HUMAN RIGHTS CONCERNS IN VIETNAM

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS, HUMAN RIGHTS, AND OVERSIGHT

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HUMAN RIGHTS CONCERNS IN VIETNAM

TUESDAY, NOVEMBER 6, 2007

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON INTERNATIONAL ORGANIZATIONS,
HUMAN RIGHTS, AND OVERSIGHT,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:05 p.m. in room 2172, Rayburn House Office Building, Hon. Bill Delahunt (chairman of the subcommittee) presiding.

Mr. DELAHUNT. This hearing of the Committee on Foreign Affairs' Subcommittee on Human Rights will come to order. On behalf of my ranking member, Mr. Rohrabacher, who I note is here, and myself, I want to thank the witnesses on all of our panels for participating today. The hearing will focus on human rights concerns in Vietnam.

According to the State Department's record on human rights in Vietnam, conditions there remain unsatisfactory, and the Communist government is characterized as authoritarian.

Furthermore, arbitrary detention from political activists is widespread, and prisoners are routinely mistreated and denied access to counsel. The government continues to prohibit speech that criticizes individual government leaders, promotes pluralism or democracy or questions the role of the Vietnamese Communist Party.

Religious groups are forced to register, gaining approval for their leadership, thereby leaving it up to the government to legitimize individuals' practices and beliefs. This also allows the government the ability to monitor and limit the activities of these organizations.

The most recent elections of the Vietnamese National Assembly were reported as being neither fair nor free as all candidates were chosen and vetted by the Vietnamese Communist Party.

The government does not permit private local human rights organizations to form or to function. It uses a wide variety of methods to suppress criticism of its human rights policies, including surveillance, limits on freedom of assembly, interference with personal communication, and detention.

Despite this, according to the Congressional Research Service, the United States relationship with Vietnam is strong and growing. In July 2000 the United States and Vietnam signed a bilateral trade agreement in which the United States extended Most Favored Nation status to Vietnam. In December 2006, legislation was enacted by the Congress extending Permanent Normal Trade Relations to Vietnam. Bilateral trade has increased threefold in the last

5 years and the United States is now Vietnam's largest export market.

It is also among the largest recipients of U.S. assistance in East Asia. In fiscal year 2007, that amounts to more than $90 million, and I find it profoundly ironic that we have a free trade agreement with a Communist country in Southeast Asia, but are not allowing Cuban American citizens to visit their family members in another Communist nation, Cuba, in our own hemisphere.

The United States played a significant role as well in Vietnam's admittance to the WTO in 2006. We have supported their appointment as a nonpermanent member of the U.N.'s Security Council. Presidents Clinton and Bush have both visited the nation in recent years, restoring normalized relations after the Cold War, and President Nguyen Triet visited the White House in June of this year.

While he was there, President Bush said, and I am quoting him:

> "I made it very clear that in order for relations to grow deeper that it's important for our friends to have a strong commitment to human rights and freedom and democracy. I explained my strong belief that societies are enriched when people are allowed to express themselves freely or worship freely."

His words are admirable, but per the State Department's report, little indicates that Vietnam is working toward these goals today. While human rights are a priority of this administration in its dealings with Vietnam, at a time when foreign public opinion about the United States is at a low ebb, we can ill afford to be seen hypocritical because of a disparity between our words and our deeds.

It is important that we maintain an open dialogue with all nations. It is only by working with and listening to others that we can maintain our leadership position in this world. But we should not be influenced by economic gains or other enticements at the expense of our own values.

American companies doing business abroad should be reminded that often, particularly in closed societies, that they are the face of America to oppressed peoples. So it is critically important that they reflect our values and refrain from any conduct that does not.

Before we begin, I ask unanimous consent that all members attending today's hearing be considered members of the subcommittee for the purposes of taking testimony and asking questions. Without objection, so ordered.

I also ask that the written testimony of Father Phan Van Loi of Hue, Vietnam and the written testimony of retired U.S. Colonel Andre Sauvageot be submitted to the record. And without objection, so ordered.

[The information referred to follows:]

STATEMENT OF FATHER PHAN VAN LOI, HUE, VIETNAM
(TRANSLATED AND SUBMITTED BY COMMITTEE FOR RELIGIOUS FREEDOM IN VIETNAM)

THE VIETNAMESE RELIGIOUS SCENE IN 2007

A superficial look at the current religious scene in Vietnam would cause one to believe that religious freedom has increased, as evidenced by the number of new places of worship, religious events (including those associated with traditional beliefs), and local and foreign religious personnel who travel to or from other countries. In reality, the appearance of religious freedom does not mean that there is religious freedom at the most fundamental level.

1—Legal Perspective

After issuing the June 18, 2004 Executive Order on religious beliefs and Decree No. 22/2005/ND–CP, Vietnam's communist government distributed in July 2007 two documents specifying how the Executive Order must be implemented. These are *the People's Committees Administrative Procedures Concerning Religious Matters—Sub-district and Village Levels*, and *the People's Committees Administrative Procedures Concerning Religious Matters—Metropolitan Areas.*

The People's Committee Administrative Procedures Concerning Religious Matters—Sub-district and Village Levels includes the following requirements and associated forms:

1 Registration of the proposed program of annual activities of the religious entity
2 Notice of intent to hold religious events
3 Registration of new clergy
4 Notice of intent to carry out minor modifications or repairs to the place of worship
5 Notice of intent to solicit donations

The People's Committee Administrative Procedures Concerning Religious Matters—Sub-district and Village Levels lists the following requirements and associated forms:

1 Registration of activities of the religious entity
2 Notice of intent to transfer clergy to another location
3 Registration of transferred clergy
4 Notice of intent to solicit donations
5 Proposal for activities not previously registered
6 Proposal for annual meetings or other major meetings and celebrations
7 Proposal for processions and other ceremonial activities conducted outside of the place of worship
8 Proposal for evangelical activities outside of the place of worship
9 Registration of religious order or seminary
10 Construction permits

Whether couched as "registration," "notice," or "proposal," the government really meant "request for approval" and reserved the right to approve or not.

In *Questions and Answers Regarding Religious Matters*, a document issued by the government's Board of Religious Affairs in June 2006, Item 16 shows that the government has recognized only 16 religious entities/organizations associated with 6 religions (Buddhism, Catholicism, Protestantism, Cao Dai, Hoa Hao, and Islam). The 16 entities are:

- the Vietnamese Buddhist Church
- the Vietnamese Catholic Church
- the Association of Protestant Denominations (Northern Vietnam)
- the Alliance of Protestant Denominations (Southern Vietnam)
- the Tay Ninh Cao Dai Denomination
- the Tien Thien Cao Dai Denomination
- the Minh Chon Dao Cao Dai Denomination
- the Cao Dai Evangelical Denomination
- the Ban Chinh Dao Cao Dai Denomination
- the Bach Y Cao Dai Denomination
- the Chieu Minh Long Chau Cao Dai Denomination
- the Chon Ly Cao Dai Denomination
- the Cau Kho—Tam Quan Cao Dai Denomination
- the Governing Council of Hoa Hao Buddhism
- the Islamic Community of Ho Chi Minh City
- the Islamic Community of An Giang Province

The list does not include the Unified Buddhist Church (led by Most Venerable Huyen Quang), the Pure Hoa Hao Buddhist Church (led by First Elder Le Quang Liem), the Mennonite Denomination (led by Pastor Nguyen Hong Quang), and the

Thong Cong Protestant Association (led by Pastor Nguyen Cong Chinh). These entities continue to suffer repression. Additionally, many others applied a long time ago but have not received a license. These include the Tinh Do Cu Si, Buu Son Ky Huong, Tu An Hieu Nghia, Ba La Mon, Bahai, Seventh Day Adventist, Evangelical, and Baptist Faiths, among others.

In 2007 the government forced the religious entities to submit information prescribed on Form *Data Collection from Places of Worship* (shrines, pagodas, churches, etc.). The information includes: (1) name of the place, (2) address, (3) information about the highest official, (4) date of establishment and date of initial operation, (5) number of persons working in the building as of July 1, 2007, (6) income and expenses, and (7) methods of communication.

The government's Board of Religious Affairs shall monitor and approve all dealings with international organizations, including activities involving the religious entity, and its believers, clergy, and other personnel.

From a legal perspective, it is evident that the communist government is maintaining its grip on all aspects of a religious organization's mode of operation and its personnel, activities, finances, and communication. Yet these are essential to the life of a religious organization.

2—The Actual Situation

On June 8, 2007, Prime Minister Nguyen Tan Dung signed Decision No. 83/2007 QD–TTg aiming at training approximately 22 thousand government employees to work on religious matters. The training program was developed by the Interior Ministry and the Ho Chi Minh Institute of Public Administration (two organizations that monitor the people's activities on behalf of the Communist Party). This large number of government workers dedicated to religious affairs will monitor, control, cause difficulties to, and report on the religious entities/organizations.

The communist government has been meddling with the ordainment of high-level clergy in the Catholic Church, i.e., bishops, and, in the process, diluting the Vatican's authority. This resulted in the ordainment of several bishops who did not quite meet the criteria set by the Catholic Church and its canon law. Two bishops resigned as a result—Bishops Nguyen Van Yen (Phat Diem) and Nguyen Tich Duc (Ban Me Thuot). Prior to 1975 this issue had never arisen in Vietnam.

The government force the seminaries (where future priests are educated) to teach Marxism, the history of the Communist Party and the laws of the Socialist Republic of Vietnam. After requiring test scores to be heavily weighted towards these subjects, the government has been using the scores to determine if a student is allowed to become a priest or not. Having to study an atheistic, materialism-based theory concurrently with a humanistic, religious doctrine has caused the seminary students' conscience to be incapable of being sensitized to the regime's actions. Consequently, the new clergy members focus only on worship-related tasks, or, if they are engaged in humanitarian activities, they focus only on assisting victims of natural disasters at the exclusion of the victims of man-made disasters (victimized by Communist Party members and government employees). One can count on the fingers of one's hands the number of priests fully involved with the struggle to establish religious freedom, human rights and democracy.

The Vietnamese Bishops' Council, in Item 19 of its 2007 Bulletin issued on October 12, 2007, wrote: "Regrettably the door is still shut with respect to religious organizations' participation in educational activities: the government does not authorize their opening of schools beyond the kindergarten level. In spite of the Catholic Church's unceasing efforts to perform authorized activities such as seminars on humanitarian topics or establishing a scholarship fund for poorer or handicapped students, the Church must stand aside and be content with being an observer while educational needs in Vietnam go unmet." Through this statement, the Bishops' Council pointed to a major violation of human rights. Religion's role is to inculcate moral and spiritual values through preaching to the believers and educating the young. The Church is also invigorated and grows through such activities. By not approving the participation of religious entities in the education sphere, Vietnam's government has contributed to the deplorable decline in our educational system and moral turpitude among our nation's youth.

Many religious figures continue to be: (1) jailed (e.g., Father Nguyen Van Ly); (2) placed under surveillance with travel restrictions (Venerable Huyen Quang, Venerable Quang Do, Father Phan Van Loi, etc.); (3) harassed (Pastor Nguyen Hong Quang, Pastor Nguyen Cong Chinh, Most Venerable Khong Tanh, Most Venrable Minh Nguyet, etc.). Many believers are in prison, such as the following Hoa Hao Buddhists: Le Van Tinh, Bui Tan Nha, Nguyen Van Dien, Vo Van Thanh Liem, Vo Van Buu, Mai Thi Dung, Nguyen Thanh Phong, Nguyen Thi Ha, To Van Manh,

Nguyen Thanh Long, Nguyen Van Thuy, Nguyen Van Tho, Duong Thi Tron, Le Van Soc, etc.)

The government continues to deny the rights of religious entities to their newspapers, publishers, and radio and television stations. The two weekly publications *Catholicism and the People* and *Vietnamese Catholics* are still communist mouthpieces under the guise of religious publications. Priests and Catholics whose allegiance is with the Communist Party are in charge of these publications. The Bishops' Council may produce only 6 newsletters (titled "Hiep Thong") per year, and only 100 copies of each newsletter, approximately 250 pages, for 6 million Vietnamese Catholics. The number of new Catholic book titles that the government has allowed to be printed can be counted on the fingers of one's hands. Only the government-owned religious publishing house may produce religious books. The Church's basic communication tool, the Vietnamese Catholic Church's Annual Review (published in 2005), was heavily censored. For example, "sanctified martyrs" had to be changed to "witnessed saints." Out of the Council's 25 annual bulletins, the government authorized the printing of only the 1980 and 2001 bulletins because their content is more pleasing to the government. The bulletins' sections about the five other religions (Protestantism, Buddhism, Hoa Hao, Cao Dai, and Islam) were written by officials of the government-controlled churches associated with the five religions.

The communist government confiscated properties belonging to the various religious groups (for convenience, we use the date of confiscation as post-1975) and has yet to return any of the seized properties. Let us hear Venerable Quang Do's words when he spoke to the citizens who were demanding justice in the Second Office of the Communist National Assembly on July 17, 2007: "Like you, the Unified Buddhist Church is a victim of the regime. The government seized all our properties, including those dedicated to education, charity, worship . . . Over the past 30 years we have continued to demand justice. Although we have submitted over a thousand petitions, they have not responded or taken any action. They treat the people like dirt." As to the Catholic Church, the communist government still keeps 102 out of 107 ha of Thien An Institute in Hue, 17 out of 23.5 ha of the Holy Site of La Vang in Quang Tri, and thousands of facilities that the Church had used as seminaries, schools, hospitals, child care centers, orphanages, etc. Recently, on September 1, 2007, Bishop Francisco Le Van Hong of Hue Archdiocese, issued the "Notice re. Request for Certification of Right to Church Properties" to all parishes and orders, to ask the government to return seized properties. The communists declared that the deadline for submitting the paperwork to local government units is November 1, 2007. While nobody knows the basis for this deadline, it is clear that the communists intend to legalize their ownership of the Catholic properties that they took 32 years ago. Perhaps the government wants to use one of the property laws, namely "after 30 years, anyone who has an unclaimed property becomes its legitimate owner," to legitimize their possession of properties seized from various religious entities.

The above material is a summary of the current religious situation in Vietnam, with an emphasis on the Catholic Church.

STATEMENT OF ANDRE SAUVAGEOT, COLONEL, U.S. ARMY (RETIRED)

TRADE AND HUMAN RIGHTS: THE FUTURE OF U.S.-VIETNAM RELATIONS

I am a retired U.S. Army officer, with 9 tours (years) of duty in wartime Vietnam, followed by post-war U.S. Government service to do political analysis of Vietnam and assist with the MIA/POW issue. Following this, I helped American companies develop markets in Vietnam and create jobs for American workers, in strict compliance with U.S. policy.

I. Vietnam provides stable, friendly, predictable environment

The Vietnamese have forged a society in which 85 million people of some 54 different ethnic groups with a wide variety of religions all live peacefully together, free of the ethnic and religious strife with which so many other countries are afflicted.

After the September 11, 2001 attacks on the World Trade Center and the Pentagon, the Political and Economic Research Company (PERC) based in Hong Kong upgraded its assessment of the security among 14 Asian Pacific countries to reflect the changing post-9/11 perceptions of entrepreneurs. Their assessment soon after 9/11 ranked Vietnam as the most secure of those 14 countries.

II. Human Rights

A. Already relatively good considering: (relative to other countries among some 190 sovereign nations including, (sadly) the post 9/11 United States.

The frequent atrocities occurring in so many countries, e.g., religious police forcing little girls back to their deaths in a burning school because they did not meet the dress codes, roundups and persecutions of gays, dowry deaths, floggings, amputations and stonings, long prison sentences for consensual sex between adults (e.g., United States) all would be unthinkable in Vietnam.

Vietnam is basically a tolerant humane country for all of its citizens regardless of race, ethnicity, gender or sexual orientation. A paucity of hate crimes based on the foregoing factors obviates any need for hate crimes legislation. Both women and ethnic minorities are well represented in the National Assembly. And the Vietnamese Communist Party has committed itself (Article 4, Constitution of 1992) to work within the laws passed by the National Assembly and continues steady progress toward this commitment.

B. AND IMPROVING (improvement will continue, but U.S. can be supportive, negative or neutral factor)

A basic reason that human rights in Vietnam is continuing to improve is that Vietnam's leadership has an enlightened concept of its self interest. But enlightened self-interest does not entail self destruction, e.g, yielding quickly to foreign or hostile pressures to undermine the leadership role of the Communist Party.

Therefore, if the SRV leadership perceives that an approach to improve a particular aspect of human rights is sincere, I.e., based on human rights qua human rights and therefore potentially beneficial to Vietnam or maybe even of mutual benefit to Vietnam and the United States there is a real chance for progress.

On the contrary, if the SRV leadership perceives a human rights approach is superficial, unrealistic or basically posturing for an American constituency, the end result may be no change. And again, if it perceives a hostile intent, the result could be to elicit tightened security procedures, which could constitute a regression in civil liberties.

Vietnam's constitution (Article 4) stipulates the leadership role of the Communist Party and is supported by most of the population (IN VIETNAM) because the Party (from enlightened self-interest) has spear-headed political and economic reform under difficult conditions from the the 6th Party Congress which concluded in December 1986 through the 10th Party Congress which concluded in April 2006.

(C) THREAT PERCEPTION (plays key role—can be positive or negative)

The degree of civil liberties granted to the citizens of any country may be greatly influenced by the degree to which a country's leadership believes it (or the country at large) is threatened by hostile forces—whether domestic or external or a combination thereof. The U.S. regression in human rights and civil liberties after the 9/11 terrorist attack provides a recent stark example.

Vietnam's leadership understands the role of threat perception and that it applies in some degree to all countries. The difference is that the perception of threat may be paranoid or pathological in the case of ruthless dictatorships as existed under the former Taliban regime in Afghanistan, Saddam Hussein's Baath Party in Iraq or the Khmer Rouge in Cambodia to cite some of the most extreme examples.

However, even relatively moderate governments will restrict civil liberties given a reasonable perception of threat.

The United States provides a number of examples:

During the civil war President Abraham Lincoln suspended Habeous Corpus.

After Japan attacked the U.S. Navy at Pearl Harbor 7 December 1941, President Roosevelt signed an Executive Order to imprison many Japanese-Americans who were not guilty of any crimes and against whom there was no evidence.

After the terror attack of 11 September 2001, Congress quickly passed the Patriot Act, and the Executive Branch has assumed many powers which remain very controversial in the United States and abroad.

Vietnam provides other examples. Although committed to political and economic reform it is not surprising that Vietnam's Communist Party leadership is very sensitive to the possibility that they may face covert, hostile actions against Vietnam's basic political system. Consider:

- The U.S. maintained a Trade Embargo against Vietnam during the same time that it advocated and practiced "constructive engagement" with China
- The U.S. supported China and the genocidal Khmer Rouge against Vietnam's liberation of Cambodia, e.g., by lobbying the UN to keep "Democratic Kamphuchea's" seat at the UN and lobbying ASEAN to form a united front against Vietnam in Cambodia
- Various groups from the United States have from time to time infiltrated into Vietnam through Thailand or Cambodia. Even if these activities were illegal and had no support from the U.S. Government they still exacerbated Vietnam's threat perception.

Therefore, the more that Vietnam ascertains that the U.S. is serious about improving overall relations in a serious manner based on mutual benefit the less Vietnam will feel threatened by unreasonable hostility. And the sooner that Vietnam's leadership will be amenable to constructive U.S. ideas on human rights. Setting a better example would also help—not only with Vietnam but many other countries with human rights situations much worse than either Vietnam or the United States.

(D) FREEDOM OF RELIGION

Vietnam with its "live and let live" attitude about religion provides a relaxed atmosphere from the very devout to agnostics and atheists. My secular humanist philosophy did not dissuade a devote Roman Catholic friend from episodic efforts to convert me through conversation and books such as a Vietnamese language copy of the new testament. Vietnam's Party leadership is strongly supportive of religious freedom qua religion, maintains strict separation of church and state, with no stigma attached to being an atheist or agnostic.

The Vietnamese enjoy essentially 100% freedom of religion qua religion. Buddhists, Roman Catholics, Protestants, Muslims, Hoa Hao and Cao Dai are all free to practice their religion. Vietnam's secular State combines freedom to believe in any religion with the freedom to not believe in any religion. Thus, there are no pressures against agnostics or atheists. It is "live and let live."

Some religious leaders get into trouble mixing politics with religion in a manner that violates existing law and exacerbates perceptions of threat reasonably derived from experience. For example, some foreigners visiting Vietnam have visited rural villages in the highlands and presented themselves as Protestants who offered money and a so-called religious or political rationale to entice people to flee to Cambodia and request political asylum.

In view of the history, it is quite commendable that Vietnam's leadership has put the past behind and that devout Roman Catholics attend mass and are very open about and proud of their religion. Their brand of religion tends to be humane, long on self-discipline and ethics and short on marginalizing others who do not share their religion.

III. U.S. and Vietnam have many shared interests. Consider:

(1) U.S. and Vietnam (SRV) have full diplomatic relations; (2) U.S. has granted Vietnam PNTR status in compliance with our respective WTO membership; (3) U.S. now Vietnam's single largest export market, with implicit leverage to work cooperatively toward shared objectives; (4) SRV is one of the 21 most trade dependent nations (trade as % of GDP) in the world—North Korea is the least; (5) SRV plays an increasingly important role in ASEAN in which it is the second most populous member and among the most politically stable; (6) the U.S. & SRV have shared geopolitical interests in a prosperous, peaceful region in which critical sea lanes are not dominated by East Asia's emerging giant; (7) Vietnam maintains a secular state—a natural ally against terrorism generated by Islamic (or any) extremism; (8) SRV cooperates with the U.S. against trafficking in drugs and people.

Conclusion

The Vietnamese leadership's commitment to economic reform and to the diversification of Vietnam's international relationships, poverty alleviation and the growth if individual freedom adumbrate a bright future for Vietnam and an increasingly significant regional role.

The strategic geopolitical question is how close a relationship will we form with Vietnam—a natural ally against terrorism and political or religious extremism. Clearly, as the US-Vietnam relationship continues to improve on the basis of mutual respect and mutual benefit, progress will continue on all fronts.

Mr. DELAHUNT. I now turn to the ranking member of this subcommittee, my friend and colleague from California, Mr. Rohrabacher, for any comments he wishes to make.

Mr. ROHRABACHER. Thank you very much, Mr. Chairman. And I appreciate our panel, our first panel of fine witnesses who have been active on issues concerned the Vietnamese community, both in the United States, and Vietnam as a separate country.

I also would like to recognize the hard work that Ed Royce, who is with us today as well, has done over the years. So in this room we have people who have not just been talking about Vietnam and ideas and freedom and justice, but have been actively engaged in

trying to promote the ideals that we are talking about, and I appreciate each and every one of them and I thank you for this hearing.

Our job in the U.S. Congress and specifically in the subcommittee is to make sure that American foreign policy aligns with the values and the interests of the people of the United States of America. It may seem absurd or elementary for us to state simply what those values are. But when we examine the behavior of so many multinational corporations, many of them American-based corporations, as well as some of the actions of our own Government, it is clear that many have lost sight of what it means to be an American and what those American values are.

And here we are today. I thought what we should talk about, first of all, is what those values are. What are the things that hold us dear as Americans, what unites us as a people? Are we just a group that came here from every part of the world in order to make as much money as we possibly could make? That is not what America is all about. That is not what our Founding Fathers wrote about in their documents. That is not what the people who struggled over the years, the ordinary people who were not rich businessmen, who protected our freedom and passed it on, that is not what they were all about.

Americans believed in life, liberty and the pursuit of happiness. They believed in personal freedom. Yes, personal liberties and democracy, that our Government derives its just powers from the consent of the governed, and that is the only powers that the government should have.

We believe in freedom of speech and freedom of religion so that people can worship God in any way that they see fit or not to worship God. We believe in the right of political association. These are things that are fundamental to what being an American is all about. Yet we see people in the big business community and even sometimes in our own Government that seem to think that these values should not play a major role in determining policy toward a specific part of the world.

I would suggest that if we remain true to the principles that in the end it is a pragmatic decision to be true to your principles because when you do what is right, it will work out for you in the long run.

During the 1990s, we did not do what was right in terms of Afghanistan. When the Russians left, we walked away, walked away from the people of Afghanistan. And in fact, during the 1990s, we acquiesced in the creation of the Taliban, a religious, basically theocratic dictatorship, and it came back to hurt us in a big way.

If we do not stand with the people of Vietnam and China and elsewhere in this world now as it is progressing and we did not stand with them for their freedom, it will come back and hurt as well.

This committee just held a hearing today examining Yahoo!, the Internet company, and the role that they had played in China. One of Yahoo!'s Chinese e-mail users had committed the crime of sending a pro-democracy e-mail to an NGO. When the Chinese Government officially requested information from Yahoo! that would expose his identity, Yahoo! dutifully handed over their e-mail user information, and that man now rots in a Chinese prison.

Let me note the people who came to Yahoo!, as pointed out by David Wu, our colleague, the people that went to Yahoo! and requested that information, it wasn't some regular government bureaucrat, regulator, it was the equivalent of the Chinese Gestapo. It was the secret police that came and asked for the information.

