Past Travel to the United States: none  
He directed the arrest of the ADDD leader Phan Van Thu outside of the ADDD eco-resort.

**Le Van Nghiep**



Country: Vietnam  
(Vietnamese name: Lê Văn Nghiệp)  
Title or Position: Police lieutenant colonel  
Chief, Rapid Response Police, Police Department of Phu Yen Province  
Date of Birth: unknown  
Other Known Personal Identifiers (passport number, address, etc.):  
none  
Past Travel to the United States: none  
He directed the riot police force which attacked the eco-resort.

**Nguyen Phi Do**

Country: Vietnam  
(Vietnamese name: Nguyễn Phi Đô)  
Title or Position: Former deputy chief judge, People’s Court of Phu Yen Province.  
Date of Birth: 1958  
Other Known Personal Identifiers (passport number, address, etc.):  
none  
Past Travel to the United States: none  
Presiding judge for the trial of ADDD, he retired in late 2018.  
(<https://phuyen.toaan.gov.vn/webcenter/portal/phuyen/chitiettin?dDocName=TAND050308>)

**Vo Nguyen Tung**



Country: Vietnam  
(Vietnamese name: Võ Nguyên Tùng)  
Title or Position: Chief judge for criminal cases, People’s Court of Phu Yen Province. users (for the construction of the eco-resort)  
Date of Birth: unknown  
Other Known Personal Identifiers (passport number, address, etc.):  
none  
Past Travel to the United States: none  
He presided over the appeals trial of the 3 ADDD adherents who used or stored explosives needed for construction work in the mountainous area, but falsely charged with intending to wage war against the government.

**Nguyen Xuan Khanh**

Country: Vietnam  
(Vietnamese name: Nguyễn Xuân Khánh)  
Title or Position: Deputy director, Procuracy of Phu Yen Province  
Date of Birth: unknown  
Other Known Personal Identifiers (passport number, address, etc.):  
none  
Past Travel to the United States: none.

He signed the indictment of victims dated September 8, 2012.

**Phan Van Thanh**



Country: Vietnam

(Vietnamese name: Phan Văn Thanh)

Title or Position: Police brigadier general, current Director, Police Department of Phu Yen Province (from 3/15/2016)

Date of Birth: 1960

Other Known Personal Identifiers (passport number, address, etc.): originally from Tay Son District, Binh Dinh Province

Past Travel to the United States: none

See additional sources:

<https://thanhvien.vn/thoi-su/giam-doc-cong-an-binh-dinh-phu-yen-doi-nhiem-vu-cho-nhau-680931.html>

<http://www.baophuyen.com.vn/76/151561/thieu-tuong-phan-van-thanh-giu-chuc-vu-giam-doc-cong-an-phu-yen.html>

Basis for IRFA sanctions: Torture and imprisonment of 25 adherents of a Buddhist sect who chose to remain independent from the government's own Vietnam Buddhist Church; unlawful confiscation of an eco-resort/retreat belonging to these victims and expropriation of the investment of 4 U.S. investors who are adherents of this Buddhist sect; persecution of adherents of the Cao Dai Church and of Montagnard Christians who chose to remain independent from the government-controlled Cao Dai Church and Christian denominations; and attempts at forced conversion through harassment, interrogations, and intimidation, including a June 2020 attempt to forcibly seize an independent Cao Dai temple serving its congregation.

Command responsibility: Command responsibility is established in three ways.

(1) Violations have happened in a coordinated manner, targeting independent religious organizations, including the An Dan Dai Dao (ADDD) Buddhist sect, the Cao Dai Church, and a Montagnard house church.

Brigadier General Pham Van Hoa, as Director of the Police Department of Phu Yen Province until his retirement in June 2014, carried out the policy by destroying a peace-loving Buddhist sect in 2012. Several of the senior police commanders in his organization carried out his orders and should be targeted as well. Several police commanders talked about their views and roles in the destruction of this religious community in a video produced for the Security Police Directorate of the Ministry of Public Security. The current police director, Brigadier General Phan Van Thanh, is undoubtedly aware of the existence of the independent Cao Dai temple in the province because he is required to implement Vietnam's Law on Belief and Religion which is draconian in terms of squashing all independent, unregistered religious organizations. Police

officer Hung, one of the perpetrators in the attempt to seize the temple, works for the Political Protection Office in the department.

(2) The Police Department of Phu Yen Province works closely with the Police Department of Dak Lak Province to persecute Montagnard Christians when Phu Yen police officers prevented Pastor Y Nuen Ayun (when he traveled from Dak Lak Province) from visiting his fellow adherents who are residents of Phu Yen Province.

Note that the collaboration with Dak Lak Province is particularly egregious because the police of Dak Lak has been identified as a major perpetrator against Montagnard house churches in reports previously submitted to the UN and Department of State.

Impact of applying IRFA visa restrictions to perpetrators:

The U.S. Government has repeatedly raised its concern to the Government of Vietnam at human rights dialogues and on many other occasions, but persecution against non-submissive religious communities in Phu Yen Province continues unabated. Targeted sanctions are designed to change behavior. As Vietnam's central authorities are unable or unwilling to stop ongoing religious persecution at the provincial level, the targeted sanctions would send a clear message straight to the Vietnamese provincial authorities that the U.S. Government takes seriously the ongoing, systematic and egregious persecution against Montagnard house churches, independent Cao Dai groups, and independent Buddhist groups such as ADDD.

This case also involves illegal expropriation of the property and investment of 4 American citizens – there was no criminal charge against them. In February 2020, Vietnam Construction and Import-Export Joint Stock Company (Vinaconex), a state-owned enterprise, submitted a proposal to build a spiritual retreat on the site of the Da Bia Eco-Resort, infringing on the property rights of the four US citizens. Vinaconex has a subsidiary in the U.S., Vicostone (<https://us.vicostone.com/>). Sanctioning the responsible government officials of Phu Yen Province would send a strong warning not only against religious persecution but also against its illegal practice of seizing the property of the ADDD Sect and U.S. citizens to benefit a state-owned enterprise.

The U.S. government has applied targeted sanctions against over 200 individuals and entities in 25 countries, but none in Vietnam. This may send the wrong message as Vietnam may come to believe—mistakenly—that its own poor human rights record might be overlooked by the U.S. Government due to geopolitical and economic interests. In the short-term, applying targeted sanctions against Vietnamese officials would dispel their impression of immunity. The Police Department and other government officials of Phu Yen Province may need to think twice before committing the next act of persecution against religious communities that resist government control.

In the longer term, applying targeted sanctions may be an effective way for the United States to draw a clear line for religious freedom while encouraging Vietnam to be a more responsible and reliable partner in a future strategic relationship with the United States. The sanctions may compel Vietnam's new leadership team, which will be decided at the upcoming national

Congress of the Vietnamese Communist Party in January 2021, to rethink its policy towards religions.

Availability of witnesses:

1. Pastor A Ga, a Montagnard Christian living in North Carolina, has been in close touch with his fellow adherents in Phu Yen Province. Past religious freedom violation reports which BPSOS submitted to the UN and Department of State were based on information provided by Pastor A Ga whose sources were victims in Phu Yen Province.
2. Four American citizens who are adherents of the An Dan Dai Dao Buddhist Sect and whose investment was illegally seized by the Government of Phu Yen Province.

Other supporting sources of information:

Vietnam: ICJ urges authorities to provide access to medical treatment in prison and protect the rights of detainees during COVID pandemic, April 6, 2020: <https://www.ici.org/vietnam-ici-urges-authorities-to-provide-access-to-medical-treatment-in-prison-and-protect-the-rights-of-detainees-during-covid-pandemic/>

Victims list of the U.S. Commission on International Religious Freedom (USCIRF):  
<https://www.uscirf.gov/victims-list/>

Details can be found in the appendices.

### **Appendix A. The An Dan Dai Dao Buddhist Sect**

In this case, the expropriation of properties of United States citizens was intertwined with the government's policy to eliminate an entire peace-loving Buddhist sect which had several thousand followers. This case involved the government of Phu Yen Province giving the go-ahead to a Buddhist sect (known for its members' devotion to helping those in needs) to develop a spiritual theme park from scratch (using the members' own resources) and then mounting a surprise raid at the site to arrest and prosecute the most prominent members of this sect, torture them during the pre-trial investigation period, and convict them of "plotting to overthrow the people's government" using the forced confession materials. A number of prisoners have been denied access to medical treatment in spite of their family's repeated requests, resulting in one death in prison from severe illnesses. The US Commission on International Religious Freedom has included them in its list of victims of religious persecution.

Currently, the government and a developer, a Vietnamese state-owned enterprise with a commercial subsidiary in the United States, are proceeding with work which will result in a permit for the developer to build upon the victims' eco-resort project and launch a potentially highly lucrative venture. A "documentary" full of untruths about the investigation and arrests made by the provincial police department was aired by the Ministry of Public Security (<https://www.youtube.com/watch?v=2Q2kcfqyrKI>). This video features the individuals proposed for sanction. Of note, four Vietnamese Americans are among those adherents whose investment in the project were unlawfully confiscated without them being charged of any crime. Over the years, before this incident took place, the United States and Vietnam had entered into agreements on a framework for trade and investment designed to ensure fairness and transparency to protect the legitimate interests of both countries. The provincial government flouted this arrangement and the central government did not intervene.

