

**WILL PRESIDENT OBAMA PRIORITIZE THE  
RELEASE OF PRISONERS OF CONSCIENCE  
IN VIETNAM?**

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**HEARING**  
BEFORE THE  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND  
INTERNATIONAL ORGANIZATIONS  
OF THE  
COMMITTEE ON FOREIGN AFFAIRS  
HOUSE OF REPRESENTATIVES  
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## **WILL PRESIDENT OBAMA PRIORITIZE THE RELEASE OF PRISONERS OF CONSCIENCE IN VIETNAM?**

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**TUESDAY, MAY 10, 2016**

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH,  
GLOBAL HUMAN RIGHTS, AND INTERNATIONAL ORGANIZATIONS,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 4:01 p.m., in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (chairman of the subcommittee) presiding.

Mr. SMITH. The hearing will come to order, and good afternoon to everyone.

Among the potential partners in the Trans-Pacific Partnership, or TPP, Vietnam is the only country that bans independent religious groups, the only country considered one of the world's worst violators in Internet freedom. Vietnam harbors severe child labor and forced child labor violators and regularly jails and tortures those who speak out for human rights, political inclusion, or the right to practice their religion. There are today over 100 prisoners of conscience in Vietnam.

Nguyen Van Dai spent 4 years in jail and 4 additional years under house arrest for defending religious freedom and calling for greater democratization in Vietnamese society. He was detained again and brutally beaten last December for continuing his work. His arbitrary detention undercuts any claim that the current Vietnamese leadership can become a trusted U.S. partner.

Prior to his arrest, I had the privilege of meeting with him in Hanoi at his law office at 10 Doan Tran Nghiep Street in December 2005. I was deeply impressed with his passion for truth, his defense of universally recognized human rights, his faith, his extraordinary courage, and his deep and abiding love for Vietnam. He is truly a patriot.

Nguyen Van Dai's wife, Vu Minh Khanh, is with us today to speak on his behalf and for the other prisoners of conscience in Vietnam. Her testimony is especially timely because President Obama will travel to Vietnam at the end of this month. A steady stream of State Department officials are going to Vietnam prior to the trip. In fact, the Assistant Secretary of State for Democracy, Human Rights, and Labor, Tom Malinowski is in Vietnam today.

The administration should not try to whitewash Vietnam's record prior to the President's trip, but must make absolutely clear and unequivocal statements in support of democracy and free speech advocates, disfavored religious and ethnic minority groups, and human rights defenders.

The unconditional release of Nguyen Van Dai and other prisoners of conscience should be a precondition of the President's visit. However, if the President goes without any conditionality, I appeal, this subcommittee appeals, to the President to demand the immediate and unconditional freedom and release of Nguyen Van Dai and the others.

I also encourage the President to meet with those in Vietnam who share our interests in democracy and human rights in Vietnam. Doing so will send a clear message about U.S. interests to the vast majority of Vietnamese, some 66 percent who were born after the Vietnam War ended.

The administration should also make clear to the Communist leaders in Hanoi that the further expansion of trade and security partnerships, the lifting of the arms embargo is unacceptable until there are significant, verifiable, and irreversible improvements in human rights in Vietnam. Unfortunately, for the past 7-plus years, the administration has failed to deliver such messages to victims of abuse anywhere. No tough message was delivered in Cuba, for example, despite an escalation of arrests and abuse.

The administration seems eager to proceed with lucrative trade and to lift the ban on lethal arms sales to Vietnam without imposing any real conditions. That would be a colossal mistake. The administration surely will justify extending these generous benefits by arguing that lifting the trade barriers and expanding diplomatic engagement with Vietnam will bring about human rights and other positive advances. Such arguments have long been discredited, however. In China, for example, or more recently in Bahrain, and there is evidence such arguments failed miserably in Vietnam as well.

