

# **Australia Making A Real Difference**

## **Submission**

by the

**Vietnamese Community in Australia (VCA)**

to the

Human Rights Sub-Committee

of the

Joint Standing Committee on Foreign Affairs, Defence, and Trade

for its

## **Inquiry into**

**Australia's Efforts to Promote and Protect  
Freedom of Religion and Belief**

**June 1999**

## **PREFACE**

The Vietnamese Community in Australia (VCA) respectfully presents this Submission to the Sub-Committee for its consideration.

### **About the VCA**

The VCA is the peak body of community organisations at all State and Territory levels representing all Vietnamese Australians. The VCA has represented the Vietnamese community since late 1970s with Federal and State governments. The VCA contact is :

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This Submission has been prepared by a task force set up by the VCA, in consultation with the Vietnamese Australian community.

### **Witnesses at hearings: from VCA, and from overseas**

- We wish to appear at a hearing, in particular to speak in support of our Recommendations, and
- We suggest to the Sub-Committee that it consider calling witnesses who are in Vietnam or elsewhere to appear before the Sub-Committee.

These two matters will be discussed in detail in Section 4.

### **Quotes**

In all quotes, emphases and texts between square brackets are our own.

## LIST OF RECOMMENDATIONS

See Section 4 for detailed discussions.

### **Recommendation 1 - Religious freedom as a factor in aid program**

The Australian government include promoting religious freedom as a factor in Australia's aid program to Vietnam, no less important a factor than gender equality presently is.

### **Recommendation 2 - Funding for churches' aid work**

The Australian government allocate a small annual percentage of aid funds to support aid projects in Vietnam that are run by Vietnamese churches, religious organisations, or local religious communities.

AusAid should actively seek opportunities to support such aid projects.

Independent churches, religious organisations and religious communities that are not government-sponsored should have no less than 1/2 share of such budget.

If the Vietnamese authorities do not allow the implementation of this Recommendation, that fact should be reported to the Parliament.

### **Recommendation 3 - Advisory Group with emphasis on practical work**

The Australian government form an Advisory Group to advise it on how religious freedom may be promoted and protected, including but not limited to aid matters.

The Advisory Group should include experts that may come from the community or NGOs.

The Advisory Group should report to the government and to the Human Rights Sub-Committee on the current state of religious freedom, and make recommendations on what Australia can do to improve the situation.

In relation to aid, this Advisory Group should visit Vietnam at least once a year to conduct its aid-related work. This involves identifying aid projects that would promote or protect religious freedom, subject of Recommendation 2.

The Advisory Group should meet at least twice every 6 months in Australia to prepare for and follow up on its above visits and its reports.

### **Recommendation 4 - Radio Australia's role**

The Australian government, within the freedom of the press principle, encourage Radio Australia to reflect the Australian people's views of freedom of religion in particular and human rights and democracy in general.

It is strongly desirable for the above to be reflected into Radio Australia's charter, which should then be developed into policies and eventually into on-air reality, which is systemic, non ad-hoc, and long term in character.

Radio Australia should be guided by a community consultation process in which community organisations with an interest in human rights are represented.

In its annual report, the ABC should detail Radio Australia's activities in this area. It should also separately write to the Human Rights Sub-Committee highlighting the relevant activities.

### **Recommendation 5 - Regular representations, visits, and tabling**

DFAT officials regularly meet with both Vietnamese officials in Vietnam and Vietnamese Embassy officials in Australia to make representations to free religious prisoners or house detainees.

The government should, on these occasions and during other written or oral representations, request the Vietnam side to allow DFAT officials to visit religious prisoners and those under house arrest.

These visits should be as regular as feasible, and to as many people as feasible.

The government should, at 6 monthly intervals, prepare reports on these visits and representations. If the Vietnamese government refuses Australia's requests, the reports should cover Vietnam's refusals, and Australia's responses to those refusals.

The government should table these reports in Parliament as they become available, and also put them on DFAT's website.

### **Recommendation 6 - Human rights dialogue with emphasis on results, consultation, and accountability**

The Australian government initiate regular dialogue with Vietnam on human rights, with emphasis on results, practical work, accountability, and two-way community consultation:

- The scope of the dialogue should cover religious freedom but may extend to other human rights.
- The dialogue should have an emphasis on practical and hands-on work, such as site visits by officials involved in the dialogue.
- Regular 6-monthly reporting should be made to the Parliament to report on results, explain what has been done to achieve such results, or explain why results have not been achieved and what actions are planned to achieve them.
- To allow the Parliament to retain an active role, the Human Rights Sub-Committee should have the ability to suggest target results for the dialogue, and to request briefings on an ad-hoc basis.
- Community consultation should be undertaken to receive inputs and to brief interested community groups. This may be achieved simply by nominating a suitably available officer as a community liaison officer.
- Non-government observers should be allowed to be present at meetings.

### **Recommendation 7 - Improving effectiveness of human rights education aid, and including human rights in education aid**

The Australian government include two additional aspects in its existing human rights education aid:

- Follow up with trainees to assess whether and how the training has been applied in their work. Results from this should be factored into annual decisions about whether this type of aid should be continued, or modified.
- Include a wider range of people among the beneficiaries, such as legislators and press editors.

The Australian government take steps to introduce students whom it sponsors to undertake study conducted by or for Australia, to religious freedom and other human rights, democracy, and governance concepts:

- The contents may cover international instruments, Australia's role and initiatives in human rights in Vietnam, and a constructive comparison of Australia's political governance system with Vietnam's.
- This introduction may occur at a student's induction, but can also take place any other time during a student's course of study.
- In its selection of students to be sponsored, Australia should assess, by way of an aptitude test or similar, whether the student is likely to benefit from such introduction.
- This part of the Recommendation applies whether the study is conducted in Australia or in Vietnam itself.
- If private students, ie. those not sponsored by Australia, wish to avail themselves of this introduction, it should be available at no cost.

### **Recommendation 8 - Study of human rights on the agenda of multilateral entities**

The Australian government initiate a study to examine in detail the questions of whether, where, and how Australia may help to put the issues of religious freedom and other human rights, governance, transparency, and democracy on the agenda of international multilateral entities:

- The "whether" relates to balancing of Australia's national interests.
- The "where" relates to which multilateral entities should be targeted, for example the World Bank, International Monetary Fund, and various UN entities, such as United Nations Development Program or UNESCO.
- The "how" relates to the ways in which, the strength by which, and the occasions on which Australia's points are made.

The Parliament should be given an opportunity to contribute to the study itself and, where possible, help formulate the study's terms of reference.

In addition to departmental personnel, the study should involve - ranging from consultations with to direct contributions by - personnel from outside government departments, such as the Parliament, relevant bodies, and NGOs.

Its recommendations should be responded to by the government and all relevant parties.

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## 1. INTRODUCTION

The Vietnamese Community in Australia (VCA) welcomes the Inquiry and thanks the Sub-Committee for the opportunity to make this Submission.

Reflecting the feelings of the great majority of Vietnamese Australians, the VCA is deeply concerned about human rights abuses in general, and in particular suppression of religious freedom in Vietnam.

We believe that within Australia's relationship with Vietnam, all feasible steps should be taken by Australia to help bring about human rights improvements.

Australia has continually been concerned about human rights problems in Vietnam. Only recently that concern was stressed on two occasions: First, Prime Minister John Howard's and Foreign Minister Alexander Downer's expressions of concerns to the Vietnamese Prime Minister Phan Van Khai in Canberra on 1<sup>st</sup> April, 1999. Second, the Senate passed a Motion on 19<sup>th</sup> April calling on Vietnam to improve its respect for religious freedom.

Despite those expressions of concern, the Vietnamese government has stepped up its suppression of religious freedom. Clearly, more than just expressions of concern are needed.

This Inquiry offers an opportunity for the Executive, the Legislative, and the Australian people to show that Australia genuinely cares about religious freedom worldwide. The inquiry presents a forum for Australia to deliberate and initiate steps to help bring about real changes, concrete improvements worldwide. That is, Australia making a real difference.

Our Recommendations are carefully developed, balancing human rights against other national interests. We believe they are practicable, and will produce concrete benefits.

## **2. CAUSE AND EXTENT OF SUPPRESSION OF RELIGIOUS FREEDOM**

### **2.1 Cause**

The Vietnamese government sees churches and religious organisations as a threat to its determined hold on totalitarian power, which is above all else. It holds the same view about other grass-root forces, such as free trade unions, and free press.

For that reason, it has engaged itself in systematic, widespread, deep, entrenched, and increasing suppression of religious beliefs and religious freedom.

### **2.2 Recent international documentations on religious suppression**

We assume that the Sub-Committee has the following documents:

- The December 1998 report by the United Nations' Special Rapporteur on Religious Intolerance about his visit to Vietnam (the "Amor Report"), which is full of detailed and useful information,
- The February 1999 U.S. Department of State's Vietnam Country Report on Human Rights Practices for 1998 ("The U.S. 1998 Human Rights Practices report").
- Amnesty International's 1999 report on Vietnam, covering January to December 1998, and
- Human Rights Watch's World Report 1999

In this Sub-Section 2.2, we summarise or provide extracts from the above.

From Sub-Section 2.3, we provide further information that cover more recent developments, and highlight or analyse certain important points.

#### **2.2.1 The Amor report - summary of some key points**

##### **Introduction (Paras 1-6)**

The Special Rapporteur visited Viet Nam from 19 to 28 October 1998 in accordance with Resolution 1998/18 of the Commission on Human Rights. During the visit, he was not enabled to have talks with certain political leaders and with representatives of the Hoa Hao, Hindu, Confucianist and Taoist religious communities. He encountered major and serious obstacles in connection with private interviews and movements. Where the Special Rapporteur was allowed to visit, the circumstances and conditions of his visit have limited the amount of information that the Special Rapporteur has been able to collect and include in this report.

##### **I. Examination of Legislation In The Field Of Tolerance And Non-Discrimination Based On Religion Or Belief (Paras 8 - 32)**

Following an examination of the Constitution of the Socialist Republic of Vietnam (SRV), the Rapporteur concluded that two of its articles are likely to impede freedom of religion or even reduce it to very little indeed even though freedom of religion or belief is guaranteed by the Constitution

The Rapporteur had particular concerns with many articles of Decree No. 69/HDBT of the Council of Ministers of 21 March 1991, in particular, article 5 which stipulates some very vague reservations to freedom of religion such as "any activity using religion to sabotage national independence, oppose the State, sabotage the policy of uniting the whole people, undermine the healthy culture of our nation or prevent the faithful from carrying out their civic duties".

Government Decree No. CP/31 [VCA note: same as Decree 31/CP] confers extraordinary powers on the security services with regard to citizens, who can be deprived of their freedom for offences, including religious activities. This Decree gives authorization to place persons under police surveillance, report on their activities and put them into "administrative detention" without a court decision

Directive No. 379/TTg of 23 July 1993 emphasizes the obligation of the various religions to notify the authorities of the programme of their religious activities in order to have them approved and receive government assistance.

The Rapporteur noted that the provisions of the SRV Penal Code were used as major obstacles to the exercise of religious activities. In particular, the wording of article 73 is so vague that it could result in penalties being imposed not only on persons using violence for political ends, but also on persons who have merely exercised their legitimate right to freedom of opinion or expression".

## **II. Examination of Policy In The Field Of Tolerance And Non-Discrimination Based On Religion Or Belief (Paras 33 - 40)**

The following are the main instruments used to exercise control over religions:

- (a) Legislation (primarily the Code of Criminal Procedure and Decree No. CP/31);
- (b) Administrative machinery for managing religious affairs:
  - (i) the (State) Office of Religious Affairs;
  - (ii) the Department for the Mobilization of the Masses;
  - (iii) the Party Front, consisting of the Communist Party's general machinery for exercising control over intellectuals and organizations;
  - (iv) the Ministry of the Interior, which is responsible for surveillance and infiltration of places of worship and religious organizations, through the security services.
- (c) The development of State religious structures with the aim of making religions a support for policy;
- (d) A three-tiered monitoring system:
  - (i) Sector policeman: responsible for exercising control over the people, in particular, to issue and revoke residence permits;
  - (ii) Residence permit: administrative document containing essential information (including religious and political data) describing the citizen, and indispensable for administrative formalities, for access to employment, school, health care, etc.
  - (iii) The curriculum vitae: a document containing information on "past activities and contributions to the Revolution" and political opinions "before and after the Revolution" of the relatives and acquaintances of any person for certain government purposes. For members of the clergy who wish to be ordained, a curriculum vitae must be drawn up and sent to the Office of Religious Affairs.

## **III. Situation of The Religious Communities**

The Special Rapporteur presented (paragraphs 41- 98) information obtained from non-governmental and governmental sources regarding different religious communities in Vietnam, in particular, Buddhism, Catholicism, Cao, Dai, Hoa Hao, Protestant and Islam.

The Rapporteur noted (paragraphs 116-120) that there was a general framework of controls, limitations and even prohibitions for, all religious dominations as follows:

- (a) It is not possible to establish and maintain religious communities (Buddhist, Cao Dai, Hoa Hao, Muslim) freely and independently, with the exception of the Catholic Church and most of the Protestant denominations.

- (b) All of the religious communities are prevented from conducting their religious activities freely and are therefore subject to interference from the authorities. The programme of religious activities must be submitted to the authorities for approval.
- (c) The training of the religious communities' clergy is subject to a numerus clausus and their candidatures must be approved by the authorities.
- (d) The appointment of clergy and the inauguration of the highest religious dignitaries must be approved by the authorities.
- (e) The movement of clergy from the different communities in order to attend religious functions, in geographical areas not usually under their jurisdiction, is subject to approval by the authorities.
- (f) The building and renovation of religious communities' places of worship is subject to approval by the authorities.
- (g) The publication of religious and cultural works and religious journals is subject to State interference, to the extent that the authorities do not allow the religious communities to have their own printing houses. Control, which may take the form of censorship, is therefore exercised through the only existing printing houses, which are State-run.
- (h) The religious communities are not, generally speaking, authorized to extend their religious activities into social, health or educational matters. In addition, the cultural, educational, social and hospital functions removed from the religious communities after 1975 have generally not been restored by the authorities.
- (i) The religious prisoners belonging to the different religious communities are deprived of their religious freedom in that they are prevented from practising their religion.

#### **IV. Conclusions And Recommendations (Paras 99 - 123)**

The Special Rapporteur emphasised that (SRV) State policies must not be used as policies for regulating religion, by defining its content, concepts or limitations, apart from those strictly necessary.

He concluded that several provisions of Decree No. 69/HDBT, Directives Nos. 379/TTg and 500 HD/TGCP and the Directive of 2 July 1998, as well as Decree No. CP/31 and the Penal Code, raise serious problems of compatibility with international law to the extent that they allow the authorities to interfere and exercise direct or indirect control over religious matters.

The Special Rapporteur recommended that the SRV:

- . ensure that the provisions of existing legislation relating to religion are in conformity with international law, and recommended that the limitations which are illegal under international law to be eliminated;
- . bring domestic legislation into conformity with international law, by relaxing or lifting the limitations placed on the exercise of the right to freedom of religion or belief, eliminating the use of vague, imprecise and "catch-all" expressions, in order to formulate and define clearly the conduct to be punished, so that everyone is fully aware of what is prohibited.

The Special Rapporteur encouraged the Vietnamese Government to extend the amnesty measures to all prisoners detained for peacefully and lawfully exercising their right to freedom of opinion, conscience, expression and religion.

#### **2.2.2 The U.S. 1998 Human Rights Practices report - some extracts**

- *"The (SRV) Government continued to arrest and detain citizens arbitrarily, including arrest and detention for the peaceful expression of their political and religious views. The 1990 Criminal Procedures Code provides for various rights*

*of detainees, including time limits on pre-trial detention and the right of the accused to have a lawyer present during interrogation. However, in practice the authorities often ignored these legal safeguards. Moreover, a 1997 directive on administrative detention gives security officials broad powers to monitor citizens closely and control where they live and work for up to 2 years if they are believed to be threatening "national security."*

- *"The Supreme People's Procuracy approves the issuance of arrest warrants, but law enforcement officials appear able to arrest and incarcerate persons without presenting arrest warrants. Once arrested, detainees often are held for lengthy periods without formal charges or trial."*
- *"The Government detained two Cao Dai believers in Giang province in October."*
- *"There were reports that the Government detained a number of Hmong Evangelical Protestants in the northwestern provinces for their involvement in church activities (see Section 2.c.) Among those believed to be held at year's end for political or religious activities are: UBCV [United Buddhist Church of Vietnam] monks Thich Thien Minh, Thich Hue Dang, and Thich Thanh Tinh; Catholic priests Reverends Mai Duc Chuong, Nguyen Dinh Huy, Reverend Pham Ngoc Tan, Nguyen Van Chau, and Pham Tran Anh."*
- *"Some political prisoners were denied visitation rights."*
- *".. The Government states that it does not hold any political prisoners. However, the Government usually does not publicize the arrests of citizens for political reasons and frequently conducts closed trials and sentencing sessions."*

### **2.2.3 Amnesty International's 1999 report - relevant extracts**

- *"Prisoners of conscience remained in detention for their religious beliefs. Among them were the Supreme Patriarch of the unofficial Unified Buddhist Church of Viet Nam (UBCV) Thich Huyen Quang, held without charge or trial for almost 14 years; and four members of the Catholic Congregation of the Mother Co-Redemptrix, including Brother Mai Duc Chuong (Nghì), who was serving a prison sentence of 16 and a half years for holding training courses and distributing religious books without permission. The government denied that it held any political prisoners."*
- *"Ten followers of a Taiwan-based religious group were sentenced to prison terms of between 10 months and two years by a court in Bac Lieu province for "engaging in heretical propaganda and taking advantage of the people's rights to freedom and democracy to transgress state and public interests". They were possible prisoners of conscience."*

### **2.2.4 Human Rights Watch's World Report 1999 - some extracts**

*"The government continued to require that all religious activity be approved by the state and to apply **restrictions on travel** by religious leaders and on the **contents of their sermons** and speeches. In July, the Politburo issued its first*

**directive** on religion, saying the party's policy was to respect religious freedom but banning "**superstitious practices**" without defining what those were. The directive also prohibited the printing and distribution of Bibles, banned "**excessive mobilization of the population,**" and threatened legal repercussions against **those who abused religion** to cause social unrest or oppose the government. In July, the government turned down **a request for a papal visit** in August during the two-hundredth anniversary of the sanctuary of the Notre Dame of La Vang in Quang Tri province. It also attempted to discourage citizens from other provinces from travelling to La Vang for this event. (Nevertheless, more than 60,000 Catholic pilgrims were able to attend, making it the largest religious gathering in Vietnam in decades.) On the other hand, in March, the government approved the Vatican's appointment of a **new archbishop** of Ho Chi Minh City, a position that had been left vacant for five years because of official rejection of an earlier nominee. In July, three years after a request was originally submitted, the government approved the October visit of Abdelfattah Amor, the **U.N. Special Rapporteur** on religious intolerance."

## 2.3 Murders, imprisonment, and harassment of people for religious beliefs

### 2.3.1 Murders

In this Submission we do not intend to provide an extensive dossier of murders committed, but we provide here some details of murders of religious leaders committed by the Vietnamese government, taking place publicly or secretly in Socialist Republic of Vietnam (SRV) prisons, as evidences of the SRV's systematic long-term attempts at repression of religious freedom.

- The Most Venerable Thich Quang Do described how his master and grand master died under the Vietnamese Communists' hands in their early years.
  - *"My master, the Most Venerable Thich Duc Hai, was executed by Viet Minh agents at 10:00 on 19 August 1945 ... i.e. the day of triumph of the Revolution, at the courtyard of the communal hall of Bat Village, Ung Hoa prefecture, Ha Dong province, [after they alleged him of being a] 'country-selling traitor'. .."*
  - *"My religious Grand Master, Thich Thanh Quyet, Abbot of Tra Lu Trung pagoda, Xuan Truong prefecture, Nam Dinh province. In 1954, Communist cadres entered his pagoda, accused him of using the opiate of religion to hoodwink the people, and told him that he would be "qui ÇÛnh thành phÃn" and taken to a "ÇẤu tÓ". My Grand Master was so afraid of the pains involved that he hanged himself."*  
*["qui ÇÛnh thành phÃn": "given classification", a term introduced by the Communists into Vietnamese language for their exercise of classifying of persons as enemies of the people]*  
*["ÇẤu tÓ": "struggled against and publicly denounced", the most feared Communist term for their public kangaroo courts which often declared death sentences]*

(Source: "Identification of The Many Serious Damaging Errors Committed by The Communist Party Of Vietnam in its Dealings with the People and The [United] Buddhist Church Of Vietnam", 9<sup>th</sup> August 1994, by the Most Venerable Thich Quang Do, to Party Secretary General Do Muoi)

- As an example of many murders committed after 1975: Venerable Thich Thien Minh, Senior Leader of the UBCV, was tortured and killed in a SRV prison on 17 October 1978. His body was released in Ham Tan district re-education camp.
- More recently, Venerable Thich Thien An was beaten to death by SRV police on 5 September 1992 in Thu Duc district.
- Here are some examples of slow murders in 1985-1986, as recounted by a witness:

*Fathers Nguyen Luan, Vinh Son Minh and Nguyen Van Vang all died chained in their dungeons. All were abandoned without food until they totally lost all control of themselves. Father Luan was sentenced to irons for a very humane action: he had secretly received hosts to celebrate a silent mass with some prisoners during Christmas mass. Father Nguyen Van Vang was chained and left without food to the point where he could no longer walk. Each time the door was opened to let him out, he crawled to the gate and gathered up any plant whatever to voraciously chew on it.*

### 2.3.2 Concentration camps

It is well known that the Vietnamese government ran an extensive network of forced labour and brainwashing concentration camps that it calls "Re-education" camps.

