

Report to the Country Report Task Force on Vietnam
In consideration of List of Issues to be adopted for Vietnam
Third Periodic Report review
(CCPR/C/VNM/3)

Prepared by:
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with the support of BPSOS – Religious Freedom Project

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INTRODUCTION AND EXECUTIVE SUMMARY

Con Dau Parishioners Association submits this NGO report to recommend issues to be brought up at the upcoming review of Vietnam's implementation of the International Covenant on Civil and Political Rights. Our input specifically focuses on whether the Vietnamese Government has taken effective measures to satisfactorily address the Concluding Observations adopted by the Human Rights Committee on 5 August 2002 (CCPR/CO/75/VNM).

The report takes a look at the impacts of the government's policy of land grabbing on numerous religious communities, which constitutes gross violations of freedom of religion and conscience (Art. 18 of ICCPR).

CON DAU PARISH (DIOCESE OF DANANG)

Con Dau, a coterminous Catholic parish of approximately 2,000 parishioners, was established in 1885 by French missionaries. The early residents lived on the small fishing boats which they used for fishing and moved easily around the area to evade attacks and capture by government officials when Vietnamese kings were persecuting Christians. The first thing the early residents built on the dry area of the island was a small temple where they came to pray together and to attend Mass served by a French priest commuting from a parish 30 miles away. The first church was built in 1895 at the very place where the current parish church is located. Renovated a number of times over the years to accommodate more parishioners, it has remained the center of every public activity in the parish.

Surrounded by two rivers and built by many generations of residents, Con Dau became a typical Vietnamese farming village with a vast green rice field surrounding rural houses protected by rows of bamboo trees. Visible from any angle is the high tower of the church at the center of the village. The farming and church activities over the years have built a unique culture for the community that is difficult to find nowadays in Vietnam, a culture shaped by their history of survival, self-sufficiency, self-preservation, interdependence, and mutual support.

Every year, on All Souls Day on November 2nd, everyone attends Mass at the chapel at the center of the parish's cemetery. This is a special time to pray for ancestors and relatives. During the month of November, every clan in the parish organizes a banquet for members of their extended family to stay in touch with one another. They also come together to the cemetery to visit their relatives' graves, light candles, bring flowers, and clean up around graves. They also take turns to come together in each family for evening prayers every night.

The parish church is the place where everyone is baptized. It is the place where they are married and the last place where they are honored when they die. Most of the parishioners live in Con Dau, their birth place, even though some work in Da Nang City. Over the years, a few hundred parishioners have moved to other towns in the south or overseas but always keep contact with their parish and come back to visit whenever they can.

The parish's cemetery was built in the early days of the Con Dau Commune. It is the place where generations of parishioners were buried. Its chapel serves as the second place of worship for the parishioners, especially when there is a death in the parish. It has become a tradition that everyone in the parish comes to pay tribute to the deceased. All final rituals are performed at the cemetery and parishioners gather nightly to pray for the deceased.

The life of everyone in Con Dau Commune was completely disrupted when in May 2007 the government of Da Nang City announced a plan to expropriate 430 hectares of land in the Hoa Xuan Ward area, including the entire village of Con Dau (110 hectares) so as to lease them to developers to build an eco-resort. The project went to a private company, the Sun Group. The government offered pitifully low compensation for the land, at only \$2.50/m². However, monetary compensation was not what the parishioners sought. They wanted to preserve their parish which is inseparably tied to their Catholic faith and to their unique culture.

The people of Con Dau Commune proposed to move their homes closer to their church, offering the surrounding rice fields to the government to build the new eco-resort, but the government flatly rejected that option and repeatedly made it clear that staying was not an option. The government ordered the relocation of the cemetery to a mountainous area, far from any inhabitable place. In the new location they would have to live mingled with non-Catholics and therefore would lose their distinct communal characteristic and culture. All 1600 tombs in Con Dau's cemetery, which had been declared a cultural heritage by the Vietnamese government, would have to be moved.

The local government resorted to many measures to achieve their goal, including threats and harassment. With few exceptions, Con Dau parishioners refused to move. The government placed a ban on further burials in the cemetery. On May 4, 2010, hundreds of anti-riot police officers assaulted parishioners who attended the funeral of a 93-year old parishioner. Police used tear gas, metal batons, electric rods, and rubber bullets to attack the funeral procession. They stole the casket and beat up the mourners. More than 100 mourners were injured, including children, pregnant women and the elderly. Sixty-two parishioners were arrested and brought to the police station, where they were all subjected to torture for days or weeks. Six were sentenced to prison terms. One parishioner who escaped arrest was later caught and tortured to death.