In 2007, after the United States lifted its longstanding objection to Vietnam's membership in the World Trade Organization, Hanoi responded by launching the first of three waves of arrests that jailed more than 100 dissidents and introduced sweeping new laws restricting freedom of association, assembly, and the Internet. In short, Vietnam's WTO membership allowed the Communist government free license to jail, torture, and abuse. The pressure was off. Why would they not do so again?

The Communist leadership in Hanoi will take our benefits, our trade benefits, our security commitments, and continue repressing those seeking political reform and universal freedoms. The business of the Communist party is staying in power and repressing those who may challenge their power. They will not embrace human rights improvements or the rule of law, unless it is a condition of better relations with the United States.

Vietnam needs the U.S. markets and security commitments much more than the United States needs Vietnam's markets and security cooperation. The administration should demand additional protections for human rights, Internet freedom, and the rule of law as a condition of U.S. assistance. Not doing so is shortsighted, mis-

guided, and fails to achieve long-term U.S. interests, and it throws the victims under the bus.

One way to send an important message about U.S. policy priorities is to pass the Vietnam Human Rights Act, H.R. 2140, which I have reintroduced in this Congress and is now waiting further action in the House and Senate. I would note parenthetically that past iterations of the Vietnam Human Rights Act that I have introduced in previous Congresses have passed the House four times, only to be ignored in the Senate.

The bill stipulates that the United States cannot increase non-humanitarian assistance to Vietnam until the President certifies that the Government of Vietnam has made substantial progress in establishing human rights protections. The American people should not have to subsidize torture or underwrite the jailing of journalists, religious leaders, labor activists, or advocates of democracy, or Internet freedom.

The bipartisan Vietnam Human Rights Act will restore the right priorities to U.S. policy toward Vietnam. The Communist party is not Vietnam's future. That future lies with Nguyen Van Dai and many other advocates of political reform and human rights who seek our freedoms more than our trade. U.S. policy must send the unmistakable message to the Government of Vietnam that human rights improvements are fundamental to better relations, critically linked to our mutual economic and security interests, and will not, I say again, will not be ignored or be bargained away.

I would like to now introduce our very distinguished witness today, Ms. Vu Minh Khanh, who is the wife of human rights lawyer Mr. Nguyen Van Dai, as I said earlier, who was arrested in December, December 16 to be exact, in 2015 under article 88 of the Vietnamese penal code for "conducting propaganda against the state."

Since his arrest, Ms. Vu has been advocating for his release, meeting with international delegates, starting petitions, and giving interviews with various media agencies to raise awareness of Dai's case. She has volunteered at a church in Hanoi and has been doing so since 2009. The church reaches out to many vulnerable groups, including those who suffer from drug addiction, orphans, and youth. In addition to providing support and counseling to those groups, Ms. Vu also assists with the daily financial management of the organization and works to promote and protect human rights through the church.

I would like to now yield to our distinguished chairman of the full Committee on Foreign Affairs, Mr. Ed Royce.

Mr. ROYCE. Well, thank you. I just would start by thanking Chris Smith for holding this hearing at exactly the right time because now is the time we have to get the attention of the international community on these human rights abuses.

And so, yes, in a few weeks, the President of the United States is going to be traveling to Vietnam. And while maintaining peace in the South China Sea and improving trade ties is an important shared goal, the administration must carefully take into account Vietnam's human rights abuses as this relationship develops. And that is the conundrum, because this has not gotten better.

I met with the Venerable Thich Quang Do as well as one of the other religious leaders in Vietnam when they were under house arrest years ago. I heard about the circumstances. I check in with human rights NGOs, and as we all know, this situation is not improving. Human rights have to be at the very top of the President's agenda.

No matter how the administration frames our relationship, the reality, as we all know, is that Vietnam remains a one party Communist state with significant human rights abuses. And as we will hear today from the wife of an imprisoned human rights lawyer and activist—and I want to thank Chris Smith for his efforts here to elevate this issue—but as we will hear, Nguyen Van Dai, she will share with us the reality that Vietnam has a long, long way to go.