Ha Noi itself has admitted that it has put over 1 million people into these concentration camps: Jean-Claude Labbe of the French weekly Paris Match reported in September 1978 that the then Prime Minister Pham Van Dong said:

*"Over the past three years, we have liberated more than one million people who were guilty of collaborating with the enemy one way or another".*

Among the inmates were many priests, monks, and religious officials, detained for their religious beliefs.

These concentration camps have multiple purposes: revenge, brainwashing, instilling long-lasting fear that lasts beyond release, and causing mutual distrust among inmates.

The conditions in the "re-education" camps are described in Dennis Rockstroh's "The Hidden Horror of Vietnam's Camps," The San Jose Mercury News, October 11, 1987, and quoted in Associate Professor C. A. Thayer's Vietnam Country Report, March 1990:

*"[the Rockstroh report], based on interviews with 100 former re-education camp detainees then living in southern California and Washington, D. C.,*

*revealed the following conditions in re-education camps: **executions** for those attempting to escape, **torture**, constant numbing brutality, **hard labor, humiliation**, sickness, and deliberately inflicted pain. Inmates were forced to perform hard labor while being provided with rudimentary food and medical care. **Many starved to death, others were left to die a lingering death from disease.** ... Prisoners were subjected to intense political harangues and **forced to write detailed confessions.** Some prisoners were tortured to get information about political opposition, military resistance movements and conspiracies to escape. The torture techniques included: ripping out fingernails with pliers, whipping with live electric wires, hanging inmates from the ceiling and beating them, forcing prisoners to drink water and then jumping on their bloated stomachs, an arm tied over shoulder and behind back the prisoner's back, and "mental torture" of being forced to bow while being insulted."*

Concentration camps still exist, holding prisoners of conscience, including religious prisoners, and mixing them with common criminals.

### **2.3.3 Imprisonments, house arrests, and arrests (See Attachment 1)**

**Attachment 1** is a list of 145 people, subdivided into sublists of various churches - Buddhist, Catholics, Hoa Hao, Cao Dai etc., who have been put into prisons, concentration camps, or under house arrest by the Vietnamese government for their religious beliefs. Except for about a dozen people annotated as already freed, to our best knowledge the rest are still detained.

This list is by no means complete. The real number is likely to be much higher. Professor Doan Viet Hoat, a prisoner of conscience released late last year, told Australian Parliamentarians during his visit to Australia in April 1999 that he himself had come across more than one hundred prisoners of conscience in the several camps he had spent time in, but there are tens more that he had not been to.

#### **Some extracts from Attachment 1:**

Here are some extracts from the Catholic and Buddhist sections of the above list:

*"7. **Clergyman Bernard Nguyen Viet Huan:** Clergyman Nguyen Viet Huan was born February 10, 1951 in Bui Chu, northern Vietnam. He was arrested on June 13, 1987 in Thu Duc. On October 10, 1987, he was sentenced by the People's Court of Ho Chi Minh City to 20 years in prison and 5 years of house arrest on charges of "propaganda against the socialist state, destruction of the policy of unity." Clergyman Nguyen Viet Huan is currently held at Z30A prison camp, Xuan Loc prefecture, Dong Nai province, southern Vietnam."*

*3. **Venerable Thich Khong Tanh:** born Phan Ngoc Anh; Head of Lien Tri Pagoda, Thu Duc district; Ombudsman of the UBC Central Office; arrested in late 1976 and jailed for 10 years for writing to Premier Pham Van Dong protesting the drafting of young Buddhist monks into the army, which was aimed at disrupting UBC personnel; Nov. 6, 1994, transferred to interrogation center 3C (Ton Duc Thang St.), Section PA 24 of Ho Chi Minh*

*City's Police Station; August 1995, convicted of "undermining the policy of religious solidarity" and sentenced to five years.*

Here is another extract, this time about physical torture and cruelty:

**"5. To Dinh Trung:** *Evangelist of the K'Hor tribe, a close collaborator of Rev. Tran Mai. He is serving a 3.5-year sentence for "having abused his freedom as a citizen to proselytize." He was repeatedly beaten during the 6-month pre-trial detention and subjected to many other forms of torture. Currently detained at Quang Ngai Provincial Prison. He was reportedly forced to sleep in the insect-infested prison latrines."*

### **Three cases recently adopted by International PEN**

At its 66th International Congress in Warsaw on 15-21 June 1999, the Assembly of Delegates of International PEN, adopted three prisoners of conscience and called for their release (Attachment 7):

"\* Nguyen Dinh Huy, eminent journalist, press editor and leading figure in the pro-democracy movement who is suffering from Parkinson's Disease. He is now held in Ham Tan hard labour camp. Formerly held in 1975 for 17 years in re-education camps, he was arrested again in November 1993 and sentenced to 15 years imprisonment in August 1995. He is a recipient of the 1997 Hellman/Hammett award for freedom of expression and an honorary member of the Polish and English PEN Centres;

\* Nguyen Ngoc Tan (pen-name Pham Thai), journalist and poet, now held in Ham Tan hard labour camp. Previously detained in 1975 and held for 15 years in a re-education camp. Arrested again in July 1995 and sentenced to 11 years imprisonment for his involvement in Nguyen Dinh Huy's pro-democracy movement. An honorary member of the Polish and English PEN Centres; "

And the third prisoner of conscience is the Venerable Thich Hue Dang (born Nguyen Ngoc Dat, no. 30 in the **Attachment 1**) was also recently adopted by the Assembly of Delegates of International PEN, as one of three prisoners of conscience it calls for release. A Buddhist intellectual and humanist scholar, he was sentenced on May 27, 1992 for writing an "Essay on Humanism" :

**"30. Venerable Thich Hue Dang:** *born Nguyen Ngoc Dat; sentenced to 20 years' imprisonment; presently detained in Xuan Loc hard labour camp."*

### **A prison called home**

In March 1999, after the Most Venerable Thich Quang Do had been released from jail late last year, he went to meet the Supreme Patriarch Thich Huyen Quang. Their meeting in Quang Ngai province was interrupted, they were manhandled, and he was forcefully returned to Saigon. The reasons given by the cadres to the Most Venerable Thich Quang Do were that the United Buddhist Church of Vietnam (UBCV) was not a legally recognised church, and that they suspected that their meeting was to rebuild the UBCV.

As the Most Venerable Thich Quang Do put it, he was freed from a state prison only to return to a prison called home.

Plain-clothed security guards prevented Mr. Amor from meeting him. The Amor Report , para 45:

*"He [Amor] was also prevented from meeting, in Ho Chi Minh City, three members of the EBUV [UBCV] clergy recently released in the context of an amnesty, Thich Quang Do, Thich Tue Sy and Thich Tri Sieu. Despite the explanations given of the official status of the United Nations Special Rapporteur and the purpose of his visit, several individuals in plain clothes, claiming to represent the local authorities and stating that they had been informed of the United Nations representative's mission, refused access to the three clergymen. During his visit, the Special Rapporteur was informed by several non-governmental sources that the individuals who physically barred his access to the EBUV clergy were members of the security services"*

From **Attachment 5** :

In a recent media interview on 8 April 1999, the Most Venerable Thich Quang Do has issued a fresh call for democracy in communist-ruled Vietnam and for the restoration of the banned Unified Buddhist Church of Vietnam (UBCV).

Most Venerable Thich Quang Do, 72, an outspoken critic of the government and secretary general of the UBCV, said "international donors should reconsider unconditional aid and loans to Vietnam as these served only to strengthen the Communist Party".

He said "What we need is freedom, democracy and human rights, this is more important for us than international aid".

"The Soviet Union collapsed in just three days after existing for 74 years, that is our hope."

He said Vietnam's landmark reform policies introduced in 1986 had been limited to the economic field, and that there had been no political change.

## **2.4 Confiscation, destruction, abuse, and non-return of church properties (See Attachment 2)**

**Attachment 2** is a partial list of church properties confiscated, destroyed, or disrespectfully abused by the Vietnamese government.

**Some extracts from Attachment 2:**

### **Protestant Church**

1. *Reformed Protestant Church at 2 bis Le Duan Street, Saigon. It has been transformed into a night club.*



### **Buddhist Temple**

16. *Van Hoa Temple, Kien Giang, Rach Gia, transformed into a training center for Communist cadres.*
17. *Khanh Minh Temple, Long An, transformed into a maternity ward.*

### **Catholic Church**

3. *Dac Lo Church (Alexandre de Rhodes Church of the Jesuit Order), 161 Ly Chinh Thang Street (formerly Yen Do Street), 3<sup>rd</sup> District, Saigon. It has been transformed into state-owned Tuoi Tre (Youth) Publishing Company.*

### **Article 11 of Decree 26/1999/ND-CP: these properties now state property**

*"3) Buildings, land and other properties passed on by organisations, individuals, or churches to the organs of the State for them to manage or use in application of the policies of the government of the Democratic Republic of Vietnam, of the Provisional Revolutionary Government of South Vietnam, or of the government of the Socialist Republic of Vietnam, or given to the State, **are now the property of the Socialist Republic of Vietnam.**"*

## **2.5 Puppet churches**

### **If you can't beat them, get them**

The Vietnamese government realises that it is not able to quash the people's spiritual and religious needs. Therefore, it attempts to neutralise religion by setting

up its own churches, outlawing independent churches, and sowing divisions within and between religions.

Ha Noi's ploys above aims at several objectives: First, to bring followers and churches under its control. Second, via these state-controlled churches, to engender divisions between believers and between churches' officials, leading to a general discontent with religion, thus weakening religion as a political threat.

- It has set up the Vietnam Buddhist Church, and outlawed the Independent Unified Buddhist Church of Vietnam.
- With Hoa Hao Buddhism, recently on 25th May 1999 at An Giang province, Ha Noi set up its own Hoa Hao church called "The Representative Committee of Hoa Hao Buddhism", under the leadership of Mr. Nguyen Van Ton, a long-standing Communist Party official.
- With the Cao Dai religion, the following extract from the Bureau of Religious Affairs' Report 10 TB/TCCP dated 30th December 1995 about its Conference On Handling Cao Dai, shows Ha Noi's strategy: *"Central and provincial authorities [to] prepare to organise a conference to **approve the Constitution and personnel in the leadership**", and *".. Following the Central policy regarding the Cao Dai religion, as per the Decision no. 34 of the Party's Central Secretariat and Guideline no. 21 of the Department of Mobilisation of the Masses, [our purpose is] to **make the nearly 3 million followers unite closely with the government, [and] not to develop the religion**"**

### **No puppet Catholic churches, but ..**

With the Catholic church, Ha Noi has not been able to set up its own church. The outward signs give an impression of improvement: Ha Noi has allowed the recent appointment by the Vatican of three Catholic clergies for Quy Nhon, Long Xuyen, and Lang Son and Cao Bang provinces. It is also presently engaged in normalisation talks with the Vatican. Based on experience, we will only believe that the Catholic church can operate more freely when we see that happening in practice. We hope it can and, if so, this is an indication that strength and persistence (in this case the Vatican's) rather than pure reason is what makes Ha Noi relax its religious suppression.

## **2.6 Decree 31/CP: administrative detention, forced labor, indoctrination, mutual distrusts**

### **Administrative Detention Decree 31/CP**

SRV Prime Minister Vo Van Kiet signed the Decree on 14 April 1997 as a tool of control of the Vietnamese people.

Human Rights Watch commented as follows on Decree 31/CP (it uses the term Directive):

*"Article 2 of Directive 31/CP states that "administrative detention applies to those individuals considered to have violated the laws, infringing on the*

*national security, as defined in Chapter 1 of the Criminal Code, but [whose violation] is not serious enough to be prosecuted criminally". This directive formally legitimizes detention of any individual voicing political dissent or opposition, the so-called "hostile forces promoting peaceful evolution". It is so vaguely worded as to invite abusive application.*

**Directive 31/CP authorizes village-level People's Committee and Public Security officials to detain individuals without trial for between six months and two years.**

*Directive 31/CP violates key human rights enshrined in both the Vietnamese Constitution and International Covenant on Civil and Political Rights (ICCPR) including the following:*

- *Article 72 of the SRV Constitution, "no citizens shall be considered guilty and liable to punishment until a verdict has been reached by the Court and come into effect."*
- *...*
- *Article 73 of the SRV Constitution "citizens have the right to inviolability of their places of residence...Privacy and unimpeded flow of correspondence, telephone and telegraph communications is guaranteed."*

(Source: "Behind Vietnam's Open Door: A Climate of Internal Repression" - Human Rights Watch, at <http://www.hrw.org/hrw/press97/nov/vietfra.htm>)

The UN Special Rapporteur's report provides additional analysis of Decree 31/CP.

We can provide a copy of an English translation of Decree 31/CP if requested.

### **Why Administrative Detention?**

The tactic of house arrest and administrative detention, using the SRV authorities' omnipresent network of "people's committees", is favoured by the authorities because, among other things, it is effective but minimises foreign media attention which might harm Ha Noi's diplomatic efforts.

### **Not just detention: forced labor, indoctrination, and mutual distrust**

Decree 31/CP is about not just administrative detention but also indoctrination and forced labor. It is also about rewarding informants. Article 13:

*"After serving one half of the term of detainment, if the administrative detainee shows clear signs of progress or earns credits according to the standards listed below, the Chairman of the province People's Committee might review his term of detainment according to the recommendations by the Chairman of the People's Committee of the district where this individual serves the decision of detainment*

*- A clearly progressing administrative detainee is someone who **shows sincere remorse, labours actively, studies [political teachings]**, and complies strictly with the regulation of the laws and the Administrative Detainment Policy.*

- *An Administrative Detainee will earn credits if this individual takes one or more of the following actions: **disclosing violations of the law by other people, ...***"

### **Building a society in which everyone distrusts everyone else**

We highlight here a less well-known behaviour of the Vietnamese government.

To maintain its totalitarian regime, the Vietnamese government systematically divides society by sowing distrust at all levels through the use of informants, including in religious organisations.

- The "*disclosing violations of the law by other people, ...*" above is an example.
- The government puts fake monks in Buddhist temples to spy on other monks and believers. The issue was raised in the Amor report, para 49:

*"The Deputy Minister of Public Safety refuted the allegations concerning the presence in the pagodas of false bonzes belonging to the security services, **while specifying that all citizens must be supervised.**"*

- Another example: At the end of the Comprehensive Plan of Action, when failed asylum seekers were returned to Vietnam, many if not all returnees were interrogated by the Vietnamese authorities about their own and others' activities in the refugee camps. This information was then used to target dissidents who were then detained, regularly questioned, monitored, or otherwise harassed after returning. The Vietnamese community has published a document detailing this matter.
- But opponents outside the Party are not the only ones subject to this behaviour. The Communist Party has since 18th May 1999 started a 2-year program in which every Party member has to criticise him/herself and others, purportedly to identify corruption, but the ulterior purpose is to weed out all internal dissenters.

Ha Noi works hard to build a society in which everyone distrusts everyone else, fully aware of the long-term and fundamental harm it does to the fabrics and development of society.

### **2.7 Decree No. 26/1999/ND-CP: A cynical anti-religion anti-church tool (see Attachment 3)**

Almost two years to the day after Decree 31/CP, on 19<sup>th</sup> April 1999, Ha Noi stepped up and systematised its suppression of religious freedom with Decree 26/1999/ND-CP (see **Attachment 3** for our English translation).

This followed the UN Special Rapporteur's recommendations, and international expressions of concern including by the Australian government, and coincided with the Australian Parliament's call for more respect for religious freedom.

Decree 26/1999/ND-CP makes astonishing reading. If it were not so serious, it could make interesting reading. Besides containing the full complement of sticks, the Decree holds a carrot for the clergy who tows the line as follows:

**Article 15**

1) Clergy and religious officials have the following rights:

- exercise the duties and religious functions within the framework of the responsibilities that the competent State organs have recognised.

- ***benefit from the appreciation and rewards from the State for their merits and contributions to the work of national unity, to the building and defense of the Nation.***

### **3. IMPLICATIONS OF SUPPRESSION OF RELIGIOUS FREEDOM IN VIETNAM**

Religious suppression in Vietnam is closely related to or leads to negativities in other human rights and aspects of life.

In 3.1 below, we discuss implications for Australia and various aspects of its relationship with the government and the people of Vietnam. In 3.2 and onwards, we discuss implications on human rights for the latter.

#### **3.1 Implications for Australia**

##### **3.1.1 Australia's aid could help to reduce religious suppression**

In a recent Reuters interview on 8 April 1999, the Most Venerable Thich Quang Do said:

*"international donors should reconsider unconditional aid and loans to Vietnam as these served only to strengthen the Communist Party".*

...

*"What we need is freedom, democracy and human rights, this is more important for us than international aid".*

We agree with the Most Venerable, and think that aid should be used to help reduce suppression of religious freedom.

In the texts discussing Recommendation 2, we will provide reasons why involving independent churches in Vietnam could improve both the effectiveness and efficiency of the Australian aid dollar.

We wish to point out here, however, that it has been AusAid's practice not to work with groups oppressed by Ha Noi, including independent churches, but almost exclusively with government departments.

Inadvertently, this practice lends a helping hand to Ha Noi in its efforts to isolate independent churches and stop them doing work such as flood relief as carried out by the UBCV in 1995.

Aid is, at least in principle, to the people and not to their government. Hence, with a country under an unrepresentative and corrupt government like Vietnam, it is important that AusAid try to reach out to the people directly as much as it can.

By involving independent churches and religious organisations, as recommended in this Submission, Australia's aid can be used in a cooperative but firm way to encourage the Vietnamese government to relax restrictions on them.

##### **3.1.2 Implications for Australian industry**

Suppression of religious freedom is part of the general control system over Vietnam's society. This goes hand in hand with corruption, bribery, and lack of transparency.

In terms of Australia's aid program, this increases the costs of Australian foreign aid to Vietnam, reducing its effectiveness, and imposing a drain on taxpayers' funds. On the expenditure side, this is represented by increased and continuing foreign aid to Vietnam. On the revenue side, the implications are reduced business opportunities, and reduced income and taxation liabilities on the part of Australian companies involved in tie-in aid to Vietnam.

Australian businesses in Vietnam have lost at least hundreds of millions of dollars because of widespread corruption, bribery, and lack of transparency in both private and public governance at the Central and local government levels. Known cases of casualties from entering the byzantine maze of corrupt Vietnamese officials include the Westralian Sand Ltd. and the BHP Dai Hung loss.

Not just these companies but others "are close to flying blind". According to the "Transparency Problems In Asia" survey reported in Asian Intelligence Issue #523 by the Hong Kong-based Political & Economic Risk Consultancy (P.E.R.C.) (accessible from <http://www.asiarisk.com/>), dated 25 November, 1998:

*"Vietnam [is one of two countries which] trail the pack with the worst perceived levels of transparency. The situation in these two countries is so bad that companies are close to flying blind."*

*[Transparency of Asia's Business Environment Table, sorted by 1998 Grade]*

Country	1997 Grade	1998 Grade
<b>Vietnam</b>	<b>9.50</b>	<b>8.50</b>
<i>Indonesia</i>	7.40	8.41
<i>Thailand</i>	6.50	7.20
<i>China</i>	8.20	6.94
<i>South Korea</i>	7.00	6.58
<i>Malaysia</i>	6.30	6.46
<i>Philippines</i>	6.70	6.14
<i>Japan</i>	5.85	5.78
<i>Taiwan</i>	6.10	3.94
<i>Singapore</i>	4.40	3.61
<i>Hong Kong</i>	5.00	2.82
<i>USA</i>	3.80	2.26
<i>Australia</i>	3.00	2.12
<i>UK</i>	4.00	1.81

### 3.1.3 Australia's dealings with Vietnamese State-owned enterprises (SOEs)

In dealings with Vietnam, Australia's aid program and private businesses cannot avoid dealing with Vietnam's web of SOEs. But there are deep problems in such dealings:

- The International Monetary Fund has reported that SOEs make up 40 percent of Vietnam's GDP, and that the Vietnamese government releases practically no information on these SOEs and their true financial conditions. Further, Vietnam still maintains its reluctance to give the IMF data for its monthly publication of International Financial Statistics. Even neighbouring Laos and Cambodia, both transitioning from the Soviet-based national accounting system like Vietnam, and Rwanda and Ethiopia, the two poorest countries of the world, have published theirs for years.