Hundreds of parishioners had to relocate under pressure and threat or after their homes had been forcefully demolished. Over 100 parishioners had to flee to Thailand to avoid arrest or soon after being released from detention or prison; most of them, including a number of torture victims, have been recognized as refugees and resettled to the United States. Still, many parishioners continue to dig in and are determined to save their parish despite the unrelenting pressure from the government. They have petitioned to the Prime Minister for intervention, staged months of protests in Ha Noi, and repeatedly spoke to representatives of the central government and to Da Nang City government officials, all to no avail so far.

In at least 12 cases, real estates in Con Dau Parish targeted for expropriation by the Da Nang City actually belonged to U.S. citizens – they were former Con Dau parishioners who had resettled to the United States and had acquired U.S. citizenship before the expropriation order. Most of these properties of U.S. citizens have been forcibly expropriated – their houses have been demolished and their land delivered to Sun Group, a private developer, which then sell land right use to private investors. In a number of instances, relatives of the U.S. citizen owners still occupy the house; however, the Government has blocked these properties from being sold directly to buyers or gifted to relatives. This is in gross violation of Article 17 of the Universal Declaration of Human Rights.

Recently in the government crackdown on corruption, the police arrested many high ranking police officers and government officials in Danang, including Police Lieutenant Colonel Phan Van Anh Vu, former Chairman of Da Nang City People's Committee Tran Van Minh and 6 others for violating regulations on managing and using state property, causing losses and break state regulations on land management. Almost every of these Danang officials accused of wrongdoing were involved or participated in the land grabbing case at Con Dau Parish.

After 8 years since the 2010 crackdown, there are currently about 100 families still holing up in a small area of Con Dau Parish. Thirty of them are homeless because their houses were demolished without any compensation. The new party chief of Danang city seems willing to find a final solution for the case in Con Dau but how soon or how it can be to done is yet to be seen.

DONG YEN PARISH (DIOCESE OF VINH)

Dong Yen is a 158 years old parish with 4800 parishioners located in Ky Loi Commune, Ky Anh District, Ha Tinh Province.

In 2008, Ky Anh District leased 3,300 hectares of land, for a term of 70 years, to Formosa Plastics Groups to build a steel complex only 1km away from Dong Yen Parish. In March 2011, all Dong Yen parishioners staged an anti-Formosa protest. The district government ordered the relocation of the entire parish to a remote mountainous area.

While about 4000 parishioners reluctantly moved, some 158 families dug in. To put pressure on them, in 2014 the government of Ky Loi Commune ordered the eviction of all 153 children of the parish from its public school. Seeing that parishioners set up substitute classes at the parish's bible school, on March 17, 2015 the government demolished this school, destroyed homes including the chaplain's house, and brought down many religious offices. As parishioners used themselves as human shield to protect their church, the police indiscriminately attacked them, including a pregnant woman and several resident nuns.

Environmental disaster struck in April 2016. Parishioners started to observe tons of dead fish washing ashore. On June 30, the government announced that Formosa had admitted its wrongdoing and agreed to compensate victims for damages.

Located only one kilometer from the Formosa Steel Plant, Dong Yen Parish in Ha Tinh Province has been severely affected by the ecological disaster. With the fishing industry gone, all families in Dong Yen Parish have lost their only means of livelihood. Many parishioners have reported symptoms of failing health; all parishioners have lost their livelihood; most experts have projected that full recovery would take decades. The parishioners are facing an even more serious threat: The district government has ordered the relocation of the entire parish to a remote mountainous area. While about 4,000 parishioners reluctantly moved, some 158 families have dug in. To put pressure on them, in 2014 the government of Ky Loi Commune ordered the eviction of all 153 children of the parish from its public school. To stop self-organized make-up classes, on March 17, 2015 the government demolished the parish's bible school, destroyed homes including the chaplain's house, and brought down many religious edifices. As parishioners used themselves as human shield to protect their church, the public security indiscriminately attacked them, including a pregnant woman and several resident nuns.

As early as 2011, parishioners already petitioned the government to reconsider leasing land to Formosa Plastics Groups so close to their parish. Since 2014 parishioners have written to commune and district governments to appeal their denial of education to children. As their petitions were not considered, in August 2016 parents and children staged a demonstration.

Parishioners have protested the demolition of religious edifices and monuments in their parish, the district government's relocation order, and the central government's lack of transparency in dealing with the disaster caused by Formosa.

