

**Congress of the United States**  
**Washington, DC 20515**

January 12, 2012

The Honorable Hillary Rodham Clinton  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, DC 20520

Dear Madam Secretary:

We are writing to urge you to include in the upcoming Country Reports on Human Rights Practices detailed information about a number of key human rights issues in Vietnam that have come to our attention. We believe the Country Reports to be an invaluable tool in the struggle for human rights around the world. In the case of Vietnam, the reports do an excellent job of providing accurate information about certain kinds of human rights violations against Vietnamese citizens, particularly against dissidents who reside in Hanoi, Saigon, and other major population centers. However, we hope that the upcoming report will devote careful and detailed attention to a number of additional issues.

**I. Vietnam's lack of progress on human rights in the context of its increased international engagement**

As Vietnam seeks a strategic partnership with the United States and a multilateral free-trade agreement via the Trans-Pacific Partnership, its government continues to punish and silence dissent in those whom the government views as hostile to its interests. According to rights groups, during 2011, the government sentenced at least 29 peaceful dissidents and activists to a total of 165 years in jail and 70 years of probation for exercising their rights to freedom of speech and freedom of organization enshrined in the Vietnam Constitution. In a well-known case, Vietnam refused to release Nguyen Van Hai (a.k.a. blogger Dieu Cay) on October 20, 2010, after he served a 30 month prison term on false charges of tax evasion. The government continues to detain him under undisclosed charges, and his family and associates have serious concerns about his health. Vietnam still bans all political parties, unions, and human rights organizations that are independent of the government or the Party. Vietnamese workers are forbidden from organizing unions independent of the government-controlled labor confederation and participating in union activities. Labor activists have been arrested, imprisoned, intimidated, beaten and in some cases "disappeared," such as in the case of Le Tri Tue, one of the founders of the Independent Workers' Union, whose whereabouts since May 2007 remain unknown.

**II. Repression of religion**

Vietnamese authorities continue to monitor, systematically harass, and sometimes violently crack down on religious groups that remain outside of official, government-registered

and controlled religious institutions. Religious organizations that faced such repression during the past year include unrecognized branches of the Cao Dai church, the Hoa Hao Buddhist church, independent Protestant house churches in the central highlands and elsewhere, several Catholic parishes and organizations, Khmer Krom Buddhist temples, and the Unified Buddhist Church of Vietnam (UBCV). Pastors, religious leaders, priests, and religious followers have been beaten, arrested, prosecuted, and handed harsh prison sentences. Many continue to languish in jails and prisons without medical treatment.

### **III. Police brutality and forced labor in drug rehabilitation centers**

Police brutality, including torture in detention and deaths in custody, was another major problem throughout the year. According to reporting by established human rights NGOs, prisoners in Vietnam routinely face abuse and torture in prison, and those held in drug rehabilitation centers face inhumane treatment, including forced labor. In a number of cases, individuals arrested for misdemeanors, such as traffic violations, were beaten to death in police custody. In 2011, according to the government's own media outlets, at least 21 people died in police custody.

According to a September 2011 report, persons dependent on drugs can be held in government detention centers, where they are forced to perform menial work in the name of "labor therapy," the mainstay of Vietnam's approach to drug treatment. In early 2011, there were 123 centers across the country holding some 40,000 people. Their detention is not subject to any form of due process or judicial oversight and routinely lasts for as many as four years. Infringing center rules -- including the requirement to work -- is punished by beatings with truncheons, shocks with electrical batons, and being locked in disciplinary rooms where detainees are deprived of food and water. Children who use drugs are also held in these centers, where they are beaten and abused. Former detainees reported being forced to work in cashew processing and other forms of agricultural production (including potato or coffee farming), garment manufacturing, construction work, and other forms of manufacturing (such as making bamboo and rattan products). Under Vietnamese law, companies who source products from these centers are eligible for tax exemptions. Some of the products produced as a result of forced labor made their way into the supply chain of companies who sell goods abroad, thereby raising the possibility of their being included in exports to the U.S. and Europe. Human rights NGOs have also received credible reports of forced labor in centers in which the officials detain homeless people and sex workers.