I would hope that Americans have the unity among ourselves because we believe in these principles of justice and freedom and I hope that we have unity with people all over the world who are America's greatest allies because of these values. We are not allies with people who hold power because they are the toughest guys in their country. Our strength comes from holding an alliance with the people of those countries who believe in sharing these ideals.

What happened with Yahoo! in China is a clear example of what is in the antithesis of foreign policy, of our values which are at work in our foreign policy. We cannot continue to sanction and bolster anti-American values via corporations simply so multinational corporate titans can line their pockets with blood money.

So we look to Vietnam and when we look at Vietnam, I am paying attention to what my colleagues have to tell us, obviously we can do better and I want to have some specific suggestions of what we can do to make it real.

In 1995, President Clinton lifted the trade embargo against Vietnam and cleared the way for normalized trade relations, thereby granting a Communist regime the same trading status as a free country. President Bush and Congress have recently extended permanent normalization trade status to that Communist regime, and the United States is now the largest export market for goods made in Vietnam.

This is not a Democrat or Republican problem. This is an American problem. Both parties have not lived up to the ideals which we claim, and it will come back and hurt us if we continue along that line.

Now have these actions done what the advocates claim they will do, both in China and Vietnam? Well, I am looking forward to testimony today to find out if there has been an evolution toward more democracy in Vietnam because of this expansion of corporate contact with the Vietnamese leadership.

Human Rights Watch reported in 2001 that human rights in Vietnam had improved little to none despite the liberalization going on in their economy, including its incorporation into the World Trade Organization and the normalization of trade between the United States and Vietnam in that very same year.

Human rights violations include the suppression of freedom of speech, particularly those who advocate democracy, independent religious leaders and those affiliated with the press. Any criticism of the Communist Party of Vietnam is met by arrest of the offenders by Vietnamese security forces, and I am looking forward to hearing specific details on that for the record and what we should do about it.

Amnesty International recently reported that the Vietnamese lawyers, trade unionists, religious leaders and Internet dissidents have been detained or imprisoned in increasing number in recent months. Clearly, Mr. Chairman, American values are not being furthered when we do business with such a regime. Wishful think-

ing and a willful ignoring of human rights considerations may well put wads of money in the pockets of businessmen who consider themselves globalists, but it has nothing to do with the values of being an American citizen.

When we make the American people by not—we as our Government need to oversee what is going on over these corporate interests. We have been giving them the green light. We have been basically saying human rights don't count with our policies established here in Congress, the Most Favored Nation status or all the other ideas, World Trade Organization, all these other global concepts. We are giving the green light to these corporations to go in and do this. We need to talk about that and to see if that is exactly what is consistent with our values and in our interest. We should be doing better.

Americans are not citizens of the world, Americans are not globalists, Americans are Americans, if they believe in these values. Otherwise they shouldn't talk that way; they shouldn't claim to be part of our citizenry.

Thank you very much, Mr. Chairman, for your leadership, I am looking forward to the testimony.

Mr. DELAHUNT. Thank you, Mr. Rohrabacher.

And before I introduce our distinguished panel of colleagues, let me go to the gentleman from California who has been a leader and has over time been constant and steadfast in his concern about Vietnam and what has been occurring in that country, to see whether he wishes to make a brief statement.

Mr. ROYCE. Thank you, Mr. Chairman. I appreciate that very much. One hundred fifty years ago an Italian human rights activist made the observation that this was the only country in the world that had freedom, had democracy and individual liberty. And over time it has been a process of evolution. But unfortunately in Vietnam we have a situation where Human Rights Watch reports that we seemingly are taking a step backwards. They reported the worst human rights abuses in 20 years in Vietnam.

And for those taking the stand for freedom, political and religious freedom in Vietnam, they have been harshly struck down. In my district in Orange County, many Vietnamese students like to use the cyber cafes to communicate ideas to other students, to communicate current events and their thoughts. And yet today it is a 7-year sentence for many of those young Vietnamese students back in Vietnam who attempt to use the cyber cafe if they unwittingly begin a discussion of democracy.

So how should Congress respond? The House of Representatives has several times past the Vietnam Human Rights Act offered by Representative Smith, which I have worked on, that restricts aid and authorizes funding to promote human rights in Vietnam. And despite drawing strong House support on this bill in the past two Congresses it has stalled in the Senate. Senator Kerry has put a hold last session on this. Hopefully this Congress will be different, and part of my hope out of this hearing is that we generate enough enthusiasm for passage of human rights legislation that we can get through the Senate.

I want to go back to Radio Free Asia, a surrogate broadcasting service that acts as uncensored media in Vietnam. I authored legis-

lation in 1998 to expand these broadcasts, and they help Vietnamese understand developments in their own country, in the voice of their fellow citizens who frankly are the people who carry the message that they want to listen to.

So this objective news and information frankly undercuts the government's repression. We use it today to get information in, it is only 14 hours a week. Under the bill we will further expand that, and I think we should.

We should be protesting Vietnam's human rights abuses in our loudest voice. I have spoken with many Vietnamese dissidents. I met with the Venerable Thich Quang Do of the Unified Buddhist Church of Vietnam and Ly Quang Huyen of the Hoa Hao Buddhist Church. I will just share with you their observations. They are under house arrest. Ly Quang Huyen has been beaten. Their concern is that their own religious views are being changed by the Communist Party because the party is insisting on rewriting the sacred Buddhist text.

Now we will hear today some testimony about how Protestant churches are being registered in Vietnam. Just remember the largest church in Vietnam is the Unified Buddhist Church of Vietnam. And the reason it resists having the state register it is because it does not want to have to change the creed or change the tenets of the religion and have it rewritten by the government. The same is true of the Hoa Hao Buddhist church. And as for the Catholic church, I think we have got a picture here at the trial of Father Ly that we will just hold up for a minute that many who remember, a trial that took less than an hour. And he tried to speak up in his own defense. You can see in the photo how that was handled.

So the bottom line is the United States Ambassador of Vietnam has a unique role championing human rights, which frankly ambassadors were not always good at. We go back to Ambassador Pete Peterson during the Clinton administration. He said, "I don't hear anyone recording problems here." Vietnam by any standard has to be rated a success. Human Rights Watch told us it was absolutely untrue. That was said during a time when there weren't religious or political freedoms in Vietnam. And so today we have Ambassador Michael Michalak, who said when responding to what is your priority, the first is to continue to encourage the Government of Vietnam to make progress on human rights, including religious freedom, freedom of the press, freedom of expression.

Yes, absolutely this is where we need to put on the pressure. We have to use leverage on Vietnam in these negotiations. We have to beef up Radio Free Asia and we have got to be realistic in approaching Vietnam. They should be on the countries of particular concern list. Taking them off that list was a grave error. And we need our Ambassador to speak out boldly for human rights in Vietnam just as we should in the House and Senate by passing the Vietnam Human Rights Act.

Thank you again, Mr. Chairman.

Mr. DELAHUNT. Thank you, Mr. Royce. And now let me go to our distinguished panel. First let me introduce my colleague on the House Judiciary Committee, the chair of the Subcommittee on Immigration and Refugees and International Law, Zoe Lofgren. She is the chair of the California Democratic Congressional Delegation

and she is co-chair of the Congressional Caucus on Vietnam and has been an advocate for human rights in Vietnam. But I want to acknowledge that this hearing today was in large measure prompted by Ms. Lofgren who every time she saw me over on the Judiciary Committee reminded me that this was a priority for her and for Representative Sanchez and Representative Smith. So welcome, Zoe.

And next we have Congresswoman Loretta Sanchez, who is also from California. She sits on the Oversight and Investigations, Readiness and Military Personnel Subcommittees. She was selected by the House Speaker to serve as chairwoman of the Subcommittee of Border, Maritime, and Global Counterterrorism. She is a member of the Congressional Human Rights Caucus and is also a co-founder of the Congressional Caucus on Vietnam.

She visited Vietnam this past April, and I am sure she will report to us an incident that occurred that I believe every single Member of Congress ought to take cognizance of. She once again demonstrated her advocacy and courage on behalf of those who suffer in oppressed societies.

Last, but certainly not least is our colleague who serves on this full committee. He is a senior member and is currently a ranking member of the Commission on Security and Cooperation in Europe, as well as the committee's Africa and Global Health Subcommittee. He has long been a champion of human rights in Vietnam and everywhere else. He is also a member of numerous congressional caucuses, including the Congressional Caucus on Human Trafficking, where he has been a leader, the Congressional Caucus on Vietnam, where he has been a leader, and the Congressional Caucus on Human Rights, where he also has been a leader. He is well-known as a hero to those in the human rights community. Chris Smith, welcome.

Let's proceed with Congresswoman Lofgren.

STATEMENT OF THE HONORABLE ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. LOFGREN. Well, thank you, Chairman Delahunt, for your gracious introduction and for holding this important hearing on the deplorable human rights situation in Vietnam, and I thank you for this opportunity to testify before the subcommittee.

I have been a co-chair of the bipartisan congressional caucus for many years now, and despite what the current administration has said to the contrary, the human rights situation in Vietnam is now as bad or worse than it has been in previous years, as mentioned by some of you.

President Bush gave assurances to the Congress last year that the passage of the Normal Trade Relations with Vietnam Act would strengthen human rights. I voted against that along with 160 other Members of the House, which I think surprised the House leadership at the time. Unfortunately, the Vietnam Permanent Normal Trade Relations, although defeated the first time, was brought up again and passed. It was part of a large omnibus package.

It is ironic that at the time of these trade discussions one of my constituents who is here today and will testify later, American citizen Cong Thanh Do, was detained while vacationing in Vietnam with his family. Why? For writing pro-democracy articles on the Internet from his home in San Jose, California. He was detained without charges for more than a month. The administration was pressing to establish Permanent Normal Trade Relations with a country that was detaining one of our own for his free speech telling the truth while living in the United States.

Over the objection of many members, Congress approved the measure. And as we know, Vietnam joined the WTO in January. We have seen the consequences of these disastrous actions. We lost our leverage on human rights reform in Vietnam.

Vietnamese police in March of this year arrested a pair of human rights lawyers, Nguyen Van Dai and Le Thi Cong Nhan, for organizing training sessions for political activists in the capital. There are many other dissidents who have been in prison simply for expressing their thoughts and attempting to practice their faith freely and openly. Nguyen Van Dai has since been convicted of disseminating propaganda against the Socialist Republic of Vietnam and received a 5-year sentence. Le Thi Cong Nhan was sentenced to 4 years.

A particularly troubling case was that of Le Quoc Quan, who was arrested on March 8th, the day he returned from Vietnam from his congressionally sponsored National Endowment for Democracy fellowship in the United States. His arrest was not only a human rights violation, it was a calculated insult to America, specifically to the United States Congress. He was released days before Vietnamese President Triet met with President Bush.

On July 18th, peaceful land reform protesters assembled in Ho Chi Minh City to express their disappointment with the Vietnamese Government's policy of forced government land seizures. The Vietnamese responded to these peaceful protests with overwhelming force. Approximately 1,500 police were dispatched to break up a sit-in of 177 peasants. Reports indicated that approximately 30 peasants were severely injured through acts of violence by the police. I wrote to Vietnamese President Triet about this widely documented incident, and the response I received stated that, and here I quote, "the complainants willingly dispersed themselves and there was no overreaction by the police." I can't say I am surprised by the Vietnamese Government's response. This is just one in a series of lies and whitewashes.

Vietnam claims it has made significant progress in allowing more freedom of religion, but it is just not true. Despite new laws that purport to allow registration of congregations and churches and a flood of applications, few have been approved for legal operation and of course no real progress has been made.

The litany of human rights abuses by the Vietnamese are really too many to mention here. But the United States Commission on International Religious Freedom's report gives one an idea of the breadth of targets in the Vietnamese Government. According to the report, and I quote: "The Vietnamese government continues to remain suspicious of ethnic minority religious groups, such as Montagnard and Hmong Protestants and Khmer Buddhists; those

who seek to establish independent religious organizations, such as the UBCV [Unified Buddhist Church of Vietnam], Hao Hoa, and Cao Dai; and those it considers to pose a threat to national solidarity or security, such as 'Dega' Protestants and individual Mennonite, Catholic, Buddhist, and house church Protestant leaders." Who else do you get? It is all the religious and faithful.

I would ask unanimous consent to enter into the record the Vietnam section of the 2007 United States Commission on International Freedom report.

Mr. DELAHUNT. So ordered.

[The information referred to follows:]

EXCERPT FROM THE ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

VIETNAM

Since Vietnam was named a "country of particular concern" (CPC) in 2004, Vietnam and the United States have engaged diplomatically to address a number of religious freedom concerns. In the process, conditions for many religious communities have improved in some respects, as Vietnam has expanded the zone of permissible religious activity and issued new administrative ordinances and decrees that outlined registration procedures and outlawed forced renunciations of faith. In addition, Vietnam has also granted early release to specific prisoners whose cases were presented by the United States. These advances were cited by the State Department in November 2006 when it lifted the CPC designation.

The Commission has noted this progress in Vietnam, but has concluded that these improvements were insufficient to warrant lifting the CPC designation. This conclusion was reached because it was too soon to determine if legal protections would be permanent and whether such progress would last beyond Vietnam's accession to the World Trade Organization. In addition, the Commission's view was that lifting the CPC designation potentially removed a positive diplomatic tool that had proved to be an effective incentive to bilateral engagement on religious freedom and related human rights.

In the last year, there have been arrests and short-term detentions of individuals because of their religious activity. There were also reports of individuals threatened unless they renounced their religious affiliations, and new legal regulations were used, in some cases, to restrict religious freedom. Targeted in particular were religious leaders and individuals associated with ethnic minority Protestants, Hoa Hao Buddhists, Vietnamese Mennonites, Khmer Krom Buddhists, and monks and nuns of the government-banned Unified Buddhist Church of Vietnam (UBCV). In addition, since it joined the World Trade Organization (WTO), the government of Vietnam has initiated a crackdown on human rights defenders and advocates for the freedoms of speech, association, and assembly, including many religious leaders who previously were the leading advocates for religious freedom in Vietnam. Given the recent deterioration of human rights conditions in Vietnam and because of continued abuses of and restrictions on religious freedom, the Commission recommends that Vietnam be re-designated as a CPC in 2007.

Since November 2006, Vietnam has received a state visit from President Bush, was granted Permanent Normal Trade Relations (PNTR) with the United States, had the CPC designation lifted, and joined the WTO. However, since January 2007, Vietnam has carried out a wide-ranging crackdown on individuals associated with human rights, democracy, legal reform, labor, and free speech organizations. Among the first arrested were Fr. Nguyen Van Ly and lawyer Nguyen Van Dai, two well-known advocates for religious freedom and legal reform in Vietnam. Previously, Father Ly had been arrested in 2001 and sentenced to 15 years in prison after submitting written testimony to the Commission. After Father Ly was granted early release in 2005, he founded the Vietnam Progression Party, became an editor of "Freedom of Speech" magazine, and helped organize the Block 8406 democracy movement, which began in April 2006 when hundreds of people signed public petitions calling for greater democracy and human rights, including religious freedom, in Vietnam. On April 2, 2007, Fr. Ly and several associates were sentenced under Article 88 of Vietnamese criminal code for "propagandizing against the state." Fr. Ly received a sentence of eight years in prison and five years house arrest. Nguyen Van Dai, one of Vietnam's few human rights lawyers, was arrested in Hanoi in March 2007. Lawyer Dai defended individuals arrested for their religious activities; he is

also the co-founder of the Committee for Human Rights in Vietnam and one of the principal organizers of Block 8406. He is currently awaiting trial. Some of the public charges leveled against Fr. Ly and Lawyer Dai are related to their religious freedom activities. In *Family and Society* newspaper, Fr. Ly is described as "joining hands with black forces and reactionary elements to build a force under the cover of freedom of religion activities." In the online publication of the Ministry of Public Security entitled *Law and Order*, Dai is accused of collecting "evidence of Vietnam's religious persecution" to send to "enemy powers and overseas reactionaries." [1]

Religious leaders and religiously-motivated dissidents like Fr. Ly and Nguyen Van Dai have fought for religious freedom in Vietnam and have become leaders in the fight for legal reforms and human rights. The step from advocating for religious freedom to peacefully advocating for legal and political reforms and the freedoms of speech, assembly, and association was a small one for many of the leaders of Vietnam's dissident community. They contend that freedom of religion or belief is intimately connected to other human rights and that religious freedom cannot be fully protected without legal and some political reform. Vietnam's recent wave of harassments, arrests, and criminal prosecutions are a direct challenge to the positive trajectory of U.S.-Vietnamese relations. They also endanger all of Vietnam's human rights advocates and call into question the Vietnamese government's commitment to protect and advance religious freedom over the long term.

In the 18 months leading to President Bush's visit in November 2006, however, Vietnam made progress in addressing some of the longstanding religious freedom concerns. In May 2005, the State Department announced it had reached an agreement with Vietnam on benchmarks to demonstrate an improvement in religious freedom conditions. Under the agreement, the Vietnamese government committed to: 1) implement fully the new legislation on religious freedom and render previous contradictory regulations obsolete; 2) instruct local authorities strictly and completely to adhere to the new legislation and ensure compliance; 3) facilitate the process by which religious congregations can open houses of worship; and 4) give special consideration to prisoners and cases of concern raised by the United States during the granting of prisoner amnesties. The U.S. government agreed to consider taking Vietnam off the CPC list if these conditions were met.

Following the signing of the agreement, the United States and Vietnam held productive diplomatic discussions leading to noticeable improvements in law and practice for many Vietnamese religious groups and a decline in the overall number and frequency of forced renunciations of faith, imprisonments, and torture. Vietnamese Catholics and Buddhists associated with the government-sanctioned Vietnamese Buddhist Sangha (VBS) report that they experience few restrictions in conducting worship activities and the number of religious adherents of these communities continues to grow. The government has also gradually eased restrictions on the Catholic Church. In the past year, the government approved a new bishop for the newly created Ba Ria Vung Tau Diocese, allowed additional priests to be ordained, approved the establishment of a new seminary, and permitted several local dioceses to conduct religious education classes for minors and some charitable activities. In addition, Hanoi continues to discuss with the Holy See conditions for the normalization of relations, discussions that included a meeting between Pope Benedict XVI and Prime Minister Nguyen Tan Dung at the Vatican and a corresponding visit of a high-level Vatican delegation to Vietnam in February 2007.

Vietnam also issued several decrees and ordinances that outlawed forced recantations of religion and provided new guidelines to help ease the process of registration. Over the past year, the government has extended some form of legal recognition or permission to a diverse and growing number of religious communities and individual congregations, including the United Christian Mission Church of Danang, the Baha'is, Seventh-Day Adventists, and individual churches in Ho Chi Minh City, including Grace Baptist, the Mennonite Church of Pastor Nguyen Trung, and a reported 91 individual "house churches." The government has also allowed hundreds of previously closed churches and meeting points to open and operate in the Central Highlands and northwest provinces, though only an estimated 25 percent of these churches have gained some form of legal recognition or permission to operate. Religious leaders from Protestants groups in urban areas report that disruptions of their activities occur less frequently than in the past and they are allowed to conduct some large-scale meetings and religious education classes. The gov-

[1] Other human rights advocates who have been temporarily detained, interrogated, beaten, arrested, or had warrants issued for their arrest since January 2007 include Fr. Chun Tin and Fr Phan Van Loi, Mennonite Pastors Nguyen Quang, Nguyen Cong Chinh, and Tran Van Hoa, Catholic seminary professor Nguyen Chinh Ket, and lawyers Li Thi Cong Nhan and Le Quoc Quan.

ernment has also granted, for the first time, permission to print Bibles in two ethnic minority languages. In addition, Vietnam continued to grant early release of individuals incarcerated for their religious activities, including Brother Nguyen Thien Phung, a member of the order of Mother Co-Redemptrix, Ma Van Bay, a leader of the Hmong Protestant community, and Y' Oal Nie, a Protestant leader of the Ede ethnic minority. Finally, the Committee on Religious Affairs (CRA), the government organization that oversees the regulation of religious affairs, has held at least three meetings to explain the new laws to religious leaders, and there are some reports of training for local CRA officials as well. These are important and positive steps, and most were taken in the months immediately preceding Vietnam's WTO accession.

Despite these positive developments and a corresponding decline in the intensity of religious freedom abuses in Vietnam, the government continues to maintain overall control of religious organizations and restricts their activities and growth through a pervasive security apparatus and the process of recognition and registration. Unregistered religious activity is illegal and legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors.

The Vietnamese government continues to remain suspicious of ethnic minority religious groups, such as Montagnard and Hmong Protestants and Khmer Buddhists; those who seek to establish independent religious organizations, such as the UBCV, Hao Hoa, and Cao Dai; and those it considers to pose a threat to national solidarity or security, such as "Dega" Protestants and individual Mennonite, Catholic, Buddhist, and house church Protestant leaders. In addition, Vietnam's new ordinances and decrees on religion continue to require that religious groups seek advance permission for most religious activity and ban any religious activity deemed to cause public disorder or "sow divisions." In some cases, the new laws are being used to restrict, rather than promote, religious freedom.

In the past year, Vietnamese security forces detained, interrogated, arrested, imprisoned, beat, harassed, or threatened adherents from many of Vietnam's diverse religious communities. In January 2007, security forces briefly detained the congregation and tore down part of the church structure of Pastor Nguyen Quang in Ho Chi Minh City. Pastor Quang had previously been arrested in 2004, along with five other members of his congregation. In February 2007, security forces reportedly beat Mennonite pastor Nguyen Cong Chinh in Kontum. In June and July 2006, police beat two men and two women from an unregistered Protestant church in Thanh Hoa Province, after a dispute erupted over the home used by the congregation as a place of worship. There are reports that security officials were punished for the June incident, although another member of the Thanh Hoa congregation was beaten in October 2006 when he refused police orders to leave a prayer meeting. In September 2006, Protestant pastor Tran Van Hoa was arrested and detained for two weeks. In addition, security officials closed down Christmas celebration services in a Baptist church in Haiphong, Bac Giang province. In Quang Ngai province, security officials reportedly told ethnic Hre Protestants that "unless they behave," their churches would be destroyed and leaders arrested "once APEC [the Asia-Pacific Economic Cooperation summit meeting] is over." In June 2005, police detained 17 ethnic Hre Protestants. When community members refused to cease their religious activities, their homes and rice fields were burned and land confiscated.

Relations between ethnic minority residents and government officials in the Central Highlands remain tense and there continue to be reports of a large and intrusive security presence in the region. In 2001 and 2004, over 45,000 people demonstrated for religious freedom and land rights in Gai Lai, Dak Lak, and Dak Nong provinces. Numerous eyewitnesses report that the 2004 demonstrations were disrupted by attacks on protestors by security forces and hired proxies. There are credible reports of severe violence occurring in Dak Lak province, including the deaths of at least 10 demonstrators. No public investigation or accounting of police action during the 2001 and 2004 demonstrations has occurred. Since the demonstrations, however, Vietnamese officials imprisoned those believed to have organized the protests, as well as others suspected of taking part, or those who sought asylum in Cambodia. Vietnamese security officials have also pursued Montagnards into Cambodia to stop the flow of asylum seekers. Montagnard villages and communes remain under tight control, and no international observer has been allowed unobstructed access to the region, though diplomats have occasionally visited.

However, in the last year, the Vietnamese government has relaxed some restrictions on ethnic minority Protestants associated with the Evangelical Church of Vietnam, South (SECV), particularly in Gai Lai province. The government has allowed a reported 80 churches in the Central Highlands to register legally with the SECV. Several hundred more have been given *de facto* or official permission to operate. Re-

ligious leaders in the Central Highlands claim that nearly 800 of the 1,250 churches and meeting points closed since 2001 have been re-opened. However, outside of Gai Lai province, there remain severe restrictions on the activities of religious groups and believers. In the last year, Human Rights Watch (HRW) conducted extensive interviews with Montagnard Protestants and concluded that they face severe restrictions on religious practice and association. Most repression targeted Protestants who refused to join the SECV or those suspected of affiliating with the banned *Tin Lanh Dega* (Dega Protestant Church).

The Vietnamese government has forcibly repressed remnants of the *Tin Lahn Dega*, which it views as a subversive institution combining religion and advocacy of political autonomy. A recent study commissioned by the UN High Commissioner for Refugees found that few self-identified adherents of *Tin Lanh Dega* sought any type of political autonomy. Most sought "enhancement of their human rights position" and the "need to gather in independent *Tin Lahn Dega* church communities" separate from what they viewed as the Vietnamese-led SECV. Even those *Tin Lanh Dega* leaders who expressed a desire for greater political autonomy sought to advance this position peacefully.

Nevertheless, to suppress *Tin Lanh Dega* activity or sympathy with the group, security officials in Dak Nong, Dak Lak, and parts of Gai Lai and Kontum provinces have engaged in severe violations of religious freedom and related human rights. HRW found that police do not allow people to gather for worship, often live in the homes of known religious leaders, constantly monitor and interrogate religious leaders, and arrest and detain those found meeting clandestinely for prayer. In addition, police also use a variety of methods to "refer" suspected Dega Protestants to join the SECV. In February and March 2006, police in Gai Lai province reportedly detained individuals from several *Tin Lahn Dega* congregations in an attempt to force them to join the government-approved religious organization. Police asked those detained whether they would remain "political" or whether they would follow the "Christianity of [the Prime Minister]." Those who refused to cease their religious activity were beaten and later released. Others were pressured to sign pledges agreeing to "abandon Christianity and politics."

