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Human rights situations that require the Council's attention

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[10 May 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Violations of religious freedom in the Socialist Republic of Vietnam

Even after the election of Nguyen Phu Trong as the general secretary of the Communist Party of Vietnam on 19th January 2011, the human rights situation in the country has not improved noticeably. The government continues to restrict freedom of religion, expression, association and peaceful assembly, and to closely monitor and violently interfere in religious activities by systematically persecuting, intimidating and harassing key local figures and followers, subjecting them to arbitrary arrest and detention. During their custody civil rights activists, leaders of local (unrecognized) churches and dissidents questioning the monopoly power of the Communist Party or revealing diverse grievances of the state's administration are usually deprived of access to legal counsel. Moreover, they are often being exposed to torture, beatings and abuses of different kind. Alongside with a steady stream of political trials and arbitrary arrest, reports about growing number of deaths in custody are worrying.

A recent example is the death of 38-year-old Hoang Van Ngai (Hmong name: Vam Ngaij Vai), an ethnic Hmong and a lay church leader of the local Bui Tre Church, which belongs to the legally recognised Evangelical Church of Vietnam (South), the country's largest Protestant body. In 1999 Ngai migrated with his family from Bac Kan Province in the Northeast to Dak Nong Province in the country's Central Highlands because of the heavy religious persecution faced by thousands of Hmong Christians by that time. He was one of the activists who helped construct the building of the Bui Tre Church in 2006, despite of government's threats and harassment. On 15th March 2013 Ngai was arrested by the local police authorities and after 2 days they announced his death stating that he had committed suicide by placing his hand in an electrical outlet. Photos of Ngai's body show clear signs of severe trauma and savage beatings. An autopsy had been performed by the local officers without the knowledge and consent of his family.

According to statistics of the latest Human Rights Watch Report, based on data provided by the state-controlled media, at least 15 people died in police custody in the first 9 months of last year. According to the same statistical sources, alone in 2011 the number of people died during custody was at least 21.

The Vietnam government systematically restricts, harasses and intimidates unsanctioned religious groups, including independent Protestant home churches, Hoa Hao Buddhists, Cao Dai and the Unified Buddhist Church of Vietnam. Examples of officials destroying and demolishing worship places are not rare. According to World Watch Monitor, Vietnamese officials in Muong Cha district (Dien Bien Province) destroyed two new church buildings of ethnic minority Hmong Christians in June 2012 and threatened to tear down a third. The Ho He Church, built in April 2012 by the unregistered Vietnam Good News Mission, was demolished on June 17. The Phan Ho Church of the registered Evangelical Church of Vietnam (North) was destroyed on June 13, 2012. Currently, Vietnam is ranked 21st on the World Watch List of the 50 countries where persecution is worst.

Crackdown on religious groups and activities gets severe especially when key local leaders take up politically disfavoured flashpoint issues such as eviction and land confiscation or resistance of ethnic minorities against central rule and assimilation policies. This was for example the case of Ksor Y Du (47) and Kpa Y Co (30), two evangelist pastors of the Vietnam Good News Missions Church and members of the Ede ethnic group in the Song Dinh district of Phu Yen Province. In 2010 they were sentenced to six and four years in prison respectively for 'undermining national unity.' Especially Ksor, who was one of many thousands of ethnic minority people in Vietnam's Central Highlands participating in demonstrations in 2004 against religious oppression and illegal confiscation of their

traditional lands, has been targeted by the authorities for a long time. According to Radio Free Asia, the legal complaints of more than 1,000 families over the loss of their rice fields confiscated for the U.S. \$8 billion dollar 'Eco-Park project' (part of a long-term urban planning scheme for building a satellite city on the edge of Hanoi) have been ignored by the officials and civil protests against the low compensation from the government have been brutally suppressed by the authorities.

We are particularly concerned about the publishing of a new Decree on Religion 92/2012 ND-CP which went into effect January 1, 2013 and seems to be designed more as a tool for tight control of religious activities and organizations than as a step toward freedom of religion and belief. The document prohibits 'coercing citizens-believers, apostates or abuse the freedom of belief and religion to destroy the peace, independence, unification; incite violence or war propaganda, propaganda left with the laws and policies of the State; divided people, divided ethnic and religious division; cause public disorder, harm to life, health, dignity, honor and property of others (...).' Moreover, in order to be legally recognized, a religious institution must have practiced accepted religious and ritual activities for at least 20 years, and have doctrine and rules not contrary to law and national customs. We draw your attention to the vaguely-worded, imprecise, loosely-interpreted catch-all expressions in this and other documents including the Penal Code.

In this context, Society for Threatened Peoples calls on the Human Rights Council to urge the Government of Vietnam to:

- Amend or repeal provisions in the new Decree on Religion and the Penal Code, providing for heavy penalties on the basis of vaguely-worded phrases such as 'subversion of the people's administration', 'undermining the unity policy', 'propaganda against the state', 'disrupting security',
- Cease eviction and confiscation of land belonging to the impoverished ethnic minorities of Vietnam,
- Cease repression of the ethnic minorities in Vietnam including Hmong Christians and ethnic Khmer Buddhists in the Mekong Delta,
- End arbitrary arrest and detention of political dissidents, as well as of religious people for peacefully expressing their customs, views and beliefs,
- Allow a full, independent and transparent investigation into the circumstances of the death of Christian Hmong Pastor Vam Ngaij Vai.