

# **Submission to the Universal Periodic Review of the Socialist Republic of Vietnam**

By the Association of Hmong in Exile

and

Hmong National Development, Inc.

1. Association of Hmong in Exile is a group of some 300 Hmong asylum seekers currently seeking asylum in Thailand. Most of us fled Vietnam after the “Muong Nhe massacre” in Dien Bien Province in May 2011. In Thailand we have formed a loose association to assist and protect each other and also to raise our voice on behalf of our fellow Hmongs who continue to suffer a policy of repression and persecution that not only marginalize but drive to extermination the Hmong as an indigenous people.
2. Hmong National Development, Inc. is a subsidiary of Hmong American Partnership, with a mission to empower the Hmong community to achieve prosperity and equality through education, research, policy advocacy and leadership development.
3. Of the recommendations resulting from the 2009 UPR and positively considered by the Socialist Republic of Vietnam (SRV), our contributions address the following ones:
  - Step up efforts to ensure the full respect of freedom of religion and worship, including by reviewing laws and provisions at all levels related to freedom of religion, in order to align them with article 18 of ICCPR.
  - Take further measures to prevent violence and discrimination against ethnic minorities.

## **Methodology and consultation process**

4. We compiled this report based on the collective experience of our families who are the victims of the government policies to deny us of religious freedom, means of livelihood, and ancestral lands. We maintain contact with many Hmong families living in Vietnam and also many Hmong who are in hiding in the jungle in Vietnam, China and Laos. We also consulted many reports of credible organizations and agencies.

## **Background**

5. There were few known Hmong Protestants in Vietnam’s northern highlands until 1989, when Hmong began to convert to evangelical Christianity. In response to the growth in Protestantism, the government launched a series of measures, including legal directives and official training manuals issued to local officials, to eliminate or discourage the practice of Protestantism among the Hmong, which the government asserted was being used to oppose the government and undermine national solidarity.

6. The government often refers to Hmong Protestants, particularly those belonging to unregistered church groups, as followers of the “*Vang Chu*” religion. Articles in the state-controlled media in Vietnam assert that *Vang Chu* is not a true religion, but a guise for anti-government activities. A 2011 article in *Phap Luat* (Law) declares: “The nature of the problem is clear, the ‘*Vang Chu*’ religion is not a religion at all, but a ‘false religion’ that abuses and distorts Protestantism. Their evangelical activities are illegal; their leaders are self appointed.” (*Phap Luat*, May 9, 2011.)
7. The handbook published by the Vietnamese Committee on Religious Affairs in 2006 outlined guidelines for “provincial officials in the northwest provinces on how to manage and control religious practice among ethnic minorities ... Although the 2006 handbook recognizes the legitimacy of some religious activity, it also indicates that the Vietnamese government continues to control and manage religious growth, label anyone spreading Christianity in the northwest provinces as a national security threat, and use unspecified tactics to . . . persuade new converts to renounce their beliefs... As a result of the many criticisms from the international community, two revisions of the handbook have been released since 2007. Neither, however, offers much improvement on the original.” (USCIRF Annual Report, 2011.)

## **Church Registration Issues**

8. In response to the CPC designation by the US State Department, the Vietnamese government issued Ordinance on Belief and Religion effective November 15, 2004 and the Decree on Implementing the Ordinance on Belief and Religion (22/2005/ND-CP) effective March 1, 2005. Almost immediately 671 Hmong house churches in the Northwest Mountainous Region registered for religious activities according to the ordinance and decree. However, only 34 (or 5%) of them were ever allowed to register and for only one year. (See list compiled by BPSOS of these 671 house churches at: <http://www.scribd.com/doc/142128338/ECVN-Montagnard-Affiliates-in-Northwest-Highlands>). Throughout Vietnam, “...the government has moved very slowly to extend legal recognition to Hmong Protestant churches. The number of legally-recognized churches and meeting points has reached 100 in the past year, but an estimated 1,000 religious groups are seeking affiliation with the ECVN. Hundreds of applications for legal recognition have been declined or ignored, despite provisions in the Ordinance on Religion and Belief requiring government officials to respond to applications in a timely manner.” (USCIRF Annual Report, 2011.) In April 2009 the government officially declared an end to the registration process for Hmong house churches.
9. The new Decree 92/2012/ND-CP, effective January 1, 2013, stipulates 20 years of stable operation as requirement for legal recognition. This creates a vicious cycle that is practically impossible to break: As Hmong house churches are not allowed to operate, they will never meet the requirement to be recognized in order to operate. This new decree allows the government to tightly control religious activities and outlaw all Hmong house churches indefinitely.