THIEN AN MONASTERY (ARCHDIOCESE OF HUE)

Thien An is a St. Benedict's Order Catholic monastery community of 96 priests and monks established in 1940 and located in Thien An, City of Hue.

The local governments, including Huong Thuy commune, Thuy Bang ward and Cu Chanh village, led by the Thua Thien Hue province government have long had a grand plan to confiscate all 107 acres property of the monastery.

Thien An Monastery was established on the current property since 1935 and the ownership deed was given in 1940. The monks have built it into a unique, beautiful, and famous farming place with orange garden and pine forest that best suit with their devout lives of contemplative, praying, and laboring.

On January 19, 1976, the Thanh Mau School, a property of the monastery, was forced to hand over to the Department of Agriculture and Forestry for crop breeding. The property later became the Tien Phong Forestry Company. In 1998, the local government confiscated 49 acres of Thien An monastery property to create a tourist theme park with Thuy Tien lake and some entertainment attractions then became abandoned and let ruin.

For the past few years, the local government allowed some foreign investment companies and accompanied them to inspect the Thien An monastery property with the intention to develop the area. At the same time, the government ordered the monastery not to replant the pine trees or build any road in the forest. They also set up guarding nearby to monitor all monastery activities. The government did not want the monastery to further enhance the property so they can confiscate all to sell to the developer.

Thua Thien government's plot to destroy Thien An Monastery and the Cross have been carefully planned and coordinated with the police, public security agents, and thugs. The Monastery had been attacked three times in recent years:

In May 17, 2015, plainclothes security agents and thugs stole, broke into pieces and threw the Cross into the near-by creek.

After the Cross was reestablished by the monks, it was destroyed again on March 8, 2016, by the public securities, thugs, and local government officers from Thuy Bang commune. More seriously, one of the public securities stepped on Jesus statue of the Cross with the support and assistance of the Thua Thien province officers.

The Cross was reestablished again by the Monastery on June 26, 2017, and was bent down, blown off by the public securities and thugs using weapons, such as sledge hammers, steel saws, crows, hoe blades, and tri-thong rods.

While attacking the monastery, the government also brought trucks, bulldozers, and workers to another part of the monastery's property to destroy the pine forest and dig the ground to build a road on the property with the purpose of separating the monastery from the area and confiscate the whole 107 acres of the monastery.

LIEN TRI BUDDHIST TEMPLE (THU THIEM, HCM CITY)

The Government has targeted the Most Ven. Thich Khong Tanh, abbot of Lien Tri Temple, ever since he refused to join the government-created BCV. Located in Thu Thiem, District 2, Hochiminh City, Lien Tri Temple was established and built in 1956. Besides providing a place of worship for local Buddhist followers, it provided relief to flood victims, land grab victims and disabled veterans of the

Republic of Vietnam. In 2014, the government announced its policy to move the temple to the outskirts of the city, far away from the followers who used to attend services and participate in activities at the temple. It posted guards to block followers from attending religious services and victims from accessing relief provided at the temple.

In his petition to the government dated August 21, 2014, the Most Ven. Thich Khong Tanh explained his position:

"We absolutely cannot accept the amount of VN\$5,418,076,120 offered in the plan presented by Mr. Nguyen Phuoc Hung, Vice President of District 2, to compensate for the loss of temple's land and real properties, as the government wants to destroy our temple.

"We respectfully request that the Prime Minister and the People Committee of Hochiminh City respect the freedom of religion and belief, and human rights to stop the plan to erase Lien Tri Temple for using the land for commercial and business development. Please let us renovate our temple to preserve the Vietnamese cultural heritage and our religious tradition."

On Sept 8, 2016, the government demolished Lien Tri Temple despite public outcry within the country and by the international community.¹

Buddhist followers lost their place of worship and victims, a place they can go to for relief. At the same time, the government allowed the BCV to build a large temple not too far from the rubbles of Lien Tri Temple.

ECO-RESORT OF AN DAN DAI DAO BUDDHIST SECT (PHU YEN PROVINCE)

An Dan Dai Dao (Blessed Flock of the Great Way, Vietnamese abbreviation: ADDD) is a religious organization aiming to bring Buddhist enlightenment to everybody, thus enabling the state of Truth-Kindness-Beauty everywhere, leading to peace and prosperity. Mr. Thu founded the sect in 1969. By April 30, 1975, ADDD had established 14 temples, ordained hundreds of monks and nuns, and had tens of thousands of adherents. After the 1975 Communist invasion of South Vietnam, the new regime focused on eliminating this sect through seizing all their temples and religious materials and prosecuting Mr. Thu and other believers. A number of ADDD adherents fled to the U.S.

