

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 (Vietnam removed the video from Youtube but BPSOS took screenshots - upcoming pages). 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.

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.

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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.

1. 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 ADDD 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'.

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After April 1975, the Communist State confiscated ADDD'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 riot police 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".



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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

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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.



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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.

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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;

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- (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 Naturalization: Nov 18, 2005

Mr. Toan Xuan Nguyen 7316 Arvada Ave NE, Albuquerque, NM 87110-4513 505-544-8766
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.¹ Long prison sentences followed by 3-5 years of probation are often imposed as a result of these confessions coerced through torture.²

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

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

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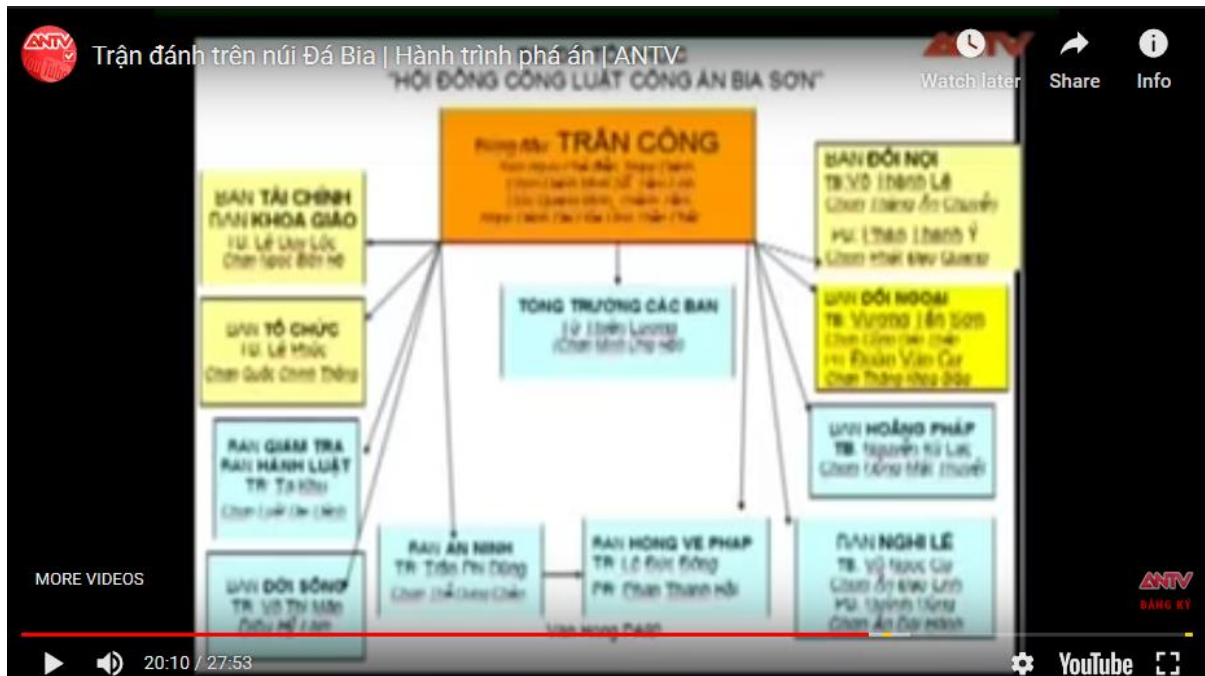
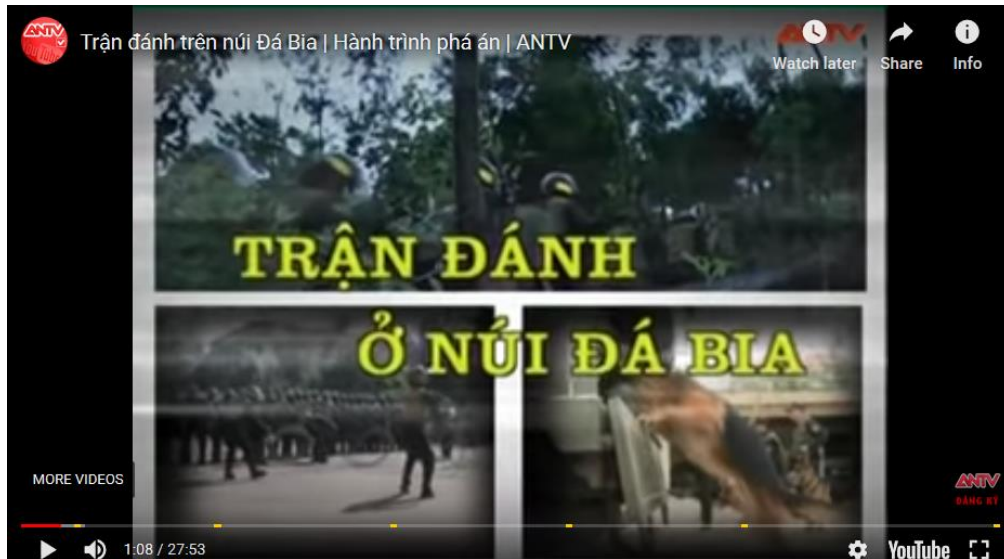


Figure 4. 'Organization chart' of ADDD drawn by the police

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.

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4. Additional Information



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

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Bao Toan Inn



Bao Toan Cave

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Thanh Trieu Inn



Huong Hoang Trang Inn

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Doi Bach Tuong Inn



Pavilion over water

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