## Forced Renunciation of Faith

10. The practice of forced renunciation of faith, although formally banned by Decree 22 in 2005, persists at both the local and provincial levels with at least tacit support from the central government's religious regulators. In particular, "local authorities are pressuring Hmong Protestants to recant their religious practices and return to traditional practices." (U.S. State Department IRFR, 2010.)
11. The State Department's Religious Freedom report for 2010 describes one example of forced renunciation: "In the Ho Kaw Village of the Dien Bien Province in 2009, district officials pressured 10 Christian families to recant their faith." Among them were "[t]hree ethnic Protestant H'mongs, Sung Cua Po, Sung A Sinh, and Hang A Xa, who refused to renounce Christianity [and] were allegedly detained, handcuffed, and beaten by police in order to force them to renounce their faith. Following the beatings, most Christians in the village stopped practicing their religion under pressure from local officials and family members. . . . After additional police threats, Po signed a renunciation of Christianity. In March, Po and his family fled his home after continued abuse from authorities and family members, and have not been seen since that time." (U.S. State Department IRFR, 2010.)
12. In 2010 and 2011 there were multiple instances in which local officials in Dien Bien forced Hmong Protestants to renounce their faith through methods such as fines, beatings, threats of property confiscation and expulsion, and even death threats: As noted by USCIRF:
  - "In June 2010, several Hmong Protestants from Trung Phu village, Na Son Commune, Dien Bien Dong district, Dien Bien province were threatened with death and beaten severely unless they renounced their faith . . . ."
  - "In June 2010, 25 individuals from Ban Xa Fi #1, Xa Xa Tong, Huyen Muang Dien Bien Dong, Dien Bien province were threatened with confiscation of property and beatings unless they gave up Protestantism. The leader of the local congregation was driven from his home and relocated to another village. Authorities continue to harass and intimidate the villagers."
  - "In March 2011, 21 people belonging to an unrecognized Protestant church in Pha Khau Village, Phinh Giang Commune, Dien Bien Dong district, Dien Bien Province, were threatened with property confiscation and forced relocation unless they stopped meeting to worship. The individuals refused and authorities continue to harass and intimidate them."
  - "[I]n March 2011, Hmong Protestant leaders who started an unrecognized congregation in Ha Tam village, Muong Ba commune, Tua Chua district, Dien Bien province were detained and interrogated by local authorities. They subsequently were expelled from the district. The 'new' converts in Ha Tam village were threatened and ordered to renounce their faith." (USCIRF Annual Report, 2011.)

13. Local authorities sometimes use “contract thugs” to harass, threaten, or beat Hmong Protestant religious leaders. (USCIRF Annual Report, 2011; and U.S. Department of State, Country Reports on Human Rights Practices for 2011, Vietnam report.)
14. Other methods of repression used in the Northern Highlands include “forcing church gatherings to cease, closing house churches, and confiscating property.” (USCIRF Annual Report, 2011.)
15. Hmong Protestants are unable to contact foreign governments or international organizations for assistance. Diplomats and foreign journalists must obtain official permission in order to visit the Northern and Central Highlands regions of Vietnam, and when visits are authorized, they are heavily monitored. This enforced isolation means that very little information can leave these regions without passing through the strict censorship of the central government.