After relocating several times to avoid persecution, Mr. Thu and a number of followers (including a number of followers who returned as U.S. nationals) spent their own money and worked hard with their hands to build an entire eco-resort near Da Bia Mountain, a remote site in Phu Yen Province. The sect was hoping to support its members' religious activities through income generated from tourists spending time at the eco-resort. See Appendix 2 for construction work in progress. No member of this Buddhist sect had any kind of political agenda.

On February 4, 2012, the Security Investigations Bureau of Phu Yen Province charged Mr. Thu and several followers with "abusing rights to freedom and democracy to harm State interests". The U.S. nationals were allowed to leave the country. The government changed its charge of the remaining victims to "plotting to overthrow the government of Vietnam." In January 2013 the Phu Yen Province Lower Court tried 22 ADDD adherents. Lacking any real evidence, the court relied only on false charges and "confessions" extracted from the tortured victims to sentence the ADDD adherents to lengthy prison terms. Mr. Thu received a life sentence because he was the founder of this sect.

¹ Buddhist monks evicted from their pagoda in Vietnam, Sun Sentinel, September 14, 2016; <http://www.sun-sentinel.com/sdhoy-buddhist-monk-loses-fight-with-vietnamese-2016sep14-story.html>

In July 2014, the province arrested three additional adherents, charged them with "stockpiling, using, and illegal trading of explosives", and the court sentenced the three to a total of 10 years in prison. The Ecological Tourism Area of Bia Mountain (Da Bia) was built on pristine and rugged mountainous land. The three bought explosives (within the amount allowed by the law) and detonators to break up large rocks as a way of clearing the land; the broken rocks were used as construction materials for the project.

In the process, the Vietnamese government expropriated the property of four U.S. citizens, totaling close to US \$300,000:

- (1) A resident of Albuquerque, NM, invested in 1.436 billion VND (equivalent to US\$72,000 in 2012) in the Bao Toan Inn and 750 million VND (equivalent to \$37,500) in the Bao Toan Cave;
- (2) A resident of Albuquerque, NM, invested 2 billion VND (US\$100,000) in the Thanh Trieu Inn;
- (3) A resident of Worcester, MA, invested 600 million VND (US\$30,000) in the Doi Bach Tuong Inn;
- (4) A resident of Albuquerque, NM, invested 976 million VND (US\$48,800) in the Huong Hoang Trang Inn – he does not want his identity to be disclosed.

Two of these U.S. citizens were at the site when the police raided the nearly completed theme park on February 5, 2012. They were only asked to pay an administrative fine and then allowed to fly home to America. Were they involved in a plot to overthrow the government, they would have been detained for interrogation, charged, and sentenced along with the other co-conspirators. Evidently the Phu Yen government made up accusations to justify their expropriation of a development project worth 28 billion VND (US\$1.3 million) while ensuring the extinction of an independent Buddhist sect. A brief history of the government's persecution of the sect follows.

According to the state media (online publication of the Ministry of Culture, Sports and Tourism), in 2014 the government of Phu Yen Province granted permit for an investment company to take over the theme park with projected investment of 280 billion VND (equivalent to US \$12,264,000). See: <http://vietnamtourism.gov.vn/index.php/items/15858>

CONCLUSION AND SUGGESTED RECOMMENDATIONS

Considering the facts presented in this report, we recommend that the Government of Vietnam:

- Cease land grabbing against religious communities and religious organizations ;
- Investigate gross violations of human rights committed by government officials against members of targeted religious communities and religious organizations who fought to preserve their communities and/or organizations;
- Investigate and prosecute all perpetrators involved in land grabbing, including government officials, Communist Party officials and their civilian agents;
- Provide effective, fair and prompt compensation to all Vietnamese and U.S. citizens whose property had been expropriated by force and/or coercion by Da Nang City and Phu Yen Province;

- Review the false charges leading to heavy prison sentences of the People's Court of Phu Yen Province against leaders of ADDD Buddhist Sect.

We recommend that the UN Human Rights Committee:

- Include land grabbing as a gross form of human rights violation to be included in the List of Issues of the upcoming ICCPR Review of Vietnam;
- Constantly monitor the Vietnamese Government's use of land grabbing as a means to target religious communities and/or organizations;
- Work with the Vietnamese Government to establish a workgroup that will review the current Land Law and propose amendments so as to eliminate the misuse of its provisions to justify land grabbing, especially against religious communities and/or organizations.