In December, Nguyen Van Dai was badly beaten by government—well, I guess we should call them thugs because they beat him. And taken into custody. And since that time, they took her husband into custody. And since that time, he has been denied access to his lawyer and even his family. He sits in solitary confinement. His condition is unknown. And Ms. Vu is rightly concerned.

Sadly, Nguyen Van Dai's treatment is far from an isolated incident. According to Human Rights Watch, police still frequently torture suspects to elicit confessions and sometimes use excessive force in responding to protests over evictions, land confiscation—because land grabbing is one of the things the party does—and other social issues.

Last year, more than 40 bloggers and rights activists were beaten by plainclothes government agents. Not surprisingly, not one of these thugs who did the beatings was held responsible. Vietnam's penal code criminalizes criticism of the government and abuse of democratic freedoms. While other laws restrict freedom of religion and the media, bloggers like Anh Ba Sam, Nguyen Thi Minh Thuy, and Nguyen Ngoc Gia remain in prison for their advocacy of human rights, in prison for what the state or what the Communist party calls abusing the rights to freedom of democracy.

Not surprisingly, Vietnam now ranks, in the world, 175th out of 180 countries for press freedom. Now, that means Vietnam is behind Cuba. It is worse than Saudi Arabia. It is worse than Iran. That is why we are here at this hearing.

Freedom of religion is a significant concern in Vietnam as the government continues to restrict religious practice through registration requirements, through harassment, and through surveillance. Branches of the Cao Dai and Hoa Hao Buddhist church, and independent Catholics and Protestants, are banned. They face government harassment for their peaceful religious practice. The Venerable Thich Quang Do, who both Chairman Smith and I have met with, has remained under house arrest since 1998 for his religious beliefs.

If the United States and Vietnam are to build a stronger relationship, the Vietnamese Government must honor the basic human rights of Vietnamese people with respect to freedom of speech, religion, and assembly. And that is the message the President of the United States needs to send during his upcoming visit.



I wrote to the President last week asking that he carry exactly that message. We are all watching. The President's trip cannot be a replay of his trip to Havana. We have to have these issues addressed.

And, Mr. Chairman, thank you again for calling this important and timely hearing.

Mr. SMITH. Chairman Royce, thank you for your very eloquent and very strong statement and consistent support for the human rights advocates in Vietnam, and especially today for Nguyen Van Dai who is suffering again. He is back into prison, as I said in my opening. He is 4 years of prison, 4 years of house arrest. And without objection, a very, very, very well-written appeal that Ms. Vu made at the time of that first arrest. Without objection, I would like to make it a part of the record.

And I yield the floor to Ms. Vu for such time as she may consume.

**STATEMENT OF VU MINH KHANH, WIFE OF VIETNAMESE  
PRISONER OF CONSCIENCE NGUYEN VAN DAI**

[The following statement and answers were delivered through an interpreter.]

Ms. VU. First of all, I would like to deeply thank Chairman Chris Smith and also Chairman Ed Royce having given me this precious opportunity to speak.

My name is Vu Minh Khanh, wife of attorney Nguyen Van Dai. We both are Protestants, myself serving our church in Hanoi. Dai is a human rights defender now in jail.

My husband was first arrested in 2007, then sentenced to 4 years imprisonment plus 4 years of house arrest for violating article 88 of Vietnam's penal code for "conducting propaganda against the state." My husband was disbarred and his law office was shut down.

After having just completed his house arrest, my husband was arrested again on December 16, 2015, and charged under the same article 88. My husband has been detained for almost 5 months now, yet I have not received any information about him. He has been held incommunicado and not allowed to meet with my family, myself, nor with his defense lawyers.

Twice a month, I am permitted to bring food to detention center B14 in Hanoi for his daily needs, but I do not know if he has received any. In fact, I honestly do not know if he is really held at B14 because in Vietnam the public security force can do whatever they want. If they transfer inmates, they do not inform the family members accordingly. For example, this has happened to blogger Dieu Cay, and currently happened with Tran Huynh Duy Thuc. Thus, if in fact my husband has been tortured physically and/or mentally, or given false information, I would not know.