### **Land Rights and Discrimination Issues faced by Hmong Protestants**

16. Lack of secure land tenure as well as unlawful appropriation of land by government officials and their associates has led to loss of farm land and increased poverty among the Hmong in their traditional home provinces in the Northern Highlands.
17. “Although Vietnam has several laws and policies on land and other natural resources, none of these provide legal recognition of ethnic minorities’ customary collective rights to the land, the forest or their resources.... Yet there are two critical issues with respect to the current land policy from the perspective of ethnic minorities, especially those living in remote areas. First, much of the land important to them has been classified as forest land, even though they have cultivated it for decades or even centuries. This has had severe negative impacts on ethnic minority livelihoods and led to serious conflicts between forest protection officers and local villagers. Land legislation is thus in stark contrast to the ethnic minority traditional recognition of land and forests as a key resource in their socio-political, economic and cultural development.” (International Work Group for Indigenous Affairs, Update 2011: Vietnam.)
18. The UN Independent Expert on Minority Issues, Gay McDougall, who visited Vietnam in July 2011, highlighted the growing problem of landlessness and confiscation of traditional agricultural lands among ethnic minority communities, as well as the authorities’ use of excessive force in dispersing peaceful gatherings over these issues. “Large areas of fertile lands have been turned over to industrial crops, including coffee and rubber, while massive in-migration of ethnic Kinh has put additional pressure on scarce available land. Some ethnic minority sources report alleged ‘land grabs’ and criticize resettlement programmes aimed at turning minority agricultural practices towards sedentary agriculture and removing them to make land available to migrant Kinh. They report that peaceful demonstrations over these issues have been met with excessive force, violence and arrests by the authorities.” (Report of the Independent Expert on Minority Issues, Gay McDougall, Mission to Vietnam, 5-15 July 2010.)

### **Persecution of Hmong Protestants after the 2009 UPR**

19. In September 2009, the Vietnamese government sent the police to the Hmong House Church in Thon 5, Xa Dak Plao, Dak Glong District, Dak Nong Province. The police threatened all members of the house church and tortured a number of them to serve as example for others. The authorities banned the practice of Protestantism and evicted Hmong Protestants from the province. In March 2010, the authorities again threatened Hmong Protestants in this village with punishment if they continued to practice their religion.
20. After being driven from their traditional homes and lands without any compensation, and unable to freely practice their religion, some Hmong Protestants have moved to the Central Highlands and other provinces in the south, hoping for less repressive living conditions there. Unfortunately, many then encounter the same issues there, where local authorities harass ethnic minority Protestants, pressure them to renounce their religion, and confiscate their land. (See HRW, “Montagnard Christians in Vietnam: A Case Study in Religious Repression,” 2011.)
21. In January 2010, the Vietnamese government ordered Hmong Protestants in Thon Coc Cang, Xa Che La, Xin Man District, Ha Giang Province to stop building their church. The government confiscated all building materials. The police threatened the church leadership and prohibited them from conducting any religious activities.
22. On January 28, 2011, the government sent military troops with order to raze all the homes and take over all the farm land in the Hmong village of Xa Na Khua, Ban Nam Nhu, Huyen Muong Nhe, Dien Bien Province. Listed among the 671 Hmong Protestant churches that have tried to register, mostly unsuccessfully, for government approval of their religious activities, the village is home to over a hundred households, all Protestant. The authorities told the villagers that Protestantism was an American religion and since they refused to renounce their faith, they had no place in Vietnam: “You should go to America to till America’s land and follow America’s religion.” The government sent workers in to bring down the homes, starting with those at the entrance of the village. They suspended work after having demolished 13 homes. After the Lunar New Year, on March 15 they came back to finish their job. Villagers who took pictures of the demolition of their homes were arrested. The villagers asked the authorities on site, “where do we go now?” and were told “wherever but not here.”
23. On March 17, 2013 the police arrested and detained two members of the Bui Tre Church in Dak Nong. One of them, Hoang Van Ngai, a deacon at this Hmong church, was tortured to death while in detention.

### **The May 2011 Gathering in Muong Nhe**

24. The mass gathering in Muong Nhe was a response to decades of political repression and religious persecution of Hmong Protestants. It was preceded by several incidents of harsh repression in Dien Bien Province in early 2011, which further inflamed simmering discontent by Hmong Protestants.