A concise timeline is presented next before the textual descriptions with details for the purpose of readability.

#### **Concise Timeline of ADDD Growth Followed by Continuing Persecution**

##### **1. Before April 1975**

In South Vietnam, a non-Communist country aligned with the West, Mr. Phan Van Thu founded a Buddhist sect named An Doan Dai Dao in 1969. Along with several disciples, he led a monastic life in a Buddhist temple built with the group's own resources. Their version of Buddhism placed greater emphasis on the worship of GuanYin, the female bodhisattva known as Avalokitesvara. She was first given the appellation of "Goddess of Mercy" by Jesuit missionaries in China. After a number of years, the sect grew to several thousand adherents and 14 temples with monks and nuns by April 1975, in part because the adherents' kindness, compassion and self-sacrifice were a major draw for new followers.

##### **2. After April 1975**

**In the spring of 1975**, Communist North Vietnam invaded South Vietnam. Subsequently, the regime banned most religious organizations unless they were established and totally controlled by the Communist Party of Vietnam. Like many other religious organizations, beginning in August 1975, ADDD temples were seized or demolished, monks and nuns expelled or arrested, and lay



followers had to cease all open worship. Mr. Phan Van Thu and his senior disciples were detained for years without a trial and then sentenced to prison terms for “working for the CIA”, a false accusation. Over 200 others were detained and tortured before receiving 2-year prison sentences. An adherent died from torture.

**On July 27, 1980**, the harsh persecution by Vietnam led four monks to immolate themselves in protest.

**In May 1983**, Mr. Thu and a number of disciples volunteered to resettle in a remote location to develop it in exchange for being released from prison, pursuant to the regime’s policy on New Economic Zones at the time. In November 1984, they escaped from this remote zone to seek more freedom to secretly resume their religious practice. They eventually settled in Phu Yen Province.

**In 2003**, when the government of Phu Yen Province began to implement a policy aiming to hasten economic development and tourism, the group applied for, and received official approval (by the Phu Yen provincial government) to develop a large area by Da Bia Mountain into an eco-resort/retreat. The eco-resort began operation in 2004.

**In 2012**, the government of Phu Yen Province mounted a surprise raid to arrest Mr. Thu and other religious leaders and had them sentenced to long prison terms for a crime which they had not committed. United States nationals who were adherents also invested their money in the eco-resort project were not charged with any crime and flew back to the United States but lost all their investments because the government confiscated the entire eco-resort/retreat.

**After 2013**, a number of prisoners required medical treatment, including surgery in some cases, but were not allowed to leave the prison for such a purpose. More recently, the provincial government began working with a developer to make plans for further work on the eco-resort/retreat, taking advantage of the very significant development financed by the victims. Beginning in 2013, the relatives of the prisoners began to request the Phu Yen government to review the unjust conviction

**On May 25, 2015**, all imprisoned leaders and members of ADDD filed appeals to the Supreme One of the prisoners, a Vietnamese citizen, died from kidney failure in prison on October 5, 2019 because the authorities did not allow him to access adequate medical care.

### **3. Details of the Case Involving ADDD**

An Dan Dai Dao (Blessed Flock of the Great Way; Vietnamese abbreviation: ADDD), is a religious organization aiming to bring Buddhist enlightenment to everybody, thus enabling the state of Truth-Kindness-Beauty everywhere, leading to peace and prosperity. Mr. Phan Van Thu founded the sect in 1969. By April 30, 1975, ADDD had established 14 temples, ordained hundreds of monks and nuns, and had several thousand adherents. ADDD’s mandate is to implement the principle of "three salvations": saving the spirit and conscience, saving the body and mind, and saving material things in order to save sentient beings (e.g., saving donated money and goods to help the needy). ADDD adherents demonstrated their kindness particularly well during the fighting in the spring of 1975 (final offensive by Communist North Vietnam) when they rescued the wounded, buried the dead, fed hungry refugees, and donated blood to clinics and hospitals swamped with victims.



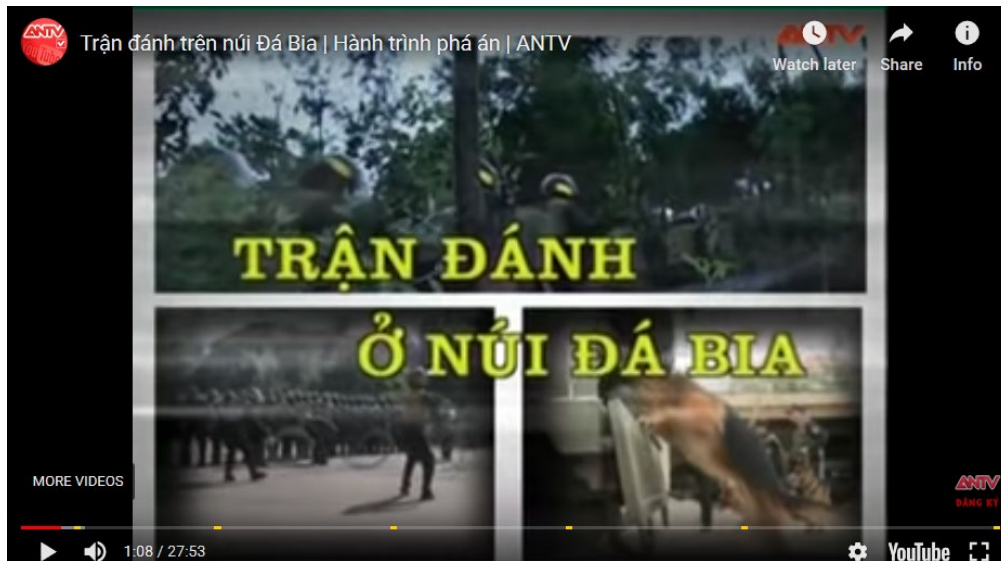


Figure 1. In the Phu Yen government's video, its use of armed riot police, security police, and police dogs against peace-loving ADDB Buddhists was given the title 'Battle of Da Bia Mountain'.



Figure 2. Minute 1:31- Sign at the entrance of the eco-resort: 'Eco-Resort of Da Bia'.

After April 1975, the Communist State confiscated ADDB's temples and religious materials in an attempt to eradicate the sect. Those monks and nuns who did not return to secular life took refuge in the Da Den region of Deo Ca Pass (Phu Yen Province) to continue practicing their faith. Government forces hunted them down, arrested Mr. Thu, charged him with working for the CIA, detained him in an isolation cell of the Phu Khanh Province Police Department for 5.5

years, where they tortured him brutally before moving him to Prison No. A30 in Phu Yen Province.

Many other adherents - a few hundred who had been caught practicing their faith - were also detained and tortured (a victim died) before serving 2-year sentences with forced labor in Prison No. A30. After their release from prison, a number of them continued to practice their faith in secret. The government continued to persecute those who were caught doing so. On July 27, 1980, four former monks immolated themselves to protest the inhumane persecution (Nguyễn Minh Hào, Lê Đình Thám, Trần Thời and Nguyễn Văn Dũng were in their mid twenties).

In May 1983 Mr. Thu was released from prison and started serving his post-prison probation period in a remote area. Later, he escaped with his family and lived a nomadic life to avoid capture. Mr. Thu and a few adherents returned to Phu Yen Province in June 1993.

In 2003, responding to Phu Yen Province’s emphasis on investment to develop tourism, Mr. Thu appointed Mr. Vuong Tan Son to set up a limited liability corporation by the name Hoang Long LLC (công ty TNHH Hoàng Long, later changed to Quynh Long LLC). This corporation was approved by the provincial government to use 50 hectares of forest land to implement a pilot project involving the planting of 9000 hardwood trees and, at the same time, build an eco-resort/retreat. There, Mr. Thu and his disciples undertook the construction, improvement, and cultivation, and started a complex ecological zone which would serve as an eco-resort built around spiritual themes that reflected ADDD beliefs (see pictures in the Appendix). The completed eco-resort began operation in 2004.

On February 5, 2012, the government of Phu Yen Province sent a force to arrest key adherents working there and seize the eco-resort with its buildings, falsely accusing them of "conspiracy to overthrow the people's government" pursuant to Article 79 of the Penal Code. In addition, the government forced adherents to recant their faith through harassment and intimidation. The government mounted a major campaign to portray the group as a political group, citing its use of religious names for members as a system of “noms de guerre”.



*Figure 2. One of the naturally formed caves at the eco-resort. The caves were intended by the ADDD Buddhists for use as a place where visitors would obtain refreshments and also for storing the supplies needed to run the eco-resort but the video claimed that the caves were intended to enable a speedy escape for those who plot to overthrow the government.*

The group's motto "Ecology first – then the Ancestral Temple" meant that eco-resort/retreat revenues will be used to construct the ancestral temple (the main office) of the sect; the government twisted it around to accuse ADDD of operating "under the shadow of eco-resort/retreat activities to build a political/military base."