Only isolated cases of forced renunciations have occurred in the Central Highland since the practice was outlawed in a February 2005 decree. However, the practice still occurs in places and has taken on different forms. In September 2006, a pastor in Dak Nong province reported that the deputy chairman of Dak Mil District accused him and his church of "anti-government activities" for not participating in required Sunday buffalo sacrifices. There were other instances of fines, police "summons," short-term detentions, or threats of withholding government benefits used to induce individuals to abandon their religion, including 30 ethnic minority Protestants in Coastal Ninh Thuan Province.

Over the past year, even members of the government-approved SECV have been subjected to arrest, beatings, and other restrictions. According to the State Department, "onethird" of the SECV churches in Dak Lak Province that were closed in 2001 face severe restrictions on their activities. Police regularly prevent people from gathering and break up meetings, halting religious activity in as many as 100 congregations. In Say Thay, Kontum province, district officials told visiting State Department diplomats that "no religion" existed in the area and refused to provide details about the alleged beatings of two ethnic minority Dzao Protestants leaders. In July 2006, police in Dak Nong province arrested and reportedly mistreated 10 ethnic minority M'Nong Protestants and accused them of "participating in American Protestantism" and "anti-government activities." Six were detained for between three and six months. At this time, four remain incarcerated pursuant to vague national security and national solidarity provisions of the legal code. Religious leaders from Dak Nong report that most of those arrested were young people holding unauthorized prayer meetings outside of a recognized religious venue and for possessing cell phones. Since November 2006, religious leaders in the Central Highlands have reported that progress made in the previous year has stalled, new legal registrations and recognitions have stopped, officials are refusing to approve building permits, and the authorities have not renewed permission to hold additional theology classes.

Hmong Protestants in the northwest provinces continue to experience restrictions and abuses. Since 2001, the government has conducted campaigns of harassment, detentions, beatings, monitoring, and forced renunciations of faith among Hmong Protestants, including in the 2002–2003 beating death of at least two pastors and the forcing underground of hundreds of churches and meetings points. The Vietnamese government has long connected the growth of Hmong Protestantism with the "receive the king" tradition of Hmong culture. This tradition was interpreted as a harbinger of political secession, requiring a security response from the government.

Leaders from the Evangelical Church of Vietnam, North (ECVN) reported to the Commission in April 2006 that police continue to beat and threaten Hmong Protestants in Dien Bien Province in order to get them to renounce Christianity. This is consistent with reports that police have forced Hmong Protestants to take part in self-criticism sessions or sign written renunciation pledges. For example, in May 2005, police in Dien Bien province issued at least 21 "re-education" summons to local Hmong Protestants. At the time, religious believers were threatened with beatings, loss of government services, or fines if they did not give up their religious beliefs. Also in Muong Lay district, Dien Bien province, police forced several Protestants to construct traditional animistic altars in their homes and to sign documents renouncing Protestantism. In Ha Giang province in November 2005, police forced an ethnic minority Protestant pastor to sign a pledge to renounce his faith and cease religious activities after his congregation sought to register legally with the government approved ECVN. At the same time, four Hmong Protestants in Hoang Su Phi district, Ha Giang province were pressured unsuccessfully by border guards to sign documents renouncing their faith.

In January 2007, security officials threatened to freeze the bank account of a Protestant leader in Muong Khong district, Dien Bien province unless he either left the district or renounced his faith. In some of the cases just mentioned, Hmong Protestants are refusing to abandon their religious traditions or are ignoring threats and fines. There are no reports, however, that security officials are being punished for these actions, which have been illegal since the February 2005 decree prohibiting forced renunciation of faith.

Hmong Protestants have also been harassed and detained for carrying Protestant literature and training materials and for providing researchers with information about religious freedom conditions. In Muon Nhe district, Dien Bien province, a "house church deacon" was detained after he returned from Hanoi carrying church documents and applications for registration. Since that time, there are reports that a special task force of security personnel has been living in the district to monitor activities of Hmong Protestants there. Two Protestant leaders from Lao Cai province were detained for two weeks and fined because they traveled to Hanoi to acquire registration applications forms from ECVN leaders. In January 2007, four Protestants from Tuyen Quang province were arrested for transporting 115 Christian books and training materials. They were released after a week and fined $1,000 (approximately five years' wages). Police have threatened to charge the village chief of Muong Nhe district, Dien Bien province, with national security crimes for sending to researchers documents about government attempts to "prohibit Christian practice" in the northwest provinces. In 2002—2004, police in Dien Bien province beat to death Protestant leader Mu Bua Sehn, imprisoned his brother Mua Say So, for seeking to bring those responsible to account, and severely beat elder Lau Vang Mua for continuing to conduct religious activities in the district despite their orders to stop. Mua left Vietnam for Laos with 19 Protestant families. In December 2006, Vietnamese police arrested Mua and his brother in Laos and took them back to Dien Bien province. Mua's brother was released, but there remains no word on the conditions or charges Mua faces.

The Vietnamese government is beginning to allow Hmong Protestants to organize and, according to the State Department, conduct religious activity in homes and "during the daytime." In the last year, the government has given an estimated 30 churches official permission to conduct religious activity as a pilot project. An estimated 1,000 other religious communities in the northwest provinces are seeking affiliation with the ECVN. At this time, 532 religious venues have applied for registration. Though required by law to respond to such application in a timely manner, Vietnamese government officials have denied or ignored all of these applications. ECVN officials were told that they should not expect approval of new registration applications this year.

ECVN leaders who have visited those churches given legal permission to operate are concerned about the way local authorities are interpreting the new laws on religion. In a survey of current conditions, Hmong religious leaders report that security officials regularly attend religious services and check church membership lists and force anyone not on the list to leave. In some locations, security officials reportedly bar anyone under the age of 14 from attending services, ban mid-week meetings and programs for children and young people, and have insisted that religious leaders be chosen under their supervision. Such restrictions may be directly related to a handbook published by the Committee on Religious Affairs in Hanoi to train local officials how to manage religious affairs. Though the handbook recognizes that "some" Hmong have a "genuine need" for religion, it instructs officials to manage tightly religious communities and to restrict their growth. The most troubling aspect of the handbook is its advisory that officials take active measures to "resolutely subdue"

new religious growth, to "mobilize and persuade" new converts to return to their traditional Hmong religions, and to be vigilant against anyone who "abuses religion" to undermine "the revolution." On the one hand, the handbook is important because it finally recognizes the legitimacy of some Hmong Protestant religious activity. However, it also indicates that the Vietnamese government will continue strictly to control and manage religious growth, label anyone who seeks to propagate Protestantism in the northwest provinces as a national security threat, and use unspecified tactics to get new converts to renounce Protestantism. In this case, the government is using law to restrict rather than protect religious freedom.

Significant pressure remains on leaders, monks, and nuns associated with the UBCV. UBCV leaders Thich Quang Do and Thich Huyen Quang are still restricted in their contacts and movement. Western diplomats and high-level Vietnamese officials have met with both leaders in the last year, and Thich Huyen Quang was allowed to seek needed medical treatment. However, at least 11 other senior UBCV monks remain under some form of administration probation or "pagoda arrest." Charges issued in October 2004 against UBCV leaders for "possessing state secrets" have not been rescinded. Repression of the UBCV is not entirely focused on its leadership, but also on local attempts to organize "provincial committees" and the "UBCV Buddhist Youth Movement." Police reportedly detain and interrogate monks suspected of organizing these activities in Quang Nam-Danang, Thua Thien-Hue, Binh Dinh, Dong Nai, and Bac Lieu provinces. In August and September 2005, monks were detained in these provinces and ordered to withdraw their names from the committees and cease all connections with the UBCV. In the last year, police have briefly detained monks attending a youth conference in Hue and have subjected the organizers of the conference to constant interrogations and harassment. There are reports that the UBCV's national youth leader, Le Cong Cau, is being held in virtual house arrest. Former religious prisoner Thich Thien Minh continues to face constant harassment and local officials in March 2007 reportedly tore down the pagoda in which he was living. The next day he was presented with a "police order" accusing him of "activities opposing the Socialist Republic of Vietnam." In addition, Thich Thien Minh was ordered to renounce his position as UBCV Youth Commissioner, cease all contacts with the outlawed UBCV leadership and disband operation of the Former Political and Religious Prisoners Association which the authorities consider an "illegal organization."

Vietnamese authorities continue to threaten and detain monks, adherents of UBCV affiliated monasteries, and others seeking to meet UBCV leaders. In December 2005, reports emerged that UBCV nun Thich Nu Thong Man was subject to a "denunciation campaign" and expulsion order by provincial authorities in Khanh Hoa province. Police threatened local villagers with the loss of jobs and government services unless they publicly denounced the nun and asked provincial authorities to have her expelled from the local monastery. In January 2007, security officials from Binh Dinh province issued orders prohibiting future religious gatherings at the Thap Thap Monastery, reportedly threatening that local Buddhists would lose their jobs or their children expelled from school if they did not obey. In March 2007, police detained Therese Jebsen of the Norwegian Rafto Foundation as she tried to visit Thich Quang Do to present him with the foundation's annual award.

Buddhists throughout Vietnam have become increasingly vocal about past and current religious freedom abuses. Since 2003, local Buddhists in Bac Gian province issued multiple petitions to protest the arrest and torture of eight Buddhists, including the beating death of monk Thich Duc Chinh. In July 2006, an appeals court ordered the temporary release of the eight citing the "lack of evidence" against them. Nonetheless, 50 monks and nuns from the government-recognized VBS demonstrated for their complete acquittal and to demand that those responsible for the monk's death be held accountable. In Soc Triang province, there are also multiple reports of large scale demonstrations against the defrocking and arrest of several ethnic Khmer Buddhist monks. The monks who were arrested reportedly conducted their own peaceful protest over longstanding restrictions placed on the religious, cultural, and language traditions of the Khmer ethnic minority. In response, police have expanded arrests, harassment, and restrictions on Khmer Buddhist religious activity. As Theravada Buddhists, the Khmer have distinct ethnic and religious traditions from the dominant Mahayana tradition of the VBS. Some Khmer Buddhists have called for a separate religious organization from the VBS. The situation of the Khmer Buddhist will require additional monitoring, as information from that remote region is difficult to confirm.

U.S. Ambassador Michael Marine stated in September 2006 that there are "no longer any prisoners of concern" in Vietnam. Yet, at least 10 Hoa Hao followers remain in prison, in part for their role in organizing protests over the government's harassment of their fellowship in An Giang province and also over the arrest of

monk Vo Van Thanh Liem, who was arrested partly for submitting written statements to a U.S. congressional hearing on human rights in Vietnam. The Vietnamese government continues to ban participation in unregistered Hoa Hao groups, many of whom refuse to join the officially-approved organization because of the government's role in selecting the leadership of that organization. Also incarcerated are Hmong Protestants Mua Say So, Lau Vang Mua, Cao Dai Hong Thien Hanh, and Hoa Hao Bui Tan Nha. There are also at least four ethnic M'Nong Protestants incarcerated in Dak Nong province. In addition, according to the State Department, Vietnam continues to hold at least 13 individuals under house arrest, including the UBCV leadership and Fr. Phan Van Loi of Hue.

In addition to more recent cases, there remain credible reports of religious leaders and individuals being held in long-term detention and re-education camps. In May 2006, UBCV monk Thich Thien Minh published a list of 62 "prisoners of conscience" held at the Z30A reeducation camp in Xuan Loc, Dong Nai province. Religious prisoners on his list include Roman Catholic priests, a Buddhist monk, and several Hoa Hao Buddhists. Also, Nguyen Khac Toan, sentenced to 12 years in prison in 2002 for his advocacy of Internet and speech freedoms, stated that in the prison where he was held were "225 ethnic Protestant Montagnards," including several minors. Toan's testimony confirms HRW's well-documented prisoner list, which includes 355 ethnic Montagnards. The number of Montagnard Protestants currently remaining in prisons is a significant ongoing religious freedom concern. Most arrests stem from participation in the 2001 and 2004 peaceful demonstrations for land rights and religious freedom, for alleged connection to outside groups with political aspirations, for organizing refugee flights to Cambodia, or for affiliation with the banned *Tin Lahn Dega*. Because of tight security and government secrecy, it is difficult to determine whether any or all Montagnards on these lists are imprisoned for their religious practice or affiliation. However, an official in the SECV has compiled a list of 153 prisoners who, he claims, are innocent religious leaders arrested for alleged sympathy with *Tin Lanh Dega* or because they failed to turn in members of their congregations who participated in the 2001 and 2004 demonstrations.

Commissioners and staff have traveled to Vietnam and met with Vietnamese government officials and religious leaders. In addition, the Commission has met with officials in the U.S. government, Members of Congress, the Acting UN High Commissioner for Refugees (UNHCR), and congressional staff about current U.S. policy toward Vietnam and the Commission's policy recommendations.

In March 2006, Commission Vice Chair Michael Cromartie testified before the House International Relations Subcommittee on Africa, Human Rights and International Organizations at a hearing entitled "Vietnam: The Human Rights Dialogue with Vietnam: Is Vietnam Making Significant Progress?" In June 2005, Commission Vice Chair Nina Shea testified before the House International Relations Committee hearing entitled "Human Rights in Vietnam." Shea discussed Vietnam's record on religious freedom and related human rights, the provisions of the May 2005 agreement on religious freedom, as well as the Commission's recommendations for U.S. policy. In July 2005, then-Commission Chair Cromartie testified at a joint Congressional Caucus on Vietnam and Congressional Human Rights Caucus hearing on Vietnam entitled, "The Ongoing Religious Freedom Violations in Vietnam."

In the past year, the Commission has also issued statements about the State Department's lifting of the CPC designation and the arrest of Fr. Nguyen Van Ly and Nguyen Van Dai and other human rights advocates. All of the Commission's statements on Vietnam can be found on the Commission's Web site.

In addition to its recommendation that Vietnam continue to be named a CPC, the Commission recommended that the U.S. government should:

- Work to implement fully the Montagnard Development Program (MDP) created last year as part of the House and Senate Foreign Operations conference report. The MDP should provide targeted humanitarian and development funds to ethnic minorities whose demands for land rights and religious freedom are closely connected. This program is consistent with Vietnam's own stated goals of reducing poverty in the Central Highlands and northwest provinces and with the need for reform, transparency, and access to regions where many religious freedom abuses continue to occur.
- Re-allocate foreign assistance funds that formerly supported the STAR (Support for Trade Acceleration Program) to new projects in human rights training, civil society capacity building, non-commercial rule of law programs in Vietnam, education programs for minors and young adults, and exchange programs between the Vietnamese National Assembly and the U.S. Congress. The Commission suggests the funds go to the creation of the Promoting Equal Rights and the Rule of Law (PEARL) program.

Previously, the Commission has urged the U.S. government to make clear to the government of Vietnam that ending violations of religious freedom is essential to the continued expansion of U.S.-Vietnam relations, urging the Vietnamese government to meet certain benchmarks consistent with international religious freedom standards including:

- establishing a non-discriminatory legal framework for religious groups to engage in peaceful religious activities protected by international law without requiring groups to affiliate with any one officially registered religious organization; for example:
  - — allow the Unified Buddhist Church of Vietnam and Khmer Buddhists to legally operate independently of the official Buddhist organization, the Vietnam Buddhist Sangha;
  - — allow leaders chosen by all Hoa Hao adherents to participate in the Executive Board of the Hoa Hao Administrative Council or allow a separate Hoa Hao organization to organize and register as the Hoa Hao Central Buddhist Church with the same privileges as the Administrative Council;
  - — allow Presbyterian, Assembly of God, Baptist, Mennonite, Jehovah's Witness, and any other Christian denominations that do not wish to join either the Southern Evangelical Church or the Northern Evangelical Church of Vietnam, to register independently; and
  - — allow Cao Dai leaders opposed to the Cao Dai Management Council to form and register a separate Cao Dai organization with management over its own affairs;
- amending the 2004 Ordinance on Religious Beliefs and Religious Organizations, Decree 22, and the "Prime Minister's Instructions on Protestantism" and other domestic legislation so that it does not restrict the exercise of religious freedom and conforms to international standards for protecting the freedom of thought, conscience, and religion or belief;
- establishing a legal framework that allows for religious groups to organize and engage in humanitarian, medical, educational, and charitable work;
- enforcing the provisions in the Prime Minister's "Instructions on Protestantism" that outlaw forced renunciations of faith, and establish in the Vietnamese Criminal Code, specific penalties for anyone who carries out such practices;
- repealing those ordinances and decrees that empower local Security Police to detain citizens in administrative detention for vague national security or national solidarity offenses, including Ordinance 44, Decree 38/CP, and Decree 56/CP;
- setting up a national commission of religious groups, government officials, and independent, non-governmental observers to find equitable solutions on returning confiscated properties to religious groups;
- releasing or commuting the sentences of all those imprisoned or detained on account of their peaceful advocacy of religious freedom and related human rights including, among others, UBCV Patriarch Thich Huyen Quang, Thich Quang Do, 13 UBCV leaders detained since the 2003 crackdown, members of ethnic minorities in the Central Highlands and northwest provinces, Hoa Hao followers arrested in July 2005, and Fr. Ly, Nguyen Van Dai, and others arrested since January, 11 2007;
- re-opening all of the churches, meeting points, and home worship sites closed after 2001 in the Central Highlands and northwest provinces;
- investigating and publicly reporting on the beating deaths of Hmong Protestant leaders Mua Bua Senh and Vang Seo Giao, and prosecuting anyone found responsible for these deaths;
- allowing ethnic minorities in the Central Highlands safely to seek asylum in Cambodia and continue to allow representatives of the UN High Commissioner for Refugees (UNCHR) and other appropriate international organizations unimpeded access to the Central Highlands in order voluntarily to monitor repatriated Montagnards consistent with the Memorandum of Understanding (MoU) signed on January 25, 2005 between the UNHCR, Cambodia, and Vietnam, and provide unhindered access for diplomats, journalists, and non-governmental organizations (NGOs) to members of all religious communities in Vietnam, particularly those in the Central Highlands and the northwestern provinces; and

- halting incursions into Laos and Cambodia by the Vietnamese military and police in pursuit those seeking asylum because of abuses of and restrictions on their religious freedom.

The Commission has also recommended that religious freedom in Vietnam be both protected and promoted through expanded foreign assistance programs in public diplomacy, economic development, education, good governance, and the rule of law; including by:

- expanding funding for additional Voice of America (VOA) and Radio Free Asia (RFA) programming for Vietnam and to overcome the jamming of VOA and RFA broadcasts;
- working to improve the capacity and skills of Vietnamese civil society organizations, including medical, educational, development, relief, youth, and charitable organizations run by religious organizations;
- targeting some of the Fulbright Program grants to individuals and scholars whose work promotes understanding of religious freedom and related human rights;
- requiring the Vietnam Educational Foundation, which offers scholarships to Vietnamese high school-age students to attend college in the United States, to give preferences to youth from ethnic minority group areas (Montagnard and Hmong), from minority religious communities (Cao Dai, Hoa Hao, Catholic, Protestant, Cham Islamic, and Kmer Krom), or former novice monks associated with the Unified Buddhist Church of Vietnam and Khmer Krom Buddhists;
- providing grants to educational NGOs to bring Vietnamese high school students to the United States for one year of study, prioritizing minority groups and communities experiencing significant poverty and human rights abuses;
- creating new exchange programs between the Vietnamese National Assembly and its staff and the U.S. Congress;
- working with international corporations seeking new investment in Vietnam to promote international human rights standards in Vietnam and find ways their corporate presence can help promote and protect religious freedom and related human rights; and
- expanding existing rule of law programs to include regular exchanges between international experts on religion and law and appropriate representatives from the Vietnamese government, academia, and religious communities to discuss the impact of Vietnam's laws and decrees on religious freedom and other human rights, to train public security forces on these issues, and to discuss ways to incorporate international standards of human rights in Vietnamese laws and regulations.

In addition, the U.S. Congress should appropriate additional funds for the State Department's Human Rights and Democracy Fund for new technical assistance and religious freedom programming. Funding should be commensurate with new and ongoing programs for Vietnamese workers, women, and rule of law training.

Ms. LOFGREN. With all the human rights problems in Vietnam, the question we as policymakers ask is, "What can we do to help?" The United States has the power to influence Vietnam on these important human rights issues through the use of our many diplomatic and economic tools, but the President and Congress need to have the political will and moral courage to use them.

When the U.S. Commission on International Religious Freedom issued its yearly report on the status of religious freedoms in countries around the world, the commission made the same recommendation last year: Vietnam should be placed on the State Department's list of Countries of Particular Concern, because of the government's repression of many religious believers. And I believe it was a mistake, as my colleague from California has mentioned, for the administration to take Vietnam off the list.

I have written letters to the President and to Secretary Rice urging the administration to follow the recommendation at the U.S.

Commission, redesignate the country a Country of Particular Concern. If they do not, perhaps we ought to legislate that.

I believe the U.S. Ambassador should provide financial support to the loved ones of the political detainees, using the Human Rights Defender's Fund. The wives of these prisoners are left without any financial support, and the United States has a moral commitment not just to the peaceful pro-human rights dissidents who have been imprisoned unjustly, we have a moral obligation to relieve the financial burden that these arrests cause to the families of these brave defenders of freedom.

Trade, as I mentioned, is perhaps the best leverage that we have. I don't believe that Congress and the President should have granted PNTR to Vietnam without securing further progress on human rights. And to correct that, I have introduced H. Res. 506, which states that we should remove Permanent Normal Trade Relation status with Vietnam unless all political and religious prisoners are released, and significant and immediate human rights reforms are made by the Government of Vietnam.

In closing, until the thugs in the Vietnamese Government make real progress on human rights, I will continue to urge Congress and press this administration to stand up for the rights of the Vietnamese people to speak their minds and to practice their faith. And I thank you, Mr. Chairman, for your indulgence of letting me go over the 5 minutes. Thank you.

[The prepared statement of Ms. Lofgren follows:]

PREPARED STATEMENT OF THE HONORABLE ZOE LOFGREN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Thank you, Chairman Delahunt, for holding this important hearing on the deplorable human rights situation in Vietnam, and I thank you for this opportunity to testify before your subcommittee.

I have been a co-chair of the bipartisan Congressional Caucus on Vietnam for many years now. Despite what the current administration has said to the contrary, the human rights situation in the Socialist Republic of Vietnam is now as bad or worse than it has been in previous years.

President Bush gave assurances to Congress last year that the passage of Permanent Normal Trade Relations with Vietnam would strengthen human rights. I, and 160 other members of Congress, opposed this bill. Our opposition surprised the Republican House leadership at the time, and Vietnam Permanent Normal Trade Relations was defeated the first time it came up. Unfortunately, it was brought up again and passed as part of a large omnibus package.

Ironically, at the time of these trade discussions, one of my constituents, American citizen Cong Thanh Do, was detained while vacationing in Vietnam with his family for writing pro-democracy articles on the internet from his home in San Jose, California. He was detained without charges for more than a month. The Administration was pressing to establish Permanent Normal Trade Relations with a country that was detaining one of its own for his free speech telling the truth while in the United States.

Over the objection of many members, Congress approved Permanent Normal Trade Relations with Vietnam, and Vietnam subsequently joined the World Trade Organization in January. We have seen the disastrous consequences of these actions. We lost our leverage for human rights reform in Vietnam.

Vietnamese police, on March 6, 2007, arrested a pair of human-rights lawyers, Nguyen Van Dai and Le Thi Cong Nhan, for organizing training sessions for political activists in the capital. There are many other dissidents who have been imprisoned simply for expressing their thoughts and attempting to practice their faith freely and openly. Nguyen Van Dai has since been convicted of disseminating propaganda against the Socialist Republic of Vietnam, and received a five-year sentence. Le Thi Cong Nhan was sentenced to four years.

A particularly troubling case was that of Le Quoc Quan, who was arrested on March 8th, the day he returned to Vietnam from his congressionally sponsored Na-

tional Endowment for Democracy fellowship in the United States. His arrest was not only a human rights violation, it was a calculated insult to America and specifically to the United States Congress. He was released days before Vietnamese President Triet met with President Bush.

On July 18th, peaceful land reform protestors assembled in Ho Chi Minh City to express their disappointment with the Vietnamese government's policy of forced government land seizures. The Vietnamese responded to these peaceful protests with overwhelming force. Approximately 1,500 Vietnamese police were dispatched to break up a sit-in of 1,700 peasants. Reports indicated that approximately 30 peasants were severely injured through acts of violence by the police. I wrote to Vietnamese President Triet about this widely documented incident, and the response I received stated that "The complainants willingly dispersed themselves and there was no arrest or overreaction by the police." I can't say I'm surprised by the Vietnamese government's response. This is just one in a series of lies and whitewashes.

Vietnam claims it has made significant progress in allowing more freedom of religion, but this is simply untrue. Despite new laws that purport to allow registration of congregations and churches and a flood of applications, very few have been approved for legal operation. No real progress has been made.