My husband has not been allowed to receive a copy of the Bible, a gift from the U.S. Ambassador, Mr. Ted Osius.

Specifically, 10 days before his arrest, he was attacked and severely injured following a human rights training session for about 60 people in Nghe An Province, about 300 kilometers from Hanoi. Having been attacked 10 days prior, his injuries had not healed. He was then arrested on December 16.

Throughout his human rights activism, my husband was constantly followed, threatened, harassed, and beaten. Each time Dai was attacked, it related to his work because the government did not like it and had requested him to stop doing human rights work. However, my husband believes that his activities are within his rights under the Vietnamese Constitution and international law. Because the police constantly follow my husband all day, I believe that the Vietnamese Government would know clearly who attacked him. However, the government has claimed that they do not know who the assailants were when my husband filed a complaint.

My husband accepted the high risks that comes with these activities. And in fact, this is the reality that human rights activists in Vietnam have to face constantly.

My husband also has hepatitis B. Therefore, I am very worried about his health condition.

My husband experienced democracy initially in Germany, having witnessed the fall of the Berlin Wall. He then returned to Vietnam and studied to become a lawyer. In 1997, my husband ran for the National Assembly with the hope that he could speak up for the people. In 2000, my husband officially began his activism and fought for freedom of religion.

The first human rights case my husband took was in 2000 when he defended a member of the Protestant church who was brought to court because she tried to stop the police when they came to disband a prayer service at the local church.

Thereafter, my husband provided free legal services to the Christians who were oppressed based on their religion, those who fought for democracy and human rights who are harassed and detained, victims of land grabs, or home loss, and to people who were physically attacked and arbitrarily detained. He also led training courses about human rights at his law office.

Since he started his activism in 2000, aside from the 4 years he was imprisoned and right upon his release, my husband immediately continued to raise his voice to protect human rights, even when he was still under house arrest. And he always fervently tried to fight for freedom of religion, freedom of speech, and freedom of assembly through nonviolent methods and through providing education on human rights. My husband always focused on empowering the youth and helped many students who are human rights activists.

He started classes on human rights for different people within society and wrote articles on the rule of law. My husband usually worked with many others and connected organizations with each other within the country. He also advocated with foreign governments, as he had a good working relationship with many Embassies in Vietnam and government officials from around the world.

Regarding my husband's arrest in 2007, the police arrested him at his law office while he was teaching a class on human rights to his students. The topic of the class was based on a book on civil society which the American Embassy in Vietnam had published.

As for his arrest this time, it was while my husband was leaving the house to meet with the delegation from the European Union who were in Vietnam for the annual European Union-Vietnam human rights dialogue.

My husband is currently facing from 3 to 20 years imprisonment. He has worked hard to protect human rights, and these activities cannot possibly be seen as criminal. Therefore, I hope that Congress and the U.S. Government, especially President Obama on his trip to Vietnam, will help demand for his immediate and unconditional release.

I sincerely thank you for spending time to listen to my husband's case. Respectfully.

[The prepared statement of Ms. Vu follows:]

**Testimony of Ms. Vu Minh Khanh**  
*Wife of Attorney Nguyen Van Dai*

**Committee on Foreign Affairs**  
U. S. House of Representatives  
*Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations*

10 May 2016  
Interpreter: Dr. Binh The Nguyen

First and foremost, I want to thank the Congressional Committee on Global Human Rights for giving me this opportunity to present my family dilemma.

My name is Vu Minh Khanh, wife of attorney Nguyen Van Dai. We both are Protestants, myself serving our church in Hanoi. Dai is a human rights defender, now in jail.