25. Hmong Protestants in a number of villages in Dien Bien Province decided to hold a “mass prayer” to ask for an end to religious persecution and the confiscation of their homes and land. Word got out to Hmong populations living in other provinces, where they too suffered severe forms of religious persecution, forced renunciation of faith, and confiscation of land.
26. Muong Nhe, where many Hmong Protestants have been forced off their land, was a logical place for Hmong to gather. For decades Muong Nhe has also been the site of numerous incidents of harsh religious persecution against Hmong Protestants, as documented by USCIRF, the U.S. State Department, and respected international NGOs such as Freedom House.
27. While some of the Hmong who attended the protest in Muong Nhe were living in the south at the time of the protest, their original homes were in the Northern Highlands, with many originating from Dien Bien Province.
28. “On April 30, 2011, thousands of Hmong began to gather near Huoi Khon Village in Muong Nhe district of Dien Bien.” (HRW, May 17, 2011)
29. On May 2, 2011 police and local government officials arrived at the site of the Hmong gathering. Authorities spoke to individual protestors, asking for the reasons behind their protest. They took the protestors’ identification documents and recorded their names and residence information with the promise that their demands would be taken into consideration. These records appear to have been used to track and arrest protestors in later months.
30. On May 3, 2011 the Vietnamese security forces increased their presence in the area.
31. On May 4, 2011, two helicopters arrived at the area where the Hmong gathered, according to Hmong participants who later fled to Thailand:
  - The first helicopter that arrived broadcast a voice recording that many of the participants believed to be that of Prime Minister Nguyen Tan Dung. This voice ordered the Hmong to go home and made threats to their safety if they did not: “I ask/beg for you to return to your homes. We will find farm land for you people so you can eat and drink. I am coming one time only. I will not come again. If you do not go home, don’t ... say that I didn’t warn you.”
  - The second helicopter that arrived poured a colored liquid down upon the area where the Hmong gathered. According to a Hmong witness who later fled to Thailand: “That second [helicopter] came right above us and showered the poison like rain onto us, and that made us wet.” It caused the leaves on the trees to turn a “funny color,” and the water in the well where they drank to look oily, he said. A number of the participants believe that this unknown substance resulted in the deaths of some of the Hmong who were at the gathering. While Vietnamese government officials admitted that at least one child died during the gathering, they blamed lack of food and water and poor sanitary conditions at the encampment. (Radio Free Asia, “Protests in Dien Bien as told by locals,” May 13, 2011 and DPA, “Babies die from poor conditions at protest camp,” May 9, 2011.)

32. Human Rights Watch reported that “[o]n May 4 and 5, Vietnamese military troops and helicopters moved in to suppress the assembled people.” HRW, [Vietnam: Investigate Crackdown on Hmong Unrest](#), May 17, 2011.)
33. On May 6, 2011, the assembled military and police, armed with truncheons, electric shock batons, pistols, and AK-47 assault rifles, began to use force to disperse the crowd.
34. Several participants said that the violent dispersal of the gathering on May 6 was preceded by police and soldiers first asking everyone that day to gather together to learn how authorities were going to address their grievances.
35. According to Human Rights Watch, “There are unconfirmed reports that dozens of Hmong were killed or injured” by security forces during their attack on the gathering, adding that confirmation of the reports was difficult because “[t]he authorities sealed the area and refused permission to foreign diplomats and journalists to travel there.” (HRW, [Vietnam: Investigate Crackdown on Hmong Unrest](#), May 17, 2011.) A number of the applicants reported seeing participants in the gathering who were seriously injured, with some possibly killed, during the attack. List of Hmong killed on May 6 as compiled by BPSOS from interviews with Hmong asylum seekers in Thailand:
- 1) Thao A Phu (Born 1982)
  - 2) Thao A Hau
  - 3) Giang Thi Sau (April 12, 1985)
  - 4) Ham Ca Ri
  - 5) Sung Seo Chua (June 15, 1979)
  - 6) Giang Thi Xua
  - 7) Giang Din Cong
  - 8) Cu Seo Phong (Sep 1975)
  - 9) Giang Pao Cha (Nov 1964)
  - 10) Vang Thi Sau
  - 11) Thao Seo Lu
  - 12) Thao Seo Phu (1989)
  - 13) Pang
  - 14) Cu A Pao (July 15, 1980)
36. Christian Solidarity Worldwide (CSW), a respected international non-governmental organization based in London, has reported that up to 130 participants may have been arrested and detained at the time of the gathering. (CSW, “Vietnam: eight Hmong sentenced following last year’s cult gathering in Dien Bien province,” March 16, 2012.) The following list was compiled by BPSOS from interviews with relatives of those arrested on May 6 and jailed:
- 1) Vang A Thang
  - 2) Giuong Van Dau