At the preliminary hearing, Mr. Thu said that his interrogators picked two out of the religious hymns that he had composed and forced him to choose one and admit it to be his group's national anthem. They collected the carved stone depicting a tortoise in the eco-resort/retreat area and pressed him to confess that it was the national emblem chosen by his group. They then produced the Buddhist flag, alleging that it was the national flag chosen by his group. A small pebble-size stone shaped like a Chinese character that the Board of Directors of the eco-resort/retreat project picked up after a landslide in the ecological area was presented as the group's official seal. Mr. Thu's sentence was life imprisonment while the 21 others' sentences added up to 299 years in prison and 110 years of probation. The defendants were not allowed to choose their own lawyers; instead, the court appointed 6 lawyers from the Phu Yen Province Bar Association to represent the 22 people. There was no "defense" in reality because the appointed lawyers knew that they were expected to do little, otherwise they would have risked their career and freedom, too.



*Figure 3. Minute 2:26- Meeting of the Phu Yen Province Police Department (PYPD) to plan the raid. The PYPD director chaired the meeting*



Figure 4. Minute 2:28 - ...and “ordered his staff to move more speedily while planning the operation more thoroughly and carefully.”

In July 2014, the provincial police arrested three additional adherents, charged them with "stockpiling, using, and illegal trading of explosives", and the court sentenced the three to a total of 10 years in prison. The Eco-resort of Da Bia Mountain was built on pristine and rugged mountainous land. The three bought explosives (within the amount allowed by the law) and detonators to break up large rocks as a way of clearing the land; the broken rocks were used as construction materials for the project. Overall, the government gave the 25 victims prison terms and post-prison probation that added up to 309 years in prison and 110 years of probation, aside from Mr. Thu’s life sentence. On the occasion of the annual national amnesty, Mr. Vo Van Phung was released in August 2015. Mr. Huynh Duc Minh completed his sentence in December 2016 and Mr. Nguyen Van Huu completed his in July 2017.





Figure 5. Minute 6:33- Colonel Nguyen Viet Hung, commander, Political Protection Office, PYPD: “Their headquarters was well equipped.”



Figure 6. Minute 7:36- Lieutenant Colonel Le Van Nghiep directing his riot police force at the start of the raid.



Figure 7. Minute 7:42- Police dogs used for the raid.



Figure 8. Minute 8:19- Colonel Luu Thanh Truc: “As a powerful riot police force, we stationed ourselves at all the major crossroads and venues...”



Figure 9. Minute 8:45- Riot police at the eco-resort during the surprise raid in 2012

According to the provincial procuracy’s indictment (a section of this indictment is reproduced later in this document), the following four American citizens had invested some \$240,000 (USD) into specific components of the eco-resort/retreat:

- (1) Mr. Toan Xuan Nguyen (Born in 1953), a resident of Albuquerque, NM, invested in 1.436 billion VND (equivalent to **US\$68,400**) in the Bao Toan Inn and 750 million VND in the Bao Toan Cave;
- (2) Mr. Duyet Van Nguyen (Born in 1962), a resident of Albuquerque, NM, invested 2 billion VND (**US\$95,200**) in the Thanh Trieu Inn;

- (3) Mr. Lang Nhu Dinh (Born in 1948), a resident of Albuquerque, NM, invested 976 million VND (**US\$46,500**) in the Huong Hoang Trang Inn (together with 2 Vietnamese nationals);
- (4) Mrs. Ngu Thi Tran (Born in 1957), a resident of Worcester, MA, invested 600 million VND (**US\$28,600**) in the Doi Bach Tuong Inn.

**Mr. Duyet V Nguyen** 6001 Moon St. NE #3411, Albuquerque, NM 87111-1462 505-293-2938  
[duyet2015@yahoo.com](mailto:duyet2015@yahoo.com) Naturalization: Nov 18, 2005

**Mr. Toan Xuan Nguyen** 7316 Arvada Ave NE, Albuquerque, NM 87110-4513 505-544-8766  
[chon\\_toan@yahoo.com](mailto:chon_toan@yahoo.com) Naturalization: Sep 24, 1999

**Ms. Ngu Thi Tran** 5 Fisher Rd, Worcester, MA 01602-2809 508-791-1210  
No email. Naturalization: June 9, 1998

**Mr. Lang Nhu Dinh** 809 Piedra Larga Pl NE, Albuquerque, NM 87123-1959  
No email. Naturalization in or around 2007

Duyet Van Nguyen and Lang Nhu Dinh were at the site when the police of Phu Yen Province raided the eco-resort/retreat on February 5, 2012. These two American citizens were only asked to pay an administrative fine and then allowed to fly home to America. Were they involved in a plot to overthrow the government, they would have been detained for interrogation, charged, and sentenced along with the other co-conspirators. It was therefore evident that the Phu Yen government made up accusations to justify their expropriation of a development project worth 28 billion VND (US\$1.3 million) back then (and much more now) while ensuring the extinction of an independent Buddhist sect.

In Communist Vietnam, religious and political detainees are often tortured for the purpose of coercing a confession (which most claim was false and only given to end the torture), which is used in the subsequent trial against them and results in their conviction. Charges generally relate to vaguely worded offenses, including “plotting to overthrow the people’s government”, “undermining the people’s government”, “conducting propaganda against the state,” and “abusing democratic freedoms to infringe upon the interests of the state”, the validity of which has been called into question by credible UN experts and human rights organizations.<sup>1</sup> Long prison sentences followed by 3-5 years of probation are often imposed as a result of these confessions coerced through torture.<sup>2</sup>

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<sup>1</sup> Human Rights Watch 2012. <https://www.hrw.org/news/2012/01/23/vietnam-systematic-crackdown-human-rights#>

<sup>2</sup> Human Rights Watch 2013. <https://www.hrw.org/world-report/2013/country-chapters/vietnam#>



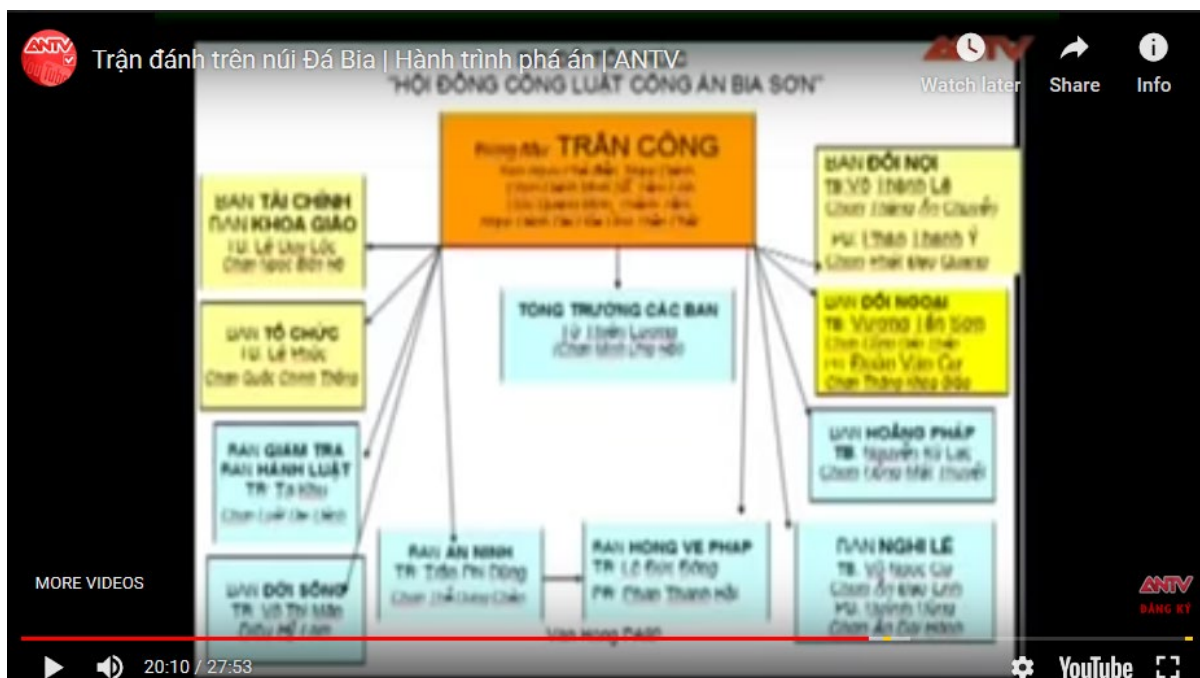


Figure 4. ‘Organization chart’ of ADDD drawn by the police

After the arrest, the police prepared this purported ‘organization chart’ showing the committees established by the ADDD Buddhists for the purpose of seizing control of the province. Like mainstream Buddhist congregations and also non-Buddhist congregations (e.g., Christian ones) the sect had several committees, each tasked with a specific function such as financial management, outreach, life issues counseling, worship, planning, etc.