My husband was first arrested in 2007, then sentenced to 4 years imprisonment plus 4 years of house arrest, for violating Article 88 of Vietnam's Penal Code, "conducting propaganda against the state." While in prison, my husband was disbarred and his law office was shut down. After being released in 2011, my husband was then placed under house arrest until March 2015. During this period, he was not allowed to leave the locality where we live without police permission and he was also forbidden to meet with visitors from abroad.

After having just completed his house arrest, my husband was arrested again on December 16, 2015 and charged under the same Article 88. I have not been allowed to see him since. My husband has been detained for almost 5 months now, yet I have not received any information about him. He is at present also not allowed to meet with any family members nor with his defense lawyers because the authorities claim that he is under investigation for "violating national security." This ill treatment is a gross violation of many international human rights treaties that Vietnam has ratified. Due to his isolation, I also do not know how he is doing.

Twice a month, I am permitted to bring food to Detention Center B14 in Hanoi for his daily needs, but I do not know if he has received any. In fact, I honestly do not know if he is really held at B14 Detention Center because in Vietnam, the public security force can do whatever they want. If they transfer inmates, they do not inform the family members accordingly (this happened to Blogger Dieu Cay and currently happened with Tran Huynh Duy Thuc). Thus, if in fact my husband has been tortured physically and/or mentally, or even given false information, I would not know.

For 5 months, the public security force has not granted defense certificates to the three lawyers our family has hired. Therefore, to date, they still cannot start working on the case. My husband has not even been allowed to receive a copy of the Bible, a gift from the US Ambassador. I am therefore very concerned about his health, now defenseless and completely isolated.

Not to mention that 10 days before his arrest, he was attacked and severely injured, following a human rights training session for approximately 60 people in Nghe An Province, 300 kilometers

from Hanoi. During the training, public security officers intervened and pressured my husband to stop, but he did not agree and in fact invited the security officers to join in.

In the afternoon of that day, while my husband and his 3 colleagues were heading home in a taxi, they were cornered and brutally attacked by a group of thugs with batons, injuring his face and eyes. After they beat him, they threw my husband into a car and drove him to a location 30 kilometers away. In the car, they continued to beat him; using their arms to choke him and elbowed him and hit his face, his temple and eyes.

At that time, though it was winter, they removed his coat, stole his wallet, and left him at an isolated beach. When my husband was finally able to call his friends for help, the police continued to follow him, which forced him to escape into the jungle and through small alley ways, as their search for him continued. With the help of his friends, he was able to return to Hanoi. Ten days later, with his wounds not yet healed, my husband was arrested and detained until now.

Each time Dai was attacked, it related to his work because the government did not like it and had requested him to stop doing human rights work. However, my husband believes that his activities are within his rights under the Vietnamese Constitution and international law. Because the police constantly follow my husband all day, I believe that the Vietnamese government would know clearly who attacked him. However, the government has claimed that they do not know who the assailants are when my husband filed a complaint. My husband accepted the high risks that come with these activities, and in fact, this is the reality that human rights activists in Vietnam have to face constantly.

My husband also has Hepatitis B, therefore I am very worried about his health condition.

My husband experienced democracy initially in Germany, having witnessed the fall of the Berlin Wall. After that he returned to Vietnam and studied to become a lawyer. In 1997, my husband ran for the National Assembly with the hope that he could speak up for the people. In 2000, my husband officially began his activism and fought for freedom of religion and was a human rights lawyer. The first human rights case my husband took was in 2000 when he defended a member of the Protestant Church who was brought to court because she tried to stop the police when they came to disband a prayer service at the local church.

Thereafter, my husband provided free legal services to Christians who were oppressed based on their religion, those who fought for democracy and human rights who are harassed and detained, victims of land grabs or home lost, and to people who were physically attacked and arbitrarily detained. He lead training courses about human rights at his law office. My husband always focused on empowering the youth and helped many students who are human rights activists. He started classes on human rights for different people within society and wrote articles on the rule of law.