The litany of human rights abuses by the Vietnamese are too many to mention here, but the United States Commission on International Religious Freedom's report gives one an idea of the breadth of targets of the Vietnamese government. According to the report, "The Vietnamese government continues to remain suspicious of ethnic minority religious groups, such as Montagnard and Hmong Protestants and Khmer Buddhists; those who seek to establish independent religious organizations, such as the Unified Buddhist Church of Vietnam, Hao Hoa, and Cao Dai; and those it considers to pose a threat to national solidarity or security, such as 'Dega' Protestants and individual Mennonite, Catholic, Buddhist, and house church Protestant leaders." I ask unanimous consent to enter into the record the Vietnam section of the 2007 United States Commission on International Religious Freedom report.

With all of the human rights problems in Vietnam, the question we must ask as policy makers is, "What can we do to help?" The United States has the power to influence Vietnam on these important human rights issues through the use of our many diplomatic and economic tools, but the president and Congress need to have the political will and moral courage to use them.

When the United States Commission on International Religious Freedom issued its yearly report on the status of religious freedoms in countries around the world, the commission made the same recommendation last year: Vietnam should be placed on the State Department's list of Countries of Particular Concern because of government repression of many religious believers. I believe it was a mistake for the Bush administration to take Vietnam off the list last fall. I have written letters to the president and Secretary Rice urging the administration to follow the recommendation of the U.S. Commission on International Religious Freedom and redesignate Vietnam a Country of Particular Concern.

I believe the U.S. Ambassador to Vietnam, Michael Michalak, should provide financial support to the loved ones of the political detainees, using the Human Rights Defender's fund. The wives of many of these political prisoners are left without any financial support. The United States has a moral commitment not just to the peaceful pro-human rights dissidents who have been imprisoned unjustly; we have a moral obligation to relieve the financial burden that these arrests have caused for the families of these brave defenders of freedom.

Trade is perhaps the best leverage we have, and I don't believe Congress and the president should have granted Permanent Normal Trade Relations without securing further progress on human rights in Vietnam. To correct that, I've introduced H. Res. 506, which states that we should "remove permanent normal trade relations status with Vietnam unless all political and religious prisoners are released and significant and immediate human rights reforms are made by the government of Vietnam."

Until the thugs in the Vietnamese government make real progress on human rights, I will continue to urge Congress and press this administration to stand up for the rights of the Vietnamese people to speak their minds and practice their faith.

Mr. DELAHUNT. Thank you, Congresswoman Lofgren.

Congresswoman Sanchez.

STATEMENT OF THE HONORABLE LORETTA SANCHEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Ms. SANCHEZ. Thank you, Chairman Delahunt, Ranking Member Rohrabacher, and the distinguished members of the subcommittee and my other colleagues, who really understand how important it is for us to get this information on the record and to get it out to the American public and to our own colleagues. And I want to thank you for allowing me to testify and for allowing me to testify with my two colleagues who have worked hand in hand with me to get out the word on what is happening in Vietnam.

As you probably know, I represent a district that has one of the largest Vietnamese populations outside of Vietnam in the world. Recently my office organized a formal, we brought the new Ambassador, United States Ambassador, to Vietnam because our constituents wanted to be able to tell the new Ambassador what was going on, what they hear from the Congress, what they have experienced when they have gone back to their country, and they expressed their outrage and frustration in particular at the ongoing and unlawful arrests, the detentions and the imprisonments of those inside Vietnam who speak out and favor democracy and human rights.

And of course one of the most blatant acts, and I would like to you the put this into the record, was this photograph and the whole trial of Father Ly, as my colleague Mr. Royce suggested. They say a picture is worth a thousand words. Imagine, none of the defendants, none of these political prisoners, the dissidents, if they are ever given a trial are allowed to have lawyers. They are not even allowed to speak up for themselves in these proceedings.

I would like——

Mr. DELAHUNT. That should be made part of the record. Without objection, so ordered.

[The information referred to follows:]

Ms. SANCHEZ. Another shocking example of disregard for human rights occurred actually during my recent trip to Vietnam, which you mentioned, Mr. Chairman. Now imagine, that was the third time I had been to Vietnam. The first time I went early on in my career as a Congresswoman, because I represent a large Vietnamese population. I was able to meet with many of the dissidents, including the Venerable Thich Quang Do, Dr. Daniel Que; they who have fought for so many years to really bring Vietnam out of the dark with respect to human rights.

My second visit was with President Clinton and during the signing of the bilateral trade agreement, and it was my hope that by being at his side I could send the message to that Communist government that we had not forgotten about the struggle for human rights, because as many of my colleagues have noted, I think that we have rolled over with respect to human rights when it comes to all of these economic gains that we have given to the country of Vietnam.

After that I was not allowed to go back to Vietnam. For 3 straight years I endeavored to obtain a visa to go to Vietnam, and I was not allowed to go. I was blocked by the government. This last year, in April, I was finally allowed a visa to go in on a congressional delegation for military purposes. While there, the former U.S. Ambassador, Ambassador Marine, suggested we have tea at his official residence in Hanoi with the wives and mothers of dissidents imprisoned. Why? There are no more dissidents to be seen outside of prisons, everybody has been rounded up. Ever since we allowed the accession of Vietnam into the World Trade Organization, they have cracked down on anybody who asks for political pardons, multiple parties, who asks for freedom of the press, who asks for Internet access not blocked by that Communist government, who asks for really religious freedom in that country. All of these dissidents are behind bars. There is not one left. And if someone speaks up today, they are put in prison again. Without trials, without charges, without acknowledgment, without letting their families go to see them.

And so we simply set up a tea for the wives and the mothers of these dissidents to meet with us. We had invited about a dozen. It was at 5 o'clock p.m. in the evening. By 2 o'clock p.m. we got word that most were blocked in their homes, some had been hauled off to the local jails, some had been interrogated all day, unable to leave the local precinct of the secret police. Others who tried to leave had their streets blocked, barricaded.

The two who made it through and came to the Ambassador's home at the prescribed time of 5 o'clock p.m. arrived at the exact time I did. And as we talked to the Marine, our U.S. Marine, to go into the residence, outside on the street, we arrived at the same time, 25 men descended on us. Some in those green outfits you see here, others in plainclothes, dragging one of the women away, accosting the other, scaring me quite frankly. How brave these women were. I had my military escort with me; I had the human rights U.S. officer with me. We discussed with them that we were just having tea today. As I saw one of the women dragged away, and we were able to get that on video and got it out to the world

to see the treatment, the Ambassador was called out. He came to let them know we were just having tea, but to no avail.

The next day of course after I was gone from the country, those women were arrested. Now, let it be known these were mothers and wives. They had committed no crime. They were just coming to tell us, "What can you do to help our husbands and our children who are in the prisons, we haven't been able to see them?"

And nothing has changed, since that time, nothing has changed. Everybody's still in prison, more in prison. So you ask: What can we do? My colleagues are right, we must put that country back on the Countries of Particular Concern list.

With respect to the freedom of religion, one of the founding principles of every American, every American we know, this does not happen in Vietnam. We have to work together to figure out how in the Senate we can pass the Vietnam 2007 Human Rights Act.

I have so much more to say, but I have run out of time, Mr. Chairman, and my colleagues are with us also. So I will wait for the answer and question period. Thank you.

[The prepared statement of Ms. Sanchez follows:]

PREPARED STATEMENT OF THE HONORABLE LORETTA SANCHEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Chairman Delahunt, Ranking Member Rohrabacher, and Distinguished Members of the Subcommittee:

Thank you for inviting me to testify before you today regarding the human rights violations occurring every day in Vietnam, and the impact of these violations on the Vietnamese people and Vietnamese-Americans. The district that I represent in Orange County is home to one of the largest Vietnamese constituencies outside of Vietnam.

Recently, my office organized a town hall meeting for the Vietnamese-American community in Orange County to meet with the new U.S. Ambassador to Vietnam, Michael Michalak. The Vietnamese-Americans who attended the town hall expressed their outrage and frustration at the ongoing unlawful arrests, detentions, and imprisonments of those inside Vietnam who speak out in favor of democracy and religious freedom.

In my opinion, one of the most blatant acts of disregard for human rights in Vietnam was the trial of Father Ly on March 30, 2007. During Father Ly's trial, a hand was literally placed over his mouth to gag him so that he could not speak in his own defense. I'd like to submit this photo of Father Ly being gagged for the record.

Another shocking example of disregard for human rights occurred during my trip to Vietnam this past April. Prior to this last trip, my previous three visa requests to travel to Vietnam were denied by the Vietnamese Government due to my outspoken concerns about Vietnam's human rights violations.

In April I was invited to an official meeting at the home of then United States Ambassador to Vietnam, Michael Marine. The meeting was a tea with the Ambassador, myself, and wives and mothers of Vietnamese dissidents. Unfortunately, most of the women were physically prevented from leaving their homes by Vietnamese police, and others were stopped en route by roadblocks or other barriers to prohibit them from attending the tea.

Only two of the women actually made it to Ambassador Marine's home. Unfortunately, the Vietnamese police would not allow them to enter the Ambassador's home for tea. The Vietnamese police treated these women so offensively, that Ambassador Marine himself came outside to try to intervene. While the Ambassador was talking to one of the women, the police physically dragged the other woman away.

I was personally appalled by the abusive manner in which the Vietnamese police treated these women. And just to make sure that I'm being clear, these women had not been accused of any crimes by the Government of Vietnam. We are talking about innocent women, with actual invitations to join the United States Ambassador for tea at his home. Even though I had been to Vietnam previously, this incident was horrifying, and I was shocked that the police would treat these women so abusively in front of a Member of the United States Congress and the United States Ambassador to Vietnam.

Ambassador Marine seemed visibly shaken by this incident. In fact, the White House released a press statement on May 11, 2007, condemning the actions of the Vietnamese police during my visit. To quote from the White House statement: "We were particularly disturbed by the Vietnamese authorities physically preventing citizens from attending meetings at the U.S. Ambassador's residence with a Member of the U.S. Congress."

Unfortunately, things have not improved in Vietnam since my visit in April. Immediately after my trip, on April 24, Vietnamese police arrested Tran Khai Thanh Thuy, a writer who has received the Hellman Hammett prize from Human Rights Watch for her work as a writer under persecution. According to the Committee to Protect Journalists (CJP), Thuy was charged with violating Article 88 of Vietnam's criminal code, which prohibits the dissemination of information that authorities deem harmful to the state. Neither her family, nor her lawyers have been allowed to meet with her, and she remains imprisoned. Thuy has diabetes, and is also one of the many incarcerated dissidents who are prohibited from receiving necessary medical care.

The violence continued this summer when the Vietnamese police used brut force to squelch a peaceful land protest of 1,700 peasants in Saigon. At least 30 people were seriously injured.

People throughout the country continue to protest the Government's policy of confiscating land from peasants in order to further its own economic development interests. Peasants are treated poorly and do not receive adequate compensation when the government seizes their land.

Over the last year and-a-half, the human rights situation in Vietnam has continued to worsen.

In August of 2006, the Government of Vietnam arrested and held Cong Thanh Do, a United States Citizen, on false charges for over 3 weeks. You will hear from Mr. Do in the third panel. The arrest of Mr. Do occurred during the period when the Government of Vietnam was promising to improve its human rights record in order to be granted Permanent Normal Trade Relations (PNTR) status.

I opposed granting PNTR status to Vietnam; however, it happened. And things have continued to worsen since Vietnam's accession into the World Trade Organization in January 2007. Now the Vietnamese have their desired trade status, yet they continue to harass and detain individuals that promote democracy, human rights, religious freedom.

So where do we go from here?

For one, I have asked the State Department to again designate Vietnam as a Country of Particular Concern for its violations of religious freedom. The State Department cited "positive steps" toward improving religious freedom when it removed Vietnam from its list of Countries of Particular Concern on November 13, 2006. However, we have continued to see a backslide in Vietnam's tolerance of religious freedom.

I am pleased that the House passed H.R. 3096, the Vietnam Human Rights Act of 2007, on September 18, by a vote of 414–3. I am hopeful that the Senate will follow our lead and pass the Vietnam Human Rights Act, so that it can be signed into law. I believe that we need to enact binding legislation to hold the Government of Vietnam accountable for its human rights and religious freedom violations.

This legislation would mandate that U.S. assistance to Vietnam be contingent on whether the Government of Vietnam makes significant progress toward improving human rights, religious freedom, returning confiscated lands, and combating human trafficking.

We must continue to provide outside support to the brave individuals who fight for change from within Vietnam. It is my hope that their efforts from the inside, with our support from the outside, will bring democracy, human rights, and religious freedom to the Vietnamese people.

Thank you.

Mr. DELAHUNT. Thank you so much, Loretta.

Congressman Smith.

STATEMENT OF THE HONORABLE CHRISTOPHER SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. SMITH. Thank you so much.

Mr. DELAHUNT. Just for your own edification, it is anticipated we will have a series of votes coming imminently, so I am going to ask you if you can 6, 7, 8 minutes, of course. You have been known to run over, you know.

Mr. SMITH. As the chairman knows, when I chaired the committee, both he and I used to have 7- and 8-hour hearings.

Mr. DELAHUNT. Not like Rohrabacher and myself.

Mr. SMITH. Thank you, Mr. Chairman. And I want to associate myself with the remarks of my distinguished colleagues, both on the dais and at the witness table, and thank them. This is a collective, truly bipartisan effort for promoting human rights and humanitarianism in Vietnam. And so, thank you again for this hearing.

Mr. Chairman, during the lead-up to the House and Senate vote last year on Permanent Normal Trade Relations, PNTR, and subsequent accession of Vietnam into the World Trade Organization with the full and robust backing of the United States, it looked as if Vietnam might at long least ameliorate at least some of its repressive conduct, it might mitigate at least some of its abuse of nonviolent pro-democracy dissidents, religious believers and labor union activists.

Much of that hope and expectation, however, came crashing down earlier this year as Hanoi instituted a new sweeping barbaric wave of arrests, beatings, bogus trials and incarcerations. Some of us had warned repeatedly that conveying enormous economic benefits to Vietnam ought to be preceded by systemic democratic reform. For some of us it was déjà vu. We reached the U.S.-Vietnam Bilateral Agreement. There was no linkage to human rights reform in that agreement, an omission that has had predictable and dire consequences. Nor was human rights a sufficiently relevant factor for either Congress or the executive branch to require durable reform when PNTR was under consideration last December.

This past Sunday, I attended a brilliant lecture by Holocaust survivor Elie Wiesel, who pointed out that while anger in the face of tyranny is justified and even necessary to combat injustice, hate, he admonished, is never moral nor is it justified, never.

When I have visited Vietnamese dissidents in Hanoi, Hue, and Ho Chi Minh City, I have been utterly amazed by their profound lack of hate or malice toward a government who tortures and jails them. The activists only seek a better tomorrow, a Vietnamese Government that comports its behavior with international human rights standards, a government worthy of a proud and noble people. Father Nguyen Van Ly got 8 years in prison, Nguyen Van Dai got 5 years, both on ridiculous and absurd charges, an embarrassment to Vietnam both internally as well as on the international stage. These men and many others who are imprisoned today seek only nonviolent transition to democracy and respect for human rights.

In my conversations with them, my take-away has been awe and profound respect at their obvious courage, and I was truly astonished by their innate goodness and kindness; the absence of hate in the spirit of Elie Wiesel. It is worth noting that both of these men and others who are now in prison are signers of the 8406 Human Rights Manifesto, signed April 8th, 2006; hence the name

Bloc 8406. And these individuals have been singled out for jail time and crushing abuse. It is as if the government took those signers and one by one are hunting them down and putting them in prison.

For our part, we can't act with indifference and look the other way. So on the one hand, I am very much encouraged that the House of Representatives gets it. Several weeks ago the House voted 414 to 3 for my bipartisan bill, H.R. 3096, the Vietnam Human Rights Act. This is the third time I brought that measure to the floor and I am extremely grateful to Chairman Tom Lantos, to you, Mr. Chairman, to Dana Rohrabacher, to Ed Royce, to my two distinguished colleagues here at the table, all of us who have joined in to push for this bill and to push for human rights in Vietnam. The vote was a substantial improvement over the tally of 323 to 45. Member of Congress are getting it, this time we only had three Members who voted no.

In the Senate, however, the Human Rights Act has been blocked from even coming to the floor on two occasions by Senator John Kerry. On another occasion we actually had it worked out in an appropriations bill. Judd Gregg and Frank Wolf actually put it into their State Department appropriations bill. When it went to the full committee it was blocked and pulled out and we lost another opportunity.

So I would respectfully ask you, Mr. Chairman, to help us this time around, to encourage Senator Kerry to refrain from putting that hold, which is the death knell of the bill, and let the full Senate express its will. The Vietnam Human Rights Act, in pertinent part, conditions and freezes '07 levels of certain nonhumanitarian foreign aid to Vietnam unless it makes substantial progress toward releasing all political and religious prisoners from jail, house arrest and other forms of detention, as well as substantial progress toward respecting freedom of religion, returning confiscated church property, combating human trafficking and allowing Vietnamese nationals free and unfettered access to United States refugee programs.

The bill also authorizes funds to overcome the jamming of Radio Free Asia and to support democracy. I would like to note especially the great work Ed Royce has done, and his extraordinary leadership on behalf of Radio Free Asia. We have got to continue those efforts. The jamming needs to be overcome.

As my colleagues know, Michael Cromartie, chairman of the U.S. Commission on International Religious Freedom, recently led a delegation to Vietnam to press for meaningful reform. Chairman Cromartie and the delegation met with Prime Minister Dung and others to urge an immediate release of Father Ly, Dai and others.

The delegation which has just returned, discussed police abuse, continued reports of force, renunciation of religious beliefs, severe restrictions on and cruelty toward the Unified Buddhist Church of Vietnam, as well as other reprehensible government behavior. Like my colleagues, I met with the Venerable Thich Quang Do and others. These are peaceful men. It boggles the mind why Vietnam is so frightened and so afraid of men who want to practice their faith as they see fit.

Prime Minister Dung told the delegation that he was willing to meet with "any religious leader." Oh, really? We can have some

hope, but even if such a meeting does occur, then what? More jail time if they speak out of place?

Mr. Chairman, I would like to also draw the attention of this committee and hopefully the Congress by extension to a lesser known, but no less egregious, human rights abuse occurring in Vietnam today, and that is the abuse of missing girls as a direct result of Vietnam's two child per couple policy and sex selected abortion.

According to a recent U.N. report, reasons for this include pressure to adhere to the two-child per couple policy with a preference for sons, and a ready availability of ultrasound and abortion. That, just like in China and India, is gendercide, the killing of girls simply because they are girls. In fact, Asia is missing well over 100 million girls. China alone is probably missing 100 million girls. It has become a magnet for trafficking and other kinds of abuse because of this gross imbalance, plus the lost girls themselves.

Finally, Mr. Chairman, as our lengthy hearing earlier today pointed out, the Internet is now being used as a means of repression against dissidents. We call them cyber dissidents. I met with the wife of Dr. Son in Hanoi several months ago. I couldn't believe it. Here is a man who simply took an essay, entitled "What is Democracy?" which was posted on U.S. Embassy Hanoi's Web site, translated it into Vietnamese, posted it to some friends and some Communist government officials, and for that he gets 13 years. Because we all spoke out, it was dropped to five. Because we continued to speak out, he now is under house arrest. But what does that say about a regime who takes a man who simply posts an essay about democracy, yanks him off, as we saw in the Father Ly picture, and puts him in jail.

When I met with his wife, she was fearful for her life. Just a couple of feet away from where we were discussing her husband's case in an Hanoi hotel, right next to us, there were these bully boys from the secret police standing there with their cameras taking pictures of her and our meeting. This is nothing but intimidation, harassment and again an ugly insight into this barbaric regime.

Again I thank you for holding this hearing and yield back the balance of my time.

Mr. DELAHUNT. Yes, thank you, Mr. Smith, and I hear the buzzer. I think your testimony has been eloquent. The question that has been posed to you of course is what we can do. And after listening to the passion in which you have all exhibited, including our colleague from California, Mr. Royce, I think all of us today, at least all of us on this dais, and I am sure that I speak for the entire membership of the House, is that today, today the Government of Vietnam, to demonstrate to the United States Congress, could begin the release of all of the prisoners of conscience that are currently incarcerated in Vietnam. That would go a long way to a different and a new kind of relationship between the Government of Vietnam and this independent branch of democracy called the United States Congress. That would be a most welcome demonstration and symbol for the U.S. Congress to observe and to note as we deliberate into the future.

Let me begin with just one question to the three of you. This is in response to a request to the Congressional Research Service.

There was a 7-page memorandum that came back to my staff, and I noted with interest a single sentence that surprised me. And I am going to read it into the record and ask you to reflect for a moment. It says this, and I don't know whether it is true or whether it is accurate, so let me put that out there as a caveat, but it states that Vietnam's National Assembly has become more independent, particularly on issues of corruption and government efficiency.

I would like to test—my instinct is such that I would like to test their independence and ask the three of you whether there has been any consideration of an exchange, a parliamentary exchange, if you recall, between the United States Congress and the Vietnamese National Assembly. And if there has been consideration, have there been any results?

Congresswoman Sanchez?

Ms. SANCHEZ. Well, maybe my other colleagues who have been in the Congress longer might have it at some point. I haven't seen it myself or tested it myself at this point in the 11 years I have been here. But I will say that two of the times that I was denied a visa it was actually the National Assembly who took a vote to deny me the right to come to Vietnam.

And I will also add that in my last visit when I was meeting with the vice chair of the International Relations of the National Assembly, Madam Ling, she—I asked her to see in particular Le Quoc Quan, who under my request had come to the Center for National Democracy to be trained and had returned and immediately been arrested and was in the city jail in Hanoi, that I might go and visit him. And the vice chair of that International Relations Committee said to me, "You know better than to ask those types of things."

Mr. DELAHUNT. Well, again, maybe I am picking up on something Congressman Smith said when he poses the question rhetorically, "What are they afraid of?"

Again, let me look to the three of you—actually, to the four of you and the ranking member as well—whether it is time to issue a challenge to the Vietnamese National Assembly and extend to them an invitation to come to visit Washington and have a discussion, legislator to legislator, about these issues that are of such profound significance and importance to the people of the United States.

Congressman Smith.

Mr. SMITH. I would say, on an ad hoc basis, those kinds of contacts are extremely important, but if you institutionalize it, I think you run the risk of unduly legitimizing a Parliament that does not have true elections, does not have candidates that run in opposition.

We did this with the Soviet Union. I remember having exchanges with members of the Duma before they were freely elected, and then we made it a little more systematic when they became truly the result of true balloting.

Let me also say that on the issue of corruption, dictatorships always want to weed out corruption; it is political and fundamental human rights that they don't touch with a 10-foot pole. The government wants corruption weeded out—of course, unless some of its players are political leaders.

But you find even in the PRC or North Korea, corruption campaigns are often being announced and everyone joins in, so there you get all kinds of openness. And if John Q. Businessman or whoever gets a long prison sentence for corruption, everyone applauds. But on human rights, it is a different story.

Ms. LOFGREN. I agree with what my colleagues said.

I would just note that that sentence in the CRS report, I think it is incorrect, and I have not seen any evidence that would support it.

I think this hearing that you all are having today is an important step in making sure that the truth actually is out in the public arena, and I appreciate your doing that; you know, to have a relationship that is formal with a puppet, Communist, supposed legislature, I don't think would largely advance our cause of human rights.

But I appreciate the question.

Mr. DELAHUNT. Thank you.

Congressman Royce.

Mr. ROYCE. If I could respond.

I think the contacts that are needed are in civil society and are with the educators there, with the church leaders there, and again, when I met with Thich Quang Do and the Venerable Li Quon Nguyen, I was denounced by the government for doing that. I was attacked for doing that.

What we should be doing is reaching out on a continuing basis to those in civil society who are not part of the puppet regime and expanding those contacts because that kind of support is necessary for them. It gives them the level of protection and support they need in society when somebody from outside of the country is concerned about them so they can continue their work to try to evolve the society, just as Poland and the Czech Republic and Hungary were changed.

Give them a voice. Give them a voice and get their remarks up on Radio Free Asia so that the countryside can hear them.

Mr. ROHRABACHER. When Vietnam permits opposition parties to exist and has a free election, then we should talk about having an exchange of elected leaders. Otherwise, it is not an exchange between real, elected leaders. It is an exchange in our society of elected officials and thugs who are holding power by brute force on the other side; and there is nothing equal about that type of an exchange.

Mr. DELAHUNT. If I can, I want to note for my colleagues, maybe this is the time to recess, and it would appear we only have 5 or 6 minutes left in this series of votes.

And I welcome the three of you back. All three of you are welcome to sit on the dais.

[Recess.]

Mr. DELAHUNT. The committee will come to order.

First, let me extend my apologies. As everyone noted, there was a considerable delay. Something about a Vice President. I don't quite know what the details were, but in any event.

I don't know whether my colleagues are going to return. But what we will do is, we will now proceed to the next panel which consists of the Deputy Assistant Secretary for Southeast Asia in

the Pacific Bureau, who is responsible for relations with Southeast Asia and ASEAN. That is Scot Marciel.

He is a career member of the Senior Foreign Service, joining the State Department in 1985. His most recent assignments were as Director of the Department's Office of Maritime Southeast Asia, Director of the Office of Marineland Southeast Asia, and Director of the Office of Southeastern Europe.

He has also served in Vietnam, the Philippines, and Hong Kong.

He is originally from Fremont, California. He is a graduate of the University of California at Davis and the Fletcher School of Law and Diplomacy in Massachusetts.