Since 2017, the relatives of the prisoners have continuously submitted petitions for the “review and decision to reopen the case associated with Judgment No. 04/2013 / HSST dated February 4, 2013 of the People's Court of Phu Yen Province and review and decision to stay the associated sentences" to the competent Vietnamese authorities and foreign embassies in Vietnam, including the United States embassy. The Vietnamese government has not taken any positive step.

The individuals recommended for sanction in this submission are both current and former high-ranking officers within the police department of Phu Yen Province. As required for designation under Executive Order 13818, each of the individual perpetrators named in this submission is or has been – a leader or official of a governmental entity that has engaged in, and whose members have engaged in, serious human rights abuses. Moreover, the evidence discussed in this submission confirms that there is a pattern and practice of human rights abuse that could exist only if condoned by officials at all levels of authority within the province, if not the country. Due to the long prison sentences which resulted from confession obtained through intimidation and torture, BPSOS submits that each of the individuals recommended for sanction were knowingly complicit in serious human rights abuses and knew, or should have known, that the government entities that they led were engaged in the commission of serious violations of human rights. The listed perpetrators also failed to take steps to halt the abuses or to investigate them in a genuine effort to impose punishment on their subordinates who engaged

in serious human rights abuses. As such, BPSOS recommends these individuals for inclusion on the Global Magnitsky/EO 13818 sanctions list.

#### **4. Additional Information**



View of the eco-resort when the government of Phu Yen Province used force to seize it.





Bao Toan Inn



Bao Toan Cave



Thanh Trieu Inn



Huong Hoang Trang Inn



Doi Bach Tuong Inn





Pavilion over water



A part of the eco-resort at the time of the arrest of peaceful adherents

**Partial reproduction of the Indictment of An Dan Dai Dao's key figures by the People's Procuracy of Phu Yen Province - Names of the 4 Vietnamese Americans and their investment (in Vietnamese dong) are highlighted.**

VIỆN KIỂM SÁT NHÂN DÂN TỐI CAO

VIỆN KIỂM SÁT NHÂN DÂN

CỘNG HÒA XÃ HỘI CHỦ NGHĨA VIỆT NAM

Độc lập - Tự do - Hạnh phúc

TỈNH PHÚ YÊN

Phú Yên, ngày 8 tháng 9 năm 2012

Số: 21/VKS-P2

**CÁO TRẠNG**

**VIỆN TRƯỞNG VIỆN KIỂM SÁT NHÂN DÂN TỈNH PHÚ YÊN**

- Căn cứ các điều 36, 166, 167 Bộ luật tố tụng hình sự....

- Căn cứ các quyết định khởi tố bị can số 01, 02, 03, 04, 05, 06, 07, 08, 09, 10 ngày 04/02/2012, số 11, 12, 13, 14 ngày 09/02/2012, số 15 ngày 11/02/2012, số 16, 17, 18 ngày 28/02/2012 của Cơ quan An ninh điều tra Công an tỉnh Phú Yên....

- Đầu năm 2003, Phan Văn Thu chỉ đạo Vương Tấn Sơn tìm địa điểm xây dựng căn cứ địa làm nơi chỉ huy hoạt động phát triển của tổ chức, tạo vỏ bọc hợp pháp tránh sự phát hiện của chính quyền. Phan Văn Thu chọn khu vực cầu Suối Lớn, đèo Cả dưới chân núi Đá Bia thuộc xã Hòa Xuân Nam, huyện Đông Hòa để xây dựng căn cứ địa .... Ngày 08/4/2004 Sở Kế hoạch - Đầu tư tỉnh Đắc Nông đã cấp giấy phép kinh doanh cho công ty TNHH Hoàng Long hoạt động. Ngày 31/8/2004 Ban Quản lý rừng đặc dụng đèo Cả ký hợp đồng giao khoán 28,7 hec-ta rừng ở khu vực cầu Suối Lớn, đèo Cả cho Vương Tấn Sơn để bảo vệ, khoanh nuôi tái sinh và trồng rừng, ngày 27/8/2005 giao tiếp 3,5 hec-ta nữa. Vương Tấn Sơn làm thủ tục mở Chi nhánh Công ty TNHH Hoàng Long tại Phú Yên và lập dự án đầu tư xây dựng khu du lịch sinh thái Đá Bia được Sở Kế hoạch - Đầu tư tỉnh Phú Yên cấp giấy chứng nhận đăng ký vào ngày 30/11/2004; ngày 03/02/2005, UBND tỉnh Phú Yên có thông báo số 95/TB-UBND cho phép lập thủ tục đầu tư xây dựng khu du lịch sinh thái Đá Bia.

Sau khi khu du lịch sinh thái Đá Bia được xây dựng, Phan Văn Thu cùng đồng phạm chuyển đến hoạt động tại đây. Trong thời gian từ 2004 - 2008, Phan Văn Thu cùng đồng phạm tập trung xây dựng cơ sở vật chất của khu căn cứ địa với phương châm “tiền sinh thái, hậu tổ đình” (*núp bóng hoạt động du lịch sinh thái để xây dựng căn cứ địa*). Phan Văn Thu chỉ đạo Đoàn Văn Cừ và Vương Tấn Sơn mua, sang nhượng 15,9 hec-ta rừng của một số hộ dân, mở rộng căn cứ địa lên 48,1 hec-ta.

Bên trong khu du lịch sinh thái Đá Bia, Phan Văn Thu đã chỉ đạo các pháp hội, bào tộc, Việt Kiều xây dựng nhiều công trình kiên cố và hầm bí mật làm nơi hoạt động của tổ chức. Tất cả các hạng mục công trình xây dựng trong khu du lịch sinh thái Đá Bia đều không có thiết kế, không được cơ quan có thẩm quyền cấp giấy phép xây dựng theo quy định. Cụ thể như sau:

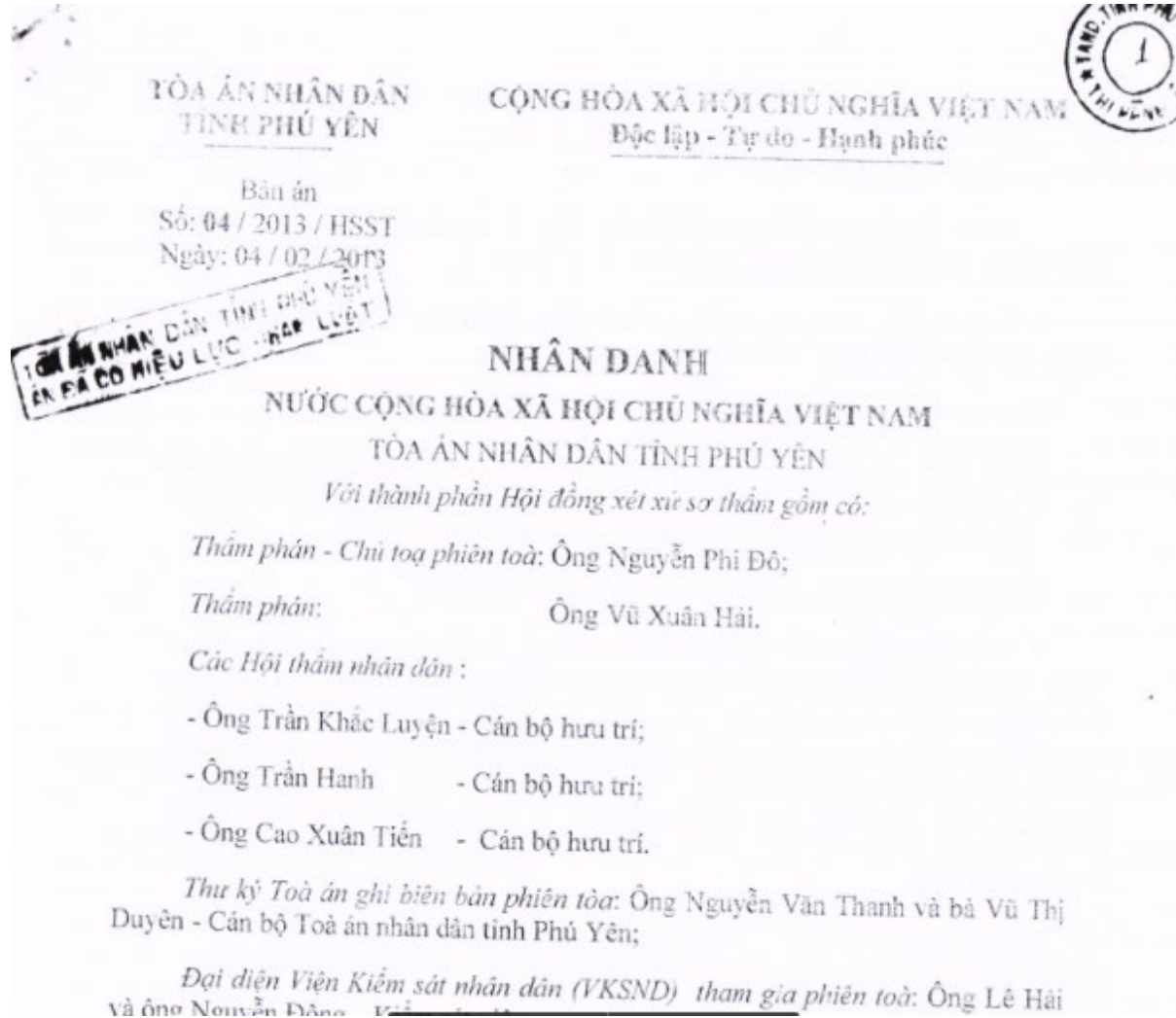
- **Nguyễn Văn Toàn** (note: the indictment misspelled his middle name which should have been shown as Xuân), sinh 1953 (Việt kiều Mỹ, Tên gọi trong tổ chức Chơn Toàn Minh Mạng) xây dựng nhà nghỉ Bảo Toàn trị giá 1,436 tỉ đồng và động Bảo Toàn trị giá 750 triệu đồng.