Since he started his activism from 2000 until now, aside from the 4 years he was imprisoned from 2007 – 2011 and once he was released, my husband immediately continued to raise his voice, continued to protect human rights (even when he was still under house arrest), and he

always fervently tried to fight for freedom of religion, freedom of speech, and freedom of assembly through non-violent methods and through providing education on human rights. My husband usually worked with many others and connected organizations with each other within the country, he also advocated with foreign governments as he had a good working relationship with many embassies in Vietnam and government officials from around the world.

Regarding my husband's arrest in 2007, the police arrested him at his law office while he was teaching a class on human rights to his students. The topic of the class was based on a book on "Civil Society" which the American embassy in Vietnam had published.

As for his arrest this time, it was while my husband was leaving the house to meet with the delegation from the European Union who were in Vietnam for the annual EU – Vietnam Human Rights Dialogue.

Throughout his human rights activism, my husband was constantly followed, threatened, harassed and beaten.

My husband is currently charged under Article 88 of the Penal Code and faces 3 to 20 years imprisonment.

Ms. Le Thu Ha, one of my husband's colleagues, was also arrested on the same day and charged under the same Article 88 for "conducting propaganda against the State". Le Thu Ha's family are, however, afraid to interact with other activists, therefore, I am not sure about Ha's current situation.

The arrest and continued detention of my husband have to be considered as arbitrary under international human rights laws which Vietnam must comply with and especially while Vietnam is a member of the UN Human Rights Council. My husband has worked hard to protect human rights and these activities cannot possibly be seen as criminal. Therefore, I hope that Congress and the U.S. government will help demand for his immediate and unconditional release.

I sincerely thank you for spending time to listen to my husband's case.

*(This translation was provided by Trinh Mau Nguyen, Hoi Trinh and Amy Nguyen)*

Mr. SMITH. Ms. Vu, I would like to thank you for your absolutely compelling testimony that will be heard by many in America and hopefully around the world. As you have been telling your story, I am glad that other news outlets have not only carried your op-eds and your very profound words and sentiments, but know that the Congress as well is listening and listening very carefully.

I want to thank C-SPAN for being here so that a larger American audience will get to hear you and to realize that things are horrific for your husband.

I do have a couple of questions. And I would like to thank Dr. Binh Nguyen for doing the translation today for us. Deeply appreciate that. And for your advocacy as well.

I have a couple of questions. You know, you point out in your testimony that your husband was arrested this second time as he was leaving the house to meet with the delegation from the European Union who were in Vietnam for the annual EU-Vietnam human rights dialogue.

First of all, I believe that dialogues are essential, but they should not be seen as a substitute for very significant, tangible impacts and consequences to countries like Vietnam, the Government of Vietnam, that commits egregious violations of human rights against its own people. Dialogue is great. We need to talk. No one is ever suggesting that talk needs to be suspended. But it needs to be linked to real consequences in the real world, like the lifting of an arms embargo, like greater trade, and other kinds of interactions between the two governments.

I am wondering if any of the members of the European Parliament who were here for that dialogue have raised their voices in support of your husband after he was arrested, again, en route to meet with them to dialogue with him about what the government is doing on human rights in Vietnam.

Ms. VU. My husband did not meet with the EU delegation and I am not sure what would have transpired between them. But I do know that after his arrest, they actually contacted me and met with me and showed a lot of support.

Mr. SMITH. That is so extremely important. This is a united world, not just the United States speaking about these universally recognized human rights.

I would hope as well, as you point out in your testimony, that the continued gross mistreatment of your husband and others would become the subject of the Human Rights Council, the U.N. Human Rights Council, where Vietnam sits in a place of dignity as a member of that council. It is breathtakingly disturbing that an abuser of human rights could simultaneously be an arbiter of how well or poorly other countries are doing. First, fix your own house and get that in order. So I think we need to press the case there as well.

Let me ask you, if I could, about how you have been treated by the authorities. You mentioned in your testimony that an attempt for his defense attorneys to get certificates has not been allowed. Could you further elaborate on what that process is all about and how you yourself have been treated when you advocate on behalf of your husband?