STATEMENT OF MR. SCOTT MARCIEL, DEPUTY ASSISTANT SECRETARY FOR SOUTHEAST ASIA, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. MARCIEL. Chairman Delahunt, Ranking Member Rohrabacher and members of the subcommittee, thank you for inviting me to testify here today on human rights in Vietnam. And I would like to ask that my written testimony be entered in the record, and I will give a brief oral statement.

Mr. DELAHUNT. Without objection.

Mr. MARCIEL. Let me state at the outset that promoting human rights has been and remains a very high priority for the United States in its relations for Vietnam. I have had the opportunity to observe Vietnam for two decades, and the changes have been dramatic.

When I was assigned to Vietnam in 1993, the country was emerging from a bleak postwar period of doctrinaire Marxism that had ruined the economy and forced thousands into labor camps. Vietnam's leaders had just reversed course and launched a policy of "doi moi," a renovation designed to promote economic growth and integrate the country into the international community.

Since then, Vietnam has experienced a remarkable transformation. The economy has grown over 7 percent a year, on average, since 1993 leading to what the World Bank calls the fastest poverty reduction in history. Vietnam and its people have rapidly integrated into the world joining ASEAN, APEC, and most recently, the World Trade Organization. In January, Vietnam will join the U.N. Security Council for a 2-year term.

As Vietnam has changed its policies and opened the world, we have reestablished diplomatic ties and developed an increasingly broad bilateral relationship designed to advance our national interests. Cooperation on accounting for our servicemen unaccounted for from the Vietnam War has been a key element of this improving relationship from day one. We continue to enjoy strong cooperation on efforts to achieve the fullest possible accounting.

Economically, trade flows have increased tenfold in 5 years. U.S. firms have invested over $2.5 billion since 1988, with $639 million last year alone. Our cooperation on security matters is also expanding with U.S. Navy port calls and a growing IMET program. We have also begun to work closely on critical health issues such as HIV/AIDS and avian influenza.

And, finally, the scope of our diplomatic cooperation is expanding as we work increasingly closely with Vietnam in ASEAN, APEC, and looking ahead to next year, the Security Council.

As a result of Vietnam's transformation, the average Vietnamese citizen today enjoys more freedom to live, work and practice his or her faith than at any time since 1975. Serious deficiencies remain, however, in political and civil liberties. People have no opportunity to change their government. They risk detention for peaceful expression of political views and lack the right to fair trials. There are significant restrictions on freedom of the press, speech and assembly.

After an encouraging opening in political space last year, in early 2007, the government launched a crackdown on political dissent. While some of the activists arrested have been released subsequently, dissidents such as Father Nguyen Van Ly, Nguyen Van Dai, and Le Thi Cong Nhan are still awaiting their freedom.

There have been some gains in the last 2 years in human rights: The resumption of our bilateral human rights dialogue, the release of some high-profile prisoners, greater access to the Central Highlands and repeal of Administrative Decree 31, which had let authorities circumvent due process.

We raise human rights issues regularly and at all levels including the most senior levels with Vietnam authorities. Earlier this year we again held our annual human rights dialogue. The dialogue is a frank exchange, and we pull no punches. We are urging Vietnam to take steps now, such as ending the use of catch all national security provisions like article 88 of the criminal code which outlaws "conducting propaganda against the state" and also calling for the release of all remaining political prisoners.

While Vietnam has made only halting progress on political freedom, it has made significant gains on religious freedom. From 2004 to 2006, the State Department designated Vietnam as a country of particular concern on religious freedom. During that period, Ambassador John Hanford negotiated with the Vietnamese Government an unprecedented agreement that committed Vietnam to significant religious reforms and led to their removal from the Country of Particular Concern list in November 2006.

Some of those key reforms include passage of a new law that banned forced renunciation and allowed registration of hundreds of Protestant congregations. All individuals raised by the United States as Prisoners of Concern for reasons of faith were released.

This year there has been further progress. The government registered seven new denominations and held thousands of training workshops for officials nationwide on the new legal framework on religion. Relations with the Vatican, between Vietnam and the Vatican, have improved and are moving toward full relations. However, Vietnam can still do more.

The government needs to speed up the registration of new denominations and ensure fair implementation of the new laws at the local level. Our assistance programs support our efforts to engage with Vietnam on these issues.

While the bulk of our assistance tackles HIV/AIDS, we also implement projects focused on good economic governance, education, and sustainable development. For example, through USAID's Sup-

port for Trade Acceleration, or STAR, project, U.S. experts advise on liberalization and private sector competitiveness. Vietnam has voiced interest in expanding this into broader legal reform.

United States support for education exchange through the Fulbright and Vietnam Education Foundation is exposing young Vietnamese leaders to American society, culture and values. Our assistance on HIV/AIDS, avian influenza and other areas promotes sustainable development. We believe all of these programs help expand the space in which civil society should flourish and should continue.

Mr. Chairman, the lives of the vast majority of Vietnam's people have improved in the last 15 years. It is in our national interest to ensure that the United States continues to be involved in Vietnam's transformation as a partner and, when needed, as a constructive critic.

In that endeavor, we will continue to push vigorously for greater civil and political rights and for further progress on religious freedom.

Thank you. I am happy to answer your questions.

[The prepared statement of Mr. Marciel follows:]

PREPARED STATEMENT OF MR. SCOTT MARCIEL, DEPUTY ASSISTANT SECRETARY FOR SOUTHEAST ASIA, BUREAU OF EAST ASIAN AND PACIFIC AFFAIRS, U.S. DEPARTMENT OF STATE

INTRODUCTION

Chairman Delahunt, Ranking Member Rohrabacher, and Members of the Subcommittee, thank you for inviting me to testify before the Subcommittee today on the topic of human rights in Vietnam, and on how this important issue affects U.S. relations with the Vietnamese people and their government. Vietnam is a country that is transforming at a rapid pace. The U.S.-Vietnam relationship has expanded in a number of areas. As our ties evolve, the promotion of human rights continues to be one of our highest priorities.

VIETNAM'S TRANSFORMATION

I have had the opportunity to observe Vietnam for nearly two decades, and the changes are dramatic and striking. When I first arrived in Vietnam in 1993, the country was just emerging from over 15 years of doctrinaire Marxism. That period had ruined an already-war damaged economy, impoverished a proud people, and forced thousands into harsh reeducation camps or to flee, often to our shores. The small number of dissidents were nearly all in prison. Diplomatically, Vietnam was largely isolated.

In the late-1980s, Vietnam's leaders recognized that doctrinaire Marxism had failed. They introduced a policy of "doi moi," or renovation, aimed at boosting economic growth. They abandoned the idea of a centrally planned economy and began to introduce market-oriented policies to promote the private sector. They saw they had to integrate with the world economy; attract foreign trade, investment and technology; and reach out to the United States and others.

With the support of Congress, the U.S. government reestablished diplomatic relations with Vietnam in 1995. I was in Hanoi at the time, and had the privilege of being among the first officers to work in our new Embassy.

Since then, Vietnam has transformed at a truly impressive pace as a result of its market-oriented reforms. The economy has grown on average over 7 percent annually since 1993—the second fastest pace in Asia behind China. Per capita income has gone from $288 in 1993 to $726 in 2006, and continues to increase. Poverty has dropped from 58 percent of the population in 1993 to under 14 percent in 2004. The World Bank has described this as the most significant rate of poverty reduction in short period of any nation in history.

Vietnam and its people are rapidly integrating with the rest of the world. The country is an influential member of the Association of Southeast Asian Nations (ASEAN), an active participant in the Asia Pacific Economic Cooperation (APEC) forum, and joined the World Trade Organization (WTO) in January 2007. Vietnam

will sit on the UN Security Council in January 2008 for a two-year term—another first. Travel between our two countries also continues to rise—75,000 Americans visited Vietnam in 2006 and over 6,000 student visas were issued to Vietnamese in fiscal year 2007, more than any other Southeast Asian country. The Vietnamese-American community has played a central role in expanding the people-to-people network between the U.S. and Vietnam.

BILATERAL TIES

As Vietnam has opened to the world, our bilateral relationship has grown into a broad-based engagement that clearly serves U.S. national interests. High-level visits by President Triet to Washington in June this year, and by President Bush to Hanoi last November for the APEC forum meeting, reflect the advances in our relationship. We have made gains on nearly every front, both in the areas where we agree and in our ability to address candidly areas where we differ.

On the economic front, the 2001 U.S.-Vietnam Bilateral Trade Agreement (BTA) has pushed our two-way trade to $9.6 billion in 2006—a ten-fold increase in five years. U.S. firms have invested over $2.5 billion since 1988, with $639 million of that in 2006 alone. The country is eager for more U.S. investment—a message broadcast by President Triet during his June visit to the United States. In October, government labor officials from both countries met in Hanoi for the fifth time for our annual Labor Dialogue. Commerce Secretary Gutierrez is in Vietnam this week leading a trade mission of 23 American firms to sign deals and expand our exports.

Cooperation with Vietnam in security areas is also gradually expanding. We are working to help build capacity for peacekeeping and search-and-rescue through International Military Education and Training (IMET) supported programs, and U.S. Navy ships now call at Vietnamese ports. We continue to enjoy strong cooperation from Vietnam on efforts to achieve the fullest possible accounting of American servicemen who lost their lives in the Vietnam conflict. So far, 882 Americans have been identified and repatriated since 1973. In September, as part of a U.S. program, Vietnam replaced the highly-enriched uranium in its nuclear test reactor in Dalat with low-risk, low-enriched uranium.

Over the past few years, we have also begun to work closely and effectively with Vietnam on critical health issues, such as HIV/AIDS and avian influenza. Vietnamese authorities have worked exceptionally well with us and the rest of the international community in these areas.

Finally, the scope of our diplomatic cooperation is expanding too. We have worked more closely through ASEAN and APEC, and as Vietnam joins the UN Security Council, we expect to engage on a range of international challenges—from Kosovo, to Congo, to Burma and the Middle East.

HUMAN RIGHTS

Vietnam's economic and cultural integration into the world has helped open Vietnamese society, and expand social freedoms. Many Vietnamese citizens today enjoy more freedom to live, work, and practice his or her faith than at any time since 1975, and most enjoy significantly improved standards of living. For some religious groups, however, restrictions and problems continue, and we share your concerns about those continuing restrictions.

Serious deficiencies remain in political and civil liberties. People have no opportunity to change their government, they risk detention for peaceful expression of political views, and lack the right of fair and expeditious trials. There are significant restrictions on freedom of the press, speech, and assembly, as well as the use of the Internet. After an encouraging opening in political space last year, in early 2007, the Government of Vietnam launched a crackdown on political dissent. Many individuals involved in the pro-democracy group Bloc 8406, and other fledgling pro-democracy or labor groups were detained, arrested, or imprisoned. Some have been released, but many have not. Among the prominent dissidents who still need to be released include Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan.

There have been some positive developments on human rights over the past two years: the resumption of our bilateral human rights dialogue; the release of some high-profile prisoners of concern; greater access by the international community to the Central Highlands and to assess prison conditions; and the repeal of Administrative Decree 31, which let the authorities circumvent due process. Visiting delegations from Hanoi are showing new interest in meeting with NGOs, Vietnamese-American groups, and Members of Congress to discuss human rights and other issues.

Our annual Human Rights Dialogue is an important channel through which we raise our concerns on human rights with the Government of Vietnam. We held our

second meeting in April this year, and plan to meet again in 2008. It is a frank exchange and we pull no punches, yet the Vietnamese indicate they take it seriously, even if we do not agree. We have underlined that the Dialogue must be results-based, and focus on concrete action by the government to improve the human rights situation. We also, of course, raise human rights issues regularly outside of this formal dialogue at all levels.

We explain that the United States cares about this issue not because we seek to destabilize the Vietnamese government, but because we value universal human rights and human dignity. We tell Vietnam that improving human rights is in its interests, and will make the country stronger. We tell Vietnam that it has international obligations to promote and protect the fundamental human rights of its people.

There are steps we would like the Vietnamese to take right now, such as ending the use of catch-all "national security" provisions like Article 88 of the criminal code, which outlaws "conducting propaganda against the State," and the release of all remaining political prisoners.

Mr. Chairman, I want to assure you that we will continue to push vigorously for a greater expansion of the civil and political rights of all Vietnamese citizens. After the crackdown on dissent this spring, we have made it clear to the Government of Vietnam that expanding our relationship will depend on progress on all areas, including greater respect for human rights and more freedom for the people of Vietnam.

RELIGIOUS FREEDOM

Whereas Vietnam has made only halting progress in advancing political freedoms, on religious freedom, the country has made real, significant improvements.

From 2004 to 2006, the State Department designated Vietnam as a "Country of Particular Concern" (CPC) regarding religious freedom. During that period, many religious communities faced harassment and discrimination, forced renunciations were widespread, and the country had 45 known religious prisoners. By November 2006, the Government of Vietnam had addressed the problems that constituted severe violations of religious freedom as defined by the International Religious Freedom Act (IRFA) of 1998.

A new law on religion was introduced that banned forced renunciation, enshrined individual freedom of religion, and allowed registration of hundreds of Protestant congregations. All individuals raised by the United States as prisoners of concern for reasons connected to their faith have been released. The government has invited any information on allegations that the law is not being carried out. We have monitored the implementation of these improvements carefully—and been given the access to do so.

Since the CPC designation was removed, there has been further progress:

The government's Committee on Religious Affairs (CRA) has issued seven national-level registrations of religious denominations, including for the Mennonite Vietnam Church and the Vietnam Baptist Convention last month;

The CRA has held over 3,000 training courses and 10,000 training workshops for officials throughout the country, including in highland areas, on how to interpret and implement the new legal framework and policy on religion;

Relations with the Vatican have improved. In January, Prime Minister Dung met Pope Benedict XVI in Vatican City, and last month, the government announced plans for a Joint Working Group to establish diplomatic relations with the Holy See.

Vietnam can do more. We would like to see the government more quickly meet the requests of denominations and places of worship that have applied to register at the national level. We have also urged the government to speed up training of local officials on its 2005 laws on religion. The visit to Vietnam last month of the U.S. Commission on Religious Freedom (USCIRF) highlighted the need for the government to be more proactive in ensuring that officials at all levels—provincial, district, commune, and village—understand the new legal framework and are implementing it fairly.

Though much still needs to be done, Vietnam no longer qualifies as a severe violator of religious freedom. Key religious leaders within the country, when asked, confirm this. It is vital that we continue to carefully monitor the situation. It is also important that we recognize progress when it occurs and urge that the good work continue.

U.S. ASSISTANCE

U.S. official assistance programs support our efforts to engage with Vietnam. The bulk of our assistance goes to support work on HIV/AIDS, under the President's

Emergency Plan for AIDS Relief (PEPFAR) program. Our other projects focus on good economic governance, education exchange, and sustainable development—all key foundations to a robust civil society.

Supporting economic reform has been one of our highest priorities. Our core program has been USAID's Support for Trade Acceleration (STAR) project, in which U.S. experts advise on economic liberalization and new rules and regulations to promote investment and private sector competitiveness. Vietnam has voiced interest in expanding this program into broader legal reform, rule-of-law, and anti-corruption.

U.S. support for education exchange is exposing young Vietnamese leaders to the American society, culture and values. The Fulbright program for Vietnam is one of our largest in Asia. The Vietnam Education Foundation (VEF), established by Congress, supports Vietnamese students of science and technology currently in U.S. colleges. We hope to continue to increase the number of Vietnamese who experience a U.S. education, and diversify the range of subjects that they study.

Our assistance on HIV/AIDS, Avian Influenza, dioxin-related environmental remediation, and other areas promote sustainable development, support the activities of social service NGOs in Vietnam, and help expand the economic and social space in which some sectors of civil society can flourish.

We believe all these programs are important and should continue. These programs are vital to the ability of the United States to support progress in Vietnam towards good governance, rule-of-law, transparency, greater civil liberties, protection of human rights, and a better overall humanitarian situation in Vietnam.

CONCLUSION

Before I close, Mr. Chairman, allow me to acknowledge the important role that Congress has played in advancing U.S.-Vietnam relations and the cause of human rights in Vietnam. Without Congressional support, we would have never reestablished diplomatic relations with Vietnam. I certainly would not have been sent to Hanoi in 1993, and as a result, probably would not be before you today. As Vietnam and our bilateral ties have transformed, Congress has continued to ensure that human rights and religious freedom remain high priorities in our relationship, as they should be.

Vietnam has changed tremendously in the last fifteen years, and the lives of the vast majority of its people have improved in clear and measurable ways. Problems remain, especially in the area of human rights and democracy, and we must address them squarely. As the President said in his meeting with Vietnam's President Triet this past June, "in order for relations to grow deeper that it's important for our friends to have a strong commitment to human rights and freedom and democracy." It is in our national interests to ensure that the United States continues to be involved in Vietnam's transformation as a partner, and when needed, as a constructive critic.

Thank you for the opportunity to appear before you today. I am happy to answer your questions.

Mr. DELAHUNT. Thank you, Mr. Secretary.

I am going to go first to the gentlelady for her questions, Ms. Lofgren. And then we will go to Mr. Royce.

Ms. LOFGREN. I will be brief, Mr. Chairman. I thank you for letting me participate. I know because of our very long vote that we have another panel after this.

I will just say that the testimony that we have just heard is strikingly at variance with other things that we have heard from not only the Congress Members who have visited, but others. On page 7 of your testimony you indicate that all individuals raised by the United States as Prisoners of Concern for reasons connected to their faith have been released. However, there are religious figures that are still in prison.

Have we just not asked, for example, that Father Ly be released?

Mr. MARCIEL. Madam Congresswoman, it is a very good question. And it gets to, I am afraid, a question of splitting hairs to—in effect, Father Ly was released, as you know, and then was reimprisoned. You can argue about it, but fundamentally he seems to be in

prison for political activism, not because he is—because of his faith as a Catholic.

It doesn't make it any better. I am not defending it at all. But it seems to be a political act that has landed him in prison.

Ms. LOFGREN. Would that be—I disagree with that, but would that be your assessment of the Buddhist leaders that are still in prison?

Mr. MARCIEL. Whom did you have in mind, specifically?

Ms. LOFGREN. Well, we will get some testimony on it later.

You know, rather than proceed on this, Mr. Chairman, I am going to let my time go back so that we can hear from the other witnesses, if we could.

I yield back.

Mr. ROYCE. Maybe I could follow up on that question. Because that answer was very telling on Father Ly.

And if we take the Venerable Thich Quang Do or Li Quon Nguyen, could you state for the record whether you feel that they were imprisoned because of their religious beliefs, or was it because of political activism?

Mr. MARCIEL. I honestly don't know which is the reason that they are in prison. Our view is that they shouldn't be in prison either way, and we raised their cases with the Vietnamese Government.

Mr. ROYCE. I understand, but the Congresswoman quoted from the report, and actually I think—I read your testimony, and I think the statement you made was that there wasn't anybody still being held under this question of religious persecution.

The point I want to make is, the Unified Buddhist Church of Vietnam and its leaders were not allowed to practice because they did not agree to operate under the umbrella of the nationalized Buddhist church which is sanctioned by the government.

Now, the reason that is important is because the government not only reviews and dictates who can be ordained a priest, but the government has changed the curriculum of religious teachings to the young monks and to the seminary students—and this is what they told me under house arrest when I was there, this is what the religious leaders told me—it now includes Marxist teachings. And from their standpoint, this no longer becomes a political debate once their own beliefs are stricken from the text, and in place, you substitute Marxist teachings.

And for that reason, I think you might want to review your statement, or your testimony, because I think—in light of that, I think we put our finger on the problem here.

Here, religious freedom in the United States means a separation of church and state. It was Jefferson's great gift to this Republic. It was a product of enlightenment. But what we are dealing with there is not separation of church and state, but the attempt of an ideological government to rework religious beliefs to fit with that ideology and to prosecute those religious leaders who don't succumb to those positions. And I want to say, this is where we really want the State Department to use its leverage on religious freedom to get them to back out of religion in Vietnam.

Mr. MARCIEL. Thank you, Mr. Congressman.

I don't think there is any disagreement here. We are not—believe me, I am not defending the Vietnamese Government's treatment of Thich Quang Do or anyone else, and we constantly raise these issues.

If I recall correctly—and I would like to double-check for the record—in 2004–2005 there was a specific number of cases of people who were incarcerated for religious purposes, that we raised with the Vietnamese; and by 2006, they had released all of those people. That was the basis for the testimony. That does not mean we were okay with everything that was done.

Mr. ROYCE. But what you and I know that Li Quon Nguyen and Thich Quang Do are still under arrest. They are still under house arrest and so, in a way, that report wasn't all that objective. Shall we say, it was an error of omission rather than commission. But I think that was an error.

Let me get to another point which is Radio Free Asia, and I will sum up with this point. Many activists, many people in civil society, have told me of the importance of RFA's broadcast there. In a way, it empowers Vietnam's human rights and democracy activists when you have got that broadcast. And the jamming that is done there is taking out only a portion of RFA; but taking out any of it, in my view, is too much, because what I would like to know is, have we been protesting this jamming with Vietnamese officials? I saw no mention of RFA in your testimony.

We provide a considerable amount of aid. The United States provided $90 million this year to Vietnam. It seems to me that we have enough diplomatic leverage to get the government in Hanoi to stop this jamming, or we should use this for leverage to stop the jamming.

And I know the Vietnam Human Rights Act has a provision in it which we put in there to better overcome this jamming, but we shouldn't have to make the effort with this bill. We should have our diplomats putting—bringing this pressure to bear.

I raised this issue with Deputy Assistant Secretary Daley, one of your predecessors, back in 2003, and he testified, "I will commit to you," he said, "we will raise this jamming if we haven't already." I never heard back from him.

So I would like to ask you to please follow up, and maybe you can give me a little response here, if you could.

Mr. MARCIEL. First, we fully agree with the idea there ought to be free flow of information in Vietnam, including Radio Free Asia, and that provides a great service. We fully support that.

Second, I don't know off the top of my head the answer to the question of whether my predecessor raised it, but we will try to find an answer and get back to you.

Second, I know Ambassador Michalak is committed to raise it. We will find out whether he has.

Third, I will be in Vietnam in a few weeks, and I will raise it. And we will get you an answer.

Mr. DELAHUNT. On the report that the CRS, the Congressional Research Service, did for the committee in preparation for this hearing, they note that the U.S. Committee on International Religious Freedoms, among others, has disputed the administration's

factual basis of the decision to remove Vietnam from the CPC list. That is a commission that the President has his appointees.

My understanding is, the commission was unanimous in its conclusion. How do you, Mr. Secretary, explain the disparity between the commission's report and the presentation that you just made relative to religious freedom?

Mr. MARCIEL. Sure, Mr. Chairman.

First, of course, we have great respect for the Commission on Religious Freedom.

Second, our own report on religious freedom in Vietnam, which was just released, I think, about a month or 2 ago provides extensive details on the situation as we see it.

I think there is very extensive reporting on the progress that has been made in Vietnam on religious freedom in terms of registrations, the end of forced renunciations, training seminars by the government to ensure that its new framework of laws on religious freedom is implemented widely. I think there has been significant progress, and I could go into more detail.

Part of the issue, I think, is that the CPC designation really suggests a very, very severe problem in religious freedom. Taking a country off of CPC—and I am not the expert in the State Department on this, but my understanding—taking a country off of CPC should not be taken to mean that all of those problems have been solved. They have not all been solved.

In Vietnam, there are still challenges out there, significant challenges. It means there has been significant progress that warrants taking the country——

Mr. DELAHUNT. Mr. Secretary, the commission itself argues that removing Vietnam from the CPC list removes the incentive for further reform.

What you are suggesting—actually, what you are stating is that the administration does not concur with the finding of the commission which is represented by three appointees of this President.

Mr. MARCIEL. Mr. Chairman, we made the decision to take Vietnam off the CPC a year ago.

Mr. DELAHUNT. Irrespective of the report of the commission?

Mr. MARCIEL. Correct.

Mr. DELAHUNT. You reject the conclusion of the commission?

Mr. MARCIEL. We would say we came to a different conclusion, as a tactical decision, that our view is, Vietnam has made significant progress—I think it is factually laid out—and that failing to recognize that progress would send the wrong message not only to Vietnam but elsewhere.

In other words, if we asked you, Vietnam, to take a number of steps to address our concerns; and then you took those steps, and we did not respond——

Mr. DELAHUNT. But, Mr. Secretary, haven't subsequent events that you heard earlier from my colleagues from testimony, particularly the testimony, I thought, of Congresswoman Sanchez, about the incident that occurred, it would appear that whatever progress has happened, there seems now to be a trend going rather—rather quickly in the other direction.

Mr. MARCIEL. Let me try to answer that, Mr. Chairman.

The trend—and I hate to sound like a bureaucrat, but I am going to sound like a bureaucrat.

CPC is about religious freedom. The crackdown that we saw early this year was not on religious freedom. It was still a crackdown. The incident that Congresswoman Sanchez described and which our Ambassador described the same way is appalling. There is no way of defending that; it is unacceptable.

It was not a crackdown on religious freedom. Still horrible, still a human rights problem, absolutely. But on religious freedom itself, we are not seeing steps backwards. We are seeing further steps forward.

That is the argument——

Mr. DELAHUNT. Let me—again, going back to the CRS report, they indicate that there has been cooperation between Vietnam on the issue of North Korea.