(Source: Vietnam Economic Data: Assessment of Availability and Quality, General Accounting Office, June 1999. Accessible from <http://www.gao.gov/>)

- While the Asian Development Bank and the IMF is helping Vietnam to improve its reporting, lack of reliability of Vietnamese economic data will not improve unless Vietnam is willing to improve transparency in financial data collection and reporting methods, as well as stop its practice of downright manipulation. The GAO report continues:

*"There are also a number of unexplained differences between reports published by different international agencies and even between those published by the same agency. One example is the average employment (the average number of employees per enterprise) in the private sector, an important component of Vietnam's economy in terms of growth and development. According to the 1996 IMF staff report, average employment between 1992 and 1995 was between 7.4 and 5.1 employees. In another IMF staff report 16 months later, the average employment for the same period was reported as between 1.8 and 1.2 employees. It is not clear why a 1992 figure was revised in 1998, but agency officials noted that there are often long delays and **frequent adjustments of prior data by Vietnamese government sources**. The data series cited its sources as the GSO and staff estimates."*

- Vietnam itself provides a pointer towards the extent of the problem. The **"Vietnam Sets Stage for New Government Purge"** report in Stratfor's Global Intelligence Update, May 25, 1999 (<http://www.stratfor.com/asia/aiuarchive/990521.htm>) reported:

*"Pham Duc Phong, Director of the Office of Public Property Management in the Vietnamese Ministry of Finance, revealed on May 20 that **5.8 billion dollars in assets are unaccounted for. Phong said the missing assets, made up primarily of property, luxury cars, and office equipment, came to light in a survey of more than 55,000 government agencies, and represent 29 percent of the total civil service assets of those agencies.**"*

We raise here the need to dig deep and properly account for how Australia's aid money is used, where there are transactions directly or indirectly involving Vietnam's web of SOEs.

We believe this matter is important enough to warrant Parliamentary attention, if not within this Inquiry then outside of it.

### **3.1.4 The world is possibly trending towards aid conditionality**

We are aware that the government takes a cautious attitude towards conditioning Australia's aid on improvements in human rights. But this may be against the world's trend.

The government's stand should not rest here, but would benefit from public debate. Such a debate could be helped by, for example, the Sub-Committee

making statements in Parliament or using private correspondence. For its part, the VCA will do all it can to participate in a public debate on this issue.

The following developments indicate a possible world trend towards aid conditionality.

- **EU:** In June, the German Ambassador to Vietnam, Wolfgang Erck, who represents the European Union, hinted that EU aid's continued flow partly depended on improvements in the human rights situation. He observed that:

*"[Vietnam's] reform policy has been slowed down and economic policy is less courageous than it was at the beginning of the '90s... We have the impression there is less tolerance now, more limitations for the press (and) religious communities, and we have concerns over sectors... (such as) political prisoners."*

(Source: "**EU says aid to Vietnam depends on reforms**," Reuters, 10 June, 1999.)

The linking of human rights and aid is clear in the EU's position above. The UNDP's statement below implies that aid should not flow if economic reforms are slower as a result, or if Vietnamese citizens see very little of it:

- **UNDP:** Mr. Edouard Wattez, the United Nations Development Program's representative in Hanoi, noted at a forum in Ha Noi on 25th November 1998 that "economic reforms would have proceeded faster" without the billions of dollars in international aid to Vietnam from the international community. He expressed his distrust of Vietnam's honesty in implementing its reforms:

*"In some respects, the past five years might appear to have been rather a period of reform on paper, often without effective and systematic implementation,". Of the \$5 billion already disbursed, a mere 5.5 per cent is going for basic social services to Vietnamese citizens.*

(Source: "**Cash handouts slow economic reform process**", South China Morning Post, 25 November, 1998. Accessible from <http://www.scmp.com/>).

The above information also provides additional support for our Recommendation 2 about providing aid money to independent churches. This way, Vietnamese citizens should see more of the aid dollar.

### **3.1.5 Potential factor in cultural exchanges? In trade too?**

#### **Cultural exchanges**

In the Joint Standing Committee on Foreign Affairs, Defence and Trade's Report of 29 June 1998 on Australia's Regional Dialogue on Human Rights (the "Improving, But .." report), the Committee advocated the factoring of human rights into Australia's aid and defence aspects of Australia's relationships with countries in our region.

We suggest that it is logical to also include cultural exchanges.

Cultural exchanges are among the tools that the Vietnamese government uses to maintain its totalitarian regime:

- We have obtained documents by the Vietnamese government which show that it uses cultural exchanges with Australia for the ultimate and ulterior purpose of neutralising the Vietnamese Australian community's opposition to its totalitarian regime. This includes the sending of entertainment troupes, and the exporting of books and music to Australia.
- SRV Prime Minister Phan Van Khai's delegation to Australia in March-April included an officer responsible for overseas Vietnamese mobilisation. His presence in the delegation, which had the stated purpose of dealing with trade, did not make sense until one knows that he held a private meeting with some representatives of overseas Vietnamese students in Australia.

Rather than seeing cultural exchanges as a problem, we see them as opportunities. As part of Recommendation 7, we suggest a way to introduce or reinforce concepts of democracy and human rights to Vietnamese students sponsored by Australia.

## Trade

Should human rights be a factor in the trade relationship? This question is difficult and involves delicate balancing of interests, but it has not been put into the "too-hard" basket by the United States.

We note that in its Issues paper, the Sub-Committee said *"the United States' broad-ranging style of response may not be appropriate for a smaller nation such as Australia"*.

We agree that there are other approaches Australia can take, some of which are recommended in this Submission.

However, we hope that by the above, the Sub-Committee did not imply that:

- human rights should not be a factor in trade, or
- Australia should shy away from a punishment stance when the cooperative stance does not reduce human rights violations.

We believe that most Australians believe human rights should be a factor in international relationships. The question is not whether that should be so, but how to balance competing interests.

Therefore, we hope that in its report the Sub-Committee would raise the matter (of religious freedom or human rights as a factor in any applicable aspect of Australia's international relationships, including: aid, defence, cultural, and trade) for public debate, and perhaps give a discussion about its stand on the above two dot points.

## 3.2 Implications on freedom of association

The outlawing of independent churches is clearly a suppression of freedom of association.

A consequence of this is the suppression of church members' freedom to associate for other purposes as well, for example social, mutual-assistance, or to discuss social concerns.

An example of this is the outlawing of the Buddhist Church's Family of Buddhist Youth, a religious organisation providing for the specific needs of Buddhist youth and involving them in community activities.

### **3.3 Implications on freedom of assembly**

SRV Decree No. 26/1999/ND-CP, Article 10, expressly forbids religious assemblies unless approval is obtained, sometimes from the Prime Minister himself.

This is not an idle prohibition on paper. Soon after it became effective, the Decree was applied with zeal in real-life crackdowns, such as the following:

*"HANOI, May 19 (Reuters) - A Vietnamese Protestant leader detained after Hanoi police broke up a bible meeting on May 7 has appealed for help for himself and his family to leave the country, a source close to the arrested man said.*

...

*(Ai) said the reason he is allowed telephone calls is that they are trying to trace his contacts," the source said.*

*Ai and 19 others from the unofficial Vietnam Assemblies of God Church were detained after police burst in on the second day of a three-day spiritual retreat and bible study session in a Hanoi hotel on the evening of May 7.*

...

*The whereabouts of Hen, an evangelist pastor from the Black Thai ethnic minority, were currently unknown. Hen was freed from jail on January 28 after serving three years for "illegal religious activities," he added."*

### **3.4 Implications on freedom of press - An Inquiry into freedom of the press?**

#### **Forbidding the independent publication of religious books etc.**

As part of its efforts to control religions, the Vietnamese government has been expressly forbidding independent publication of religious books and the likes.

Article 14 of Decree 26/1999/ND-CP:

*1) The printing and publication of prayers, of books, of religious publications, the production, the sale of, the export and import of cultural religious products, of objects of religion, is under the regulation of the State*

*in matters of printing, publishing, of production, of management of export-import enterprises of cultural products and merchandise.*

*2) It is prohibited to print, to publish, to sell, to circulate, or to possess publications and cultural products whose contents oppose the State of the Socialist Republic of Vietnam, cause religious division, cause ethnic division, cause the loss of the unity in the people.*

### **Media within churches and religious organisations are forbidden**

If churches and religious organisations were to freely operate, they could be expected to operate means of internal communications such as newsletters, religious magazines, and the like. These means of communications constitute a form of information media within a church community. Potentially they could be equivalent in numerical strength to mass media if the church in question has many followers.

The Vietnamese government's suppressions of church publications amounts to suppression of this aspect of free press.

### **Vietnam government is the worst oppressor of freedom of the press in Asia**

Human Rights Watch commented, in its 11 November, 1997 press release entitled "Behind Vietnam's open door: A climate of internal repression" (<http://www.hrw.org/hrw/press97/nov/vietfra.htm>):

*"The domestic media is currently used as a tool for Party propaganda, with no freedom to develop into an independent social, political or economic watchdog"*

Then, in its World Report 1999, HRW continued:

*"The press remained under tight government control during the year. None of the **criticism of the government** by senior party leaders or retired officers was published in the media. In a **stern reminder to journalists** not to exceed state-imposed limits, Nguyen Hoang Linh, editor of Doanh Nghiep (Enterprise) newspaper and a Communist Party member, was brought to trial on October 21 after his arrest a year earlier. He was found guilty for "taking advantage of democracy to damage the state" and sentenced to time served (one year and thirteen days). In 1997 Nguyen had reported on high-level corruption [within the General Department of Customs regarding the purchase of four speed boats from Ukraine]. Troubled areas such as Thai Binh and Dong Nai remained **off-limits to foreign journalists**, aside from a one-day, officially sponsored tour in mid-February. In an effort to control information about the regional economic crisis and its impact on Vietnam, the Ministry of Culture continued to implement a 1997 press edict that prohibited **media coverage of the banking system** and **instructed editors to tone down** critical economic coverage."*

In its survey released on 7<sup>th</sup> June, 1999, P.E.R.C. ranked Vietnam the worst in Asia in terms of the severity and extent of its censorship. The Philippines scored

2.29, Japan 3.63, Thailand 3.86, Hong Kong 4.26, Indonesia 4.9, Singapore 5.73, South Korea 6.9, China 7.89. Vietnam scored 8.5 out of 10, the worst of the 11 countries surveyed.

Reuters reported on 21<sup>st</sup> June that the Vietnamese Minister for Culture and Information disclosed that Ha Noi spends up to US\$36 million every year to finance all of Vietnam's nearly 500 newspapers and magazines. About 90% lose money.

### **A future Inquiry into freedom of the press?**

We hope that in future the Sub-Committee will conduct an Inquiry into freedom of the press, at least covering South-East Asia including Vietnam.

Such an Inquiry could cover:

- The role of the internet
- Australia's broadcasts to the region, including electromagnetic and internet
- Steps which the Australian government and NGOs can take to improve freedom of the press.

### **3.5 Implications on privacy**

Vietnam's suppression of religious freedom leads to invasion of citizens' privacy.

- Before being allowed to enrol in any religious study, an applicant must be approved by the authorities. The process includes examining all aspects of the applicant's private life and family relationships including previous generations.
- An unknown number of people, but at least a million, have been forced to write detailed dossiers on themselves, including any involvement in religious activities or organisations.
- The use of spies in churches, mentioned previously, is a direct interference with clergy's and church-goers' privacy.

### **3.6 Some societal implications of suppression of human rights**

#### **Multiplier effect: population too afraid to speak out, more willing to leave**

The murders and imprisonment of religious leaders is not only a denial of their own freedom of speech, personal safety, abode, and of movement. It also has a repressive multiplier effect on the general population. As a result, people are generally afraid of speaking out more than allowed.

When the people think they cannot voice their opinions, and cannot affect the state of the nation, they would not think of owning the country and thus would not care for the country. As a result, people are more willing to leave the country. Witness the number of Vietnamese applying for emigration to Australia and other Western countries nearly a quarter of the century after reunification of Vietnam.

The brain drain slows Vietnam's economic development, thus maintaining her need for continued foreign aid.

### The corruption jungle of Vietnam

Suppression of religious freedom is part of the fabric of state control, which is characterised by corruption and lack of transparency.

The corruption case of Minh Phung Epco in early 1999 where more than A\$300 million were lost to fraud is a manifestation of corruption unchecked by the lack of transparency. To give a sense of proportion, the average GNP per person is only about A\$350 per person.

In daily life in Vietnam, corruption is evident everywhere one looks. The following survey by P.E.R.C ranked Vietnam the 4th worst out of 12 Asian countries, with a consistently increasing trend:

	1995	1996	1997	1998	1999
Indonesia	7.30	7.69	8.67	8.95	9.91
India	7.00	6.86	8.20	7.40	9.17
China	7.30	8.00	8.06	6.97	9.00
<b>Vietnam</b>	<b>N/A.</b>	<b>7.78</b>	<b>8.00</b>	<b>8.25</b>	<b>8.50</b>
South Korea	4.00	5.16	7.71	7.12	8.20
Thailand	5.90	6.55	7.49	8.29	7.57
Malaysia	4.60	5.00	5.80	5.38	7.50
Taiwan	4.20	5.53	5.96	5.20	6.92
Philippines	6.60	6.95	6.50	7.17	6.71
Japan	2.00	1.93	4.60	5.00	4.25
Hong Kong	2.80	2.79	3.03	2.74	4.06
Singapore	1.20	1.09	1.05	1.43	1.55

(Source: "Corruption In Asia In 1999", from P.E.R.C.'s Asian Intelligence Issue #531, dated March 23, 1999)

Human Rights Watch, in its World Report 1999, said:

#### *"Rural Unrest in Vietnam*

*The 15-page report, "Rural Unrest in Vietnam," documents the causes and implications of continuing protests against corruption, land disputes, and compulsory labor in Thai Binh province beginning last May, as well as violent unrest in the largely Catholic district of Thong Nhat in Dong Nai province last month, initially sparked by expropriation of church land by corrupt local authorities. Despite statements by Communist Party Secretary Do Muoi and other officials that to maintain stability, citizens should be allowed to "exercise their democratic rights through the mass media," the government has clamped down on domestic and foreign media coverage of these disputes and **put in place new state tools for social and political control.** "*

(A footnote about Thai Binh: Once the world media has turned its attention elsewhere, Ha Noi quietly jailed people it identifies as leaders of the unrest. According to the same report above,

*"In July [1998], the People's Court in Thai Binh **sentenced more than thirty local people**, whom the government termed "extremists," to prison terms for inciting people to disrupt public order during uprisings in the province in November 1997".)*

This jungle of corruption is not going to clear soon because it is interwoven with the system of power. According to the above P.E.R.C. report:

*".. the Vietnamese government talks a lot about the need to fight corruption. However, **too aggressive a fight would risk undermining the Communist Party's ability to govern**, since that problem is most pervasive at the local level, where cadres often abuse their positions of political power. The national government needs these cadres to implement its policies ... . **State-owned enterprises also frequently abuse their positions.**"*

### **A generation of youth not encouraged to develop positive values**

This jungle of Vietnam does not foster moral values, concerns for others, and respect for the law, in today's generation of youth. Why should I, ask the typical youth, respect the law when the nation's leaders are infringing the laws?

Combined with growing inequality in Vietnam, the lack of respect for the law has potential to lead to social tension and unrest that can have ramifications for the region.

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Lack of governmental respect for religious freedom, a fundamental human right, has far-reaching implications as discussed in this Section. Therefore, protecting and improving religious freedom is an important part of Australia's human rights work.

In the next Section we make 8 Recommendations to address this issue.

## 4. RECOMMENDATIONS

Gentle persuasion, pure diplomacy, and international expressions of concerns such as by the UN Special Rapporteur, the Australian government and Parliament, have not been effective. Ha Noi has not only not reduced but actually stepped up its religious suppression. This is not surprising. The Vietnamese government regards its hold on totalitarian power as being first and foremost above all else, and views churches and religious freedom as a threat to that.

This is why we believe that if Australia is to improve the situation on the ground,

- its diplomacy must be more pointed,
- it must use means additional to diplomacy, and
- it must be results-focused.

This belief is reflected in our Recommendations.

Before providing detailed discussions for each Recommendation, first we cover some preliminary or general matters:

### **Practicable Recommendations, concrete results, practical benefits**

Our Recommendations are designed to satisfy these tests: First, they must be practicable, although not necessarily easy. Second, they must produce concrete results and practical benefits.

One of the practicability tests is cost. **Attachment 4** presents our order-of-magnitude estimates of the costs of implementing these Recommendations.

### **Our approach is based on but also extends the government's**

We are aware of the government's approach in this general area, exemplified by:

- its framework for supporting human rights through Australia's aid program, based on six key principles;
- its cautious approach to conditionality of aid, as expressed in its response to the Committee's recommendations in the "Improving, But .." report; and
- its preference for non-confrontational measures; and its emphasis on obtaining cooperation from the Vietnamese government.

From our analyses in Sections 2 and 3, it should be clear that the interests of the Vietnamese government are usually opposite to the Vietnamese people's human, civil, and political rights. Therefore, there are limits to what the above approach can achieve.

Thus, our general approach is based on the government's where possible, but extends it where necessary. This means:

- Encouraging the Vietnamese government to respect religious freedom;
- Supporting the Vietnamese people's work in this area, in incremental steps; and

- Where encouragement is not likely to succeed, supplementing encouragement with pressure, again in incremental steps.

Our proposed approach will not always produce cooperation. But the effectiveness of an approach based on cooperation alone is limited. The Vietnamese government has cooperated with Australia for its human rights education aid, then produced Decree 26/1999/ND-CP. The Chinese government cooperated with US President Clinton to give him television airtime in China last year, then instituted widespread crackdowns on dissidents soon after his visit.

### **Roles for government, NGOs, and the Sub-Committee**

We do not just ask the government to act. We are prepared to do our part. Several Recommendations involve us and other NGOs in active and responsible roles.

A role for the Human Rights Sub-Committee is also suggested in 3 of the Recommendations.

### **Consistent with the "Improving, But .." report**

We developed these Recommendations based on our understanding of the situation in Vietnam. However, we are aware of and strongly support the Committee's recommendations made in its "Improving, But .." report. Our Recommendations agree with, extend, or otherwise have a positive relationship with those recommendations.

### **Community debate of issues is needed for change to take place**

We have carefully read the government's response to the Sub-Committee's recommendations above, and noted that the government has not embraced some of its recommendations.

We believe that the continuing development and evolution of Australia's human rights policy would benefit if the Sub-Committee encourages wide public debate on the issues related to the place of human rights in Australia's foreign and aid policies.

For example, a press conference on the recommendations of the "Improving, But .." report, and the governmental response, would be of benefit.

Similarly, media coverage and public debate of the Sub-Committee's forthcoming report following this Inquiry should be of benefit.

Community debate may, among other things, re-examine some presently undebated aspects of the Australian government's approach in aid and foreign policies, such as:

- Over-cautious attitude towards aid conditionality;
- Belief in effectiveness of quiet diplomacy;
- Avoidance of actions that may be confrontational, and preference for obtaining cooperation from the foreign government;

- Little support for foreign non-government organisations or grassroots groups, particularly those that the foreign government wishes to suppress.

Until some of the above are changed, many initiatives such as in the Committee's "Improving, But .." or in this Submission will simply not be implemented, or substantially toned down.

### **Go for country-specific actions, not just general actions**

Although we have designed our Recommendations with reference particularly to the situation in Vietnam, nearly all of them have scopes that can cover all or many countries. However, by being tailored, our Recommendations ought to produce practical results.

We hope that in its deliberations, the Sub-Committee will give as high a degree of importance to country-specific Recommendations as those with wider scope.

### **VCA requests to speak at hearings**

We repeat here our requests in the Preface.

If the Sub-Committee is not fully convinced about some of our Recommendations, we wish to speak in support of them should the Sub-Committee hold a public hearing as part of the Inquiry. We can also speak about developments that take place after this Submission is lodged.

### **Witnesses from outside Australia**

We also suggest that the Sub-Committee consider calling witnesses from outside Australia, to attend in person or via teleconference.

For witnesses in Vietnam, if they are not allowed to come to Australia, or their return is not guaranteed by the Vietnamese government, then they could appear by teleconference. In that case, they might request to appear at the Australian Embassy or Consulate to avoid interference by the authorities. It would be desirable if the Australian government allow such requests, but a refusal should not prevent the Sub-Committee from obtaining their evidence.

If necessary, we can try to arrange for their written statements to be submitted in place of oral testimony.

We assume that interpreters, if required, are provided by the Sub-Committee.