Ms. VU. So in short, after his arrest when I hired three lawyers, they were not able to meet with Dai, nor able to proceed with any legal actions for his case, to prepare for his case. Because article 88 falls under a national security law, Dai has been denied the right to see his lawyers.

As for myself, I noticed that there is a camera constantly in front of my house following all my activities. I have tried to visit my husband and always denied to see my husband when he is incommunicado. In addition, I have requested to be able to bring him the Bible or have visitation rights, and/or for other family members to visit him, but all have been denied. I have written complaints, but I have not received any verbal or written response from the government.

Mr. SMITH. Can you tell us, to the best of your knowledge, how your husband was treated when he was imprisoned the first time? Obviously 4 years in prison followed by 4 years of house arrest. What were the prison conditions like?

Ms. VU. To complete my previous statement, the harassment puts a mental stress on me. I know my husband has hepatitis B and was beaten severely prior to his arrest. I am constantly worried about him, not being able to see him, as he is incommunicado. In 2007, he was put in a very small cell with 60 other inmates. Their water was so contaminated with soil and trash that they had to use their socks to filter the water. In addition, there was a lot of harassment from the prisoners in the same cell. There is also a lot of stress with constant observation and surveillance from the government during his jail time.

Mr. SMITH. You mentioned that he was beaten by thugs in the taxi, or when he was cornered, and that there were—they beat him around the face. Were his teeth broken? Did it require stitches? Did he get any kind of medical attention?

Ms. VU. On the day of Dai's arrest, approximately 30 security officers stormed our house, giving no specific evidence or reason for their actions. During the beating, my husband had suffered a lot of beating to the face, especially sustained hemorrhage to the eye globes. He was undergoing some evaluation, then he was arrested. In addition, his body was covered with bruises all over.

Mr. SMITH. Has the American personnel at Embassy Hanoi been helpful? Have they tried to visit him? Have they been allowed any access to him? Have they even made the attempt?

Ms. VU. Immediately after his arrest, I was invited to the private residence of U.S. Ambassador Ted Osius, and he gave a lot of support and comfort. Especially, he also gave me a Bible to give to my husband while he is imprisoned. However, when I brought the Bible, it was denied so my husband never received the Bible. In addition, the Embassy has mentioned that I could meet with them at any time.

Mr. SMITH. Let me just make a couple of final observations and ask if you have anything further you would like to say. I can assure you we will continue our efforts. I see Dr. Thang from Boat People SOS is here today.

I met, as I mentioned earlier, your husband in Hanoi on a human rights trip in 2005 at his law offices. And even though he spoke glowingly about his vision of a Vietnam where everyone pos-



sessed fundamentally recognized human rights, universally recognized human rights, there was a total absence of malice on his part toward the people in the government.

When I hear that the government, as you have pointed out, has cited article 88 of Vietnam's penal code, conducting propaganda against the state, I was with him privately. As a matter of fact, some of the people who were en route were detained and were not allowed to go to his law office that day to meet with me. But there was no propaganda against the state. There was a love for the Vietnamese people that was very deep and very profound, and I was almost speechless how he could have endured so much, known about so much wrongdoing, and yet he spoke about human rights in the purest of terms and had such a clarity of purpose about him.

And so the Vietnamese Government needs to know that we are inspired by Nguyen Van Dai, and growing numbers of members of parliaments, congresses will rally to his defense. And your testimony has sent a clear message to the world, not just at this venue, but everywhere else where you have spoken. How can the government do what they are doing to your husband who only desires the best for the country of Vietnam?

So I want you to know that you have been an inspiration and he has been an inspiration. When I met with Mr. Dai, again with Dr. Thang, a year later here in my office, again I was touched by that absence of malice. He did not engage in tirades against Vietnam or its government. He spoke about defending human rights and caring for the disenfranchised, the people of faith, which I found just incredible. And I do hope that that is not lost.