Can you inform us as to that cooperation? What cooperation can you point to between Vietnam and the United States in regards to North Korea?

Mr. MARCIEL. Mr. Chairman, I would prefer to talk about that in a different setting. I would be happy to do that if it could be arranged.

Mr. DELAHUNT. Let me ask you this: Did we support Vietnam in its effort to become—to serve on the Security Council?

Mr. MARCIEL. My understanding is, we voted for Vietnam, yes.

Mr. DELAHUNT. I think it was Mr. Royce who indicated we provide Vietnam now with in excess of $90 million of foreign assistance; is that an accurate statement?

Mr. MARCIEL. Yes, Mr. Chairman.

Mr. DELAHUNT. And am I correct in stating that we are the largest market, export market, for Vietnam?

Mr. MARCIEL. Yes.

Mr. DELAHUNT. And you indicated that you raised these issues with the Vietnam Government, with the Vietnamese authorities. I mean, are we just exchanging rhetoric or in the looks of the dialogue with the Vietnamese Government, do we indicate to them that there are consequences in terms of the relationship between the United States and Vietnam if what we see occurring in the recent past continues to occur? And can you be specific in terms of what those consequences may be?

Mr. MARCIEL. Mr. Chairman, we raised human rights in a variety of ways. Sometimes we have broader, almost conceptual talks about human rights. In many cases, we are raising individual cases and urging that political prisoners be released, detainees be released.

We do that constantly, urge them. Sometimes we push continually on one or two or three cases. Sometimes we raise a whole series of cases. We do this all the time. Over the years, I think our efforts on this front have helped. They haven't changed the fundamental political situation, no. They have, I think, contributed to the release of any number of detainees and political prisoners.

And I believe you quoted the President—or perhaps it was one of your colleagues—earlier, the President's statement to the Vietnamese President this June, where he says—I don't have the quote

right in front of me—something to the effect that our relationship, going forward, depends on progress on these issues.

Mr. DELAHUNT. But I guess what I am looking for is, is there any defined sanction, consequence, to what we see as this new pattern that is evolving? Is the administration saying that unless there is a reverse in this current trend, that we will go the CPC route? Have those words been uttered? Because it would appear to me, Mr. Secretary, that—and I think we have to acknowledge, there have been changes, at least from what I note here.

But at the same time, after ascension to the WTO, after PNTR, the leverage that is available to us, maybe the leverage has decreased, but the leverage still exists. And it would appear that the Vietnam Government responds to that leverage and is now in the process of testing us; and unless there are defined consequences that are conveyed to the Vietnamese Government, we will find ourselves accelerating the reverse of where we hope to go.

Have there been clearly defined consequences presented to the Vietnamese Government in this—in terms of human rights and the need for continued improvement? And if there haven't been, just simply say, there haven't been, the talk has been general.

Mr. MARCIEL. Mr. Chairman, I think the talk has been general. We preserve our flexibility to take actions.

I would say we have not said we would put them back on CPC because of the crackdown on political dissent. However, we made it clear when we took them off the CPC list, and in subsequent conversations, if there was regression on religious freedom, that they ran the risk of going back on CPC.

Mr. DELAHUNT. Well, again, I think some would conclude on this side of the dais that there is a real risk of not presenting, in very concrete terms, the consequences. And I think there is a growing sentiment, at least among Members of Congress, that we expect and anticipate that something would happen in the not-too-distant future unless political prisoners are released.

That is a very simple act. It would send a message. You were in the audience earlier when I made that statement. That is a message that we want to send to the Vietnamese Government: If you continue to want to have a relationship, a good relationship, a relationship that can move forward, with this institution—and this institution, in our democracy, has an independent role that I know you are aware of—that we will have a different look at the bilateral relationship.

And it is in their best interest, and we say this with all candor and no intention to be disrespectful, but the sentiment is here to take action; and it has already been evidenced by the overwhelming vote. But I know that there are members here that will consider more serious sanctions to be imposed unless something changes.

I would ask my colleague if she has anything.

Ms. LOFGREN. I would like to say something.

Just because the Government of Vietnam has statutes to allow registration of churches doesn't mean that they actually allowed churches to register. It is my understanding that only about 2.5 percent of the applications have actually been approved.

And so, I mean, to use the statute of evidence of anything, I think is a big mistake. I mean, you know, the Soviet Union had a great Constitution, but it didn't make them a free country. And I think we have got the same situation here.

So I certainly appreciate your service to our country, but I must say that I look upon your testimony with a great deal of skepticism; and it does not appear to me that it is thoroughly supported by the information that we have received from so many sources.

And I would just note, Mr. Chairman, that if there is a difference of opinion, you know, I guess that is what makes horse races and politics. But we might ask the Department to ask for the release of the Buddhist leaders and Father Ly, if, at least, an argument could be made that they are there because of their religious beliefs. And if the Vietnamese Government is willing to release religious prisoners, let us ask them to let Father Ly out. I think that would be very important.

I was reminded, we had a Vietnam Caucus hearing a number of years ago. Father Ly was not able to leave, but he smuggled out his testimony which was read by another person at our hearing. And as his testimony was being read in this building in Washington, DC, in the United States congressional hearing, the Vietnamese police went in and arrested him at that very same moment, to give a message to us, I think, in the Congress.

I think that that behavior is reprehensible, and I really don't see that we are pushing as hard as we should, honestly.

I think—just my personal experience—when my constituent, who will be a witness on the next panel, was arrested a year ago August, one of the things that we said was, if they think they are going to get PNTR while they are holding Americans in jail for what they said in America, they have got to be smoking something. This is not going to happen.

Okay. Now they have PNTR, but we don't have that leverage, and I think they are—they are thumbing their noses at the United States. And unless we come up with some teeth to what we are saying, the nose thumbing is going to continue and the human rights situation in Vietnam is going to deteriorate.

I realize that every country is different, and there is no way that we are going to impose an exact replica of the United States culture on any other countries. I wouldn't even suggest that. But I don't think it is wrong to say that you have to have a minimum level of human rights and religious freedom, which is lacking there.

I am very disturbed that we have taken our leverage away. And I think that we ought to take steps to regain it; and I think if we did, they would do a lot to have an economic relationship through us.

It is of marginal importance economically to the United States. It is of overwhelming importance to Vietnam, and I think that they would do a lot if they felt that that economic relationship was threatened because of their poor behavior.

Mr. MARCIEL. Madam Congresswoman, I absolutely agree that, whether or not Vietnam should have a system exactly like ours, there is a minimal standard of human rights that they are responsible for; and we absolutely should be pushing them, as we do at every opportunity.

And on Father Ly, whether he is a religious prisoner or a political prisoner, he is a prisoner for the wrong reasons and shouldn't even be a prisoner. And we are pushing hard for his release. I absolutely agree with you on that. I don't want to suggest that whether he is categorized as one type of prisoner or another really makes a difference in terms of it. It is still wrong.

On the issue of leverage, I believe we still have leverage. I know there was a lot of debate ahead of the PNTR vote on whether we would be giving up our leverage. My personal view, based on my experience in Vietnam, is that the Vietnamese still want a lot out of this relationship. They value the relationship with us, and we do need to use our leverage to try to encourage progress. And that is what we are trying to do.

The last point, on religious affairs and registration. I would agree with you that passing of the law by itself would not be—would not have been sufficient. However, our records show that the Vietnamese have registered a number of churches in a number of denominations, information I have from when Ambassador Hanford issued his religious freedom report a few months ago, is that, for example, from August 2006 to roughly September 2007, the Vietnamese approved the registration of over 29 Evangelical Church of Vietnam congregations in the north and northwest.

Mr. DELAHUNT. Mr. Secretary, let me interrupt you. You are hitting a nerve with me.

You know, I could recite the same actions in a country that is 90 miles off of our coast. One could go the Cuba, one could attend Mass. There have been new churches built, a synagogue. I attended the rededication of the synagogue there. The Santeria faith in Cuba is being promoted, is being practiced openly. I meet with Cardinal Ortega when I go to Havana. He acknowledges tension between the church and the regime.

But the climate is different. It is much like, in its description, what you are relating to us, in Vietnam. And yet we have a policy there which is—doesn't implicate PNTR, doesn't implicate direct assistance, does not implicate, you know, the servicing of American naval vessels or IMET programs. It is family members who live here in the United States that can't visit their loved ones except for once a year.

Part of the problem, I would suggest, if we step back and look at it, is that we see Vietnam being treated in a way that denigrates our commitment to human rights. If contrasted with an embargo on Cuba—I am not advocating for an embargo or denial to Vietnamese Americans to visit their homeland—but let me ask you a rhetorical question.

What does the rest of the world conclude when we have such inconsistency in terms of our policies? That we are hypocrites? That we are not serious about human rights in Vietnam when we go and continue to pursue a policy that is almost five decades now and continue to tighten the screws on Cuba? Is the Cuban regime more or less repressive than what we hear about today according to respected human rights and nongovernmental organizations?

So I guess what I am saying is, we need to hear some consequences. I am not suggesting that we go as far as we do with Cuba, because I don't subscribe to that policy. But it is almost as

if we are telling the rest of the world that America's centerpiece of American foreign policy is not human rights.

Now, I am not suggesting it is the only factor in the equation of any bilateral relationship. I understand there are many other levels. But I would suggest that at its core, American foreign policy should have, as its focus, human rights. And it cannot be a relationship that is only about rhetoric when it comes to one nation and all kinds of action when it comes to another nation.

What kind of message does that send to our own citizens, to the Vietnamese American community? We give you rhetoric, but we give you no action.

Your comments, Mr. Secretary?

Mr. MARCIEL. Thank you, Mr. Chairman.

My comment would simply be that on Vietnam, no other government pushes human rights nearly as much as the United States. And this has been true for many years; this is not—this administration——

Mr. DELAHUNT. I understand that.

Mr. MARCIEL. If I could, Mr. Chairman, it is not just rhetoric. It doesn't affect the entire tenure of the relationship. There is not always a specific consequence so this action leads to a counteraction; but it affects our overall view of the relationship and the overall decisions we make about how fast we move ahead with this relationship, how warm the relationship is.

It very much affects the relationship; and the Vietnamese know it, and it irritates them because we push it very, very hard. And we sometimes achieve very concrete results.

Mr. DELAHUNT. Then why doesn't the administration push it to the same degree that they push those issues in the case of Cuba?

Mr. MARCIEL. Mr. Chairman, I have to confess my ignorance on how hard we push, but I think we push it very hard in Cuba as well. I am not really in a position to compare and contrast. I can just say that we push it very hard in Vietnam.

Mr. DELAHUNT. Let me suggest to you, there is an order of magnitude of disparity there that is very broad; and I just would hope in the future that the administration has heard the call here today from this particular subcommittee. And I am confident that I reflect what, in my words and the words of Congresswoman Lofgren, the overwhelming sentiment of the United States Congress, in that the Vietnamese Government ought to take note that action at some point in time will come from this institution, if not from the administration.

And with that, I thank you, Mr. Secretary.

Mr. MARCIEL. Thank you, Mr. Chairman.

Mr. DELAHUNT. Now, if we can have our third panel, let me thank everyone for their extraordinary patience.

I am going to introduce—let me introduce the panel, and then we will proceed directly to your testimony.

Duy Hoang is the leader of Viet Tan, a pro-democracy party with members inside Vietnam and around the world. A former refugee, he left Vietnam in 1975 at the age of 3. He holds an MBA from the University of Chicago and currently resides in Washington, DC.

My daughter left Vietnam in 1975 at the age of 4 months, and I obviously have a special interest in Vietnam.

And next we have Cong Thanh Do. He is the co-founder and spokesman of the People's Democratic Party, an "underground" nonviolent political party in Vietnam. In August 2006, he was arrested for committing supposed terrorist acts, but was later released. After spending 38 days on hunger strikes and protests to his detention, the Hanoi authorities deported him back to the United States.

In October, he received commendation from the San Jose mayor and city council members for his perseverance and courage to fight for peace and democracy. In December 2006, Mr. Do and his family were invited to Sacramento for a personal meeting with Governor Schwarzenegger. In May 2007, he was invited to the White House for a meeting with President George W. Bush to report on human rights violations in Vietnam.

Kathryn Cameron Porter is the founder and president of Leadership Council for Human Rights. She was the catalyst for the formation of the Congressional Human Rights Caucus and she also worked for the establishment of a permanent international court for crimes against humanity, crimes of genocide and serious crimes of war. I want you to know, Ms. Porter, that I was an advocate for the ICC.

She has helped focus the attention of the United Nations and its various agencies, as well the European Parliament, the Council of Europe, and the LOCE on the issues of refugees and internally displaced persons.

You have a large task ahead of you given the tragedies that are occurring today in the Middle East.

Sophie Richardson, the deputy director of Human Rights Watch, Asia Division, where she oversees the organization's work on China, Japan, North Korea, the Philippines, and Vietnam among others. Her publications have appeared in publications worldwide. She also has provided commentary to Al-Jazeera, the Australian Broadcasting Corporation, the BBC, CNN and National Public Radio.

Dr. Nguyen Dinh Thang has served as executive director of Boat People SOS since 1991. In 2001 after a full-time career as an engineer for Naval Surface Warfare Center, Dr. Nguyen resigned his position with the Navy to devote himself full time to empowering the Vietnamese American community nationwide through strategic community organization and capacity-building.

Thank you all for participating today.

Why don't we start with you, Ms. Richardson.

STATEMENT OF MS. SOPHIE RICHARDSON, DEPUTY DIRECTOR, ASIA PROGRAM, HUMAN RIGHTS WATCH

Ms. RICHARDSON. Oh, thank you. Chairman Delahunt, members of the subcommittee, we appreciate the opportunity to testify before this committee regarding the human rights situation in Vietnam. This last year has——

Ms. LOFGREN. Could you—there is a little button that turns on your microphone.

Ms. RICHARDSON. It's on.

Mr. DELAHUNT. Could you push it a little closer?

I am going to limit all of our panelists to 5 minutes and actually make an effort to be even more concise, because they are calling more votes. So we have to listen to you, we probably won't have an opportunity to engage in question and answer, but we want to listen carefully to what you say. And if you have testimony in writing, we will gladly accept that in full. Please proceed.

Ms. RICHARDSON. I will do my very best to be brief. We also have written testimony that we would like to have entered into the record.

Mr. DELAHUNT. Without objection.

Ms. RICHARDSON. This last year has seen the harshest crackdown down on peaceful dissent in Vietnam in 20 years. The government, emboldened by international recognition after joining the World Trade Organization in late 2006, has moved to suppress all challenges to the authority of the Vietnamese Communist Party by arresting dozens of democracy and human rights activists, independent trade union leaders, underground publishers and members of unsanctioned religious groups often on spurious charges that they are threats to national security.

Despite flouting its international rights commitments, in October, Vietnam was elected to a 2-year term on the U.N. Security Council.

A brief overview of those ongoing human rights issues. Opposition parties, independent media labor unions, and religious groups that operate outside of VCP control are banned. In 2007, authorities have increasingly suppressed activities, organizations, and political parties that surfaced in 2006 when the government temporarily eased restrictions prior to the hosting of the Asia Pacific Economic Cooperation Summit. Of nearly 40 dissidents arrested since the crackdown began in 2006, more than 20 have been sentenced to prison in 2007; many under penal code article 88, conducting anti-government propaganda.

Vietnamese law continues to authorize arbitrary detention without trial. While administrative detention decree 31/CP was indeed repealed, as we heard earlier, in 2007, a more repressive law, Ordinance 44, authorizes placing people suspected of threatening national security under house arrest or in detention, without trial, and social protection centers, rehabilitation camps or mental hospitals. Lawyer Bui Thi Kim Thanh, who assisted farmers with land rights complaints, was arrested in November 2006 and involuntarily committed to a mental hospital and not released until July 2007.

Prior to the United States visit of Vietnamese President Triet in June, Vietnam released political prisoners Nguyen Vu Binh, who had served 5 years, and lawyer Le Quoc Quan, arrested in March 2007 and charged with attempting to overthrow the government after participating in a fellowship at the U.S. National Endowment for Democracy.

A brief word on the status of the freedom of expression. We simply would like to note the irony of the fact that in 2007, Vietnam's national press prize went to the *People's Army Newspaper* for articles "describing the insidious nature of hostile Western influences," a clear reference to the Vietnamese democracy movement.

We have lengthy comments we can submit on labor rights, free expression, and the status of religious freedom.

I would like to focus quickly on recommendations to Congress and to the administration. While we welcome the public statements and the private demarches made by the State Department, the White House, and the Embassy in Hanoi condemning the crackdown on dissidents and calling for revision of article 88, under which many have been imprisoned, and we welcome President Bush's inclusion of human rights in his talks with President Triet, clearly a great deal remains to be done to address Vietnam's blatant disregard for its international commitments.

We would certainly echo all of the recommendations made here about increasing support to Radio Free Asia and the Voice of America; certainly to deploying the new Human Rights Defenders Fund. Indeed, we should spend some time discussing what U.S. corporations can be asked to do, given the clout that they now carry; not least would be publicly articulating what standards they expect to employ with respect to labor rights.

But we also urge the administration to speak up, even more forcefully, and work through private diplomatic channels at senior levels to unambiguously convey to the Vietnamese Government that it must produce concrete and verifiable results in addressing the serious human rights violations we have outlined today.

Congressional delegations and U.S. diplomats should continue to visit dissidents and their families and travel the troubled regions of the countries, such as the northern and central highlands. We urge visiting delegations to make sure that they are well briefed before making sensitive visits, to ensure primarily that they do not engage in orchestrated visits to Potempkin villages used as propaganda by the Vietnamese Government, and that those that they meet with are not harshly punished afterwards.

There are five issues we would also ask Congress and the administration to stress to the Vietnamese Government; in particular, specific actions they can take which we can then verify. The first is to immediately release or exonerate all people imprisoned, detained, or placed under house arrest, administrative detention, or involuntary commitment to mental hospitals for the peaceful expression of political or religious beliefs, particularly the 350 Montagnards whose names are all listed in this report, who have been in prison since 2001 on national security charges.

We would also like to see the government amend provisions in Vietnamese law that criminalize dissent in certain religious activities on the basis of imprecisely defined national security crimes. We would like to see the Vietnamese Government end censorship and control over the domestic media, including the Internet.

The Vietnamese Government shall seek immediately and unconditionally release all persons detained for peaceful activities to promote the rights of workers.

And, last, and this one obviously cuts across many different issues, to allow independent religious organizations to freely conduct activities and to govern themselves should the Vietnamese Government fail to do so. We obviously feel quite strongly that it belongs back on the CPC list. Thank you very much.

[The prepared statement of Ms. Richardson follows:]

PREPARED STATEMENT OF MS. SOPHIE RICHARDSON, DEPUTY DIRECTOR, ASIA PROGRAM, HUMAN RIGHTS WATCH

We appreciate the opportunity to testify today before this Committee regarding the human rights situation in Vietnam. This last year has seen the harshest crackdown on peaceful dissent in Vietnam in twenty years. The government, emboldened by international recognition after joining the World Trade Organization in late 2006, moved to suppress all challenges to the authority of the Vietnamese Communist Party (VCP) by arresting dozens of democracy and human rights activists, independent trade union leaders, underground publishers, and members of unsanctioned religious groups. Despite flouting its international human rights commitments, in October Vietnam was elected to a two-year term on the UN Security Council.

HUMAN RIGHTS ISSUES IN VIETNAM

Opposition parties, independent media and labor unions, and religious groups that operate outside of Vietnamese Communist Party control are banned. In 2007, authorities have increasingly suppressed activists, organizations, and political parties that surfaced in 2006 when the government temporarily eased restrictions prior to hosting the Asia Pacific Economic Cooperation summit.

Of nearly 40 dissidents arrested since the crackdown began in 2006, more than 20 have been sentenced to prison in 2007, many under Penal Code article 88, conducting anti-government propaganda. In March, Roman Catholic priest Nguyen Van Ly, a founder of the Bloc 8406 democracy group, was sentenced to eight years in prison. Others sentenced in 2007 include human rights lawyer Nguyen Van Dai, labor activist Tran Quoc Hien, and at least five opposition party members. Cyber dissident Truong Quoc Huy's trial is expected by year's end. Members of independent churches have also been imprisoned.

Vietnamese law continues to authorize arbitrary detention without trial. While administrative detention decree 31/CP was repealed in 2007, a more repressive law Ordinance 44, authorizes placing people suspected of threatening national security under house arrest or in detention without trial in Social Protection Centers, rehabilitation camps or mental hospitals. Lawyer Bui Thi Kim Thanh, who assisted farmers with land rights complaints, was arrested in November 2006 and involuntarily committed to a mental hospital. She was released in July 2007.

In addition to detaining or imprisoning individuals considered a political threat, the Vietnamese government uses other means to silence them. Dissidents' telephones are disconnected, their internet connections are terminated, and they are questioned and often detained if they go to internet cafés. Their homes are periodically searched and their computers and documents confiscated. Their families are pressured to stop them from speaking out. They are insulted in articles in the official state media, or denounced by "angry citizens" in orchestrated public meetings. They are dismissed from their jobs, or find their client base has dried up as a result of official pressure and negative publicity. Even family members face intimidation and reprisals.

Prior to the US visit of Vietnamese President Triet in June, Vietnam released political prisoners Nguyen Vu Binh, who had served five years, and lawyer Le Quoc Quan, arrested in March 2007 and charged with attempting to overthrow the government after participating in a fellowship at the National Endowment for Democracy in the United States. In October, eleven political and religious prisoners imprisoned on national security charges were released in a presidential amnesty. They included three members of the Cao Dai religion arrested in Cambodia in 2004 for trying to give a protest letter to officials attending an ASEAN meeting in Phnom Penh along with seven Montagnards, at least three of whom were arrested trying to seek asylum in Cambodia.

LABOR RIGHTS

In 2007 the government raised the minimum monthly salary for workers in foreign companies for the first time in six years. Despite this, unprecedented numbers of workers—mostly at South Korean, Japanese, Taiwanese and Singaporean enterprises in Vietnam's southern industrial region—continued to strike for better pay and working conditions. The strikes were deemed illegal, as Vietnamese workers are not free to join or form unions of their choosing, and all unions must be approved by and affiliated with the Party-controlled Vietnam General Confederation of Labor.

A new draft law would fine workers who participate in "illegal" strikes not approved by the Party-controlled union confederation. Other decrees enable local officials to force striking workers back to work, and ban strikes in strategic sectors, in-

cluding power stations, railways, airports, post offices, and oil, gas, and forestry enterprises.

Members of independent trade unions are arrested, harassed and intimidated, with at least six members of the United Worker-Farmers Organization arrested since 2006. Le Tri Tue of the Independent Workers' Union disappeared in May 2007 after applying for political asylum in Cambodia with the UN High Commissioner for Refugees (UNHCR). He was presumed to have been abducted and sent to prison in Vietnam.

FREE EXPRESSION

All media is controlled by the government or the Party, with national security laws and "guidance" by the Party effectively insuring self-censorship over privately-owned media. Criminal penalties apply to publications, websites, and Internet users that disseminate information that opposes the government, threatens national security, or reveals state secrets. Investigative reporting is hampered by legislation calling for reporters to pay damages to persons injured by their reporting, even if the reporting is accurate.

Foreign Internet Service Providers (ISPs) are prohibited from operating. Internet café owners are required to provide assistance and work space to public security officials monitoring the Internet, and to obtain customers' photo identification, which is supplied to Vietnamese ISPs. The ISPs are required to install monitoring software that identifies Internet users and their online activities, and store the information for a year. The government monitors email and online forums and blocks websites covering human rights, religious freedom, democracy groups, and independent media. Website owners are required to register and obtain government approval for website contents.

In February, police detained and questioned Catholic priests Chan Tin and Phan Van Loi, editors of the underground newsletter *Freedom of Speech*. In April police arrested Tran Khai Thanh Thuy, an editor of the dissident bulletin Fatherland. In September the government ordered the closure of Intellasia, an Australian-owned business website in Hanoi, charging that it disseminated "reactionary" material.

We note the irony of the fact that in 2007, Vietnam's national press prize went to the People's Army newspaper for articles "describing the insidious nature of hostile Western influences," a reference to the democracy movement.

FREEDOM OF RELIGION

Vietnam's 2004 Ordinance on Beliefs and Religions affirms the right to freedom of religion. However, it requires that all religious groups register with the government in order to be legal, and bans any religious activity deemed to cause public disorder, harm national security, or "sow divisions."

During 2007, the Minh Ly Sect in southern Vietnam, and the more pro-government part of the Mennonite church in Vietnam were granted legal registration. Other Mennonites in Vietnam, such as those affiliated with Rev. Nguyen Hong Quang in Ho Chi Minh City, a former prisoner of conscience, continued to be harassed.

While most Catholics are able to practice their religion, those who advocate for political and civil rights—such as Catholic priests Phan Van Loi, Chan Tin, and Nguyen Huu Giai—are harassed and threatened with arrest. Monks from the banned Unified Buddhist Church of Vietnam (UBCV), including top leaders Thich Huyen Quang and Thich Quang Do, remain largely confined to their pagodas. In March 2007, UBCV monk Thich Thien Mien, who formed an association of former political and religious prisoners following his release in 2005 after 26 years in prison, was interrogated by police for alleged anti-government activities. After Thich Quang Do spoke at the farmers' demonstration in Ho Chi Minh City in August, the government increased its harassment and surveillance of the UBCV.