## **Recommendation 1 - Religious freedom as a factor in aid program**

<b>The Australian government include promoting religious freedom as a factor in Australia's aid program to Vietnam, no less important a factor than gender equality presently is.</b>
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While promoting gender equality is not the purpose of Australia's aid policy (that purpose being to alleviate poverty through sustainable development), it has nevertheless been a factor in the policy's implementation. This has resulted in

concrete and practical benefits, such as improved access by female Vietnamese students to Australia's education aid.

Similarly, this Recommendation should lead to practical benefits. Recommendation 2 is designed to realise some of them.

### **Consistent with the government's new framework for human rights in aid**

We are encouraged by words such as the following in the six principles forming the aid-human rights framework announced by the Hon. Alexander Downer on 2 December 1998 in the Parliament:

*"the aid program will continue to undertake activities that directly address specific ... civil and political rights"*

*"AusAid ... will pursue practical aid activities in support of human rights"*

There is already practical experience in implementing gender equality as a factor in aid. That experience would help to guide the implementation of this Recommendation, helping to turn the above words into something concrete results.

### **Recommendation 2 - Funding for churches' aid work**

**The Australian government allocate a small annual percentage of aid funds to support aid projects in Vietnam that are run by Vietnamese churches, religious organisations, or local religious communities.**

**AusAid should actively seek opportunities to support such aid projects.**

**Independent churches, religious organisations and religious communities that are not government-sponsored should have no less than 1/2 share of such budget.**

**If the Vietnamese authorities do not allow the implementation of this Recommendation, that fact should be reported to the Parliament.**

*"... the aid program will continue to undertake activities that directly address .. civil rights."*

- We repeat the above quote, from the 2<sup>nd</sup> principle of the aid-human rights framework, in support of our Recommendation. We believe that religious freedom is within the meaning of "civil rights" above. What this Recommendation does is to turn the principle into practical implementation.
- Such aid funds may, for example, for the local church or temple to run a school for local disabled children.

### **AusAid should deal with churches, including independent ones**

- By their very nature, churches are deeply concerned with aspects of life that are targeted by Australia's aid program - namely the relief of poverty through sustainable development. Even now, with no aid from Australia or elsewhere, independent churches are unofficially working under difficult conditions to help the needy.

- Independent churches are effective and efficient aid channels. Their closeness to the community means they are among the best groups in society to be able to identify needy areas, hence increasing the effectiveness of aid. They are also able to efficiently channel the aid dollar because of their low cost structure and the dedication of their personnel.
- Dealing with them, AusAid directly helps to reduce their suppression. That is because by operating aid projects, independent churches maintain their status against Ha Noi's attempt to outlaw and neutralise them.
- Our use of the terms "Independent churches, religious organisations and religious communities" above is designed for cases such as the Cao Dai and Hoa Hao Buddhism religions, where the independent established churches have been crushed and there are only the state-controlled churches.

### **Ha Noi's potential displeasure should not deter Australia**

- The Vietnamese government may initially resist aid being given to churches other than those they control, because that may be seen by them as practically allowing independent churches, currently effectively outlawed, to operate again.
- The Vietnamese government might protest using an "interference in internal affairs" argument. We believe that such a protestation should not deter the government from trying. The onus should be on the Vietnamese side to prove why it is not desirable for Australian aid to be delivered this way, which should target aid more effectively, deliver aid more efficiently, and be in line with Vietnam's professed respect for religious freedom.
- If religious freedom is included as a factor in Australia's aid in a way similar to gender equality, we believe that Vietnam will be more likely to concur because then it knows that Australia is serious about this.
- Further, if the total amount allocated to churches is small (say 5%) in relation to the whole aid budget, and at the same time Australia makes it clear that refusal by the Vietnamese government would lead to Australian Parliamentary and perhaps public attention on the remaining 95%, then Vietnam is likely to calculate that its refusal to cooperate would lead to a net loss. This increases the chances of its cooperation.

### **Half-share for independent churches and religious organisations**

To prevent the scenario of the authorities agreeing in principle but in practice favouring its own state-controlled churches, we have suggested that these churches have no more than 1/2 share of the funds.

### **Assisting AusAid**

In choosing projects to fund, AusAid has traditionally consulted with only the Vietnamese government rather than with Vietnamese grassroot groups,

particularly those that Ha Noi wants to suppress. This Recommendation is a departure from that, hence requiring changes in attitude and habit. Therefore, that part of this Recommendation that talks about "... actively seek opportunities.." is designed to encourage those changes.

Recommendation 3, among other things, provides more assistance to AusAid to implement Recommendation 2.

### **Recommendation 3 - Advisory Group with emphasis on practical work**

**The Australian government form an Advisory Group to advise it on how religious freedom may be promoted and protected, including but not limited to aid matters.**

**The Advisory Group should include experts that may come from the community or NGOs.**

**The Advisory Group should report to the government and to the Human Rights Sub-Committee on the current state of religious freedom, and make recommendations on what Australia can do to improve the situation.**

**In relation to aid, this Advisory Group should visit Vietnam at least once a year to conduct its aid-related work. This involves identifying aid projects that would promote or protect religious freedom, subject of Recommendation 2.**

**The Advisory Group should meet at least twice every 6 months in Australia to prepare for and follow up on its above visits and its reports.**

***"AusAid will continue to link closely with other arms of the Australian government [and] liaise with NGOs and human rights organisations in Australia"***

The sixth principle of the aid-human rights framework, substantially quoted above, lends support to our Recommendation.

However, this Recommendation is not necessarily related to aid.

#### **This Recommendation is not just about aid**

If religious freedom is recognised as a factor in Australian aid, as per Recommendation 1, this Recommendation provides a mechanism to implement it.

If aid funds are to be given to independent churches, as per Recommendation 2, AusAid can use the suggested Advisory Group as a resource to assist in implementing it.

In the event aid funds are not to be given to independent churches, the Group can, on an ongoing basis, study to identify and develop other ways by which AusAid can "pursue practical aid activities in support of human rights", as per the aid-human rights principles.

Even if Recommendation 1 does not get up, ie. religious freedom is not to be a factor in aid, this Recommendation still stands. It would be realised that the suggested Advisory Group does a job similar to this Inquiry's, but on an ongoing

basis. After this Inquiry has finished, the Group's work starts to continue the Inquiry's work:

- The Group can help to monitor or assist in the implementation of this Inquiry's recommendations, for example the conduct of human rights dialogue suggested in Recommendation 6.
- It will continue to identify and develop further proposals to recommend to the government, on an ongoing basis.

### **NGO involvement is critical**

We strongly believe that there should be NGO involvement in the Advisory Group. The establishment of the Advisory Group is based on an intention towards a more active and concrete role that Australia wants to play in the promotion and protection of religious freedom. NGO personnel with a determination to implement that shift can help in turning intention to action. It would be understandable if government and agency officials take a cautious attitude to change. Balance this with NGO people's desire for change, and a positive and balanced outcome should result.

We note that the government is generally in favour of NGOs having a stronger role to play and a closer cooperation with the government in meeting its policy objectives.

Via this Recommendation, NGOs can take a practical part in promoting religious freedom. It facilitates direct input and a direct line of communications between them and the government.

We expect that experts exist within the Vietnamese Australian community, and would welcome any invitation by the government for us to suggest experts to work within the Advisory Group.

### **Practical work and follow up**

As can be seen above, the Advisory Group's role has an emphasis on on-site work and on concrete actions with practical benefits. This way, the advisory group is not likely to fall into the trap of paper-pushing, but actively helps Australia to make a real difference.

We have recommended that the Advisory Group follow up on their recommendations. Given that they are the ones with the intimate knowledge and interest in the recommendations, their follow-up should increase the chances of their recommendations being given serious consideration and successful implementation.

The rationale for our suggestion that the Advisory Group meet at least twice every 6 months is, again, to increase the likelihood of practical and timely results being achieved. If, for example, an Advisory Group were to make its recommendations and only follow up on them 6 months later, should fine tunings be required or should there have been little consideration of the recommendations in the meantime, it might be a long time before something concrete is done about them.

## **Incremental increases**

It is not practical to expect Australia to take large, sudden stepwise increases in its human rights efforts, particularly where there are difficult balancing of competing interests. Thus, gradual incremental improvements are needed. It is difficult for a Parliamentary Inquiry, which takes place occasionally, to effect and monitor incremental changes. On the other hand, an ongoing measure such as this Advisory Group can help to make incremental increases over future years.

## **Affordable and cost-efficient**

Apart from travel and perhaps accommodation expenses, NGO people do not cost salaries from government budgets. This represents a saving for the government. Alternatively, the Human Rights Fund can be used to offset some of NGO's costs.

We have recommended that the Advisory Group visit Vietnam at least once a year. We would have preferred a more regular schedule, but we agree that there is a need to balance with resource constraints.

## **Recommendation 4 - Radio Australia's role**

**The Australian government, within the freedom of the press principle, encourage Radio Australia to reflect the Australian people's views of freedom of religion in particular and human rights and democracy in general.**

**It is strongly desirable for the above to be reflected into Radio Australia's charter, which should then be developed into policies and eventually into on-air reality, which is systemic, non ad-hoc, and long term in character.**

**Radio Australia should be guided by a community consultation process in which community organisations with an interest in human rights are represented.**

**In its annual report, the ABC should detail Radio Australia's activities in this area. It should also separately write to the Human Rights Sub-Committee highlighting the relevant activities.**

## **Consistent with freedom of the press**

Radio Australia's role, to project an image of Australia to the world, involves projecting the values that the Australian people hold as dear and fundamental, and these certainly include values of human rights and democracy. If Radio Australia is doing its job properly, it should already have these issues embedded in its operating principles. This Recommendation simply helps to ensure that that happens, on a systemic and ongoing basis.

The following examples should show that this Recommendation is entirely consistent with all principles of journalism such as accuracy, balance etc.

## **Potential benefits**

The following illustrates the types of practical results that we envisage to flow from this Recommendation. Radio Australia:

- From time to time talks about the history, nature, or issues involved in international instruments on human rights
- Includes in its regular news segment, news related to human rights. For example, arrests of dissidents, or activities by Australia in this area, such as this parliamentary inquiry
- From time to time gives airtime to human rights organisations, such as Amnesty International, by way of interviews or reporting on their activities, and responses if any to their claims by governments etc.

Over time, the implementation of this Recommendation should result in a much better appreciation by listeners of Australia's human rights and democracy values.

### **Communications with the community and with the Sub-Committee**

The suggestion above for community consultation, if implemented, would provide a mechanism for community values to be reflected.

The suggestion of annual reporting provides a way in which the community at large is kept informed of Radio Australia's activities in this area. We have read the most recent ABC annual report and believe a section covering this area will be of interest to its readers, adding diversity to its contents.

The suggestion that the ABC write to the Human Rights Sub-Committee to keep the latter informed about Radio Australia's activities should result in both Radio Australia and the Sub-Committee maintaining an ongoing interest in this area. It also provides an efficient mechanism by which the Sub-Committee can monitor what is happening.

Because the ABC letter is provided only once a year and should be no longer than a couple of pages, this mechanism is very efficient in terms of use of the Sub-Committee's time.

### **Recommendation 5 - Regular representations, visits, and tabling**

**DFAT officials regularly meet with both Vietnamese officials in Vietnam and Vietnamese Embassy officials in Australia to make representations to free religious prisoners or house detainees.**

**The government should, on these occasions and during other written or oral representations, request the Vietnam side to allow DFAT officials to visit religious prisoners and those under house arrest.**

**These visits should be as regular as feasible, and to as many people as feasible.**

**The government should, at 6 monthly intervals, prepare reports on these visits and representations. If the Vietnamese government refuses Australia's requests, the reports should cover Vietnam's refusals, and Australia's responses to those refusals.**

**The government should table these reports in Parliament as they become available, and also put them on DFAT's website.**

***"The government's emphasis on dialogue and .. preference for practical policies that will make a real difference to the lives of individuals"***

- We quote the above from the Introduction to the government's response to the Committee's recommendations in the "Improving, but.." report.
- It will be seen that the first part of what we are suggesting here, ie. representations to Vietnamese officials, involves the kind of dialogue mentioned in this quote.
- If the government wants to "make a real difference to the lives of individuals", it cannot go wrong by concentrating on those jailed for their religious beliefs.
- This Recommendation is directly consistent with and turns into concrete actions the Prime Minister's, and the Senate's, expressions of concerns made in April 1999.

***".. Australia will continue to make representations through our network of Embassies and High Commissions overseas on cases of human rights' concern"***

- The above is extracted from the address by the Hon Alexander Downer, at Consultations between DFAT and NGOs on Human Rights, 30 July 1996.
- If "Australia will continue to make representations", as the Minister stated, then the first part of our Recommendation simply suggests that Australia does so regularly, and that those regular representations should involve Vietnamese officials in Vietnam as well as in Canberra.
- If Australia makes representations, it would help if Australia knows that the prisoners it is talking about are actually there and are still there. If it expresses concerns about the conditions under which they are held, or about their poor health, it would help to actually see the situation. If Australia makes representations, why should Australia shy away from telling the prisoners that it is doing so. These are some of the reasons why Australian government officials should conduct these visits.

**Negative government response to VCA's current similar proposals**

We have for several months put and pursued a proposal to the government similar to this Recommendation, albeit with a wider scope covering all prisoners of conscience. In response, the government has cited 2 concerns: one is that the proposal is not consistent with the government's approach which *"builds confidence and cooperation and produces results"* . The other is that the proposal is not *"practicable given the size of our diplomatic presence in Vietnam"*. The government also said that its Country Brief on DFAT's website should satisfy the need for public information.

- Ha Noi may not be pleased that Australia requests to visit prisoners of conscience. But should Canberra's expectation of Ha Noi's non-cooperation stop Australia from trying and persevering? To answer Yes is to restrict

Australia to saying and doing only those things that she thinks Vietnam will tolerate, in the purported name of building "confidence and cooperation".

- As to the concern about resources, this Recommendation only talks about religious prisoners. Further, we ask only that visits be as regular and to as many prisoners as *feasible*, and stop when there is no longer the need.
- Australia has been preparing the Country Briefs for years, yet this has not prevented Decree 26/1999/ND-CP or arrests being made. Clearly, the availability of Country Briefs by themselves are not sufficient to increase pressure for the prisoners' release.

It is possible to try to deflect this Recommendation using the argument that Parliamentary delegations can do the work of this Recommendation instead of the government.

We believe Parliamentary delegation visits are complementary to our Recommendation, but certainly are not alternatives to it. It is up to the government to undertake its own responsibility and not pass it to the Parliament. Moreover, Parliamentary delegations can only take place once in a while, whereas DFAT officials can visit prisoners and meet Vietnamese officials much more often and regularly. Representations by government officials carry the weight of the Executive, which is of a different nature from the Legislature's.

In implementing this Recommendation, even Vietnam's refusals could be a kind of "benefit", see below.

### **Benefits of implementing this Recommendation**

If implemented, this Recommendation should lead to the following benefits, in both scenarios of Vietnam allowing or not allowing the visits.

- First, the religious prisoners themselves will know that Australia is making representations for their release and is concerned enough to seek to visit them. This should not only raise their morale but also that of other prisoners of conscience. These points remain true whether or not Vietnam allows the visits.

We believe that the morale of these people is very important, because ultimately it is the will of the people, expressed mainly by individuals on the front line like them, that will make or break any improvement in human rights. Helping these individuals is a most effective way of promoting human rights.

- Second, the Vietnamese government should feel the practical pressure of having to have its officials in Vietnam and Canberra regularly setting aside time to attend to this matter. It would realise that Australia's stated concerns are serious, not token.
- Third, Vietnam knows that any refusals, excuses, or frustrations are recorded, reported for all to see, and can be used to Vietnam's disadvantage. This should militate against refusals or, if refusals are made, this provides a basis for formulating Australia's policies towards Vietnam.

- Fourth, the reports tabled in the Parliament should provide a means for Parliament, particularly concerned Parliamentarians, to be kept informed and reminded of events taking place. This should increase Parliamentary interest in particular, and public interest in general, thus maintaining and building Australia's momentum in this area.

### **Six-monthly reporting**

Our rationale for the 6-monthly reporting interval, instead of 12-monthly, is that experience in the past year or so has shown that the situation in Vietnam can change quickly within a year.

The reports are expected to be quite affordable to prepare and concise to read. They cover only the visits to prisoners and the meetings with Vietnamese officials, unlike the much more extensive annual human rights reports by the US Department of State.

### **Recommendation 6 - Human rights dialogue with emphasis on results, consultation, and accountability**

**The Australian government initiate regular dialogue with Vietnam on human rights, with emphasis on results, practical work, accountability, and two-way community consultation:**

- **The scope of the dialogue should cover religious freedom but may extend to other human rights.**
- **The dialogue should have an emphasis on practical and hands-on work, such as site visits by officials involved in the dialogue.**
- **Regular 6-monthly reporting should be made to the Parliament to report on results, explain what has been done to achieve such results, or explain why results have not been achieved and what actions are planned to achieve them.**
- **To allow the Parliament to retain an active role, the Human Rights Sub-Committee should have the ability to suggest target results for the dialogue, and to request briefings on an ad-hoc basis.**
- **Community consultation should be undertaken to receive inputs and to brief interested community groups. This may be achieved simply by nominating a suitably available officer as a community liaison officer.**
- **Non-government observers should be allowed to be present at meetings.**

***"The government is continuing to explore ways of translating its commitment [to human rights] into practical outcomes, including by improving the effectiveness of its regional dialogue."***

We quote the above, also from the Introduction to the response to "Improving, But ..", in support of this Recommendation. We believe that the dialogue we suggest here will lead to practical outcomes, and those outcomes are worthwhile and produce real benefits.

Australia is already conducting human rights dialogue with China. What we recommend here is a similar dialogue with Vietnam, with additional important details.

### **The details make the difference**

If care is not taken in the design and implementation of this Recommendation, the only difference Australia makes may be the extra trips to Australia by Vietnamese officials. We have therefore taken care to ensure that much more can be achieved.

We believe the design needs to ensure that:

- Officials involved in the dialogue have or can develop hands-on knowledge,
- They have definite results to aim at and to account for,
- Community groups have a say, and
- Parliament keeps an ongoing interest in the matter.

The kinds of results we talked about above are those that will deliver real and specific benefits on the ground. They may be, for example, the release of certain prisoners, or the return of certain confiscated properties.

The kinds of practical hands-on work that we envisage are those that support the identification and achievement of the results, and that directly develop or enhance officials' appreciation of the human rights issues involved. They may be, for example, visits to religious prisoners, visits to the churches' confiscated properties, visits to religious leaders in Vietnam, or visits to trade unions (if freedom of association is within the scope of the dialog).

### **Parliamentary and community involvement**

We believe that the involvement of the Parliament and of the community is important.

In particular, if the Human Rights Sub-Committee suggests results to aim for, is kept informed of the progress of the dialogue and the achievement or non-achievements of results, then there is a good chance that the target results are worthwhile, and officials are focussed on results.

The community at large can have its ideas about what to achieve. It can also provide information to officials involved, and can be expected to be interested in following up on progress. Community involvement can provide an impetus for officials to focus on achieving results.

One practical and close-up way for community involvement to take place is for interested community groups' representatives to attend meetings as observers. Their presence, among other things, reminds all present that the matters being discussed are not theoretical but are the subject of real community concerns. We do not believe that the meetings are so sensitive or secret that they should be closed.

## **Recommendation 7 - Improving effectiveness of human rights education aid, and including human rights in education aid**

**The Australian government include two additional aspects in its existing human rights education aid:**

- **Follow up with trainees to assess whether and how the training has been applied in their work. Results from this should be factored into annual decisions about whether this type of aid should be continued, or modified.**
- **Include a wider range of people among the beneficiaries, such as legislators and press editors.**

**The Australian government take steps to introduce students whom it sponsors to undertake study conducted by or for Australia, to religious freedom and other human rights, democracy, and governance concepts:**

- **The contents may cover international instruments, Australia's role and initiatives in human rights in Vietnam, and a constructive comparison of Australia's political governance system with Vietnam's.**
- **This introduction may occur at a student's induction, but can also take place any other time during a student's course of study.**
- **In its selection of students to be sponsored, Australia should assess, by way of an aptitude test or similar, whether the student is likely to benefit from such introduction.**
- **This part of the Recommendation applies whether the study is conducted in Australia or in Vietnam itself.**
- **If private students, ie. those not sponsored by Australia, wish to avail themselves of this introduction, it should be available at no cost.**

The first part of this Recommendation aims to ensure and widen the benefits intended by Australia in its human rights education aid.

### **Human rights education aid should be reviewed, just like other aspects of aid**

- Australia's aid program is already subject to a regular effectiveness and efficiency review, in accordance with Parliamentary recommendations of a few years ago. We see no reason why human rights education aid should not be part of the review.
- Because of its nature, practical benefits from this kind of aid may not be easily quantifiable, or become apparent for some time. But this is not a unique nor unaddressable problem. It is still possible to appraise its effectiveness.
- If the follow up indicates that there is no perceived benefit, human rights education aid should be reduced or stopped. Conversely, if there appears to be practical benefits, consideration should be given to increasing it.