- 3) Cu A Pao (1980)
- 4) Vang Seo Phu (1978)
- 5) Thao Seo Luu (1983)
- 6) Thao Dung Khai (Xa Na Bung, Muong Nhe)
- 7) Trang Nha Cho
- 8) Cu Seo Vang
- 9) Sung Seo Hoa (1992)
- 10) Sung A Tua (1984)
- 11) Giang Seo Si (1979)
- 12) Vang Seo Thang (1985)
- 13) Giang A Sung (Xa Na Bung, Muong Nhe)
- 14) Ho Sai Hua (Ban La San, Moong, Tong, Muong Nhe)
- 15) Chang Bang Se (Ban Chuyen Gia, Nom Ke, Muong Nhe)
- 16) Sung Seo Vang
- 17) Ly Seo Du (1962)
- 18) Ly Seo Vang (1981)
- 19) Ly Seo De (1986)
- 20) Giang A Vang
- 21) Giang A Hu

37. On May 12, Ministry of Foreign Affairs spokeswoman Nguyen Phuong Nga stated the authorities have arrested “a number of extremists” but provided no information about the numbers, identities, or whereabouts of those arrested. (“Vietnam: ‘Extremists’ detained in Hmong gathering,” Associated Press, May 12, 2011.) The Vietnamese authorities continue to track down Hmong Protestants deemed to be key players in the May 2011 gathering in Muong Nhe.
38. On June 4, the police arrested Giang A Vang at Ban Na Chanh, Xa Na Kho, Muong Nhe District, Dien Bien Province. He died reportedly of torture on March 16, 2012. The police told her wife that his crime was to have attempted to overthrow the government.
39. On December 12, 2011 the local police in Dak Lak Province shot dead Sang No Vang as he tried to escape arrest. He participated in the May 2011 gathering in Muong Nhe. After the brutal police crackdown that resulted in many casualties, Vang returned home in Thon Mong Phong, Xa Cu Pui, Kala District, Dak Lak Province. As the police found his hiding place, he tried to escape. The police shot him dead and then displayed his corpse for all other Hmong villagers to see.
40. Vietnamese state media reported that on March 13, 2012, the Dien Bien Provincial People’s Court sentenced eight Hmong to terms of up to two-and-a-half years’ imprisonment plus two years’ house arrest on charges of “disrupting security”. State media accounts alleged that the eight, plus two Hmong “ringleaders” who remained at large (Vang A Ia and Thao A Lu), had incited ethnic Hmong to claim a government land grant in order to establish a separate Hmong state. Sentenced to 30 months were Giang A



Si and Vang A Giang. Sentenced to two years were Mua A Thang, Thao A Khay, Chang A Do, Thao A Lau, Cu A Bao, and Giang Seo Phu. (BBC Vietnamese Service, March 14, 2012; Cong An Nhan Dan (People's Police) newspaper, March 14, 2012, Radio Free Asia, March 14, 2012; AFP, March 14, 2012.)