### **IV. Pervasive and ongoing human rights violations against Montagnards and other ethnic minorities in Vietnam**

We know that accurate information about the Central Highlands – and particularly about what goes on in prisons and interrogation rooms in remote highland districts – is far more difficult to obtain than information about what happens to prominent activists, attorneys, bloggers, and religious leaders in urban areas. This difficulty is caused in large part by the strict control and monitoring by the government of visits to the area by foreign diplomats, journalists, and others who might have an interest in uncovering the truth.

However, there are credible sources of information, including reports from refugees and asylum seekers, religious institutions, and reputable international nongovernmental organizations (NGOs) with close ties to people in the Highlands, as well as in some cases accounts from Vietnam's own official print and broadcast media, that provide a clear picture of the human rights situation in the Central Highlands and for ethnic minorities generally.

According to Vietnam's own official reporting, a court in Gia Lai sentenced eight Montagnard Protestants in April to between 8 to 12 years for violating article 87 of the penal code which outlaws "undermining unity policy." Human rights groups assume these arrests were related to political activities, such as advocacy for Montagnards' rights or land disputes with the government. In addition, three Catholic Ha Mon Montagnard activists were arrested in March 2011, likely for being involved in the unsanctioned Catholic Ha Mon organization. In December 2010, two Montagnard asylum seekers who returned to Vietnam were arrested upon their arrival at the Vietnamese border and detained for several months, during which they later reported having been interrogated harshly about their political activities and associations, and repeatedly subjected to torture. There also were reports of other recent arrests of Montagnards in the central highlands, also likely political and/or religious activists.

In addition, human rights groups report that Vietnam government agencies continue to organize "faith renunciation" campaigns, both in Montagnard areas and other areas, in which local authorities compel unsanctioned Catholics and Protestants to renounce their faith publicly. The few who refuse are subject to a public "criticism" event, in which they are renounced before their neighbors, a form of official intimidation that has profound effects on the victims' social and economic lives.

Although past State Department reports have made brief and general references to human rights violations against Montagnards and other ethnic minorities (e.g., "incidents of police harassment were reported" and "international nongovernmental organizations estimated that several hundred ethnic minority demonstrators associated with the 2004 Central Highlands protests remained in prison"), interviews by international NGOs reveal abuses warranting more specific and extensive reporting, such as torture and ill treatment including beatings, electrical shock, and rape.

Of even greater concern, last year's Country Report paid disproportionate attention to Vietnam's alleged measures "to address the causes of ethnic minority discontent," spending more time discussing the regime's claimed outreach to Montagnards than its human rights abuses against them. It also contained the gratuitous statement that "[s]ome members of ethnic minority groups continued to leave for Cambodia and Thailand, reportedly to seek greater economic opportunity or shortcuts to immigration to other countries." While most populations of asylum seekers do include some economic migrants who are trying their luck, such an assertion is out of place in a report on human rights practices, casting unfair aspersions on the many Montagnard escapees who have fled detention and torture for their religious and political activities, and creating practical challenges in their efforts to secure legitimate protection as refugees or asylees.

We urge you to also report on the abuses against Hmong in Vietnam's northwestern provinces, including pressure to renounce their Christianity, and against the Khmer Krom, ethnic

Cambodians who live in what is now southern Vietnam, who, as noted in a section above, are subjected to severe restrictions on the practice of Theravada Buddhism.

Thank you so much for your consideration of these observations and suggestions. We are enclosing information recently received from credible NGO sources for review by appropriate personnel in the regional and functional Bureaus. Please let us know if we can provide further information or be of assistance in any way.

Sincerely,



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Member of Congress



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Enclosure

CC: Hon. Kurt Campbell, Assistant Secretary (EAP)  
Hon. Michael Posner, Assistant Secretary (DRL)