- **Nguyễn Văn Duyệt**, sinh 1962, (Việt kiều Mỹ, Tên gọi trong tổ chức Chơn Hòa Thanh Duyệt) xây dựng nhà nghỉ Thanh Triều trị giá 02 tỉ đồng.

- **Trần Thị Ngử (Lý)** khoảng 57 tuổi, (Việt kiều Mỹ, Tên gọi trong tổ chức Diệu Minh Lý) xây dựng nhà nghỉ Đồi Bạch Tượng trị giá 600 triệu đồng.

- **Lê Duy Lộc, Đinh Như Lăng** (BPSOS note: he is a naturalized United States national) và **Lê Chiến** xây dựng nhà nghỉ Hương Hoàng Trang trị giá 976 triệu đồng.

Selected pages from the court judgment are shown on the following pages. The material related to the Vietnamese Americans is similar to the information from the indictment document mentioned earlier.





Sau khi khu du lịch sinh thái Đá Bia được xây dựng, Phan Văn Thu cùng đồng phạm chuyển đến hoạt động tại đây. Trong thời gian từ 2004 – 2008, Phan Văn Thu cùng đồng phạm tập trung xây dựng cơ sở vật chất của khu căn cứ địa với phương châm “Tiên sinh thái, hậu tổ đình” (*núp bóng hoạt động du lịch sinh thái để xây dựng căn cứ địa*). Phan Văn Thu chỉ đạo Đoàn Văn Cư và Vương Tấn Sơn mua, sang nhượng 15,9 hec-ta rừng của một số hộ dân, mở rộng căn cứ địa lên 48.1 hec-ta.

Bên trong khu du lịch sinh thái Đá Bia, Phan Văn Thu đã chỉ đạo các pháp hội, bảo tộc, Việt Kiều xây dựng nhiều công trình kiên cố và hầm bí mật làm nơi hoạt động của tổ chức. Tất cả các hạng mục công trình xây dựng trong khu du lịch sinh thái Đá Bia đều không có thiết kế, không được cơ quan có thẩm quyền cấp giấy phép xây dựng theo quy định. Cụ thể như sau:

- Nguyễn Văn Toàn, sinh 1953 (Việt kiều Mỹ, Tên gọi trong tổ chức Chơn Toàn Minh Mạng) xây dựng nhà nghỉ Bảo Toàn trị giá 1,436 tỉ đồng và động Bảo Toàn trị giá 750 triệu đồng.

- Nguyễn Văn Duyệt, sinh 1962, (Việt kiều Mỹ, Tên gọi trong tổ chức Chơn Hào Thanh Duyệt) xây dựng nhà nghỉ Thanh Triều trị giá 02 tỉ đồng.

- Trần Thị Ngữ (Lý) khoảng 57 tuổi, (Việt kiều Mỹ, Tên gọi trong tổ chức Diệu Minh Lý) xây dựng nhà nghỉ Đồi Bạch Tượng trị giá 600 triệu đồng.

- Lê Ngọc Phước Phùng (Tên gọi trong tổ chức Chơn Phùng Hạo Nhân) xây dựng Hoa Viên Quán trị giá 192 triệu đồng.

- Lê Ngọc Huy (Tên gọi trong tổ chức Chơn Huy Đức Minh) xây dựng động Sư Tử trị giá 320 triệu đồng.

- Vợ chồng Lê Thị Mỹ Thủy - Huỳnh Quốc Phụng (Tên gọi trong tổ chức Tri Phụng) xây dựng nhà mát quần thể Sư Tử trị giá 250 triệu đồng.

- Từ Thiện Lương (Tên gọi trong tổ chức Chơn Minh Ứng Hội) xây dựng nhà nghỉ Bình Minh trị giá 250 triệu đồng.

- Lê Thị Phượng (Tên gọi trong tổ chức Diệu Phượng) xây dựng Phượng Hoàng quán trị giá 150 triệu đồng.

- Lê Duy Lộc, Đinh Như Lăng và Lê Chiến xây dựng nhà nghỉ Hương Hoàng Trang trị giá 976 triệu đồng.

- Lê Duy Lộc xây dựng động Đại Bi trị giá 75 triệu đồng.

- Pháp hội Thiên Hương (thị xã Sông Cầu, tỉnh Phú Yên) xây dựng nhà nghỉ Cổ Phụng Dương (Cổ Phụng Linh) trị giá 537 triệu đồng.

- Pháp hội Thiên Ân (huyện Tây Hòa, tỉnh Phú Yên) xây dựng nhà nghỉ Hoàng Lâm trị giá 140 triệu đồng.

- Pháp hội Thiên Kim (huyện Tây Hòa, tỉnh Phú Yên) xây dựng Thạch Kim Quán trị giá 05 triệu đồng.








Another view within the eco-resort when confiscated



**An Dan Dai Dao Victims**




	<p>1. Ms. Do Thi Hong: b. 1957. Residence: Binh Thang village, Son Thanh Dong Ward, Tay Hoa District, Phu Yen Province. She is a member of the An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Her sentence is 13 years in prison and 5 years of probation under Article 79 of the penal code. She was the victim of a fabricated charge, “plotting to overthrow the government.” Arrested on 2/10/2012. After being sentenced, she was in Section K5, Prison Complex Z30A, Xuan Loc District, Dong Nai Province. Ms. Hong is currently detained at a prison in Phu Giao District, Binh Duong Province. She is in poor health and suffers from asthenia, head pain, and skin diseases.</p>
	<p>2. Mr. Doan Van Cu: b. 1961. Residence: Dai Binh village, Hoa Quang Nam Ward, Phu Hoa District, Phu Yen Province. He is a member of the Buddhist sect known as An Dan Dai Dao, founded in 1969 but outlawed after the Communist</p>



	<p>regime took over South Vietnam in April 1975. Arrested on 2/10/2012, He was sentenced to 14 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government”. After being sentenced, he was held in Section K3, Prison Complex T345, Xuyen Moc District, Ba Ria, Vung Tau Province.</p> <p>September 27, 2015 he was transferred to Prison #5, Section 3, Yen Dinh District, Thanh Hoa Province. He suffers from ailments associated with advancing age.</p>
	<p>3. Mr. Le Duc Dong: b. 1983. Residence: Ke Sung Village, Phu Dien Ward, Phu Vang District, Thua Thien – Hue Province. He is a member of An Dan Dai Dao, a Buddhist sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 5, 2012, he was sentenced to 12 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He is currently held in a prison in An Diem, Dai Hung Commune, Dai Loc District, Quang Nam Province. He has weak eyesight.</p>
	<p>4. Mr. Le Duy Loc: b. 1956. Residence: Khanh Son, Khanh Hai Town, Ninh Hai, Ninh Thuan Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 5, 2012, he was sentenced to 17 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” After being sentenced, he was held in a prison in An Diem, Dai Hung, Dai Loc District, Quang Nam Province.</p> <p>June 2015: he was transferred to Prison 6, Thanh Chuong District, Nghe An Province.</p> <p>May 21, 2016, he was transferred to prison camp #5, Section 3, Yen Dinh District, Thanh Hoa Province.</p> <p>In October 2019, he was transferred to Gia Trung Prison in Mang Yang District, Gia Lai Province. He is in poor health and suffers from head pains and high blood pressure.</p>

	<p>5. Mr. Le Phuc: b. 1951. Residence: 21/32A Thong Nhat Street, Dai Son Ward, Phan Rang-Thap Cham Town, Ninh Thuan Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 5, 2012, he was sentenced to 15 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government”. He is currently held in Section K3, Prison Complex T345, Xuyen Moc District, Ba Ria-Vung Tau Province. He suffers from poor health and has urinary tract disease.</p>
	<p>6. Mr. Le Trong Cu: b.10/20/1966. Residence: Quy Hau Village, Hoa Tri Ward, Phu Hoa District, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 5, 2012, he was sentenced to 12 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” After being sentenced, he was held in Section K3, Prison Complex T345, Xuyen Moc District, Ba Ria-Vung Tau Province. September 27, 2015: he was transferred to prison camp #5, Section 3, Yen Dinh District, Thanh Hoa Province. He suffers from stomach ulcer.</p>
	<p>7. Mr. Luong Nhat Quang: b. 1987. Residence: Luong Phuoc, Hoa Phu Ward, Tay Hoa District, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on November 23, 2012, he was sentenced to 12 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” After being sentenced he was held in Section K3, Prison Complex T345, Xuyen Moc Ward, Ba Ria-Vung Tau Province. September 27, 2015{ he was transferred to Section 5, prison in Yen Dinh District, Thanh Hoa Province. He suffers from hair fungal infection.</p>