41. On 27 September, 2012, the Lao police and Vietnamese police jointly apprehended five families of Vietnamese Hmong who had fled to Laos after the May 2011 crackdown in Muong Nhe. They all came from Ban Na Bung 1, Xa Na Bung, Muong Nhe District, Dien Bien Province. Giang A Cho (1989) and Giang A Phong (1982) were among those arrested.
42. On 17 or 18 October, 2012, the police of Dien Bien Province arrested two additional Hmong participants in the Muong Nhe gathering: Giang A Vang and Ly A Vang, both from Ban Chuyen Gia 2, Xa Nam Ke, Muong Nhe District, Dien Bien Province.
43. On October 19, 2012, the police arrested 22 Hmong participants in the Muong Nhe gathering who were in hiding in the jungle near the border with China: Vang Seo Phen (Born 1990), Sung Seo Phu (1996), Giang A Tang (1994), Giang A Khoa (1996), Vang A Venh (1963), Vang A Venh (1963), Vang A Long (1989), Giang A Tinh (1972), Ly A Phu (1976), Giang A Chua (1977), Vang A Phu (1988), Vang A De (1990), Vang A Phu (1977), Giang A Vang (1987), Thao A Vang (1962), Sung A Do (1962), Ho A Chu (1984), Cu A Venh (1985), Giang A Vang (1983).
44. On 23 October, 2012 at 3am, the police of Dien Bien Province arrested Ly Manh Tung (1985) and his brother Ly An Tua (1978) at Ban Chuyen Gia 1, Xa Nam Ke, Muong Nhe District, Dien Bien Province. Ly A Tua was later released after paying fines of 35 million VND. His family's requests for prison visit have been repeatedly turned down. Ly Manh Tung has been held incommunicado from his family.
45. On 22 November, 2012 the police mobilized 100 police and soldiers to surround and arrested an unknown number of Hmong at Xa Na Bung Huyen, Muong Nhe District, Dien Bien Province.
46. On 24 November, 2012 the police arrested Giang A Dinh (1983) at Ban Nam Tat -Xa Na Bung. He had managed a prior police arrest on 30 April, 2012 but not this time.
47. On 14, March, 2013 the Vietnamese and Lao police apprehended 12 Hmong families in hiding in Laos. They were all taken back to Vietnam. Seven families (46 members) were residents of Na Xua Village and five families at Nong Pa Village, both in Vien Thong District - BoLikhamXai Province, Laos.
48. On 21 March 2013, the police apprehended a couple who attended the gathering. They escaped arrest. The police took away their 3 and 6 year old children and held them as hostages.

49. Most of the Hmong arrested and detained have been accused of attempting to overthrow the government and held incommunicado from their families. In the cases of Mua A Phong in Lai Chau Province, Cu A Venh in Dak Lak Province, and Vang A Phu in Dien Bien Province, the police told their wives to plan to be on their own for a long time.
50. Photos of a number of Hmong Protestants arrested by the police as accounted above are available at: <http://www.scribd.com/doc/144087186/Hmong-Arrested-in-Vietnam-updated-05-12-13>
51. BPSOS' early report on the Muong Nhe incident can be found at: <http://tiengnoicongdan.wordpress.com/2013/05/17/the-muong-nhe-incident-021212/>

### ***Recommendations:***

52. The Government of the Socialist Republic of Vietnam should allow prison visits for family members of the Hmong listed in this report. Likewise, the International Committee for the Red Cross should be allowed and invited to visit the Hmong detainees/prisoners listed in this report.
53. The SRV Government should provide information about the individuals listed as being killed or detained in this report.
54. The SRV Government should allow all detainees access to legal representation and due legal process. Those detained without trial should be immediately and unconditionally released.
55. The SRV Government should report on the status of the 671 Hmong Protestant house churches that attempted to register their religious activities since 2005. Specifically, the report should identify those all-Protestant villages that had been razed or the Protestant members of which had been dispersed.
56. The SRV Government should create a process and mechanism for Hmong victims of discrimination, land confiscation and other forms of persecution to file complaints against the perpetrators.
57. The SRV Government should create a process and mechanism to return the ancestral lands of the Hmong that have been confiscated against their will and without fair compensations.