Four Hoa Hao Buddhists in Dong Thap province were sentenced to prison in 2007 on charges of causing "public disorder" after participating in a hunger strike to protest the imprisonment of other Hoa Hao members in 2005 and 2006. They joined at least ten other Hoa Hao leaders serving prison sentences and four under house arrest.

In February 2007 several hundred ethnic Khmer (known as Kampuchea Krom) Buddhist monks in Soc Trang province peacefully demonstrated for religious freedom. Police dispersed the demonstration and arrested protest leaders, with five sentenced to prison in May for "causing public disorder." In June the Venerable Tim Sakhorn, a Kampuchea Krom monk from Cambodia, was imprisoned in Vietnam on charges of undermining national unity after being defrocked and deported by Cambodian authorities.

Ethnic minority Christians belonging to independent house churches continued to be harassed, pressured to join government-authorized churches, and arrested. Despite regulations to streamline the registration process, many churches that try to legally register have been rejected or receive no response, with only 31 of 600 minority house churches in the northern highlands granted registration during the past two years. For many churches that have been approved, registration limits them to certain "specific activities," enabling government officials to use the registration process to monitor and control religious activities.

An independent report facilitated by UNHCR in 2007 found "severe forms of religion-based punitive action" against Montagnard Christians in the Central Highlands. During 2007, at least thirteen Montagnards were sentenced to prison, joining more than 350 Montagnards imprisoned since 2001 on national security charges for their affiliation with independent house churches, land rights protests in 2001 and 2004, or attempting to flee to Cambodia to seek asylum.

In Phu Yen province, the government recognized-Evangelical Church of Vietnam reported that an Ede Christian died in April 2007 after being detained and beaten by police for not renouncing his religion. In July police and six trucks of soldiers forcibly evicted ethnic minority Stieng Christians from their farms in Binh Phuoc province, beating some of the villagers and bulldozing their crops and homes.

A steady flow of Montagnard asylum seekers fled to Cambodia, with many forcibly turned back by Cambodian border police. Unfettered monitoring of the Central Highlands remained problematic. After a visit by officials from the UN High Commissioner for Refugees to Dak Lak in June, police detained and beat a Montagnard who had helped translate for the delegation. This in turn spurred the flight of more asylum seekers from that village to Cambodia.

RECOMMENDATIONS TO CONGRESS AND THE ADMINISTRATION

We welcome the public statements and private demarches made by the State Department, White House and the Embassy in Hanoi condemning the crackdown on dissidents and calling for revision of article 88, under which many have been imprisoned, and President Bush's inclusion of human rights in his talks with President Triet during Triet's June White House visit. Much more needs to be done, however, to address Vietnam's blatant disregard for its international commitments to respect and uphold human rights, especially now that it has a seat on the Security Council.

We urge the administration to speak up even more forcefully and work through private diplomatic channels at senior levels to unambiguously convey to the Vietnamese government that it must produce concrete and verifiable results in addressing the serious human rights violations we have outlined today. Congressional delegations and US diplomats should continue to visit dissidents and their families and travel to troubled regions of the country such as the northern and central highlands. We urge visiting delegations to make sure that they are well-briefed before making sensitive visits, to ensure that they do not engage in orchestrated visits to Potempkin villages used as propaganda by the Vietnamese government, and that those they meet with are not harshly punished afterwards.

The courageous activists in Vietnam who have risked their liberty to make their nation more democratic need our support. The administration can most effectively convey this support by imposing tangible sanctions, benchmarks, and deadlines on the Vietnamese government to push it to take prompt and concrete steps to improve its human rights record.

Important recommendations for Congress and the administration to press the Vietnamese government to act upon include:

- Immediately release or exonerate all people imprisoned, detained, or placed under house arrest, administrative detention, or involuntary commitment to mental hospitals for the peaceful expression of political or religious beliefs.
- Amend provisions in Vietnamese law that criminalize dissent and certain religious activities on the basis of imprecisely defined "national security" crimes to ensure that these laws cannot be applied against those who have exercised their basic rights to freedom of expression, assembly, association, and religious belief. Topping the list should be repealing Ordinance 44, which authorizes administrative detention, house arrest, or detention in Social Protection Centers and psychiatric facilities for two year renewable periods, without trial, for individuals deemed to have violated national security laws.
- End the Vietnamese government's censorship and control over the domestic media, including the Internet and electronic communications, bring press laws into compliance with Article 19 of the ICCPR, and authorize the publication of independent, privately-run newspapers and magazines.

- Invite the U.N. Special Rapporteur on Religious Intolerance, the U.N. Working Group on Arbitrary Detention, the U.N. Special Rapporteur on Torture, and independent international human rights organizations to visit Vietnam to investigate human rights violations. International monitors and UN officials should be allowed confidential interviews and unrestricted access to all regions, including the central and northern highlands, and allowed to visit police stations, district and provincial jails, military-operated detention centers in the provinces and border areas, prisons such as Ba Sao prison in Ha Nam province where many political prisoners are currently held, as well as psychiatric facilities where dissidents are detained against their will.
- Immediately and unconditionally release all persons detained for peaceful activities to promote the rights of workers to freely associate, including the right to form and join trade unions of their own choice; to peacefully assemble to protect and advance their rights; and to exercise their right to freedom of expression on behalf of workers and their concerns. This includes persons detained or imprisoned for formation of independent trade unions in 2006 and 2007.
- Allow independent religious organizations to freely conduct religious activities and govern themselves. Recognize the legitimate status of churches and denominations that do not choose to join one of the officially-authorized religious organizations whose governing boards are under the control of the government. Allow these religious organizations to independently register with the government if they choose to do so.

If these steps are not vigorously undertaken by the Vietnamese government and there is no positive change, the US should at a minimum reconsider its annual human rights dialogue with Vietnam. If concrete action is not immediately taken by the Vietnamese government to address ongoing religious freedom violations and release religious figures from prison or house arrest for peaceful expression of their religious or political beliefs, the State Department should reinstate Vietnam on its list of "Countries of Particular Concern."

Mr. DELAHUNT. Thank you.

Let me go right away to Dr. Thang. And again, if you can limit your oral presentation.

STATEMENT OF NGUYEN DINH THANG, PH.D., EXECUTIVE DIRECTOR, BOAT PEOPLE S.O.S.

Mr. THANG. Yes, Mr. Chairman and distinguished members of the committee. We are witnessing Vietnam's return to the Dark Age in terms of political tolerance. Soon after Vietnam entered the WTO, extricated itself from the CPC list, and achieved Permanent Normal Trade relation with the United States, its government mounted a sweeping crackdown against peaceful pro-democracy advocates, nonconformist religious leaders, labor union organizers, and even lawyers who defended victims of persecution and social injustice. We have documented the arrest and detention of at least 42 dissidents. And within the 6-week period between March 30th and May 15th of this year, 20 of them were sentenced to a total of over 80 years in prison.

The recently released Vietnam Country Report has documented the escalation in violations of human rights, oppression of religions, and suppression of democracy. With your permission I request inclusion of this report.

Mr. DELAHUNT. Without objection.

[NOTE: The information referred to is not reprinted here but is available in committee records or may be accessed on the World Wide Web at: http://www.state.gov/g/drl/rls/hrrpt/2006/78796.htm (accessed December 7, 2007).]

Mr. THANG. Thank you.

In this testimony I would like to focus on the denial of religious freedom to Catholics, Protestants, and Buddhists in Vietnam. And that relates to the questions that the Congressman from California asked here.

Last year our State Department took Vietnam off the CPC list, pointing to the release of all prisoners of concern, the improved legal framework toward religion, and the registration of over 100 house churches.

To place this in the right perspective, let us remind ourselves that between 2001 and 2004, the Vietnamese Government banished over 4,000 house churches. So far, only 3 percent of them have been registered under the new law. And the new law isn't exactly like it seems. The new legal framework is shaped by three documents. First there is the Ordinance on Belief and Religion, that came into effect in November 2004, followed by the March 2005 decree on how to implement this ordinance. And in between these two documents, there was the Prime Minister's February 2005 directive on Protestantism.

The ordinance and decree set out conditions, regulations, and procedures for denominations to apply for recognition as a legal entity or to register for religious operation. However, the Prime Minister's directive specifies conditions to register for specific activities. Supposedly this directive was designed to help those entities that were not ready to apply under the ordinance.

However, in reality, in most instances the directive trumps the ordinance and decree. So far fewer than ten denominations and churches have been recognized or registered according to the ordinance. So what number brought up by the State Department did actually register under the directive, which is extremely restrictive? For instance, only certain religious activities are allowed, involving only individuals preapproved by the government, to be held at one location designated by the local government.

Let me give you an example. The Evangelical Church of Vietnam North (ECVN), which was already legally recognized before the ordinance, according to this ordinance only needs to inform the local authorities of annual activities of its affiliated congregations. So far 671 such congregations have applied for registration, even though they don't have to, and yet only 50 have been approved under the directive.

In April of this year the government declared a suspension to the processing of the remaining applications.

And we have documented so many instances of buildings, burning down of houses, of establishments belonging to Christians, arrests of Buddhist monks, including Hoa Buddhist Monk Vo Van Thanh Liem, arrested in August 2005 after his submission of written testimony to a similar congressional hearing chaired by Congressman Smith. Also troubling is the recent arrest of five Khmer Krom Buddhist monks who were sentenced to 2 to 4 years of detention. So I take issue with the report from the State Department.

In conclusion I would like to offer the following recommendations: First of all, the State Department should set concrete benchmarks to assess Vietnam's commitment to religious freedom, such as recognition of all 671 ECVN congregations in the northwestern highlands; timely processing of all applications for recognition and

registration according to the ordinance and decree, not according to the directive; the release of all "individuals of concern" and we have provided a list of 50 of them to the State Department. And our State Department should consider putting Vietnam back on the CPC list if those benchmarks are not met. Our Embassy in Hanoi should maintain an up-to-date list of persecuted church members and leaders and should engage in regular meetings with leaders of the persecuted churches to get their input and to monitor the true conditions of religious freedom in Vietnam.

And finally, Congress should authorize and appropriate funding to build capacity and provide support for independent churches in Vietnam so that they could defend their rights under the new legal framework which, by the way, has not been implemented truly.

[The prepared statement of Mr. Thang follows:]

PREPARED STATEMENT OF NGUYEN DINH THANG, PH.D., EXECUTIVE DIRECTOR, BOAT PEOPLE S.O.S.

Mr. Chairman and distinguished members of the Subcommittee,

We are witnessing Vietnam's return to the "dark age" in terms of political tolerance. Soon after Vietnam entered the WTO, extricated itself from the Country of Particular Concern designation, and achieved Permanent Normal Trade Relation with the US, its government mounted a sweeping crackdown against peaceful pro-democracy advocates, nonconformist religious leaders, labor union organizers, and even lawyers that defended victims of persecution and social injustice. We have documented the arrest and detention of at least 42 dissidents. Within the six-week period between March 30 and May 15, 20 of them were sentenced to a total of over 80 years in prison. The picture of Catholic Priest Nguyen Van Ly muzzled at his own trial is symptomatic of the worst political crackdown in 20 years.

In the recently released Vietnam Country Report, we document the escalation in violations of human rights, oppression of religions, and suppression of democracy. In this testimony I would like to focus particularly on the on-going denial of religious freedom to Catholics, Protestants, and Buddhists in Vietnam.

Last year our State Department took Vietnam off the CPC list, pointing to the release of all prisoners of concern, the improved legal framework towards religion, and the registration of over a hundred house churches.

To place this in the right perspective, let's remind ourselves that the Vietnamese government banned more than 4,000 house churches between 2001 and 2004. So far only 3% of them have been registered. We can hardly consider this significant progress.

And the legal framework is not what it seems. It is shaped by three documents: the Ordinance on Belief and Religion that became effective November 2004; the March 2005 decree on implementing this ordinance; and, in between these two documents, the Prime Minister's February 2005 Directive on Protestantism. The Ordinance and Decree set out conditions, regulations, and procedures for denominations to apply for recognition as legal entity or to register for religious operation. The Prime Minister's Directive supposedly provides a venue for religious entities not eligible under the Ordinance and Decree to register for specific activities, which is quite restrictive: only certain religious activities are allowed, involving only individuals and held at only locations pre-approved by the local government.

In most instances, this Directive trumps the Ordinance and Decree. Fewer than ten denominations or house churches have been recognized or registered according to the Ordinance and Decree. For example, according to the Ordinance the Evangelical Church of Vietnam North (ECVN), already legally recognized, only needs to inform the local authorities of the annual activities of its affiliated congregations. In reality the government requires these affiliates to register. Of the 671 ECVN congregations in the Northwestern Highlands that have sent in their registration, only 50 have been approved for specific activities. In April of this year, the government declared the suspension of further processing of the remaining applications. The ECVN Chairman has not been allowed to visit his unregistered affiliates.

The situation is even worse for many other Churches. The United Baptist Church operating in Central Vietnam has 87 affiliates; 55 of them applied for registration for religious operation; only 3 were approved for specific religious activities; 10 either saw their applications denied or were banned from activities altogether—in one instance the local government ordered the destruction of the church's facility; in two

instances, the government banned followers from participating in religious activities; in another instance the government imprisoned the church leader. Of the 3 approved congregations, one is now "out of status" because its application for the renewal of the registration has been pending for the past 12 months.

We are very concerned about the State Department's assertion that all individuals of concern have been released. We have thoroughly documented at least 50 individuals still in prison, including a dozen Hoa Hao Buddhists—most prominent of them is Monk Vo Van Thanh Liem, arrested in August 2005 after submission of a written testimony to a US congressional hearing; he is serving a 6-year term. Equally troubling is the recent arrest and sentencing of 5 Khmer Krom Buddhist monks to 2 to 4 years and the detention of Khmer Krom Buddhist Monk Tim Sakhorn, a citizen of Cambodia.

The State Department's report also asserts that "there were no known instances of societal discrimination or violence based on religion." We have confirmed several incidents of religious repression by local governments, indicating more subtle measures being used to hinder the religious activities of ethnic minority Protestants. On June 10, the home of Evangelist Dinh Van Xeo in Son Bao Village, Son Ha District, Quang Ngai Province, was burned down. On July 11, approximately 140 Protestant families of the Stieng ethnicity in Bu Dop, Binh Phuoc Province became homeless when the government took away their ancestral lands and homes and destroyed their crops. The authorities continue to cut off electricity to the homes of several Hoa Hao Buddhists associated with imprisoned Monk Vo Van Thanh Liem.

Our Vietnam Country Report documents many more instances of discrimination, intimidation, and violence against people of faith.

In conclusion I would like to offer the following recommendations:

(1) Our State Department should set concrete benchmarks to assess Vietnam's commitment to religious freedom, such as:
   a. Recognition of all 671 ECVN congregations in the Northwestern Highlands;
   b. Timely processing of all applications for recognition or registration according to the Ordinance and Decree;
   c. Release of all "individuals of concern" from prison or "temple" arrest.

Our State Department should consider placing Vietnam on the CPC list if these benchmarks are not met.

(2) Our Embassy in Ha Noi should maintain an up-to-date list of persecuted Khmer Krom Buddhists, Hoa Hoa Buddhists, Unified Buddhist Church of Vietnam leaders, Catholic priests, and Protestant house church members; and convene regular meetings with leaders of the persecuted Churches so as to monitor the true conditions of religious freedom.

(3) Congress should authorize and appropriate funding to build capacity for independent Churches in Vietnam to defend their rights under the new legal framework.

Mr. DELAHUNT. Thank you so much.

Mr. THANG. Thank you, Mr. Chairman.

Mr. DELAHUNT. Mr. Do.

STATEMENT OF MR. CONG THANH DO, SPOKESMAN, THE PEOPLE'S DEMOCRATIC PARTY

Mr. DO. Yes, my name is Cong Thanh Do. I am spokesperson for the People's Democratic Party. I would like to thank Mr. Chairman, the members of the committee, and especially my Congresswoman, Zoe Lofgren, for giving me the opportunity——

Mr. DELAHUNT. Could you push the microphone a little closer to you?

Mr. DO [continuing]. To testify on the human rights condition in Vietnam.

Last fall when I went back to Vietnam, the Hanoi Government, they put me in jail. I spent 38 days in solitary confinement. I decide to go on a hunger strike to protest the detention. I told the Hanoi Government that myself and the parties have done nothing wrong. The only thing we have done is promote the human rights

values and defense for the universal declaration of human rights. Without the support from congressional Member Zoe Lofgren and many others, especially like the Governor of California and my family, I wouldn't be here to testify today.

The problem is the government will not recognize basic human rights. Their leader, President, Prime Minister, publicly denied that there are political prisoners in Vietnam. Nine political prisoners were sentenced, with more than 40 years in jail. And with that addition, we have more than 60 people who are still behind bars right now. These are not criminals; these are the people like doctors, lawyers, and the only crime they commit is speaking for themselves and demanding freedom of expression.

I would like to note that the committee that goes up to the Hanoi Government got approval into the WTO as well as the CPC. Right away they continue to violate the human rights. So they believe in us, if we can give Hanoi something to move forward, and hopefully in return their human rights may improve. That is not the case that happened in here.

Another issue is based on my understanding the U.S. send like more than $80 million as financing to the Hanoi Government. None of this money going to help the democracy activity. In Vietnam right now, with the salary only like $600 a year for the worker, that is big money. I am sure it will go into the corrupt government official of Vietnam right now, the rich, and super rich, and the member of the Communist Party. So how can we foresee that this money is not going to go into the pocket of the corrupt government officials?

Secondly, I note that we have provided military training to the Hanoi Government, especially for the antiterrorists. The problem is these antiterrorists are the ones who have arrest me. They torture me mentally day and night. So they going get some benefit from U.S. and they use this training to suppress the enemy dissident and the innocent people as well. How can we know for sure that these things are not going to happen?

Mr. DELAHUNT. Mr. Do, I am going to cut you off, but I appreciate what you just said about how you were treated and the funding that we are providing to the Vietnamese military to train counterterrorism. It is an embarrassment to imagine that it is being used to suppress people like yourself who have the courage to speak out. And I want you to know that I for one, and I know my other colleagues, are very proud of Congresswoman Lofgren for her advocacy for you. And it is good to have her sitting beside me here on the dais and you sitting before me. It is good to have you home.

[The prepared statement of Mr. Do follows:]

PREPARED STATEMENT OF MR. CONG THANH DO, SPOKESMAN, THE PEOPLE'S DEMOCRATIC PARTY

On behalf of the People's Democratic Party (PDP), I would like to thank Representatives Tom Lantos, Chairman of House Committee on Foreign Affairs and Bill Delahunt, Chairman of House Committee on Foreign Affairs' Subcommittee on International Organizations, Human Rights and Oversight, Congresswomen Zoe Lofgren, Loretta Sanchez and many other congressional members of the committee for giving me this opportunity to testify regarding the Human Rights situation in Vietnam.

As a Vietnamese-American who has fought peacefully for human rights and democracy in Vietnam. I was held 38 days in jail last fall 2006 for reasons regarding

these activities. Without the support of US Congressional members, Zoe Lofgren and Loretta Sanchez, Senators Barbara Boxer, Dianne Feinstein and the Governor of California, the Vietnamese communities around the world, my family and many others. I would not be able to testify today. I have done nothing wrong but to promote and defend the values that the Universal Declaration of Human Rights clearly declares "as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society."

The Hanoi authorities however refuse to recognize these basic human rights. The President, Prime Minister and Vice-Minister of Security of Vietnam continue to publicly deny that there are political prisoners in Vietnam, calling them criminals instead. Since last year, Vietnamese authorities have sentenced nine prominent political prisoners to a total of more than 40 years in jail for alleged "crimes against the Socialist Republic of Vietnam" and imprisoned sixteen democracy activists without trial yet. Many of them are religious leaders, lawyers, doctor and writers. These individuals have committed no crimes; they have merely exercised their freedoms of speech by peaceful means. However, the Vietnam Communist Party has ignored these basic human rights; They continue to crack down by issuing harsh sentences and arbitrary detentions in order to silence them. This year, Human Rights Watch reported that "Despite having one of Asia's highest growth rates, Vietnam's respect for fundamental human rights continues to lag behind many other countries, and the one-party state remains intolerant of criticism. Hundreds of political and religious prisoners remain behind bars in harsh conditions."

On July 19, 2007, in Sai Gon hundreds of protested farmers who had lost their lands due to corrupt government officials were brutally beaten and violently suppressed. Congresswoman Zoe Lofgren wrote a letter of protest but Hanoi Ambassador in Washington D.C. flatly denied. Today, I provide list of 51 witnesses with written testimonies, photos and evidence that which shows how badly this government has violated their rights. Recently the state media has started campaign to publicly slander the religious leaders, human rights organizations, democratic activists and myself as well as those who have raised their voices to support the protesting farmers. Even as it has been accepted to the World Trade Organizations (WTO) and non-permanent member of United Nations security, Vietnam still continues its violations of human rights and fails to live up to the world community's standards.

We call on Vietnam's government to immediately act on several urgent requests:

- To release the People's Democratic Party (PDP) members, currently being held in jail: namely Dr. Le Nguyen Sang, lawyer Nguyen Bac Truyen and journalist Huynh Nguyen Dao,
- To release leading members of the United Workers Farmers Organization of Vietnam (UWFO) including Mr. Nguyen Tan Hoanh aka Doan Huy Chuong, Ms. Tran Thi Le Hang, Mr. Doan Van Dien, Mr. Phung Quang Huyen and lawyer Tran Quoc Hien,
- To release founding members of the Vietnam Progression Party: Mr. Nguyen Phong, Nguyen Binh Thanh and lawyer Le Thi Cong Nhan,
- To release Father Nguyen Van Ly, human rights lawyer Nguyen Van Dai, cyber-dissidents Nguyen Ngoc Quang, Vu Hoang Hai, Pham Ba Hai, Truong Quoc Huy, Truong Minh Nguyet, Le Tri Tue, writer Tran Khai Thanh Thuy, farmers Ho Thi Bich Khuong and Ngo Luot etc., who have been imprisoned solely for having publicly supported democracy or fought for basic human rights,
- To stop using terrorizing tactics against Vietnamese dissidents and innocent peoples. For example, on August 31, 2007, Mr. Nguyen Khac Toan, a prominent dissident, on September 30, 2007 Father Phan Van Loi, leader of 8406 Block, on August 22, 2007 Rev. Thich Minh Nguyet, all were tried through "public interrogation," an uncivilized court in which "plain-clothes police and official governments disguised as civilians publicly accuse and humiliate activists." On October 10, 2007 Mr. Vi Duc Hoi, a Communist Party member turned democratic activist was stripped off his party membership. His family has since been constantly terrorized by Ha Noi security. Mr. Nguyen Ba Dang, another dissident, released after held 4 months in jail still suffers from daily police harassment. Pastor Nguyen Cong Chinh and his members were badly beaten due to their Christian practices. In fact, on October 2007 a Christian named Siu Blok died from torture by Vietnamese authorities. Hanoi authorities continue their employment of hired thugs to beat protesting farmers and dissident such as cases of Mrs. Luu Thi Thu Trang, Luu Thi Thu

Duyen and Nguyen Phuong Anh. These terror practices aim at breaking down and dehumanizing individuals through public humiliation and intimidation,

- To revise the constitution, particularly Article 4 which guarantees the monopoly of the Communist party over the political culture of Vietnam; to accept open and direct dialogues with opposing political groups; to respect freedom of speech, freedom of press and fair multi-party elections.

We ask the Ha Noi government to release all Vietnamese political prisoners and end arbitrary detentions. The PDP has collected more than four thousands signatures (4,000) through the internet and published letters to support our call. Until Vietnam complies with international standards, these violations of human rights and abuse religious practices cannot be ignored. We call on all US Congressional members to ask the US government to put Viet Nam back on the list of Countries of Particular Concern (CPC) and support the Human Rights Act HR 3096 until the government of Vietnam demonstrates that they are capable of significantly improvements in the religious and human rights situations.

Mr. DELAHUNT. Mr. Hoang.

STATEMENT OF MR. DUY (DAN) HOANG, CENTRAL COMMITTEE MEMBER, THE VIET TAN PARTY

Mr. HOANG. Mr. Chairman, Congresswoman Lofgren, thank you for organizing the hearing today. You have heard the other witnesses talk about the human rights crackdown, so I will go straight to the recommendations. I would like to offer five recommendations for how the Congress can help defend human rights in Vietnam and promote an open society.

The first recommendation is to send the Human Rights Act to the President for his signature. Obviously, the House has passed this and this result was very warmly welcomed by the democracy activists living in Vietnam. In a letter thanking the House, the Alliance for Democracy and the Human Rights in Vietnam wrote:

> "The fraternal economic relationship between Vietnam and the United States is only sustainable and benefiting the people of the two countries when Vietnam is truly a democratic nation where human rights are respected."

So the work you are doing is making an impact inside Vietnam. And I would ask you to urge Senate colleagues to support this legislation and, if necessary, the provisions from H.R. 396 should be attached to other bills so that ultimately this legislation is enacted by both Chambers during the 110th Congress.