	<p>8. Mr. Nguyen Dinh: b. 1/4/1968. Residence: An Nien Village, Hoa An Ward, Phu Hoa District, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on November 23, 2012, he was sentenced to 14 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He is currently held in Section 2, Prison Complex 2, Xuan Loc District, Dong Nai Province. He suffers from heart disease, liver disease, stomach ulcer and numbness.</p>
	<p>9. Mr. Nguyen Ky Lac: b. 1/1/1951. Residence: Trieu Son Dong, Xuan Dai Ward, Song Cau Town, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 6, 2012, his sentence is 16 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He is currently held in Section 2, Prison Complex 2, Xuan Loc District, Dong Nai Province. He has a history of gastrointestinal disease</p>
	<p>10. Mr. Nguyen Thai Binh: b. 1986. Residence: Thanh Hai Ward, Phan Rang - Thap Cham City, Ninh Thuan Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on November 23, 2012, he was sentenced to 12 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He is currently held in prison in An Diem, Dai Hung Commune, Dai Loc District , Quang Nam Province. His eyesight is weak.</p>
	<p>11. Mr. Phan Thanh Tuong: b. 1987. Residence: My Thanh Trung, Hoa Phong Ward, Tay Hoa District, Phu</p>

	<p>Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 28, 2012, he was sentenced to 10 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He is currently held in Section 2, Xuan Loc District Prison, Dong Nai Province.</p> <p>He suffers from various skin diseases.</p>
	<p>12. Mr. Phan Thanh Y: b. 1948. Residence: My Thanh Trung, Hoa Phong Ward, Tay Hoa District, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on November 23, 2012, he was sentenced to 14 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He is currently held in Section K3, Prison Complex T345 in Xuyen Moc District, Ba Ria – Vung Tau Province. He suffers from kidney failure, urinary tract infection, and stomach ulcer.</p>
	<p>13. Mr. Phan Van Thu: b. 1948. Residence: Section 646, Tran Phu Street, An Nhon Town, Binh Dinh Province. He founded the Buddhist Sect titled An Dan Dai Dao in 1969. It was outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 5, 2012, he was sentenced to life in prison on the fabricated charge of “plotting to overthrow the government,” under Article 79 of the penal code. He was in An Phuoc Prison in Phu Giao District, Binh Duong Province, and suffers from poor health.</p> <p>August 28, 2017 he was transferred to Gia Trung Prison in Mang Yang District, Gia Lai Province. In addition to Stage 4 diabetes, he suffers from high blood pressure, heart failure Class 3.</p>



	<p>14. Mr. Ta Khu: b. 1947. Residence: Binh Thang, Son Thanh Dong Ward, Tay Hoa District, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 6, 2012, he was sentenced to 16 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He is currently in Section K3, Prison Complex T345 in Xuyen Moc Prison, Ba Ria-Vung Tau. He is in poor health, suffering from stomach ulcer and diabetes.</p>
	<p>15. Mr. Tran Phi Dung: b. 1966. Residence: Phu Nhien Town, Hoa My Dong Ward, Tay Hoa District, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 10, 2012, he was sentenced to 13 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” After being sentenced he was held in Prison Z30A, Section 2, in Xuan Loc District, Dong Nai Province. September 27, 2015 he was transferred to Prison 6, Thanh Chuong, Nghe An Province. He suffers from a vestibular disorder, an orange-size tumor in the thigh, and is in poor health.</p>
	<p>16. Mr. Tran Quan: b. 1984. Residence: Lam Tuyen Village, Dran Town, Don Duong District, Lam Dong Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 5, 2012, he was sentenced to 12 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He was held in prison in An Diem, Dai Hung Commune, Dai Loc District, Quang Nam Province. July 16, 2017 he was transferred to Section 1, prison in Xuan Loc District, Dong Nai Province. He is in poor health, suffering from kidney disease, head pains, back pains, and vision problems.</p>



	<p>17. Mr. Tu Thien Luong: b. 1950. Residence: Section 3, Duc Nghia Ward, Phan Thiet City, Binh Thuan Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on November 23, 2012, he was sentenced to 16 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” After sentencing, he was detained in prison An Diem, Dai Hung Commune, Dai Loc District, Quang Nam Province. By the end of 2019, he was transferred to the Binh Duong detention center. He is currently detained at in An Phuoc Prison in Phu Giao District, Binh Duong Province. He suffers from spinal degeneration and rheumatism.</p>
	<p>18. Mr. Vo Ngoc Cu: b. 1951. Residence: My Thanh Dong Village, Hoa Phong Ward, Tay Hoa District, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 6, 2012, he was sentenced to 16 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He is currently in Section K3, Prison Complex T345 in Xuyen Moc District, Ba Ria- Vung Tau. He is in poor health and suffers from a weak heart and various ailments associated with advancing age.</p>
	<p>19. Mr. Vo Thanh Le: b. 1955. Residence: Phuoc Loc 2, Hoa Thanh Ward, Dong Hoa District, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 5, 2012, he was sentenced to 16 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to</p>

	<p>overthrow the government.” He is currently in Section K3, Prison Complex T345 in Xuyen Moc Prison, Ba Ria-Vung Tau. His health is poor and suffers from ailments associated with advancing age.</p>
	<p>20. Mr. Vo Tiet: b. 1952. Residence: Ngo Gia Tu St., Area 5, Phu Dong Ward, Tuy Hoa Town, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on November 23, 2012, he was sentenced to 16 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” After being sentenced he was held in Section 2, Prison Complex Z30A, in Xuan Loc District, Dong Nai Province. On September 27, 2015, he was transferred to Prison 6, Thanh Chuong, Nghe An Province. He is frail and has cataracts and arthritis.</p>
	<p>21. Mr. Vuong Tan Son: b. 1953. Residence: Thanh Lam Village, Hoa Quang Bac, Phu Hoa, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on February 10, 2012, he was sentenced to 17 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He is currently in Section K3, Prison Complex T345 in Xuyen Moc District, Ba Ria-Vung Tau Province. His health is poor and he suffers from ailments associated with advancing age.</p>
	<p>22. Mr. Vo Van Phung: b. 1950. Residence: Xuan Thanh, Hoa Tan Tay Ward, Tay Hoa District, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on July 4, 2014,</p>

	<p>at the trial on July 18, 2014, he was sentenced to 3 years in prison for illegally storing, using and trading explosive materials. In fact, the explosives were used to break rocks for various construction projects at the site owned by his Buddhist Sect. He was held in prison in Phu Yen Province. Mr. Phung was amnestied on August 31, 2015.</p>
	<p>23. Mr. Huynh Duc Minh: b. 1958. Residence: Hao Son Village, Hoa Xuan Nam Ward, Dong Hoa District, Phu Yen Province. He is a member of An Dan Dai Dao, a Buddhist Sect founded in 1969 but outlawed after the Communist regime took over South Vietnam in April 1975. Arrested on July 4, 2014, at the trial on July 18, 2014, he was sentenced to 3 years in prison for illegally storing, using and trading explosive materials. In fact, the explosives were used to break rocks for various construction projects at the site owned by his Buddhist Sect. He completed his sentence in July 2017.</p>
	<p>24. Mr. Nguyen Van Huu: b. 1957. Residence: Ca Du, Khanh Hai, Ninh Hai District, Ninh Thuan Province. He is a member of the unsanctioned Buddhist organization Bia Son Council for Laws and Affairs. Arrested on July 4, 2014, at the trial on July 18, 2014, he was sentenced to 4 years in prison for illegally storing, using and trading explosive materials. In fact, the explosives were used to break rocks for various construction projects at the site owned by his Buddhist Sect. He completed his sentence in July 2017.</p>

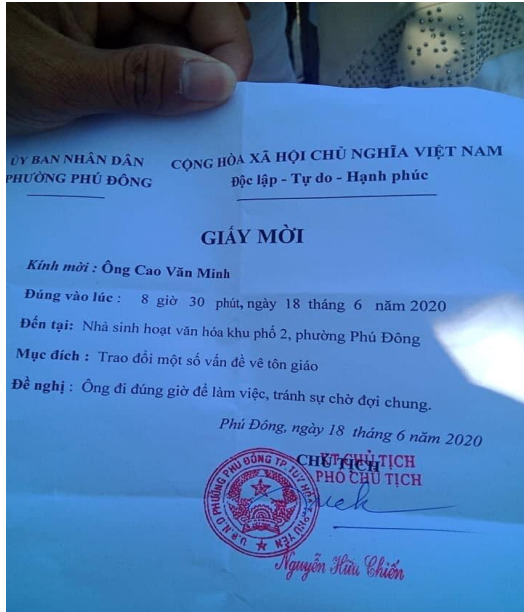


25. Mr. Dang Dinh Doan: Born in 1951. Residence: 137/1 Tran Hung Dao Street, District 3, Tuy Hoa, Phu Yen Province. He was a priest of An Dan Dai Dao. Arrested on February 6, 2012, he was sentenced to 16 years in prison and 5 years of probation under Article 79 of the penal code, on the fabricated charge of “plotting to overthrow the government.” He passed away on October 5, 2019 of kidney failure at Section K3, Prison Complex T345 in Xuyen Moc District, Ba Ria- Vung Tau Province. He had been diagnosed with a failing kidney but could not get daily dialysis as the prison administration refused to take him to a medical clinic on a daily basis and also denied his petition for temporary suspension of his prison sentence for medical treatment.