### **Legislators and media workers**

- It is well known that legislators in Vietnam's parliament do not have complete freedom, nor do they truly represent the people. However, within the

constraints of limited freedom, legislators do engage in debates of sorts, and do have some influence in the legislative process.

- Similarly, with the low base of press freedom and the recent increased control on journalists by the Vietnamese government, journalists and editors in Vietnam are tightly constrained. However, they are still the only ones with the legal means to broadcast.
- Therefore, by including above categories of persons in the human rights education aid, some practical benefits may be achievable.
- The follow-up that we recommend will allow AusAid to see whether this aid is effective with these trainees. In some ways, it is slightly easier to make objective and independent judgements, because with these categories of trainees it should be possible to monitor the relevant trainees' speeches or newspapers to see if anything has actually changed.

We assume that the results of the follow-up process would be reported as part of AusAid's normal reporting process and therefore need not be part of a specific Recommendation.

We also assume that religious freedom is presently already adequately covered in the existing human rights education aid. If it is not, then clearly it should be added as part of this Recommendation.

### **Introducing sponsored students to concepts of human rights and democracy**

The second part of this Recommendation aims to maximise the exposure of students to both theoretical and practical appreciation of democratic and human rights concepts, including religious freedom.

If the student's course is conducted in Australia, then in his/her daily life the student will be exposed to the practical workings of Australia's democracy and respect for human rights. An introduction to the concepts, suggested here, will help the student to gain a deeper and wider appreciation of his/her daily observations, and to be able to enrich practical observations in the context of theory.

The suggestion of a brief coverage of Australia's human rights roles and initiatives would give a practical dimension to the introduction.

The suggestion of a constructive comparison between Australia's political governance system and Vietnam's also aims at giving practical application .

If Australia conducts aptitude tests as part of student selection, as suggested here, then not just selected students but also the many other applicants are encouraged to think about democratic and human rights values.

We envisage that a half-day introduction is sufficient for this purpose, keeping costs to affordable levels.

## Recommendation 8 - Study of human rights on the agenda of multilateral entities

The Australian government initiate a study to examine in detail the questions of whether, where, and how Australia may help to put the issues of religious freedom and other human rights, governance, transparency, and democracy on the agenda of international multilateral entities:

- The "whether" relates to balancing of Australia's national interests.
- The "where" relates to which multilateral entities should be targeted, for example the World Bank, International Monetary Fund, and various UN entities, such as United Nations Development Program or UNESCO.
- The "how" relates to the ways in which, the strength by which, and the occasions on which Australia's points are made.

The Parliament should be given an opportunity to contribute to the study itself and, where possible, help formulate the study's terms of reference.

In addition to departmental personnel, the study should involve - ranging from consultations with to direct contributions by - personnel from outside government departments, such as the Parliament, relevant bodies, and NGOs.

Its recommendations should be responded to by the government and all relevant parties.

***".. the aid program will develop activities primarily as a result of consultations and cooperation with partner countries .. Regional and multilateral activities will also be undertaken."***

We again quote from the 4<sup>th</sup> principle of the aid-human rights framework, in support of this Recommendation. However, note that this Recommendation is not limited to aid.

### Questions worth looking into

Influencing international multilateral entities is not an easy nor simple matter, and requires a program of work that might require years of intensive efforts.

On the other hand, because of the tremendous funds and diplomatic weights involved, these entities are potentially capable of effecting significant improvements in governance, transparency, democracy, and religious freedom and other human rights issues ("the issues").

Therefore, our Recommendation aims to have the above questions studied.

We believe that if after this recommended study, Australia takes the initiative to put the above issues on the agenda, it will not be the only country with that line of thinking.

- The stand taken by Germany at the donors' meeting in Vietnam in June, strongly raising human rights as an issue potentially affecting EU aid, is a clear indication of human rights being an active item on the EU's agenda (see 3.1.4).

- The UNDP's comments that aid may have slowed down economic reforms (also see 3.1.4) may also indicate a trend leading to governance being an issue on UNDP's aid agenda.
- The IMF's and ADB's assistance to Vietnam to improve its international financial reporting is a clear indication that transparency is on their agenda.

Some could argue that the whole thing is too hard or too large for Australia to take on. However, we are not suggesting that Australia go headlong into pushing these issues onto the agendas. What we are suggesting is a small, incremental step: for Australia to study their whether, where, and how questions.

Given that Australia already has governance on its aid agenda and has recently added human rights to that, this Recommendation is a logical next step.

Note that the end result of the recommended study might be for Australia to in turn request certain entities to conduct their own studies into the questions of whether to include the above issues on their agenda. Even a modest step like this can lead to significant results in future.

### **Some potential benefits**

The following illustrate the kind of results that might be achieved if Australia initiates discussions about putting the above issues on the entities' agenda:

- At the very least, these issues will feature in the world's media coverage of these entities' activities, raising world attention and interest on the issues.

Note that the above benefit is immediate - it starts to be realised as soon as the *discussions* start at the entities about whether to include on their agenda or not.

Once these discussions start to look serious, offending countries will be forced to be less blatant in their oppression of human rights, and look at improving their governance and transparency.

Also, by including this Recommendation or something similar in its report, the Sub-Committee may establish a beneficial public debate in Australia.

Once the entities have decided to include some or all of the above issues on their agenda, further benefits should be realised:

- Some of the studies conducted by these entities as part of their work will now include aspects of these issues, thus leading to various benefits. For example: more international visits to prisons or torture chambers, and more extensive international documentation of human rights situations or of transparency problems.

As a side but not insignificant benefit to this, international and local human rights organisations may be strengthened in their work. For example, they may be commissioned by the entities to conduct independent studies, thus extending their reach and depth due to better funding or better rights of access

in subject countries. Or, their own findings may be corroborated by these entities' studies, thus strengthening their respective credibility.

- Once the entities start to run projects that aim at improving these issues, the projects should directly help to improve the human rights, governance, transparency, and democracy situations. Because these entities wield large funds and large diplomatic weights, the potential benefits should be considerable.

### **Terms of reference and conduct of study**

While it is probably the Foreign Minister's role to specify the terms of reference, the Parliament should have an opportunity to help formulate them, or at least comment on them.

It would not be surprising if government officials involved in the study are tempted to give heavy emphases on one side of the balancing exercise - such as trade or diplomatic considerations. The Parliament, via the Sub-Committee, can provide an impetus on the human rights and democracy side, thus obtaining a balance. This is the reason for our suggestion that the Parliament having a say in the study.

For the same reason, we have also suggested the involvement of personnel from NGOs and "relevant bodies". As to the latter, an example we have in mind is the Human Rights and Equal Opportunities Commission, which may draw useful experience from its role as the Secretariat of the Asia-Pacific Forum of National Human Rights Institutions.

### **Notes to Recommendations 2, 4, and 6 - Officials' job appraisals**

We believe that officials involved in implementing the above Recommendations, and their superiors who appraise them, would be encouraged to be more results-focused if the job descriptions and appraisals include an assessment of whether and how the target results have been met.

We have not included this idea in these Recommendations. However, we mention it here because it might be of some interest.

## **5. SUMMARY**

In this Submission, the Vietnamese Community in Australia has attempted to present information and analysis to show that the Vietnamese government has been engaged in systematic, widespread, entrenched, and recently increased oppression of religious beliefs and of churches. The Vietnamese government:

- is still detaining unknown but large numbers of religious leaders,
- is tightly controlling church activities,
- has set up and legalised its own state-controlled churches,
- has outlawed all independent churches, and
- is refusing to return church properties it confiscated.

- As recently as April, the Vietnamese Prime Minister, following his visit earlier that month to Australia seeking more investment, signed Decree No. 26/1999/ND-CP, signifying an increase in religious oppression.

That Ha Noi oppresses religious freedom is well established. It is not just us who say so, but all other credible sources, including the UN Special Rapporteur on Religious Intolerance, the US Department of State, Amnesty International, and Human Rights Watch.

The reason for that oppression: Ha Noi views state-controlled churches as its tools for power, and independent churches as enemies threatening its totalitarian regime. Hanoi's purposes are: to crush independent churches, and to bring believers into the folds of its state-controlled churches, thus strengthening its totalitarian hold.

The same strategy has been used in, for example, industrial relations, or the media, for the same reason and with the same purpose.

We have provided evidences and reasoning why religious oppression by Ha Noi has flow-on implications on other areas, such as freedom of the press, or the effectiveness and efficiency of Australia's aid.

We have made 8 Recommendations aimed at improving the situation:

- Include religious freedom as a factor and as a practical component of aid;
- Provide some aid funding to independent churches to run aid projects;
- Radio Australia to project Australia's values including religious freedom;
- DFAT officials to regularly visits by religious detainees and make regular representations to Vietnam, and report to the Parliament of progress;
- Form Advisory Groups with practical and hands-on approach;
- Initiate human rights dialogue, with emphasis on results, consultation, and accountability;
- Follow up with and widen the range of beneficiaries of Australia's human rights education aid, and introduce sponsored students to human rights concepts.
- Conduct a study into the possibility of religious freedom and other issues featuring on the agenda of international multilateral entities.

-End-

**Attachments enclosed.**

**ATTACHMENT 1****List Of 145 Religious Prisoners And House Detainees**

**Main Source:** Committee for Religious Freedom in Vietnam (CRFV)

KEY:

CPV: Communist Party of Vietnam  
IPD: Institute for the Propagation of the Dharma  
SRV: Socialist Republic of Vietnam  
UBC: Unified Buddhist Church of Vietnam  
VBC: Vietnam Buddhist Church (state-sponsored)

**BUDDHISTS**

Above is only a partial list of Buddhist clergy and religious leaders in prison or under house arrest. Various Reverends and Buddhist monks were reportedly injured and arrested by Hue City Police on November 27, 1994, for presenting a petition to Most Venerable Thich Thien Sieu (also a member of the SRV Assembly) of the state-sponsored VBC. Their identities and places of detention have not yet been confirmed.

**1. Supreme Patriarch Thich Huyen Quang:** born Le Dinh Nhan in 1919 in Binh Dinh province; Acting Head of the Institute for the Propagation of the Dharma (IPD) of the Unified Buddhist Church of Vietnam (UBC); arrested in 1977 and incarcerated at Hoi Phuoc Temple from 1982 to Dec. 29, 1994, when he was transferred to a village temple, Phuoc Quang Temple, Nghia Hanh district, Quang Ngai province. The official seal and files of the UBC as well as his personal files were confiscated. In Aug. 1995, Nhan Dan, the official newspaper of the Communist Party of Vietnam, announced the impending trial of Venerable Thich Huyen Quang.

**2. Most Venerable Thich Quang Do:** born Dang Phuc Tue on Nov. 27, 1928 in Thai Binh province; Secretary General of the IPD; arrested in 1977 and incarcerated since 1982; around 3:15 p.m. of Jan. 4, 1995, arrested at Thanh Minh Meditation Temple, 90 Tran Huy Lieu St., Ward 15, Phu Nhuan precinct, Ho Chi Minh City; and detained at T82 interrogation camp, Nguyen Van Cu St., Ho Chi Minh City; has recently been transferred to Vu Ban village, Nam Dinh province, North Vietnam. In Aug. 1995, Venerable Thich Quang Do was brought to trial and sentenced to five years of imprisonment for "disturbing the peace".-Released in Sep. 1998 but placed under administrative detention.

**3. Venerable Thich Khong Tanh:** born Phan Ngoc Anh; Head of Lien Tri Pagoda, Thu Duc district; Ombudsman of the UBC Central Office; arrested in late 1976 and jailed for 10 years for writing to Premier Pham Van Dong protesting the drafting of young Buddhist monks into the army, which was aimed at disrupting UBC personnel; Nov. 6, 1994, transferred to interrogation center 3C (Ton Duc Thang St.), Section PA 24 of Ho Chi Minh City's Police Station; August 1995,

convicted of "undermining the policy of religious solidarity" and sentenced to five years.

**4. Venerable Thich Nhat Ban:** arrested together with Venerable Thich Khong Tanh; was detained at interrogation center 3C, To Duc Thanh St., Precinct 1, Ho Chi Minh City; was put to trial together with Venerable Thich Khong Tanh in Aug. 1995 and sentenced to four years for his attempt to carry out flood relief in the name of the UBC. Released in Nov. 1998 but placed under administrative detention.

**5. Venerable Thich Tri Luc:** religious son of Supreme Patriarch Thich Don Hau; arrested the first time on Oct. 2, 1992 and released in Mar. 1993; Jan. 6, 1994 arrested at Phap Van Temple, 246 C Nguyen Van Dau St., Ward 6, Binh Thanh precinct, Ho Chi Minh City; was incarcerated for refusing to abort flood relief activities; Aug. 1995, brought to trial and sentenced to two and half years.

**6. Venerable Thich Long Tri:** Head of Vien Giac Pagoda, Hoi An district, Da Nang Province; Chairman of the UBC Committee for the Relief of Flood Victims; arrested Oct. 29, 1994 in Ho Chi Minh City, and later transferred to detention at Hoi An district, Quang Nam province.

**7. Venerable Thich Hai Hung:** arrested at Phuoc Duyen Pagoda, Hue City, Dec. 25, 1994.

**8. Venerable Thich Hanh Duc:** Head of Son Linh Pagoda, Thu Duc District; evicted from (state-sponsored) Vietnamese Buddhist Church-owned temple on Mar. 25, 1993 for supporting the UBC led campaign for religious freedom; later arrested at Ba Ria and sentenced to 3 years for "illegal activities and possession of anti-government materials;" currently under house arrest.

**9. Reverend Thich Thien Tho:** Head of Son Linh Pagoda, arrested Jul. 9, 1993; sentenced to house arrest since Jan. 1994.

**10. Venerable Thich Tri Tuu:** born Le Quang Vinh on Oct. 10, 1953; arrested at Linh Mu Pagoda, Hue City, in Jun. 1993 and detained at Thua Phu Prison, Hue City; was sentenced at Nov. 15, 1993 trial to 4 years for "disturbing public order"; incarcerated at Ba Sao "re-education" camp, Phu Ly district, Ha Nam Ninh province. He was released from prison on March 5, 1997. The police took him to the state-sponsored Tay Thien Pagoda in Hue, where he is now held under house arrest. He is not allowed to leave the pagoda and denied communication with the outside.

**11. Venerable Thich Hai Thinh:** arrested Jun. 5, 1993; sentenced at Nov. 15, 1993 trial to 3 years; detained with common prisoners at Camp Ba Sao, Phu Ly District, Ha Nam Ninh province. After release from prison, Venerable Thich Hai Thinh returned to Linh Mu Pagoda, in Hue. On Nov. 22, 1996 the security police sent 200 officers to raid the temple and place him under house arrest at a designated place of residence.

**12. Thich Hai Chanh:** born Nguyen Chan Tam; arrested July 19, 1993; put on trial Nov. 15 and sentenced to 3 years of imprisonment; incarcerated at Ba Sao "re-education" camp, Phu Ly district, Ha Nam Ninh province. He was taken out of Linh

Mu Pagoda at the same time as Venerable Thich Hai Tinh on Nov. 22, 1996 and placed under house arrest at a separate place of residence.

**13. Venerable Thich Hai Dan:** arrested together with Reverend Thich Hai Chanh on Jul. 19, 1993; currently under house arrest.

**14. Venerable Thich Hai Lac:** arrested together with Reverend Thich Hai Chanh on Jul. 19, 1993; currently under house arrest.

**15. Venerable Thich Hai Tang:** born Nguyen Dinh Hoa on Mar. 14, 1958; arrested May 6, 1993 and sentenced to four years of imprisonment; detained with criminal prisoners at "re-education" camp Ba Sao, Phu Ly district, Ha Nam Ninh province; currently under house arrest.

**16. Venerable Thich Nhat Lien:** Head of Long Tho Temple, Xuan Loc district, Dong Nai province; taken into custody Dec. 2, 1993 for interrogation for 9 days; now under house arrest at Long Tho Temple, Xuan Loc district, Dong Nai province.

**17. Venerable Thich Tue Sy:** born Pham Van Thuong on Feb. 15, 1941; scholar on Vietnamese Buddhism and co-editor (with Reverend Thich Tri Sieu) of the Encyclopedia of Buddhism; arrested on Apr. 2, 1984 with other Buddhist monks and followers at Gia Lam Temple and Van Hanh Pagoda; founder of the Free Vietnam Force (FVF - Luc Luong Viet Nam Tu Do) and writer of its Manifesto; prosecuted together with 20 other FVF members in Sep. 1988 and sentenced to death; his sentence was subsequently commuted to 20 years by the Supreme People's Court in Nov. 1988 in the face of mounting opposition by the international community and the Vietnamese community overseas; in Apr. 1989, transferred to "re-education" camp Z30A, Xuan Loc district, Dong Nai province; then returned to "re-education" camp 20A, Xuan Phuoc district, Phu Yen province, where he was jailed for the first time from Jun. 1978 through Feb. 1980; then detained at Ba Sao Camp, Ha Nam Ninh Province. Adopted by US Congressman Howard Berman. Released in Sep. 1998.

**18. Venerable Thich Tri Sieu:** born Le Manh That in 1943 in Trieu Phong village, Quang Tri province; a U.S.-educated professor and co-editor of the Encyclopaedia of Buddhism; arrested with other Buddhist monks and followers at Gia Lam Temple and Van Hanh University on Apr. 2, 1984; brought to trial for "plotting to overthrow the People's Government" and given a death sentence which was later commuted to 20 years imprisonment by the Supreme People's Court in Nov. 1988; transferred from Cell 20, Section F of Chi Hoa Prison in Ho Chi Minh City to "re-education" camp Z30A, in Xuan Loc district, Dong Nai province. Adopted by Sheila Jackson-Lee. Released in Sep. 1998.

**19. Venerable Thich Nguyen Giac:** born Ho Khac Dung in Thua Thien province in 1951; sentenced as a FVF member to 15 years imprisonment in Sep. 1988; transferred from Chi Hoa Prison to "re-education" camp Z30A; now detained in camp A20 in Xuan Phuoc village, Tuy Hoa district, Phu Yen province.

**20. Venerable Thich Phuc Vien:** born Le Hien in 1951; arrested in June 1980 at Chau Lam Pagoda in Hue City for "plotting to overthrow The People's

Government;" sentenced to 20 years imprisonment in Sep. 1980; now detained in camp A20.

**21. Venerable Thich Thien Tan:** born Thai Thanh Hung in 1945; Head of Thuyen Ton Temple in Hue City since 1972; arrested in August 1978 for "participating in conspiratorial activities against the People's Government," sentenced to life imprisonment by the People's Court of Hue City in March 1980; presently detained in camp A20.

**22. Venerable Thich Minh Su:** Clergy member of the Unified Buddhist Church of Vietnam, which is banned by the Government. Sentenced to 20 years' hard labor; presently incarcerated in camp Z30A.

**23. Venerable Thich Tri Giac:** Clergy member of the Unified Buddhist Church of Vietnam, which is banned by the Government. Sentenced to 20 years' hard labor; presently detained in camp Z30A.

**24. Venerable Thich Tam Can:** born Nguyen Huu Tin in 1945; clergy member of the Unified Buddhist Church of Vietnam, which is banned by the Government; sentenced to 20 years' forced labor; presently detained in camp A20.

**25. Venerable Thich Tam Tri:** born Huynh Van Ba in 1945; clergy member of the Unified Buddhist Church of Vietnam, which is banned by the Government; sentenced to 20 years' forced labor.

**26. Thich Nguyen The:** Clergy member of the Unified Buddhist Church of Vietnam, which is banned by the Government; sentenced to 20 years imprisonment; now detained in camp Z30A.

**27. Thich Hai Tri:** sentenced to 18 months' imprisonment.

**28. Venerable Thich Thanh Tinh:** born Hoang Van Giang; sentence not yet announced; presently detained in camp Z30A.

**29. Venerable Thich Tri Giac:** born Nguyen Dung; sentenced to 20 years imprisonment; presently detained in camp Z30A.

**30. Venerable Thich Hue Dang:** born Nguyen Ngoc Dat; sentenced to 20 years' imprisonment; presently detained in Xuan Loc hard labour camp.

**31. Venerable Thich Nguyen Ly:** Head of Tu Hieu Temple; taken into custody from Nov. 7, to 12, 1994 for intensive interrogation; presently under house arrest.

**32. Venerable Thich Lang Quynh:** Headed a temple in Nha Be district; coerced twice in November 1994 by Ba Luc, a high ranking police officer in charge of religious affairs for Ho Chi Minh City Police, into aborting a flood relief effort in Vinh Binh province; barred from travelling outside his district of residence.