The second recommendation is adopt a voice of conscience. Right now a well-known novelist and mother of two children, Tran Khai Thanh Thuy, sits in jail for helping to organize peaceful protests against corruption and land grabs. She is held without trial, she suffers from diabetes, and her family has not been allowed to visit.

A young lawyer named Le Thi Cong Nhan is serving a prison sentence for propaganda against the Socialist government and participating in an unsanctioned political party.

Another lawyer and former NED fellow, Le Quoc Quan, was arrested when he returned to Vietnam, released in advance of the President's announced visit to the United States, but today he still is under threat of rearrest. He is barred from practicing law and his passport has been revoked.

So these are just three examples of Vietnamese citizens who are facing jail, house arrest or severe police harassment. So by publicly mentioning these individuals, by raising their cases with Viet-

namese Government officials, you can adopt these individuals and, through them, all the Vietnamese voices of conscience.

The third recommendation is to ensure consistency in American policy. Obviously, through the hearing today, the Congress cares about human rights. This concern also has been expressed by the White House. But within the State Department there is an ongoing debate on what constitutes religious freedom. We heard that already. And one view has it that religious freedom can be merely measured by the number of ordinances on religion or the number of religious entities that are allowed to register with the government. But many of us believe that religious freedom is what occurs in practice, not what a Communist government pledges on paper. And true religious freedom is when people can practice their faith without first registering with the authorities.

The U.S. Commission on Religious Freedom just went to Vietnam. They were supposed to go in September, but the government refused visas for them. Now they are back and they will make a determination on whether to redesignate Vietnam as a CPC country. I would ask you to support the recommendation.

The fourth recommendation of mine is to promote an independent media. The Vietnamese Government exercises a monopoly over the media to control information, to restrict the free exchange of ideas and cover up its own corruption misdeeds. And to censor the Internet, the government employs firewalls, spies on Internet cafes, and threatens bloggers. So it is really critical that the Congress support independent sources of information such as Radio Free Asia. And because the Internet has the potential of transforming authoritarian societies, we should support the emerging bloggers and citizen journalists in Vietnam. And, specifically, passage of the Global Online Freedom Act, H.R. 275, would promote a de facto independent media in Vietnam.

And my fifth and last recommendation is these human rights abuses will persist as long as there is a one-party dictatorship in Vietnam. So the solution to human rights is a democratic society where all stakeholders have a voice in the future of their country. And while achieving democracy, must be foremost the effort of people inside Vietnam. The international community, the U.S. Congress, can lend a hand in supporting the work of independent NGOs' initiatives for building a civil society, and this would be essential for empowering Vietnamese people to build a long-lasting democracy.

[The prepared statement of Mr. Hoang follows:]

PREPARED STATEMENT OF MR. DUY (DAN) HOANG, CENTRAL COMMITTEE MEMBER, THE VIET TAN PARTY

Dear Mr. Chairman, Ranking Member, Members of the Committee on Foreign Affairs,

Thank you for the invitation to testify today. It is encouraging to see such strong bipartisan support for human rights in Vietnam.

You have heard from the other witnesses how the Hanoi government launched a crackdown after getting what it wanted: admission to the WTO, PNTR status, and removal from the CPC list for religious freedom violators.

I will focus my testimony on how the U.S. Congress can help defend human rights and promote an open society in Vietnam. I would like to offer five recommendations.

Recommendation #1: Send the Vietnam Human Rights Act to President Bush for his signature

On September 18, the House of Representatives overwhelmingly passed the Vietnam Human Rights Act (H.R.3096). This result was warmly welcomed by democracy activists living in Vietnam. In a letter thanking the House, the Alliance for Democracy and Human Rights in Vietnam stated:

> *"The fraternal and economic relationship between Vietnam and the United States is only sustainable and benefiting the peoples of the two countries when Vietnam is truly a democratic nation where human rights are respected."*

Please urge colleagues in the Senate to support this important legislation. If necessary, provisions from H.R.3096 could be attached to other bills during the 110th Congress so that the substance of the Vietnam Human Rights Act is enacted by both chambers.

Recommendation #2: Adopt a voice of conscience

A well-known novelist and mother of two young children, Tran Khai Thanh Thuy, sits in jail for helping to organize peaceful protests against government land grabs and corruption. Held without trial, she suffers from diabetes. Her family has not been allowed to visit.

A young lawyer named Le Thi Cong Nhan is serving a prison sentence for "propaganda against the socialist government" and participating in an unsanctioned political party.

Another lawyer and former NED fellow, Le Quoc Quan, was arrested in March right after returning to Vietnam. He was released in advance of the president of communist Vietnam's visit to the United States in June. But he remains under constant threat of arrest and has been barred from practicing law. Even his passport has been revoked.

These are just three of the many Vietnamese citizens imprisoned, facing house arrest, or under severe police harassment for the peaceful expression of their beliefs. By speaking out on their behalf, writing letters to their families, and raising their cases with Hanoi government officials, Members of Congress can stand by these brave individuals and, through them, all of Vietnam's voices of conscience.

Recommendation #3: Ensure consistency in American policy

The message from today's hearing is that the U.S. Congress is concerned about human rights in Vietnam. This is also a concern expressed by the White House.

Interestingly, within the State Department there is an ongoing debate on what constitutes religious freedom. One view has it that religious freedom can be narrowly measured by the ordinances on religion issued by the Vietnamese authorities or the number of religious entities allowed to "register" with the government and thus legally operate.

Many of us hold that respect for religious freedom is what occurs in practice, not what a communist government pledges on paper. Moreover, true religious freedom is when people can practice their faith without first registering with the authorities.

Just last week, the U.S. Commission on International Religious Freedom concluded a ten day visit to Vietnam. This trip was originally scheduled for September but at the last minute Hanoi did not provide the travel visas. In the coming weeks, the Commission will report its findings and determine whether to recommend that the State Department redesignate Vietnam as a Country of Particular Concern (CPC).

To ensure that America speaks clearly and consistently on human rights, I urge you to support the recommendations of the U.S. Commission on International Religious Freedom.

Recommendation #4: Promote an independent media

The Vietnamese communist government exercises a monopoly over the media to control information, restrict the free exchange of ideas, and cover-up its own corruption and misdeeds. To censor the Internet, the authorities employ firewalls, spy on internet cafes and threaten bloggers.

Thus, it is critical that the Congress support independent sources of information such as Radio Free Asia. Since the Internet has the potential of transforming authoritarian societies, we should also support the emerging bloggers and citizen journalists. Specifically, passage of the Global Online Freedom Act (H.R.275) would promote a de facto independent media in Vietnam.

Recommendation #5: Support democratic reforms

Unfortunately, human rights abuses will persist as long as there is a one-party dictatorship. The solution to human rights is a democratic society where all stake-

holders have a voice in the future of their country. While achieving democracy must be foremost the effort of people inside the country, the international community can lend a hand by supporting the work of independent NGOs and initiatives for building civil society. This is essential for empowering the Vietnamese people while providing the foundation upon which a long lasting democracy can be achieved.

Thank you for holding this hearing and for your continued support for democracy and human rights in Vietnam.

Mr. DELAHUNT. Thank you, so much.

And we will have sufficient time to hear from Ms. Porter.

STATEMENT OF MS. KATHRYN CAMERON PORTER, FOUNDER AND PRESIDENT, LEADERSHIP COUNCIL FOR HUMAN RIGHTS

Ms. PORTER. Thank you. Can you hear me?

Mr. DELAHUNT. Yes.

Ms. PORTER. I will be very brief because I know you have to vote. I want to congratulate you for going beyond mere words by real hard work on these issues; and especially Congresswoman Lofgren, you are extraordinary, and not only on this issue but so many issues as well.

I apologize for the jet lag, I have just returned from Egypt which has—is a police state, and we need to know more about what is happening in Egypt.

I want to talk to you for just a minute about something that hasn't been brought up in detail today and those are the peoples of the highlands. Extreme poverty is the absence of all human rights, and the poverty that I have seen in the highlands is so extreme that I have been moved the way I haven't been moved in any other case. I gave a little girl a little loaf of bread and she kissed it.

So I want to speak in terms of photographs, photographs of people living, the poorest of the poor. People living where there's starvation, where there is malnutrition, where they don't even have the thought to think about religious persecution. I would love to come and talk to you both about constructive things that we can do.

You brought up the fact that we should have a dialogue. I believe out of dialogue there can be real discourse, there can be development, there can be defense of the defenseless. And I believe that we can do that. Earlier you talked about a group, the opportunity to perhaps bring people from Vietnam and have this openness.

There was a group here in September, a high-level group of people who really wanted to talk about what could be done in Vietnam to open things. Sophie attended, along with a number of other NGOs who sat down, and we had a hard-headed talk about what needed to be done. I had encouraged them to meet with Members of Congress at that time. There was a little bit of hesitancy to do that, but I believe you all hold the key to this, that you can ask for these people to come in to talk. It's a little bit like having your feet in the mud and your head in the sky. And it's time for us to make these two things come together.

Again, my testimony is submitted for the record and I do request the opportunity to come and talk to you in greater detail about these things. And I applaud you.

[The prepared statement of Ms. Porter follows:]

PREPARED STATEMENT OF MS. KATHRYN CAMERON PORTER, FOUNDER AND PRESIDENT, LEADERSHIP COUNCIL FOR HUMAN RIGHTS

Subcommittee Chairman Delahunt, thank you for the opportunity to testify at today's hearing. The Leadership Council for Human Rights (LCHR) is committed to human rights promotion through on-the-ground projects and global advocacy. Our work is built on four essential principles: the search for truth, empowerment of local peoples, promotion of public awareness, and innovative solutions to crises. We focus on the unique needs of indigenous peoples, ethno-religious minorities, women, and other populations under threat.

The discussion of human rights in Vietnam remains particularly relevant within the broader context of newly expanded U.S.-Vietnam relations. When we examine human rights, we must first consider the quality of life issues upon which all fundamental freedoms depend. The first right is basic survival; the ability to provide for one's own elemental needs and those of one's family. In the words of Muhammed Yunus, "Poverty is the absence of all human rights."

While Vietnam's economy has undergone spectacular growth in recent years, the aphorism "a rising tide lifts all boats" is in this case a callous generalization. The indigenous tribes of Vietnam's Central Highlands continue to struggle for survival, untouched by economic gains in other regions of the country. Deeply ingrained racism and discriminatory policies have further worsened their prospects for development. Unless we recognize and act on these urgent needs, some Highlands tribes, whose livelihoods are precarious, will slip closer to the brink.

Identifying extreme poverty as the first and most formidable obstacle to human rights among Vietnam's ethnic minorities, LCHR worked to develop an initiative that would address the needs of especially vulnerable minority groups in remote areas of the Central Highlands, relying neither on funding and support from the U.S. Administration nor direct facilitation from the Vietnamese government. We identified an ideal counterpart entity in Vietnam, an informal but well-organized and active affiliation of ethnic Vietnamese Christians who had been living and working on the ground in the Central Highlands for many years, having excellent access to otherwise inaccessible Highland populations but unassisted by any outside organization and absent any meaningful resources to benefit populations who were virtually dying off in front of their eyes.

During a 2007 fact-finding mission conducted by LCHR to assess the needs of these populations and to research the unique cultures of ancient Highlands tribes, our project consultants met desperately poor Sedang families in Kon Tum, documenting their hardships through photographs, video footage, and interviews. Selected photographs have been attached to my written testimony.

This area is sustained by subsistence agriculture, and villagers reported that food insecurity, overall deprivation and starvation were their greatest fears. Heads of families said they had as many as ten children to ensure the survival of just three. Women and children experience the greatest vulnerabilities. Sedang families direly need humanitarian assistance in the form of food, medicine, and other critical supplies. They requested support to learn improved cultivation techniques to maximize use of natural resources. Community outreach on health and sanitation are also critical to improve their standard of living.

In the pilot phase of its project, based on dialogue and confidence-building with Vietnamese counterparts over the past two years, LCHR has been able to provide emergency food supplies (rice) to very poor ethnic Montagnard families living near the border between Quang Ngai and Kon Tum provinces. Now LCHR is developing additional resources to expand its material assistance program, particularly food and medicine, to very poor ethnic Sedang and Hre Montagnards living near the Quang Ngai-Kon Tum border, families who typically have to survive mostly on only cassava and wild plants and greens which they find in the jungle. This food assistance is aimed first at decreasing mortality rates and specifically increasing child survival.

In future project phases, information activities will be expanded to include in-depth discussions of rights and topical trainings. In addition, LCHR in conjunction with its local project partners will implement a small-scale, easily-replicable micro-enterprise initiative. While seeking to promote quality of life and rights through its on-the-ground project activities, LCHR is also working to establish and expand a functional working partnership between international NGOs and the Vietnamese government focused on enhancing the well-being of minority Highlands populations.

If Congressional intent were met for Economic Support Funds (ESF) designated for humanitarian assistance in Vietnam, there would be a number of projects in the Central Highlands alleviating severe poverty and benefiting the larger community. This would allow international NGOs access to travel into remote areas of the High-

lands in which human rights abuses have been reported. It would also create a two-way flow of information and a fuller understanding of the ground truth in the region. On-the-ground projects can lead to greater transparency and transparency can build trust.

Unfortunately, Congressional intent has seemingly not been met. The State Department's non-performance with ESF allocated by Congress since FY2006 is troubling, and raises questions about the U.S.'s commitment to Vietnam, specifically the Central Highlands. In FY2006, for example, requests for applications for $1.8 Million ESF were not made available until close to the end of that fiscal year. Chronic delays in awarding ESF, which are available to be put to immediate use benefiting vulnerable ethnic minorities, undermines the U.S. Government's stated interest in increasing human rights in Vietnam.

In addition to establishing substantive projects in the Highlands that help the poorest of the poor, whose survival hangs in the balance, maintaining channels of dialogue between the U.S. and Vietnam remain vital to creating the conditions necessary for human rights promotion and civil society development. I have testified on previous occasions that progress depends on a candid and continuing dialogue between U.S. and Vietnamese officials at every level.

Recently, the Leadership Council for Human Rights facilitated an NGO roundtable with senior members of the Vietnamese National Assembly. In this forum, delegates—in their first visit to the U.S. since Vietnam held elections in July—acknowledged the need for human rights improvements and social and economic reforms, and expressed their commitment to working toward rule of law through a transparent legal system. They requested assistance from the U.S. in creating rule of law. The delegation was anxious to hear from the human rights community, and another NGO roundtable will occur soon, building on topics discussed.

Ongoing U.S.-Vietnam dialogue can expand understanding between our two countries and peoples while consolidating human rights gains that have been won. However, actions speak louder than words. The crackdown that followed Vietnam's WTO ascension invalidated the good will between our countries, and concerns raised by unfavorable developments must be forcefully addressed. While we condemn these abuses wholeheartedly, U.S. actions also speak louder than words. We in the human rights community are left to ask: Is the U.S. committed to ensure that economic growth is matched by equal progress in establishing the rule of law and human development in other aspects of the country's life, particularly in the Central Highlands?

Photographs of a Sedang village in Kon Tum, by Thi Trang Linh Phu (c) 2007, appear below.

Mr. DELAHUNT. Thank you, Ms. Porter. I can assure you our doors are open, your testimony has been illuminating. It is very thought-provoking and it is important for us to hear what you have to say, because we are fully aware of your commitment and your history in terms of the engagement with Vietnam.

As I indicated, I have a special reason to be interested in Vietnam and her birth name was Nguyen My Tranh. And it is my intention, sometime within the next 5 to 6 months, if I can secure a visa, to visit Vietnam and express my own concerns. But thank you so much.

And, again, I want to conclude by thanking one of the heroes in this story, and that is my friend and colleague, Zoe Lofgren from California. But you are all heroes.

Thank you and this hearing is now adjourned and we have to go to vote.

Ms. LOFGREN. Mr. Chairman, could I just say one quick concluding thing—well, two quick things?

Mr. DELAHUNT. Please.

Ms. LOFGREN. First, this testimony has been very, very helpful and I appreciate that you stuck with us and you gave us this information. Mr. Do obviously is a heroic figure with what he went through, but someone who hasn't been mentioned who is a heroic figure is his wife Jane who was a tireless advocate. And I just wanted to recognize her as a very special person who will always have a warm spot in my heart, as will you, Mr. Chairman, for your courtesy and graciousness in convening this hearing. It makes a difference, and you are really a spectacular leader in human rights and you honor us by holding this hearing. Thank you so very much.

Mr. DO. Could I have 1 minute, Mr. Chairman? I didn't finish my statement yet. I have more than 4,000 signatures of the Vietnamese people in the community in the United States to condemn the Hanoi Government for violations of human rights. I also ask for the U.S. Congress and U.S. Government to put Hanoi back on to the CPC list.

Mr. DELAHUNT. We will accept that, Mr. Do. We will make this part of the permanent record of this committee, this Congress.

Mr. DO. Thank you, Mr. Chairman.

Mr. DELAHUNT. Thank you all. We are adjourned.

[Whereupon, at 5:54 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

REVISED PREPARED STATEMENT OF MS. KATHRYN CAMERON PORTER SUBMITTED AFTER THE HEARING

Subcommittee Chairman Delahunt, thank you for the opportunity to testify at today's hearing. The Leadership Council for Human Rights (LCHR) is committed to human rights promotion through on-the-ground projects and global advocacy. Our work is built on four essential principles: the search for truth, empowerment of local peoples, promotion of public awareness, and innovative solutions to crises. We focus on the unique needs of indigenous peoples, ethno-religious minorities, women, and other populations under threat.

The discussion of human rights in Vietnam remains particularly relevant within the broader context of newly expanded U.S.-Vietnam relations. When we examine human rights, we must first consider the quality of life issues upon which all fundamental freedoms depend. The first right is basic survival; the ability to provide for one's own elemental needs and those of one's family. In the words of Muhammed Yunus, "Poverty is the absence of all human rights."

While Vietnam's economy has undergone spectacular growth in recent years, the aphorism "a rising tide lifts all boats" is in this case a generalization which does not adequately reflect the broader reality. Many of the rural poor who make up the majority of the population, especially in northern and central Vietnam, and the indigenous peoples of Vietnam's Central Highlands in specific continue to struggle for survival, untouched by the astounding economic gains in the urban and southern regions of the country. Historically-ingrained prejudices, racism, and discriminatory policies persist as major barriers to the human development of Vietnam's Highland peoples. Unless these facts are recognized and action is taken on these urgent needs, some of these peoples, particularly whose livelihoods are precarious, will slip closer to the brink.

Identifying extreme poverty as the first and most formidable obstacle to human rights among Vietnam's ethnic minorities, LCHR has worked since 2005 to develop an initiative that would address the needs of especially vulnerable minority groups in remote areas of the Central Highlands, relying neither on funding and support from the U.S. Administration nor direct facilitation from the Vietnamese government. We identified a functional counterpart entity in Vietnam, an informal but well-organized and active affiliation of ethnic Vietnamese Christians who had been living and working on the ground in the Central Highlands for many years, having excellent access to otherwise inaccessible Highland populations and well-known to local government officials but also unassisted by any outside organization and absent any meaningful resources to benefit populations who were virtually dying off in front of their eyes.

During a 2007 fact-finding mission conducted by LCHR following on my initial visit to Vietnam in late 2005, we were able to get a close-up view of the immediate needs of such populations and to understand more about the unique cultures of ancient and indigenous Highland tribes. Our project consultants visited some desperately poor Sedang communities in Kon Tum province, hearing their stories firsthand and documenting the hardships of their daily existence through photographs, video footage, and interviews. Selected photographs are attached to my written testimony.

The areas visited are sustained by subsistence agriculture at best and forest foraging at worst, and villagers report that food insecurity and overall deprivation, especially the threat of starvation, is their greatest fear. Heads of families said that they had to give birth to as many as ten children just to ensure the survival of three. Women and children, of course, experience the greatest vulnerabilities, and

such families direly need urgent humanitarian assistance in the form of food, medicine, and other critical consumables. (One of our consultants in preparing their mission report commented that the insects seemed to be much better fed than the people!) Technical and material support is needed to learn improved cultivation techniques to maximize the use of the limited natural resources available, and community outreach on health and sanitation are also critical to ensure a basic and sustainable standard of living.

In the pilot phase of its project, based on dialogue and confidence-building with Vietnamese counterparts over the past two years, LCHR has been able to provide emergency food supplies (rice) to very poor ethnic Montagnard families living near the border between Quang Ngai and Kon Tum provinces. Now LCHR is developing additional resources to expand its material assistance program, particularly food and medicine, to very poor ethnic Sedang and Hre Montagnards living near this interprovince border, families who typically have to survive mainly on only cassava and wild plants and greens which they scavenge from the jungle. This food assistance is aimed first and foremost at decreasing mortality rates and specifically increasing child survival.

In future project phases, we hope to expand our activities to include topical information and awareness on basic skills and techniques to ensure that such native families and communities can not just survive but perhaps even thrive. In addition, LCHR in conjunction with its local project partners intends to implement a small-scale, easily-replicable basic microenterprise initiative. While seeking to promote quality of life and rights through its on-the-ground project activities, LCHR is also working to facilitate and expand a larger collaborative working partnership between international NGOs and Vietnamese government counterparts which is focused on enhancing the overall well-being and future prospects of minority Highland populations, ensuring that they survive being the shared goal and the bottom line.

If clear and long-expressed Congressional intent for Economic Support Funds (ESF) designated for humanitarian assistance in the Central Highlands of Vietnam were met, there would be a number of projects in the Central Highlands working to alleviate severe poverty and benefiting vulnerable populations and the larger community. This would allow international NGOs access to travel and work more freely in remote areas of the Highlands in which the worst poverty exists, some of these being also where human rights abuses have been reported. Such a partnership would also create a two-way flow of information and a fuller understanding of the ground truths in the region, for the mutual benefit of all parties concerned, both Vietnamese and international. On-the-ground projects with conspicuous objective achievement can lead to greater transparency, and transparency in turn can increase understanding and trust.

Unfortunately, Congressional intent has seemingly not been met. The State Department's non-performance with ESF allocated by Congress since FY2006 is troubling, and raises questions about the U.S.'s commitment to Vietnam, specifically the Central Highlands. In FY2006, for example, requests for applications for $1.8 Million ESF were not made available until close to the end of that fiscal year. Chronic delays in awarding ESF, which were made available by Congress to be put to immediate use benefiting vulnerable ethnic minorities, undermine the U.S. Government's stated interest and overall credibility in increasing human rights in Vietnam.

In addition to establishing substantive projects in the Highlands that help the poorest of the poor, whose survival hangs in the balance, maintaining channels of dialogue between the U.S. and Vietnam remain vital to creating the conditions necessary for human rights promotion and civil society development. I have testified on previous occasions that progress depends on a candid and continuing dialogue between U.S. and Vietnamese officials at every level.

Recently, the Leadership Council for Human Rights facilitated an NGO roundtable with senior leaders of the Vietnamese National Assembly. In this forum, these leaders—on their first visit to the U.S. since Vietnam held elections in July—acknowledged the need for human rights improvements and social and economic reforms, and expressed their commitment to working toward rule of law through a transparent legal system. They requested support and assistance from U.S. counterparts in their efforts to extend the rule of law. The delegation was clearly anxious to hear from the human rights community, and another similar NGO roundtable will occur soon, this time with leaders of Vietnam's Religious Affairs Commission, building on topics previously discussed and work done together to date.

Ongoing U.S.-Vietnam dialogue can expand understanding between our two countries and peoples while consolidating human rights gains that have been made. However, actions and hard evidence will always speak louder than words. The apparent crackdown that immediately followed Vietnam's WTO ascension unfortunately invalidated much of the good will accumulated between our countries through

some very hard work in the preceding years, and the concerns raised by unfavorable developments must be forcefully addressed. While we condemn such abuses wholeheartedly, the U.S.'s actions, like those of the Vietnamese, speak much louder than words. We in the human rights community are left to ask: Is the U.S. truly committed to ensure that economic growth is matched by equal progress in establishing the rule of law and overall human development in all aspects of the country's life, particularly in the Central Highlands?

The United States' record on this question to date is far from clear.

PREPARED STATEMENT OF THE HONORABLE RUSS CARNAHAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mr. Chairman, thank you for hosting this hearing to examine human rights concerns in Vietnam.

Undoubtedly, the Government of Vietnam has a long way to go in order to improve human rights in their country. While Vietnam's urban areas enjoy degrees of civil, economic and religious freedoms, there is still much work to be done in rural areas. For Vietnam to improve compliance with international human rights standards, we need to pursue a policy of active engagement. This policy must have clear rewards and penalties for the sustained implementation of human rights standards and practices throughout Vietnam.

For this reason, I, along with an overwhelming majority of my colleagues, voted in favor of the Vietnam Human Rights Act of 2007. I believe this legislation offers exactly the kind of incentives required to engage the Vietnamese government. This legislation ties any future increases in non-humanitarian aid to Vietnam conditional on advancements on its human rights record.

In the past, the Vietnamese government has shown a willingness and ability to negotiate with the United States regarding human rights because of a desire to improve economic, security and political ties with the United States. Given the United States status as Vietnam's largest export market, we are in a position to bring about real developments on this issue.

I am eager to hear our witnesses' evaluations on human rights issues in Vietnam and your suggestions on bringing about sustainable improvements in this area. Thank you for taking the time out of your busy schedules to appear before us today. I look forward to hearing your testimonies.