### Evidence Related to the Cao Dai Temple Incident

Request by Phú Đông Ward for Mr. Minh, the representative of the congregation of the temple, to leave his besieged temple and meet with the police, delivered twice on June 18, 2020. The ward government wanted him to go to the cultural center of the ward and meet them at 8:30 AM. The request was signed by the vice chairman of the ward government, Mr. Nguyễn Hữu Chiến.



The police and the 1997 Cao Dai sect besieging Hiếu Xương Cao Dai Temple





2.1 facebook of Phung Bach:

\*\*\*[https://www.facebook.com/bachphungv158/videos/1238581099821924/?\\_tn=CH-R&eid=ARDOK5H0zgEHtkyAYDn1-Q6nuosnMM\\_aOSRVxNQJlxKbHrGG210H723M0nqeCph3PkbJZ\\_t6lY3HDgQZ&hc\\_ref=ARS\\_xFf0N55UvJra3Pzm-2cyWQ42ggP-6jgg0-GGoTPxnlyqowygpxKhHU2UJilZlik&fref=nf](https://www.facebook.com/bachphungv158/videos/1238581099821924/?_tn=CH-R&eid=ARDOK5H0zgEHtkyAYDn1-Q6nuosnMM_aOSRVxNQJlxKbHrGG210H723M0nqeCph3PkbJZ_t6lY3HDgQZ&hc_ref=ARS_xFf0N55UvJra3Pzm-2cyWQ42ggP-6jgg0-GGoTPxnlyqowygpxKhHU2UJilZlik&fref=nf)

\*\*\*<https://www.facebook.com/bachphungv158/videos/pcb.1238583846488316/1238583396488361/?type=3&theater>

\*\*\*[https://www.facebook.com/bachphungv158/videos/1238583576488343/UzpfSTeWMDAxMDEwMTM3MTAwNDoxMjM4NjE2MzY2NDg1MDY0/?\\_tn=CH-R&eid=ARDOK5H0zgEHtkyAYDn1-Q6nuosnMM\\_aOSRVxNQJlxKbHrGG210H723M0nqeCph3PkbJZ\\_t6lY3HDgQZ&hc\\_ref=ARS\\_xFf0N55UvJra3Pzm-2cyWQ42ggP-6jgg0-GGoTPxnlyqowygpxKhHU2UJilZlik&fref=nf](https://www.facebook.com/bachphungv158/videos/1238583576488343/UzpfSTeWMDAxMDEwMTM3MTAwNDoxMjM4NjE2MzY2NDg1MDY0/?_tn=CH-R&eid=ARDOK5H0zgEHtkyAYDn1-Q6nuosnMM_aOSRVxNQJlxKbHrGG210H723M0nqeCph3PkbJZ_t6lY3HDgQZ&hc_ref=ARS_xFf0N55UvJra3Pzm-2cyWQ42ggP-6jgg0-GGoTPxnlyqowygpxKhHU2UJilZlik&fref=nf)

2.2 Facebook of Công Danh Boy:

\*\*\*<https://www.facebook.com/bachphungv158/videos/pcb.1238630806483620/1238630043150363/?type=3&theater>

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<https://www.facebook.com/bachphungv158/videos/pcb.1238630806483620/1238629499817084/?type=3&theater>

### **Evidence Related to Persecution of Montagnard Christians**

In late July 2020, the police of Sông Hình District (the district police is subordinated to the province police) and Phú Yên Province forced adherents of the Evangelical Church of Christ in Sông Hình Commune, Ea Lâm Commune and Ea Trol Commune to recant their faith in July 2020. Police officers used threats against adherents, including threatening one of them with asset confiscation and threatening another with public denunciation unless they complied with forced conversion and their order not to provide information to the UN and U.S. on Vietnamese persecution policy. Report No. PROTChrist PhúYên\_En Event 2020 July was submitted to the UN and U.S. Department of State on August 10, 2020 on behalf of the victims:

1. Family name: Nay Given name: Y Blang Gender: Male DOB: 1977

**BPSOS – IRFA Visa Restrictions: Officials of Phu Yen Province, Vietnam. 8/29/2020**

- Address: Pung B Village, Ea Lâm Commune, Sông Hình District, Phú Yên Province
2. Family name: Ksor Given name: Y Lôi Gender: Male DOB: April 20, 1974  
Address: Kít Village, Sông Hình Commune, Sông Hình District, Phú Yên Province
3. Family name: Nay Given name: Y Phơ Gender: Male DOB: 1972  
Address: Ly Village, Ea Trol Commune, Sông Hình District, Phú Yên Province
5. Family name: Ksor Given name: Y Duất Gender: Male DOB: 1963  
Address: Kít Village, Sông Hình Commune, Sông Hình District, Phú Yên Province

In March 2020, Nay Y Lôi, a resident of Pung B Village, Ea Lâm Commune, Sông Hình District, Phú Yên Province, was arrested and taken to the police station of the commune where his interrogators threatened to seize all his personal papers such as ID card, household registry, etc. to make him a stateless person if he did not comply with their ban on the Evangelical Church of Christ. In December 2019, the police threatened his relative and fellow adherent Nay Y Blang at his home as shown in the picture:



Police interrogating Nay Y Blang on December 11, 2019 at the victim's home in Pung B Village, Ea Lâm Commune, Sông Hình District. They warned that he would be imprisoned for his religious activities.

On March 17, 2020, the police went to all 5 homes in Sông Hình District, Phú Yên Province, to order their occupants to leave the Evangelical Church of Christ. For example, they told Nay Y Blang: "If you do not leave this Church, we will interrogate you at the government center of the commune and we will cause you many difficulties".





Request for interrogation sent to Ksor Thuy for interrogation on Dec 19, 2019 at the police station of Êa Lâm Commune, a police unit subordinated to Phu Yen Province Police. Senior First Lieutenant Nguyễn Hùng Anh, chief of the commune police force, signed the interrogation request.

On February 14, 2020, the police came to the home of Nay Y Phơ, Ly Village, Ea Trol Commune, Sông Hình District, Phú Yên Province. They threatened to have him imprisoned for his Protestantism and left with his cell phone which they intended to search for evidence of his house church activities. The police harassed Ksor Y Lôi, Kit Village, Sông Hình Commune, Sông Hình District, Phú Yên Province on February 19 for his religious activities.

## **Appendix B. The Independent Cao Dai Church**

Following North Vietnam's takeover of South Vietnam, the Communist government initially dismantled the Cao Dai Church's administrative structure and seized all church property, including the Holy See Temple, and many other temples. The Communist government established a Cao Dai denomination in 1997 (with fundamental doctrinal differences from the authentic Cao Dai religion that was established in 1926, in other words, not the same religion) and turned over the original Cao Dai Church's assets to the 1997 sect. Further, the 1997 sect has been used to infiltrate and oppress the authentic Cao Dai Church, backed by the police and government agencies. Those adherents who want to have religious freedom without submitting to State control are persecuted by the government and its 1997 sect.<sup>3,4</sup>

Furthermore, the overseas branch of the 1997 sect engages in reprehensible acts of misinformation aiming to prevent U.S. nationals from exercising their religious freedom by attempting to portray the sect as the sole legitimate, authentic Cao Dai Church. The sect's overseas branch went as far as applying for an exclusive trademark for the religion's official name to deny its use by authentic Cao Dai adherents throughout the world, including in the U.S. In June 2019, the Cao Dai temple in Dallas, Texas, that had successfully petitioned the Department of Commerce to cancel the fraudulent trademark registration, filed a lawsuit against the 1997 Sect and several of its operatives in the United States under the Racketeer Influenced and Corrupt Organizations (RICO) Act, alleging that the 1997 Sect is a criminal organization granted impunity by the Vietnamese Government.<sup>5</sup>

For this sanction submission, the wrongdoings of the Police Department of Phu Yen Province consisted of working closely with the 1997 sect in a brazen attempt to seize one of the few remaining Cao Dai temples in Vietnam (most have been forcibly taken over by this sect). On June 18, 2020, the government of Phú Yên Province sent officials to escort members of the 1997 Cao Dai sect in their attempt to take over a temple belonging to Cao Dai followers who maintain their independence from the government. The Phú Lam (former name: Hiếu Xương) Cao Dai Temple is in Phú Đông Ward, Tuy Hòa City, Phú Yên Province.

### **\* June 1, 2020**

The Tây Ninh Holy See Cao Dai Church (1997sect) delivered a decree appointing one of their members to take control of the temple. The congregation refused to recognize its authority.