**33. Most Venerable Thich Nhu Dat:** member of the Central Executive Committee of the (state-sponsored) VBC; author of an eight-page statement submitted to SVR Prime Minister Vo Van Kiet and the Central Committee for Religious Affairs of the CPV, protesting the politicization of Buddhist teachings at the School of Basic

Buddhism in Thua Thien province, Hue City; was arrested together with 12 Buddhist monks on Dec. 7, 1994.

**34. Monk Do Huy Cuong:** was arrested Jul. 9, 1993 at Son Linh Temple in Thu Duc district; ordered out of his temple and now under house arrest.

**35. Layman Pham Van Due:** was arrested with Reverend Thich Hanh Duc, head of Son Linh Temple.

**36. Venerable Thich Nguyen Nhu:** was prohibited by Ho Chi Minh City Police in Nov. 4, 1994, from participating in flood relief efforts by the UBC; now under house arrest.

**37. Venerable Thich Quang Ton:** was also barred from taking part in UBC-sponsored flood relief projects; now under house arrest.

**38. Reverend Thich Tam Van:** same as No. 37.

**39. Reverend Thich Nguyen Thinh:** same as No. 37.

**40. Layman Nhat Thuong (born Pham Van Xuan):** was arrested on Nov. 4, 1994, the same time as Reverends Thich Khong Tanh, Thich Nhat Ban, and Thich Tri Luc.

**41. Laywoman Dong Ngoc (born Nguyen Thi Em):** same as No. 40.

**42. Monk Thich Nguyen Man:** was arrested for interrogation for having visited Supreme Patriarch Thich Huyen Quang at Hoi Phuoc Temple; coerced into signing a commitment not to contact with Supreme Patriarch Thich Huyen Quang.

**43. Monk Thich Dong Hoa:** same as No. 42.

**44. Novice Monk Thich Huyen Van:** is now held in custody at Tho Duc Temple.

**45. Thich Thien Minh (born Huynh Van Ba):** was born in 1945; was sentenced to 20 years' imprisonment.

**46. Monk Do Ngay:** under house arrest.

**47. Monk Hoang Son:** -id-

**48. Monk Ngo Van Hua:** -id-

**49. Monk Nguyen Viet Hoc:** -id-

**50. Monk Nguyen Van Hoa:** -id-

**51. Monk Nguyen Huu Phuoc:** -id-

**52. Monk Nguyen Phi Hung:** -id-

**53. Monk Nguyen Minh Cuong:** -id-

- 54. Monk Phan Van Du:** -id-
- 55. Monk Phan Van Vinh:** -id-
- 56. Phan Van Lai:** -id-
- 57. Tran Dai Minh:** -id-
- 58. Tran Quang Minh:** -id-
- 59. Tran Thanh Son:** -id-
- 60. Vo Van Chinh:** -id-
- 61. Monk Nguyen Van Tho:** now detained in a "re-education" camp.
- 62. Monk Nguyen Van Hoang:** -id-
- 63. Monk Nguyen Van Trung:** -id-
- 64. Monk Tran Van Tu:** -id-
- 65. Venerable Thich Minh Dao:** Born in 1941; entered into monkhood at the age of 18. In late October 1996, the Communist authorities of Da Lat Province arrested Venerable Thich Minh Dao on charge of "superstitious activities," confiscated the temple's property, including 36,000 m<sup>2</sup> of land, and razed the temple.
- 66. Venerable Thich Huyen Tham:** A senior member of the Unified Buddhist Church of Vietnam from the time of its formation, Ven. Tham was immediately placed under surveillance by the Communist authorities after 1975. In 1977 he was arrested and imprisoned; his temple was sealed and confiscated. Released from prison in 1983, he was exiled to Binh Dinh. In 1989 he escaped to Thailand only to be repatriated in 1996. He is currently placed under house arrest at the Phap Van Temple in Binh Thanh. He is under the constant watch of the security police. Beneficiary of a religious visa approved by the U.S. since 1995, in October 1997 Ven. Tham was turned away by a Vietnamese official when he showed up for a pre-scheduled interview with the U.S. delegation. (Moran).

## CATHOLICS

**1. Father Chan Tin:** Father Chan Tin was a well-known Catholic priest prior to 1975 due to his religious and social activities, especially his human rights work on the "Committee to Reform the Prison System." Before and after April 30, 1975 (the fall of Saigon), Father Chan Tin has advocated true national reconciliation. In 1990, he wrote a tract titled "Repent to the Nation," calling on the Vietnamese Communist Party to fix its mistakes and protesting the regime's persecution of peaceful pro-democracy activists including Nguyen Dan Que, Doan Viet Hoat, Ta Ba Tong, and Nguyen Ho. Father Chan Tin was subsequently arrested and jailed until 1993, when the government under international pressure released him. Since 1993, Father Chan Tin has been interviewed by foreign media such as the BBC and VOA. His frankness regarding human rights violations in Vietnam have been a

source of discomfort to the government. He has also written an essay titled "Comments on the Speech by [communist party general-secretary] Do Muoi at the Party Cadre Conference on March 3, 1994." Currently, the Hanoi government continues to maintain close surveillance around the residence of Father Chan Tin, interrogating or impeding all visitors to the priest. (Moran)

**2. Father John Bosco Pham Minh Tri:** Father Pham Minh Tri was born July 13, 1941 in Bui Chu, northern Vietnam. He was arrested on May 21, 1987 in Thu Duc. On October 10, 1987, he was sentenced by the People's Court of Ho Chi Minh City to 20 years in prison and 5 years of house arrest on charges of "propaganda against the socialist state, destruction of the policy of unity." Father Pham Minh Tri is currently held at Z30A prison camp, Xuan Loc prefecture, Dong Nai province, southern Vietnam. He is in very weak health and unable to perform prison labor.

**3. Father Juda Tadeo Dinh Viet Hieu:** Father Dinh Viet Hieu was born February 2, 1939 in Bui Chu, northern Vietnam. He was arrested on June 20, 1987 in Thu Duc. On October 10, 1987, he was sentenced by the People's Court of Ho Chi Minh City to 14 years in prison and 4 years of house arrest on charges of "propaganda against the socialist state, destruction of the policy of unity.". According to Amnesty International and Human Rights Watch, Father Dinh Viet Hieu was released in late 1998 from the Nam Ha prison camp, Kim Bang prefecture, Nam Ha province, northern Vietnam. He suffers from heart disease and high blood pressure.

**4. Clergyman John Ende Mai Duc Chuong:** Clergyman Mai Duc Chuong was born August 8, 1931 in Bui Chu, northern Vietnam. He was arrested on May 20, 1987 in Thu Duc. On October 10, 1987, he was sentenced by the People's Court of Ho Chi Minh City to 18 years in prison and 5 years of house arrest on charges of "propaganda against the socialist state, destruction of the policy of unity." Clergyman Mai Duc Chuong is currently held at Prison Camp 5, Unit 25, Thieu Yen prefecture, Thanh Hoa province, northern Vietnam. He suffers from severe rheumatism.

**5. Clergyman Paul Nguyen Chau Dat:** 65 year-old Roman Catholic priest. Member of the Congregation of the Mother Co-Redemptrix. Arrested on May 20, 1987, with 22 other co-religionists. On October 10, 1987, he was sentenced by the People's Court of Ho Chi Minh City to life in prison on charges of "propaganda against the socialist state, destruction of the policy of unity, terror and harm against security personnel of the state." The sentence was later reduced to 20 years in prison. According to Amnesty International, Clergyman Nguyen Chau Dat was released in late 1998 from the Z30A prison camp, Xuan Loc prefecture, Dong Nai Province. He is reportedly in frail health.

**6. Brother Pius Vu Thanh Dat (Hai):** Member of the Congregation of the Mother Co-Redemptrix. Arrested with Father Dominic Tran Dinh Thu on May 15, 1987, and tried on October 30, 1987, on counter-revolutionary charges. Sentenced to 10 years' imprisonment, followed by three years of government surveillance and restricted movement. Held in Long Khanh Camp, Dong Nai province.

**7. Clergyman Bernard Nguyen Viet Huan:** Clergyman Nguyen Viet Huan was born February 10, 1951 in Bui Chu, northern Vietnam. He was arrested on June 13, 1987 in Thu Duc. On October 10, 1987, he was sentenced by the People's

Court of Ho Chi Minh City to 20 years in prison and 5 years of house arrest on charges of "propaganda against the socialist state, destruction of the policy of unity." Clergyman Nguyen Viet Huan is currently held at Z30A prison camp, Xuan Loc prefecture, Dong Nai province, southern Vietnam.

**8. Clergyman Michael Nguyen Van Thin:** Clergyman Nguyen Van Thin was born October 1, 1952 in Ninh Binh, northern Vietnam. He was arrested on May 21, 1987 in Thu Duc. On October 10, 1987, he was sentenced by the People's Court of Ho Chi Minh City to 16 years in prison and 5 years of house arrest on charges of "propaganda against the socialist state, destruction of the policy of unity." Clergyman Nguyen Van Thin is currently held at Z30A prison camp, Xuan Loc prefecture, Dong Nai province, southern Vietnam.

**9. Sister Tran Thi Tri:** Arrested with two Catholic priests, probably in October 1987, and tried in November 1987 on charges of "taking advantage of religion to make arrangements for people to flee the country." Sentenced to five years' imprisonment; not known to have been released. Priests arrested with her given suspended sentences of four years and 18 months, respectively.

**10. Father Nguyen Van De:** Arrested October 1987, at My Tho, Tien Giang province, after translating and distributing spiritual literature from abroad. Sister Nguyen Thi Ni and nine other Catholics were arrested with him. Tried August 15-16, 1990, on charges of abusing religion in order to propagandize against the authorities and the socialist regime. Convicted of "spreading propaganda aimed at falsely portraying Vietnam's religious policy." Sentenced to ten years' imprisonment; transferred to house arrest some time after November 1992. Now serving house arrest at My Tho seminary, Tien Giang province. Previously imprisoned for religious reasons between 1975 and 1982. Catholics arrested with him received sentences of two to 10 years' imprisonment.

**11. Sister Nguyen Thi Ni:** Arrested October 1987, with Father Nguyen Van De (above). Tried August 15-16, 1990. Convicted of "spreading propaganda aimed at falsely portraying Vietnam's 1987 for religious policy."

**12. Reverend John B. Pham Ngoc Lien (Tri):** Member of the Congregation of the Mother Co-Redemptrix. Arrested on May 21, 1987, and tried October 30, 1987, on counter-revolutionary charges. Sentenced to 20 years' imprisonment, followed by five years of government surveillance and restricted movement. Held at Long Khanh Camp, Dong Nai Province.

**13. Father Dominic Tran Dinh Thu:** 82 year-old member of the Mother Coredemtrix Order. Arrested on July 2, 1987 and sentenced 20 years in prison for the "many reactionary documents together with a large amount of illegally stored grain," and a pistol. Recently released because of his ill health, Father Thu lives in house detainment. The government has refused to return any property confiscated from his congregation.

**14. Brother Bernard Nguyen Thien Phung (Huan):** 39 year-old Roman Catholic monk, member of Congregation of the Mother Co-Redemptrix. Arrested with Father Dominic Tran Dinh Thu and 20 others on May 15, 1987, and tried October 30, 1987, on counter-revolutionary charges. Sentenced to 20 years' imprisonment. Reportedly detained in Z30A camp, Xuan Loc district, Dong Nai province. Prison

term will be followed by five years of government surveillance and restriction, after which time Brother Phung will be exiled from Ho Chi Minh City. Held in Long Khanh Camp, Dong Nai province.

**15. Father Mai Huu Nghi:** A priest of the Congregation of Mother Co-Redemptrix. Arrested along with Father Dominic Tran Dinh Thu on May 15, 1987. Sentenced to 18 years.

**16. Father Do Chi Tam:** A priest of the Congregation of Mother Co-Redemptrix. Arrested along with Father Dominic Tran Dinh Thu on May 15, 1987. Sentenced to 12 years.

**17. Father Doan Phu Xuan:** A priest of the Congregation of Mother Co-Redemptrix. Arrested along with Father Dominic Tran Dinh Thu on May 15, 1987. Sentenced to 10 years.

**18. Father Dominic Ngo Quang Tuyen:** Born July 1948. Arrested October 1982 and tried June 1986. Convicted of "organizing illegal departures" and "inciting corruption among party cadres." Given two prison sentences totalling 25 years; sentence later reduced to 18 years. Held at Z30A Camp, Xuan Loc, Dong Nai province.

**19. Father Tran Huu Thanh:** Arrested on February 15, 1976, probably as part of the government's effort to undermine Catholic leadership. Detained without charge or trial. At time of his arrest, was confined in two-square-meter cell in Ho Chi Minh City police station and subjected to torture for two months. Moved to Chi Hoa prison; after a year, taken to Hanoi for re-education. Transferred to house arrest in northern parish of Hai Duong; believed to be under supervision of local Communist authority in that area. (Sheila Jackson-Lee)

**20. Ly Van Dinh:** Catholic preacher of the Hmong community in Ha Giang province. Arrested, reportedly some time in 1992, with two other Hmong preachers, Vang Seo Sang and Sung Khai Pha. According to Vietnamese newspaper accounts, they were accused of "spreading illegal religious propaganda."

**21. Vang Seo Sang:** Catholic preacher of the Hmong community in Ha Giang province. Reportedly arrested some time in 1992.

**22. Sung Khai Pha:** Catholic preacher of the Hmong community in Ha Giang province. Reportedly arrested some time in 1992.

**23. Ngo Van An:** 59 years old, a former teacher who worked with the Catholic Church. Arrested on February 25, 1991. Accused of signing an open letter critical of the Catholic Church's relationship with the Vietnamese state. Sentenced without trial to three years in a labor and re-education camp. Held in Phan Dang Luu prison, Ho Chi Minh City.

**24. Le Xuan Son:** Lay leader of the Congregation of the Mother Co-Redemptrix. Arrested on June 18, 1987 when the Communist authorities searched the local church and found "many reactionary documents together with a large amount of illegally stored grain," and a pistol. Falsely charged of "terrorism, and being harmful

to public security," he was sentenced to 14 years in prison, followed by three years of government surveillance and restricted movement. Last known to be held in Long Khanh prison camp.

**25. Lau Si Phuc:** Lay leader of the Congregation of the Mother Co-Redemptrix. Arrested on May 23, 1987 when the Communist authorities searched the local church and found "many reactionary documents together with a large amount of illegally stored grain," and a pistol. Falsely charged of "terrorism, and being harmful to public security," Phuc was sentenced to 15 years in prison, followed by five years of government surveillance and restricted movement. Being held in Xuan Phuoc, Tuy Hoa prison camp.

**26. Nguyen Van Dan:** Lay leader of the Congregation of the Mother Co-Redemptrix. Arrested May 20, 1987 when the Communist authorities searched the local church and found "many reactionary documents together with a large amount of illegally stored grain," and a pistol. He was sentenced to 18 years' imprisonment followed by 4 years of government surveillance and restricted movement on false charges of "terrorism and being harmful to public security." Currently held in the Xuan Phuoc camp, Tuy Hoa.

**27. Nguyen Huy Chuong:** Lay leader of the Congregation of the Mother Co-Redemptrix. Arrested on May 20, 1987 when the Communist authorities searched the local church and found "many reactionary documents together with a large amount of illegally stored grain," and a pistol. Falsely charged of "terrorism, and being harmful to public security," he was sentenced to 18 years in prison, followed by four years of government surveillance and restricted movement. Being held in Xuan Phuoc, Tuy Hoa prison camp.

**28. Rev. Le Thanh Que:** Catholic priest at Hien Linh Church in Thu Duc. He has been banned from all forms of religious practices as a priest. He is currently under surveillance in Thu Duc.

**29. Rev. Nguyen Dinh De:** He has been placed under police surveillance in My Tho Province. Despite his perfectly good health, the government told him that he was sick and needed some rest; only after he has recovered should he think of practicing religion. Address: 23 Ly Thuong Kiet, My Tho.

**30. Rev. Nguyen Loc:** He has been placed under police surveillance in My Tho Province. Despite his perfectly good health, the government told him that he was sick and needed some rest; only after he has recovered should he think of practicing religion. Address: 23 Ly Thuong Kiet, My Tho.

## PROTESTANT CHURCHES

**1. Pastor Nguyen Lap Ma (Christian Missionary Alliance, CMA):** Head Pastor of the Southwestern Region of the Evangelical Church in Vietnam. He was placed under permanent house arrest since 1982 to date. He has also been beaten by the police on numerous occasions.

**2. Pastor Kon Sa Ha Hak:** Head-pastor of 10,000 Christians in the K'Ho montagnard tribe. He has been detained in prison. All of his property was

confiscated. In prison, he suffered many forms of carnal punishment. For instance, the guards tied his hands behind his back and insert lit cigarettes in his nostrils.

**3. Hoang Van Phung:** Evangelist. He was arrested for practicing religion without a licence and held in labor camp at Thu Duc without trial. He was recently released but confined to permanent house arrest.

**4. K'Manh:** Evangelist of the K'Hor montagnard tribe in Lam Ha District, Lam Dong Province. He was interrogated repeatedly by the security police due to his religious preaching without permission from the government.

**5. To Dinh Trung:** Evangelist of the K'Hor tribe, a close collaborator of Rev. Tran Mai. He is serving a 3.5-year sentence for "having abused his freedom as a citizen to proselytize." He was repeatedly beaten during the 6-month pre-trial detention and subjected to many other forms of torture. Currently detained at Quang Ngai Provincial Prison. He was reportedly forced to sleep in the insect-infested prison latrines.

**6. Tran Van Vui:** Evangelist. Arrested on Nov. 20, 1994 and sentenced to 24 months of imprisonment for his preaching to the H'Re tribe. It is unclear whether he has been released.

**7. Nguyen Van Loi:** Evangelist, arrested on Nov. 20, 1994 and sentenced to 24 months for the same reason as Tran Van Vui.

**8. Tran Thi Dong:** She was arrested in September 1995 in a home in Ba To, Quang Ngai, where she and three other Christians held a Catechism class. She was charged with "abusing her rights as citizen to take advantage of the people and the government." She was sentenced in February 1996 to three years in prison.

**9. Vo Minh Bang:** He was arrested on the same day as Ms. Tran Thi Dong and also sentenced to three years in prison.

**10. Nguyen Gia Phai:** He was arrested on the same day as Ms. Tran Thi Dong and also sentenced to three years in prison.

**11. Pham Van Gam:** arrested on the same day as Ms. Tran Thi Dong and also sentenced to three years in prison. He is of the Hre Tribe.

**12. Nguyen Van Vuong:** He is a Christian worker. On March 3, 1996, the authorities came to his rented house in Dien Bien, Lai Chau Province, searched it, confiscated his possessions and imprisoned him. He was held in the security police lockup awaiting trial. Currently detained at prison in Phu Yen District, Son La Province. (Source: The Voice of the Martyrs.)

**13. Lo Van Hen:** He is an evangelist of the Tai minority group. He was arrested on March 17, 1996 after the police had thoroughly searched his house and confiscated 100,000 dongs (equivalent to \$10). The police tortured him by forcing him to stand motionless in the hot sun all day. Currently detained at prison in Phu Yen District, Son La Province. (Source: The Voice of the Martyrs.)

**14. Lo Van Hoa:** He is an evangelist of the Tai minority group. He was arrested at the same time as Mr. Nguyen Van Vuong and was similarly situated. Currently detained at prison in Phu Yen District, Son La Province. There his legs were tightly chained all day. (Source: The Voice of the Martyrs.)

**15. Ho Van Duy:** A Christian lay leader, he is currently detained at the Central Prison in Quang Ngai Province. (Source: The Voice of the Martyrs.)

**16. Ho Van Dung:** A Christian lay leader, he is currently detained at the Central Prison in Quang Ngai Province. (Source: The Voice of the Martyrs.)

**17. Ho Van Truong:** A Christian lay leader, he is currently detained at the Central Prison in Quang Ngai Province. (Source: The Voice of the Martyrs.)

**18. Nguyen Duc Loi:** A Christian lay leader, he is currently detained at the Central Prison in Quang Ngai Province. (Source: The Voice of the Martyrs.)

**19. Nguyen Gia Phai:** A Christian lay leader, he is currently detained at the Central Prison in Quang Ngai Province. (Source: The Voice of the Martyrs.)

**20. Ha Vo La:** A Christian lay leader, he is currently detained at the Central Prison in Quang Ngai Province. (Source: The Voice of the Martyrs.)

**21. Dinh Quang:** A Christian lay leader, he is currently detained at the Central Prison in Quang Ngai Province. (Source: The Voice of the Martyrs.)

**22. Ho Hoang Duy:** A Christian lay leader, he is currently detained at Hanh Thien Prison, Huyen Nghia Hanh, Quang Ngai Province. (Source: The Voice of the Martyrs.)

**23. Dinh Be:** A Christian lay leader, he is currently detained at Hanh Thien Prison, Huyen Nghia Hanh, Quang Ngai Province. (Source: The Voice of the Martyrs.)

**24. Nguyen Chi Phai:** A Christian lay leader, he is currently detained at Hanh Thien Prison, Huyen Nghia Hanh, Quang Ngai Province. (Source: The Voice of the Martyrs.)

## HOA HAO BUDDHISTS

The Vietnamese authorities have confiscated all assets and properties of the Hoa Hao Buddhist Church, including its central office in Chau Doc Province, 4,168 auditoriums, 452 meeting centers, and 2,876 provincial, district and village offices. According to the January 1994 report of the UN Commission on Human Rights, all these premises have been turned into government offices. According to the same report, the government has prevented 36,500 Hoa Hao officials at all levels from continuing their religious activities. Many among them have been sentenced to re-education camps or house arrests. Several eminent leaders among them have been executed, in particular Nguyen Van Phung, Nguyen De, Huynh Van Lau, Nguyen Van Bao, Nguyen Van Khiet, Nguyen Van Oanh, Le Chon Tinh, Nguyen Van Coi, Nguyen Van Ba, Nguyen Van Ut, To Ba Ho, and Nguyen Thanh Long.

The Puebla Institute's 1994 report on religious repression in Vietnam summarized the government's systematic suppression of the Hoa Hao Buddhist Church as follows:

*"The Hoa Hao Buddhists have been all but crushed. Their religious ceremonies are prohibited, and any assembly of more than three persons is forbidden. Reportedly a number of their eminent leaders have been sentenced to death and four documented on Puebla's prisoner list are serving life sentence."*

The situation has not changed since 1994.

**1. Nam Liem:** He is a 58 year old Hoa Hao priest who practiced his religion at a small family temple in Long Hoa I Village, Long Dien A Hamlet, Cho Moi District, An Giang Province. Since 1975, he had been arrested and briefly detained by the Communist authorities some 50 times for having refused to abandon his religious practice. On April 29, 1994, as he prepared for full-moon ceremony, the police raided his temple. He escaped arrest, climbed on a near-by tree where he staged a hunger-strike. His protest attracted a crowd of several thousands. On the fourth day, at the appeal of his mother, Mr. Liem ended his hunger-strike. He was immediately apprehended by the security police, tied and taken to a prison in Long Xuyen, An Giang. He has not been released.

**2. Le Minh Triet (aka Tu Triet):** He is a 57 year old farmer and also a priest practicing Hoa Hao Buddhism at home, where he secretly set up an altar on the second floor. In late 1993, the local government found out and ordered him to dismantle the altar. He refused. In December, 1993, the security police raided and dismantled his house. Mr. Triet narrowly escaped arrest and went into hiding. He reported the incident to the New Horizon Radio (based in Japan) and asked for help from the international human rights community. In February 1994, the security police captured him and jailed him at the Long Xuyen Prison in An Giang Province. He was later charged with the crime of disrespect for national law and conspiracy with reactionary forces overseas. He remains in prison.

**3. Tran Huu Duyen:** Born in 1920 in Hau Giang, South Vietnam. In 1960 he was sentenced in absentia by the Government of President Ngo Dinh Diem for participating in the Dan Xa Party (People's Socialist Party), affiliated with the Hoa Hao Buddhist Church. After the death of President Diem, he re-surfaced as the central liaison commissioner for the Dan Xa Party. After the Communist takeover, he was arrested on October 21, 1975 and charged with the crime of "participating in a reactionary party." He was released eight years later on June 20, 1983. He was again arrested on April 23, 1985, on the charge of "plotting to overthrow the people's government." He was released on July 15, 1987. On June 8, 1991, he was again arrested for the same "crime." He is last known to be in Camp Z30A K1 in Xuan Loc, Dong Nai Province. Despite his advanced age, he is still forced to do hard labor eight hours a day. Adopted by U.S. Congresswoman Loretta Sanchez. (Released in Sep. 1998)

**4. Nguyen Van Dau:** Serving life sentence at A20, Xuan Phuoc, Phu Yen Province.

**5. Nguyen Van Hung:** Serving life sentence at A20, Xuan Phuoc, Phu Yen Province.

**6. Nguyen Van Tren:** Serving life sentence at A20, Xuan Phuoc, Phu Yen Province.

**7. Nguyen Van Dung:** Serving life sentence at A20, Xuan Phuoc, Phu Yen Province.

**8. To Ba Ho:** Serving life sentence at A20, Xuan Phuoc, Phu Yen Province.

## CAO DAI

According to Puebla Institute's 1994 report on religious repression in Vietnam,

- *"the entire Cao Dai leadership was killed after 1975,"*
- *in the early 1990s "over 4,000 of its members in Tay Ninh province were arrested as 'reactionaries,' and 'counter-revolutionaries.'"*

In May 1996, the Communist authorities issued directive 42/QD/TU and 01/KH/TU to abolish the traditional Cao Dai Church, to suppress dissenting Cao Dai leaders, and to establish a government-controlled Cao Dai institution.

**1. Huynh Van Thang:** Head of the Cao Dai Congregation of Vinh Binh City, Ben Tre Province. In November 1995, he and several other Cao Dai leaders submitted a petition to the Government calling for religious freedom. The security police arrested him on charge of instigating "peaceful evolution." He was reportedly beaten by the police, suffering one broken rib and several broken teeth. He is currently detained at the P4 Prison in Tay Ninh Province.

**2. Tran Van Khoa:** A Cao Dai practitioner. Arrested on Jun. 26, 1996. Accused of conspiracy with Mr. Huynh Van Thang.

**3. Vo Van Liem:** Mr. Huynh Van Thang's deputy. Arrested on Jun. 26, 1996. Accused of conspiracy with Mr. Huynh Van Thang.

**4. Duong Xuan Luong:** Arrested on Jun. 26, 1996. Accused of conspiracy with Mr. Huynh Van Thang. Thang. He was reported as having conducted a hunger strike.

**5. Cao Si Dung:** A Cao Dai practitioner. Arrested on Sep. 21, 1996, for the same reason.

**6. Ven. Do Hoang Giam:** Arrested on Sep. 21, 1996 for the same reason.

**7. Nguyen Manh Bao:** Sentenced in 1988 to life. Currently held at Z30A Camp, in Xuan Loc, Dong Nai Province.

**8. Ven. Tran Thanh Danh:** Detained at Katum Camp, Tay-Ninh Province.

**9. Tran Minh Quang:** Serving life sentence at A20 Camp, Xuan Phuoc, Phu Yen Province.

**10. Dinh Tien Mau:** Serving life sentence at A20 Camp, Xuan Phuoc, Phu Yen Province.

**11. Nguyen Thai Dung:** Serving life sentence at A20 Camp, Xuan Phuoc, Phu Yen Province.

**12. Doan Van Bach:** Serving life sentence at A20 Camp, Xuan Phuoc, Phu Yen Province.

**13. Nguyen Anh Dung (aka Phan Dang Chuc):** Serving life sentence at A20 Camp, Xuan Phuoc, Phu Yen Province.

**14. Truong Phuoc Duc:** Serving life sentence at A20 Camp, Xuan Phuoc, Phu Yen Province.

**15. Nguyen Ngoc De:** Serving life sentence at A20 Camp, Xuan Phuoc, Phu Yen Province.

**16. Vo Van Thang:** Serving life sentence at A20 Camp, Xuan Phuoc, Phu Yen Province.

**17. Ho Huu Khanh (aka Ho Vu Khanh):** Serving life sentence at A20 Camp, Xuan Phuoc, Phu Yen Province.

**ATTACHMENT 2****List of Confiscated, Destroyed, or Abused Church Properties****Updated as of April 1999****Source:** Committee for Religious Freedom in Vietnam (CRFV)**UNIFIED BUDDHIST CHURCH OF VIETNAM (UBCV)**

The UBCV has been outlawed and all of its properties have been confiscated. Some 10,000 schools, hospitals, universities, orphanages... of UBCV have been appropriated by the state; temples are turned over to the state-sponsored Buddhist Church. Following are some examples of temples transferred to the state-sponsored church or transformed for government use.

1. Phap Van Temple, at 244 Nguyen Van Dau, Phuong 11, Quan Binh Thanh. It now belongs to the state-sponsored church.
2. Vietnam Quoc Tu (National Shrine of Vietnam) in Saigon, transferred to the state-sponsored Buddhist Church of Vietnam.
3. Buu Quang Temple, Xa Cam Thanh, Huyen Tu Nghia, Quang Ngai. It was also the provincial office of the UBCV. In 1976 the government confiscated this temple and sent its abbot Thich Quang Y to prison. The temple is now used for rice storage.
4. Quang Duc Temple, 294 Nam Ky Khoi Nghia.
5. Van Hanh University, Le Van Sy Street, 3<sup>rd</sup> District, Saigon
6. Van Phuoc Temple in Binh Duong.
7. Thien An Temple in Binh Duong
8. Phap Hoa Temple, Da Nang, now transformed into government office.
9. Dinh Tam Temple, Da Nang.
10. Phuoc Vien Temple, Da Nang, completely razed.
11. Hue Nghiem Institute of High Buddhist Study.
12. Phu Xuan Temple, Nha Be, Gia Dinh, Saigon. It has been transformed into a government warehouse.
13. Quang Duc Temple, Khanh Hoa, transformed into a handicraft center.
14. Van Hoa Temple, Kien Giang, Rach Gia, transformed into a training center for Communist cadres.
15. Khanh Minh Temple, Long An, transformed into a maternity ward.
16. Bo De Highschool, Qui Nhon, Binh Dinh Province, transformed into dormitories.

**HOA HAO BUDDHIST CHURCH**



*One of 800 Recital Minarets of the Hoa Hao Buddhist Church confiscated by the government after 1975. This place where religious leaders once preached, has been used by communist cadres to dry their laundry*

Right after the takeover of Saigon on April 30, 1975, the communist government ordered the dissolution of the entire Hoa Hao Buddhist Church (HBC) hierarchy. They confiscated all HBC properties including offices, temples and shrines, the Hoa Hao University in Long Xuyen province, and all recital minarets, including the following.

1. HBC Headquarters Office at Hoa Hao village, now transformed into the Administrative Office of Phu Tan district, An Giang Province. Hoa Hao Holy Land is now called: Phu My Village, Phu Tan district, An Giang Province.
2. Office of Management Board of Hoa Hao Holy Land, transformed into the Information and Cultural Office of Phu Tan district.
3. HBC Library of Hoa Hao Holy Land, transformed into Phu My People Committee, Phu Tan district.
4. Boarding house for Hoa Hao Buddhist pilgrims at Hoa Hao Holy Land was levelled. The land was used to build the District Treasury.
5. HBC Relief Station now is the District Education Office.
6. HBC Lecture Hall at My Huong market now is a government sport club office.
7. Mess Hall No. 1 for Hoa Hao Buddhist pilgrims near My Huong market was levelled. It is now a restaurant.
8. Mess Hall No. 2 near HBC's headquarter was also levelled to build a food storage.
9. Hoa Hao Representatives Office, 114 Bui Thi Xuan Street, Saigon.
10. Office of Hoa Hao Saigon Management Board, facing the Hoa Hao Representatives Office.
11. Office of Hoa Hao An Giang Management Board, 80/1 Nguyen Truong To St. Long Xuyen City.

12. Office of Hoa Hao Phong Dinh Management Board, 42 Ly Thai To St. Can Tho City.
13. Office of Hoa Hao Interprovincial Phong Dinh-Chuong Thien Management Board 42 Ly Thai To St, Can Tho City.
14. Seat of Hoa Hao Interprovincial Phong Dinh-Chuong Thien, 16-18 Tran Quoc Tuan St, Can Tho City.
15. Office of Hoa Hao Chau Doc Management Board transformed into Nguyen Ai Quoc Party School, Chau Doc City.
16. HBC & VDSP's Soldier Cemetary was levelled. Built on it now is the District Chau Phu Committee Office.
17. HBC Soldier Cemetary of Binh Minh district was also levelled.
18. Office of Hoa Hao Vinh Long Management Board, located at Vinh Long-Can Tho square, transformed into Vinh Long Printing office.
19. Office of Hoa Hao Sa Dec Management Board, 2km from the former Sa Dec Provincial Administrative Headquarters.
20. Office of Hoa Hao Tan Chau Management Board transformed into Tan Chau Light Industry office.
21. Lecture Hall of Long Phu village, Tan Chau district is now being used as maternity hospital.
22. Office of Hoa Hao An Phu Management Board, transformed into An Phu Tax Branch.
23. Seat of the Viet Nam Social Democrat Party, affiliated with HBC 480 Hong Thap Tu St., Saigon.

In all, before 1975, the HBC had:

- 28 provincial or City Offices,
- 82 district offices,
- 476 village offices
- 3,100 hamlet offices
- and over 800 Recital Minarets which were visibly established along the main arteries cutting through all the villages of the Mekong delta.

## **CATHOLIC CHURCH**

Most properties of the Catholic Church have been confiscated in 1975 and have remained confiscated. The return of the following properties has been officially requested by the Church but to no avail.

1. Giao Hoang Hoc Vien (Papal Institute), Dalat

Over the years, the Catholic Bishops Conference of Vietnam has requested the return of this property, which belongs to the Vatican, but to no avail.

2. Nha Huu Duong Dong Dong Cong (Retirement Home of the Church of Mother-Co-Redemptrix)

34/2 Ap Phu Chau, Xa Tam Phu, Huyen Thu Duc

15 acres of orchard, retirement home, and all equipment and furniture confiscated on September 7, 1988

Rev. Tran Dinh Thu has written a letter to the government to request the return of this property. His request has been ignored.

3. Dac Lo Church (Alexandre de Rhodes Church of the Jesuit Order), 161 Ly Chinh Thang Street (formerly Yen Do Street), 3<sup>rd</sup> District, Saigon. It has been transformed into state-owned Tuoi Tre (Youth) Publishing Company.
  4. Thanh Mau Primary and Secondary School, property of the Hoa Khanh Catholic Congregation, Lien Chieu District, Da Nang City. It has been appropriated by the Da Nang College of Pedagogy, which converted it into a public housing facility and an animal farm. Since 1991 the Hoa Khanh Congregation has requested the return of this property to no avail.
  5. Lasalle Taberd Highschool, 53 Nguyen Du Street, First District, Saigon.
  6. Highschool of the Dominican Order, 44 Tu Xuong, 3<sup>rd</sup> District, Saigon.
  7. Highschool of the Dominican Order, 190 Le Van Sy, Phu Nhuan, Saigon.
  8. Seminary of the Co-Redemptrix Order, Tam Ha Village, Thu Duc, Saigon.
  9. St. Paul Vincent de Paul Seminary, 42 Tu Xuong, 3<sup>rd</sup> District, Saigon.
  10. Nguyen Ba Tong Highschool, 73 Bui Thi Xuan, 2<sup>nd</sup> District, Saigon.
  11. St. Paul Highschool, 4 Cuong De (now Ton Duc Thang), Saigon.
  12. St. Thomas Highschool, 698 Le Van Sy, 3<sup>rd</sup> District, Saigon.
  13. Lasalle Mossard Highschool, Thu Duc, Saigon.
  14. Regina Mundi Girl Highschool, 228 Cong Ly (now Nam Ky Khoi Nghia), 3<sup>rd</sup> District, Saigon.
  15. St. Paul Hospital, Phan Thanh Gian, 3<sup>rd</sup> District, Saigon.
  16. Seminary Hoan Thien, 11 Dong Da, Hue.
- Note: In Saigon alone, 300 schools of the Catholic Church were confiscated in 1975.

## **PROTESTANT CHURCHES**

All properties of the Pentacostal Church have been confiscated after 1975. Following is a complete listing of these properties.

1. Pentacostal Primary and Secondary School in Saigon
2. Pentacostal Hospital in Saigon. It has been turned into a state hospital reserved exclusively for high ranking officials.
3. Pentacostal Hospital near Tan Son Nhat airport. It has been turned into a commercial center.
4. Pentacostal Hospital in Phu Nhuan. It is presently used as the office of a state oil enterprise.
5. Pentacostal Church in Thu Duc, Bien Hoa
6. Pentacostal Church in Da Lat (on former Hai Ba Trung street)
7. Ai Nghia Church in Duc My, Quang Nam. It has been demolished. Its ground is now used for an outdoor market.
8. Pentacostal Chapel in Binh Chanh, Cho Lon
9. Phu Hoa Church in Quang Nam. It has been turned into a grain storage.
10. Can Tho Elementary School in Can Tho
11. Vam Nhon Elementary School in Can Tho
12. Pentacostal Church in Da Nang (on former Phan Chu Trinh Street)
13. Pentacostal Elementary School in Da Nang. It has been turned into state-owned Da Ly Huong pre-school.
14. Cho Lon Elementary School for Chinese ethnics in Cho Lon (on former Ba Hat street)
15. Protestant Church, 3 Nguyen Van Thoai, Saigon.
16. Protestant Church, at An Dong Market, Cho Lon.

Other properties of Protestant Churches that have been confiscated:

1. Reformed Protestant Church at 2 bis Le Duan Street, Saigon. It has been transformed into a night club.
2. Protestant Church at 7 Tran Cao Van, Saigon. It is now used as a child care center.
3. The Nha Trang Bible College in Nha Trang has been turned into a hotel reserved for communist officers.
4. Protestant Church at 1 Ly Thuong Kiet, Street, Da Nang became a beer and wine factory after 1975.

## **CAO DAI CHURCH**

Most properties of the Cao Dai Church, all located in Tay Ninh, have been confiscated after 1975 and converted into state properties. Following is a sample list.

1. The Religious Civil Affair Building, now turned into the Provincial Communist Youth School
2. The Congregation Hall, now used for the continuing education institution for Communist cadres
3. The Holy Legislative Body Department, now turned into the office of the Provincial Culture & Arts Association
4. The Holy Administrative Body Department, now turned into the Agriculture Vocational Center
5. The Holy Guard Headquarters, now used for the People's Court of Tay Ninh
6. The Holy Ground Diocese Office, now used as the Sheriff Department of Tay Ninh
7. The Buddhist Heritage Compound, now turned into the office of the Fatherland Front of Tay Ninh
8. The Central Vietnam Diocese Office, now turned into the 19<sup>th</sup> of May Preschool
9. The Cao Dai Chinese Holy Administrative Body, now turned into the Provincial Lumber Factory
10. The North of Vietnam Diocese Office, now turned into a lumber factory office
11. The Amnesty and Charity Holy Compound, now transformed into the Career Training College for Communist Cadres
12. The Holy-See Orphanage, now turned into the Provincial Medical College
13. The Holy History Research Branch, now turned into public housing complex for Communist cadres
14. The Universal Amnesty Services, now turned into a movies theater
15. The Minority Group Holy Body, now turned into the Interior Administrative Office
16. The Holy Guard Post, now turned into the Hoa Thanh Post Office
17. The Holy Auditorium, now turned into the Unification Conference Hall
18. The Natural Woods (owned by the Cao Dai Church), now turned into a kindergarten playground and cafeteria
19. The Holy Radio Broadcasting Studio, now turned into an operetta house
20. The Holy Music and Arts Department, now turned into the Culture and Arts School
21. The Holy Rites Department, now turned into the Hoa Thanh Pharmacy

22. The Main Gate Boulevard, now occupied by a fire station, a food warehouse, and housing for communist cadres
23. The Archbishop Hall, now turned into the headquarters of the Hoa Thanh Fatherland Front
24. The Holy Architecture Branch, now turned into the office for social services for the handicapped
25. The Linh-Duc Sewing and Cutting Company, now turned into a provincial orphanage
26. The Holy Amnesty Medical Services, now turned into the Country Medicine Association
27. The Holy Library, now turned into the Fitness and Gymnastic Club
28. The Holy Agriculture Department, now turned into a machine shop
29. The Holy Industrial Department, now turned into an auto repair shop
30. The Holy Health Department, now turned into a hospital
31. The Holy Hospital, now turned into government-owned Hoa Thanh Hospital
32. The Holy Guard Compound, now turned into Hiep Ninh Open Theater Site
33. Cao Dai University, now turned into Solidarity University of Pedagogy
34. Dao Duc School, now turned into Ly Tu Trong Highschool
35. Le Van Trung High School, now turned into Le Qui Don Junior High
36. The Holy Centennial Park, now turned into the Solidarity Flower Garden

**ATTACHMENT 3****Decree No. 26/1999/ND-CP****A CYNICAL ANTI-RELIGION ANTI-CHURCH DECREE**

This Decree is an evidence of the Vietnamese government's strengthening efforts aimed at two related purposes: First, to monopolise and shore up those churches that it sets up and controls as tools of political power. Second, to eliminate other churches and religious organisations, which it regards as a threat to its totalitarian regime.

The Decree attempts to meet these purposes using a mixture of threats, punishments (and even inducements - see Article 15), censorship, and control, using the government's machinery including the criminal courts, all government departments and organs, the omnipresent network of "people's committees", and the Administrative Detention Decree 31/CP.