### **\* June 17, 2020**

The 1997 Cao Dai sect entered the temple and began preparing the site (hanging up signs, arranging tables and chairs on the grounds of the temple, outside the temple proper) for a formal event to accept the decree and welcome the clergy member who would take over control.

### **\* June 18, 2020**

At 5 AM, the 1997 sect continued their preparations while the authentic Cao Dai Church adherents stayed in the temple.

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<sup>3</sup> The Cao Dai Religion vs. its impersonator. <https://dvov.org/the-real-cao-dai/>

<sup>4</sup> <https://www.state.gov/reports/2018-report-on-international-religious-freedom/vietnam/>

<sup>5</sup> <https://dvov.org/wp-content/uploads/2019/08/Lawsuit-against-the-1997-Sect.pdf>

At 7 AM, between 60 and 80 individuals, including officials and police of Phú Yên Province and adherents of the 1997 Cao Dai came to the temple grounds. The ceremonial group and other members of the 1997 sect came in a number of vehicles.

Over 100 authentic Cao Dai Church members also arrived from locations such as Tuy Phước, Tuy An, Bình Định, An Nhơn, etc., to guard their temple. They stayed outside of the temple to support their fellow adherents who were holding the fort inside the temple.

Mr. Thái Rạng, vice chair of the Committee of Representatives of the 1997 sect of Phú Yên Province demanded those inside to open the temple doors and the police of Phú Yên Province were about to force the doors open when Mr. Cao Minh, the authorized representative of the congregation stopped the police, asking: “Is the government helping the 1997 Cao Dai sect rob our people of their property?”



This photo showing the government intruders at the temple gate was used by Radio Free Asia in its article on the event.<sup>6</sup>

The police of Phú Yên Province did not proceed with forcing the doors open after seeing the resolution of the congregation. The ward government tried something else. Twice, they formally requested Mr. Cao Minh to leave the temple and meet them at the cultural center of the ward, but this victim did not comply, fearing for his safety.

At about 9:30 AM, the intruders left but warned that they would return in the afternoon. They left the tables and chairs and signs which they had set up earlier on the temple grounds.

### **3C. The Evangelical Church of Christ, a Montagnard house church originating in the Central Highlands**

#### **Actions of the Phú Yên Province Police**

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<sup>6</sup> <https://www.rfa.org/english/news/vietnam/resists-06182020182918.html>

From a religious violation report which BPSOS submitted to the UN and the Department of State (Report No. PROTChrist PhuYen\_En GiaLai MangYang DakLak Events 2019-2020 Mar):

On December 11, 2019, they came to Nay Y Blang's house in Pưng B Village, Ea Lâm Commune, Sông Hình District, at 5:00 AM and warned him that he may not worship together with other adherents, particularly at Christmas time, under severe penalty. When he reminded them of the International Covenant on Civil and Political Rights, they responded that Vietnamese law prevailed and he would be imprisoned. On December 18, 2019, they interrogated another adherent from the same village, Ksor Thuy, and threatened him with a long prison sentence to coerce him to leave his house church for another one sponsored by the government. Trình Ngọc Dân, lieutenant colonel, security office, Police Phú Yên Province, led both interrogations.

On December 23, 2019, Pastor Y Nuen Ayun and his wife left their home in Puăn B Village, Ea Phê Commune, Krông Pắc District, Đắk Lắk Province to visit other adherents in Pưng Village, Ea Lâm Commune, Sông Hình District, Phú Yên Province. However, the police in Phú Yên Province arrested them as soon as they set foot in the province and forced them to turn back. The police of Dak Lak Province must have tipped off their colleagues in Phu Yen Province.

On February 14, 2020, the police in Phu Yen Province, led by Lieutenant Colonel Trình Ngọc Dân, came to the home of Nay Y Phơ, Ly Village, Ea Trol Commune, Sông Hình District, Phú Yên Province, interrogated him, and threatened him with imprisonment unless he left his house church. On February 19, 2020, Lieutenant Colonel Trình Ngọc Dân and others came to 5 homes of 5 coerce the household members to leave their house church. One of the victims was Nay Y Blang of Pưng B Village. Trình Ngọc Dân and his men also came to Kit Village in Sông Hình Commune, Sông Hình District, to coerce Ksor Y Lôi to leave his house church. On March 7, 2020, Trình Ngọc Dân and another security police officer came to Pưng B Village to interrogate and coerce other households to leave their house church.

From another report which was submitted to the UN and Department of State, Report No. PROTChrist YLoi\_En NayNi YKrach Events2020Jan:

December 19, 2019: Ksor Y Lôi, Kit Village, Sông Hình Commune, Sông Hình District, Phú Yên Province -The police of Sông Hình District and Phú Yên Province interrogated him during 3 days at the police station of the district.

January 23, 2020: Nay Y Ní, Pưng B Village, Ea Lâm Commune, Sông Hình District, Phú Yên Province - When he was at his sister's home in Pưng B Village, Ea Lâm Commune, Sông Hình District, Phú Yên Province, 4 police officers entered and brought him to the police station of the commune without an arrest warrant. He was interrogated by Security Branch police officers.



### **Appendix C. The Landscape in Vietnam: Factors Facilitating the Widespread Violation of Religious Freedom and Other Human Rights**

Under pressure from the international community, particularly from the United States government, Vietnam signed the UN Convention Against Torture (CAT) in 2013 and ratified it in February 2015. In November 2018, Vietnam underwent its first CAT review by the UN Committee Against Torture. In its concluding observations, the UN Committee Against Torture expressed multiple concerns, including:<sup>7</sup>

- (1) Vietnam’s legal framework lacks the principle of command or superior responsibility for acts of torture, which may amount to the person who ordered the torture not being prosecuted.
- (2) Allegations abound of the widespread use of torture and ill-treatment, in particular in police stations but also in other places where persons are deprived of their liberty.
- (3) There is no guarantee in policy or in law that perpetrators are prosecuted and convicted in accordance with the gravity of their acts, in keeping with article 4 of the Convention, and that victims are afforded appropriate redress.

Four months later, in March 2019, the UN Human Rights Committee reviewed Vietnam’s compliance with the International Covenant on Civil and Political Rights (ICCPR). Its concluding observations specifically raised concern about the widespread use of torture and violence against peaceful demonstrators:<sup>8</sup>

- (1) The Committee is concerned that the criminal legislation, particularly the Penal Code, does not explicitly criminalize torture. It is equally concerned about reports of widespread use of torture and ill-treatment, in particular during pre-trial detention, sometimes resulting in death in custody, including of members of ethnic and religious minorities. It is concerned that families face reprisals for questioning the cause of death (arts. 2, 6, 7 and 10).
- (2) The Committee remains concerned... about the excessive restrictions imposed on the freedom of peaceful assembly and public meetings, including on human rights. It is concerned at allegations of disproportionate use of force and arbitrary arrests by law enforcement officials to disrupt demonstrations, including those related to labour rights, land dispossession, and the Formosa steel plant ecological disaster (art. 21).

The United States Government played a critical role in pressing Vietnam to sign the UNCAT. The United States made clear that accession to this convention and the Convention on the Rights of People with Disabilities (CPRD) was expected of Vietnam as part of its comprehensive partnership with the United States. As mentioned earlier, the Phu Yen government and, through inaction in spite of petitions from the victims’ relatives, the central government have violated the Trade and Investment Framework Agreement (TIFA) between the United States and Vietnam after seizing the property of United States citizens. Moreover, Vietnam would like the United States officially to

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<sup>7</sup> Concluding observations on the initial report of Viet Nam, UN Committee against Torture, November 29, 2018, [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/VNM/CAT\\_C\\_VNM\\_CO\\_1\\_33168\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/VNM/CAT_C_VNM_CO_1_33168_E.pdf)

<sup>8</sup> Concluding observations on the third periodic report of Viet Nam, UN Human Rights Committee, March 28, 2019, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR/C/VNM/CO/3&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR/C/VNM/CO/3&Lang=En)

recognize it as a market economy and sign a bilateral investment treaty (BIT). The United States and Vietnam have agreed to utilize the 2007 bilateral TIFA, and its Trade and Investment Council (the Council), as a major vehicle to discuss trade and investment issues. The two nations held the first Council meeting since 2011 on March 27-28, 2017, in Hanoi. During the meeting, Assistant U.S. Trade Representative Barbara Weisel urged Vietnam to address certain bilateral trade issues, such as agriculture and food safety, intellectual property, digital trade, financial services, customs, industrial goods, **transparency and good governance**, and illegal wildlife tracking.<sup>9</sup>

In view of the increasing trade between the United States and Vietnam and ongoing bilateral discussions, sanctioning the most identifiable direct perpetrators of these crimes sends a clear message. Last but not least, the U.S. needs to reinforce the June 2020 Executive Order on Advancing International Religious Freedom.<sup>10</sup>

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<sup>9</sup> <https://crsreports.congress.gov/product/pdf/R/R45172/3>

<sup>10</sup> <https://www.whitehouse.gov/presidential-actions/executive-order-advancing-international-religious-freedom/>