We have highlighted using ***bold italics*** some of the texts that are more noteworthy or that support our points above.

To assist efficient reference, we have added labels to Articles, using [bold texts in square brackets].

**Hanoi, 19 April 1999**

The Government,

In view of Article 70 of the Constitution of the Socialist Republic of Vietnam,

In view of the law of government organisation of 30 September 1992,

***In order to assure freedom of religious belief, to create the conditions permitting activities of those religious organisations which conform to the law,***

On the proposal of the Bureau of Religious Affairs of the government,

decrees:

**Chapter I - General Provisions**

**Article 1 [Religious guarantee]**

The State of the Socialist Republic of Vietnam guarantees freedom of belief and of religion as well as the freedom not to believe and not to adhere to a religion. All discrimination for reason of belief or religion is strictly prohibited.

**Article 2 [Rights and responsibilities]**

Citizens, whether they adhere or not to a religion, are equal under the law. They benefit from all the civic rights and assume the obligations of meeting their civic responsibilities.

**Article 3 [Conformance to law]**

Religious activities shall conform to the law of the State of the Socialist Republic of Vietnam.

**Article 4 [Encourage certain religious activities]**

Religious activities carried out in the interests of the faithful, when legitimate and conforming to the law, are protected.

***Religious activities carried out in the interests of the nation and of the people are encouraged.***

**Article 5 [Certain religious activities punished]**

All activities which threaten freedom of religious belief, ***all activities using religious belief in order to oppose the State of the Socialist Republic of Vietnam***, to prevent the believers from carrying out their civic responsibilities, to sabotage the unity of all the people, to harm the healthy culture of our nation, as well as superstitious activities, shall be punished in conformity with the law.

**Chapter II - Particular Provisions****Article 6 [Principle of freedom of religion]**

All citizens benefit from the freedom to adhere or not to adhere to a religion, to renounce it or change it.

**Article 7 [Religion not to be used to oppose the law; Superstition]**

1) The faithful have the right to carry out those religious activities which are not contrary to the policy and law of the State. They have the right to practice rites of offering and to recite prayers within the family. They can participate in religious activities, study catechism and

morality, assist in religious ceremonies within the place of worship.

**2) *It is forbidden for the faithful to use faith and religion in order to oppose the law. It is forbidden to practice superstitious activities.***

**Article 8 [Certain religious organisations authorised; Fundraising]**

**1) *Religious organisations whose ideals of life, the goals, religious orientations and rules of the organisation, conform to the law and which are authorised by the government's Bureau of Religious Affairs to enter into activities, are protected by the law.***

2) Religious activities within the places of worship (prayer sessions, celebration of ceremonies, preaching, religious instruction), registered each year, and carried out inside the places of worship, do not require permission.

3) Religious activities outside the places of worship, or not registered in the annual program, shall obtain authorisation of the appropriate organs of the State.

4) Religious organisations can raise money from the voluntary support of individuals, of associations, or of other legal sources of revenue.

In order to organise a fund raising campaign, it is necessary to receive authorisation of the president of the provincial People's Committee. One cannot oblige the faithful to make financial contributions.

5) Religious organisations which carry out activities counter to the principles, to the goals, the religious orientation and the structures authorised by the Prime Minister, shall cease to function. Individuals responsible for these violations shall be punished under the law.

**Article 9 [Retreats, meditation etc. subject to control]**

***The retreats of priests in the dioceses, of monks and nuns from the various establishments and congregations of the Catholic religion, the sessions of spiritual perfection of the pastors and the sessions of evangelisation for Protestantism, the periods of meditation of the youth for the Buddhist religion, as well as analogous religious activities of other religions, shall be subject to the regulations of the State organs of management of the religious domain, at the provincial level.***

**Article 10 [Congresses and assemblies subject to authorisation]**

1) Congresses and assemblies of religious organisations at the national level, covering several provinces or cities dependent directly on the central power, shall obtain authorisation of the Prime Minister.

2) Congresses and assemblies of religious associations of various regional levels shall obtain the authorisation of the president of the provincial people's committee.

**Article 11 [Properties given are not returned]**

1) The State protects the places of worship of religious organisations.

2) Religious organisations are responsible for the maintenance and repair of the places of worship.

3) *Buildings, land and other properties passed on by organisations, individuals, or churches to the organs of the State for them to manage or use in application of the policies of the government of the Democratic Republic of Vietnam, of the Provisional Revolutionary Government of South Vietnam, or of the government of the Socialist Republic of Vietnam, or given to the State, are now the property of the Socialist Republic of Vietnam.*

**Article 12 [Repairs, constructions, restorations must be authorised]**

1) Repairs and constructions on establishments classified as historic or cultural monuments, or noteworthy sites, shall conform to the rules of the Order for the protection and utilisation of historic and cultural monuments, of 31 March 1984.

2) Restorations and repairs of minor importance which do not transform the general disposition and architecture of places of worship organised by these places, can commence after informing the president of the provincial people's committee.

3) Repairs of large scope changing the general disposition and architecture of a place of worship, restorations of a religious building in ruins, destroyed by the war, by a natural calamity, or an accident, and **creations of a place or object of worship (building, statue, stele, tower, and all things intended for worship) shall receive authorisation from the president of the people's provincial committee.**

4) *The organisation of a campaign intended to raise finances for the construction or repair of a place of worship shall*

*obtain authorisation from the president of the people's provincial committee.*

#### **Article 13 [Religious practice under Order]**

The ordinary practice of religion is guaranteed within the establishments of religion classified under the prescriptions of the Order for the protection and utilisation of historic, cultural or noteworthy monuments, of 31 March 1984.

#### **Article 14 [Control of religious publications]**

*1) The printing and publication of prayers, of books, of religious publications, the production, the sale of, the export and import of cultural religious products, of objects of religion, is under the regulation of the State in matters of printing, publishing, of production, of management of export-import enterprises of cultural products and merchandise.*

*2) It is prohibited to print, to publish, to sell, to circulate, or to possess publications and cultural products whose contents oppose the State of the Socialist Republic of Vietnam, cause religious division, cause ethnic division, cause the loss of the unity in the people.*

#### **Article 15 [Rights, including rewards; Obligation to mobilise followers]**

1) Clergy and religious officials have the following rights:  
- exercise the duties and religious functions within the framework of the responsibilities that the competent State organs have recognised.  
*- benefit from the appreciation and rewards from the State for their merits and contributions to the work of national unity, to the building and defense of the Nation.*  
- enjoy the political, economic, cultural and social benefits of citizens.

2) Clergy and religious officials have the following obligations:  
- exercise correctly their duties and their religious functions within the framework of the responsibilities that the competent State organs have recognised. They are responsible under the law for all religious activities carried out in the exercise of these functions.  
*- mobilise the faithful to submit rigorously to policies and laws of the State.*

#### **Article 16 [Persons falsely using religious title; Role of state-controlled churches]**

***A person who falsely uses the title of clergy is liable to administrative sanction or criminal prosecution. A person serving a prison sentence, or under administrative detention, cannot exercise religious duties or office. The return to the religious duties and office of such persons is to be proposed by the religious organisation in charge of these persons and shall obtain the approval of the responsible State management organ.***

**Article 17 [Economic, cultural, social, and charitable activities]**

1) Clergy and religious officials can carry out economic, cultural and social activities as all other citizens.

2) Clergy, religious officials, and religious organisations shall submit their charitable activities to the prescriptions of the State. Charitable organisations of the clergy, of religious officials or of religious organisations shall submit their activities to the leadership of responsible State organs.

**Article 18 [Seminaries]**

1) ***The opening of the seminaries for clergy and religious officials shall be authorised by the Prime Minister.***

2) *The structure and activities of seminaries shall conform to the prescriptions of the Bureau of Religious Affairs of the government and of the Minister of Education and Formation.*

3) ***Seminaries shall apply the regulations, the policies, and the law of the State and shall submit to the direction, control and inspection of the responsible organs of the State, as well as of the people's provincial committee.***

**Article 19 [Congregation; Admittance]**

1) Congregations (and other analogous forms of associations of collective religious life) shall request and obtain the authorisation of responsible State organs to function.

2) The admittance of persons desiring to enter into the religious life shall conform to the prescriptions of the Bureau of Religious Affairs of the government.

**Article 20 [Ordination under State control]**

1) ***The ordination of those who carry the title of Most Venerable ["Hoa Thuong"] in the Buddhist religion, of cardinals, bishops, administrators in the Catholic Church,***

***and of dignitaries of equivalent function of other religions, shall require the approval of the Prime Minister.***

2) *The ordination of the clergy and officials, not in categories cited in paragraph 1, shall require the approval of the president of the provincial people's committee.*

**Article 21 [Nomination and transfer under State control]**

***The nomination and transfer of clergy, religious and specialists in religious activities, including those voted by the religion's followers shall require the approval of the peoples committee whose administrative management covers the territory of their activities.***

**Article 22 [Directives from overseas]**

1) *Religious organisations and officials shall inform the Bureau of Religious Affairs of directives they receive from abroad and apply these directives in accordance to the approval from the Bureau.*

2) *Clergy and religious officials, in order to be consecrated, ordained, and named by an organisation or a religious official from overseas, shall require the approval of the Prime Minister.*

**Article 23 [Activities abroad]**

*The activities abroad of religious organisations and persons shall conform to the law and the foreign policy of the Socialist Republic of Vietnam, on the foundation of independence, national sovereignty, and in view of the peace, normalisation, collaboration and of friendship.*

**Article 24 [Invitations to, and participation in, overseas churches]**

1) ***Religious organisations and officials, in order to invite to Vietnam religious organisations and officials from abroad, shall seek the authorisation of the Bureau of Religious Affairs.***

2) *Religious organisations and persons participating as members of religious organisations situated abroad, or participating in religious activities (or related to religion) in a foreign country, shall conform to the prescriptions of the Bureau of Religious Affairs of the government.*

**Article 25 [Foreigners' rights and obligations]**

1) Foreigners residing legally in Vietnam can practice religious activities conforming to Vietnamese law. In order to organise a particular gathering within a place of worship it is necessary to obtain authorisation from the president of the people's provincial committee.

***2) Foreign organisations and individuals, including religious organisations and persons, coming to Vietnam in order to carry out activities in the non-religion domain, shall not organise, lead or participate in religious activities. They shall not conduct religious preachings.***

#### **Article 26 [Receiving aid from overseas]**

1) The aid activities of foreign organisations (religious or those with a religious orientation) shall conform to the policy and regulations relating to aid. They shall obtain approval from the Vietnam government organs responsible for managing aid.

2) Religious organisations and persons receiving foreign aid of a purely religious nature shall obtain the authorisation of the Prime Minister.

### **Chapter III - Application Provisions**

#### **Article 27 [Effective after 15 days]**

This Decree replaces No. 69/HDBT of the Council of Ministers dated 21 March 1991. It takes effect from 15 days after the signature. Any former Decrees contrary to those in this Decree are abolished.

#### **Article 28 [All government entities are responsible to implement Decree]**

***Ministers, the heads of organs equivalent to Departments, heads of government organisations, presidents of provincial people's committees or of the cities directly under central control, are responsible for the implementation of this Decree.***

#### **Article 29 [Bureau of Religious Affairs' role in implementation]**

The director of the Bureau of Religious Affairs shall guide, mobilise and audit the application of this Decree.

For the Government,  
The Prime Minister,  
**Phan Van Khai**

**ATTACHMENT 4****Costing of Recommendations**

We provide here an order-of-magnitude estimate of the incremental, first-year costs associated with implementing our Recommendations.

As can be seen, our Recommendations are well within Australia's resources to implement.

Recommendation	Costs
<p><b>1. Religious freedom as a factor in foreign aid</b></p> <p>The inclusion of promoting and protecting religious freedom is a matter of principle, incurring no operating costs.</p> <p>There may be administrative costs associated with promulgating this matter within AusAid and DFAT. This type of cost is not considered here.</p>	\$0
<p><b>2. Aid for churches</b></p> <p>The funding for churches comes from the normal aid budget, hence incurring no additional costs.</p>	\$0
<p><b>3. Advisory Group</b></p> <p>Assumptions: 2 officials + 2 NGO personnel. Two 2-day trips to Vietnam per year. Two half-day meetings in Canberra and two half-day teleconferences in Australia. Cost per official per trip is \$3,000 (\$1,500 airfare + \$500 accommodation + \$1000 allowances plus overheads), and per meeting is zero (no additional travel or allowances). Cost per NGO personnel per trip is \$1,500 (airfare only), and per meeting is zero. Cost per teleconference bridge is \$100.</p>	\$18,200
<p><b>4. Radio Australia</b></p> <p>Radio Australia does not incur any additional programming costs as a result of this Recommendation.</p> <p>For community consultation, assume: 2 half-day meetings per year, involving 2 Radio Australia officials at \$200 per person per meeting. Sub-total: \$800.</p> <p>No additional costs are incurred by reporting in the annual report.</p>	\$800
<p><b>5. Prisoner visits and parliamentary reporting</b></p> <p>Assumptions: 10 person-trips of 1 day each, involving intra-Vietnam</p>	\$11,000

<p>travel only by local DFAT officials. Cost per person-trip is \$1,000 (\$500 accommodation + \$500 allowances plus overheads). Sub-total: \$10,000.</p> <p>Assumptions: 2 person-days to prepare 2 six-monthly reports at \$250 per person day. Sub-total: \$1,000</p> <p><b>6. Human rights dialogue</b></p> <p>Assumptions: 2 two-day trips to Vietnam, each involving 2 Australian officials. Cost per official per trip is \$3,000 (\$1,500 airfare + \$500 accommodation + \$1000 allowances plus overheads). Sub-total: \$12,000.</p> <p>Visits to Australia by Vietnamese officials: it is assumed the Vietnam side pays its own costs including travel, accommodation, and salary.</p> <p>Assumptions: 2 person-days to prepare 2 six-monthly reports at \$250 per person-day. Sub-total: \$1,000.</p> <p><b>7. Education aid</b></p> <p>The review of education aid involves normal review processes, hence incurring no additional costs.</p> <p>The inclusion of legislators and journalists etc. for human rights education is simply the selection of trainees, it does not increase the number of trainees, hence requires no additional budget allocation.</p> <p>Assumptions re. the addition of a half-day introduction to human rights and democracy concepts: 1000 persons per year, at \$50 per half-person day. Sub-Total: \$50,000.</p> <p><b>8. Study into religious freedom etc. in multilateral entities</b></p> <p>Assumptions: 100 person-days of government officials' time, at the rate of \$250 per person-day for officials. Non-government officials incur their own expenses.</p>	<p>\$13,000</p> <p>\$50,000</p> <p>\$25,000</p>
<b>Total</b>	<b>\$118,000</b>

## ATTACHMENT 5

### **Venerable Thich Quang Do: What We Need Is Freedom**

(Reuters, 8 April 1999) - A leading dissident Buddhist monk has issued a fresh call for democracy in communist-ruled Vietnam and for the restoration of a banned Buddhist organisation.

Thich Quang Do, 72, an outspoken critic of the government and secretary general of the outlawed Unified Buddhist Church of Vietnam (UBCV), said international donors should reconsider unconditional aid and loans to Vietnam as these served only to strengthen the Communist Party.

"What we need is freedom, democracy and human rights, this is more important for us than international aid," Do said in a recent interview.

"The Soviet Union collapsed in just three days after existing for 74 years, that is our hope."

He said Vietnam's landmark reform policies introduced in 1986 had been limited to the economic field, and that there had been no political change.

Do, who has spent much of the last 20 years under detention or in prison, said his release from jail as part of a broad amnesty last September was a direct result of protests from foreign governments and the United Nations.

"Under house or pagoda arrest I lost 10 years (1982-92), and in prison the first time was two years (1977-78) and the last time (1995-98) three-and-a-half years," Do said.

Prior to his release Do had been serving a five-year sentence for offences connected with attempts to send relief supplies to flood victims in 1994.

But he added that his newfound freedom did not signify the party was relaxing its stand against dissidents or unofficial religious organisations. About 10 Buddhist monks were still imprisoned, he said.

Hanoi denies it detains and imprisons people for the peaceful expression of religious or political beliefs, as charged by some foreign governments and international human rights groups.

Last month (on 22 March 1999), Do was detained and questioned for six hours before being ordered to return to the former Saigon, after secretly travelling to central Quang Ngai to meet UBCV patriarch Thich Huyen Quang. The patriarch has been held under pagoda arrest since 1981.

Do said his telephone was tapped and his home at the Thanh Minh Zen monastery in Ho Chi Minh City was under constant surveillance, but he vowed to continue to speak out.

"People are frightened to come here to see me because I am considered a reactionary monk. But I see nothing in myself that is dangerous, I only speak the truth," he said.

He called for the restoration of the UBCV, which had been banned and replaced by the state-sponsored Vietnam Buddhist Church in the years following the end of the Vietnam War in 1975.

"We are hoping for the situation to change so that we can restore our activities. As long as we live under a communist regime we can't do anything to restore the UBCV," Do said.

The UBCV had been involved in widespread Buddhist protests during the 1960s against repression and corruption from the former U.S.-backed Saigon regime. Do called for peaceful fundamental political change. "We don't want a sudden revolution because that means bloodshed," he said.

But he added he held no hatred towards the Communist Party.

"I love them because I am a Buddhist. I do not hate them, I am only sad because they did not bring happiness to the Vietnamese people. They did not realise the idea of freedom, democracy and happiness," he said.

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## ATTACHMENT 6

Dr Nguyen Dan Que's

### C O M M U N I Q U E

Today 11 May 1999, the Vietnamese people celebrate deep inside the Vietnam Human Rights Day.

Taking advantage of this occasion we would like to declare:

Vietnam belongs to all the Vietnamese people at home and abroad.

No government can justly claim authority unless it is based on the will of the people.

Therefore the Politburo of the Vietnamese Communist Party should:

1. Respect the basic Human Rights of the Vietnamese people, including freedom of opinion, of press, of religion, of trade unions and all other political rights;
- 2- Separate the Party from the administration, army and police; stop using money of the tax-payers financing illegal Party activities to repress the liberties of the people for their dictatorship;
- 3- Let the actual Parliament discuss a new electoral law for free and fair elections under the international supervision;
- 4- The already separated-out administration will convene an all-encompassing tendencies National Congress to draw up a new Constitution helping the country go out of the actual stalemate, since everyone has the right to take part in the government of his country.

Otherwise, the Politburo must bear all responsibility for inducing the population to stand up for self-determination of their own fate in a rapidly democratised world; with resistance to the erroneous policies of the Politburo immersing the whole population in stagnancy, corruption, poverty and poor education.

Vietnam, 11 May 1999

Dr Nguyen Dan Que  
Cao Trao Nhan Ban (Human Rights Movement)

## ATTACHMENT 7

### **Résolution on Vietnam proposed by the Polish PEN Centre, seconded by English Centre, Swiss Italian Centre and Swiss Romand Centre.**

#### **The Assembly of Delegates of International PEN, meeting at its 66th International Congress, held in Warsaw, Poland, from 15-21 June 1999.**

- Appreciates Vietnamese authorities ' decision to amnesty some of the country's best-known prisoners of conscience in August 1998;
- Concerned, however, that the recent economic changes are not accompanied by similar changes in the approach to the problem of human rights and freedom of expression;
- Distressed by the fact that several Vietnamese intellectuals, writers and journalists still remain in prison;
- Deplores the very poor conditions of detention (in prisons and hard labour camps) under which these prisoners of conscience are currently held;
- Appeals to the Vietnamese authorities to release immediately and unconditionally all individuals imprisoned for exercising the right of freedom of expression, among them:

\* Nguyen Dinh Huy, eminent journalist, press editor and leading figure in the pro-democracy movement who is suffering from Parkinson's Disease. He is now held in Ham Tan hard labour camp. Formerly held in 1975 for 17 years in re-education camps, he was arrested again in November 1993 and sentenced to 15 years imprisonment in August 1995. He is a recipient of the 1997 Hellman/Hammett award for freedom of expression and an honorary member of the Polish and English PEN Centres;

\* Nguyen Ngoc Tan (pen-name Pham Thai), journalist and poet, now held in Ham Tan hard labour camp. Previously detained in 1975 and held for 15 years in a re-education camp. Arrested again in July 1995 and sentenced to 11 years imprisonment for his involvement in Nguyen Dinh Huy ' s pro-democracy movement. An honorary member of the Polish and English PEN Centres;

\* Nguyen Ngoc Dai (other name Nguyen Ngoc Dat and religious name Thich Hue Dang), Bouddhist intellectuel and humanist scholar, now held in Xuan Loc hard labour camp. Arrested for writing forbidden work as "Essay on Humanism" and sentenced on May 27, 1992 to 20 years imprisonment;

And calls upon the Vietnamese authorities to observe the principles and rights set out in their own Constitution, as well as in the Universal Declaration of Human Rights, particularly Article 19, which deals with the right of freedom of expression.

**- End of Submission -**