There are always reformers in any dictatorship or in any repressive government. They need to know, when he is away from them, when he is talking to Members of Parliaments or Congresses in his office or in Washington, his message was one of hope for the people of Vietnam. So I want you to know what an inspiration your presence here is today.

If President Obama were sitting here where I am sitting, or if the Prime Minister of Vietnam was sitting here, what would you say?

Ms. VU. If the President were sitting here in front of me, I would plead with him to help the people of Vietnam. When he fights for human rights in Vietnam, he helps the people. The people of Vietnam have suffered a lot through all these years of war, and now if the President could help to promote human rights in Vietnam, that is what I ask for.

The reason they arrested my husband, and now I am asking for his release while the President is there, is because he represents a symbol of nonviolent fighting for human rights and democracy in Vietnam, and that is why his release would be crucial for the people of Vietnam and that would also be symbolic of the President's support for such movement in Vietnam.

And as you have requested, I have just a few more points to add, please.

I would like to present to you, Mr. Chairman, and also the U.S. Congress, that I would like to plead the case of my husband. I did not understand why he was arrested under the penal code article 88 when he is a human rights activist for nonviolent movements.

And also, when they came to the house, they took away the civil society publication that was put out by the U.S. Embassy in Vietnam. They also took away any materials that my husband has from the United Nations Human Rights Council, even the symbol of the dove, which my husband believes it represents peace and non-violent movement for human rights. They took everything, envelopes, papers, anything that has that symbol on it.

And then one particular thing that I would like to point out is all the T-shirts that has the words "Hong Kong Today, Vietnam Tomorrow," were also confiscated as an artifact to be used against my husband.

To share with you my thoughts why I am here, and first thank you so much for holding this hearing. This is very important. It is because back in 2007, I had written over hundreds of complaints to the President, Prime Minister, Secretary General, National Assembly leaders, various ministries, the court, investigative units, and news outlets and never heard anything back. This time I have tried the same, written many complaints, and also visited many of the agencies just to try and see if anyone would respond to my request. None of them had responded in any way verbally or written to me. And I have met with a lot of obstruction and ignorance from these agencies.

In addition, I felt that if I would go outside at my own risk and raise this voice to the world, then I would be able to present my husband's case so that more people would know about the situation in Vietnam. And my husband is just one of the many people who are in a similar situation.

Just to recount what happened in 2007, the lawyer only had 7 days to prepare for his trial back then. Specifically, when I went to the investigation unit, they had sent the papers to the judicial office, but there was no clear evidence against my husband at that time. So, in fact, I am very worried about similar situation this time.

I am really worried that if that repeats, that the lawyers for Dai only have a few days just like the previous time, then there will not be enough time for them to prepare the trial for Dai.

So I would like to request that my husband be released unconditionally and immediately. But in case he does go to trial, I really want a fair trial, and also for his lawyers to have the time to prepare for his case.

Thank you, Chairman Smith, for holding this hearing. Please accept my deep gratitude, and also to all the staff members who have made this possible. I really appreciate all of your caring and support throughout this very difficult time for myself, my husband, and my family.

I would like to know as a request whether, Mr. Chairman, together with other Members of Congress, could write a letter to President Obama asking for his response, first to this hearing and also to other requests that have been put in my statement previously. Thank you.

Mr. SMITH. Ms. Vu, thank you. We will be more than happy to send your statement and a letter encouraging the President and appealing to the President to raise your husband's case and that of other prisoners of conscience in a specific fashion. Not an oblique

mention in a wind-up statement or some generality. There need to be specific requests made so that we can gauge whether or not Vietnam is about to move in the right direction or continues its deterioration when it comes to human rights.

There are a number of areas where human rights violations are worsening. Human trafficking. Religious freedom. And the administration could today designate Vietnam as a CPC country, Country of Particular Concern. The facts warrant it. And they also could be known as a Tier 3 country when it comes to egregious violations of sex and labor trafficking, especially labor trafficking in Vietnam. So the President has tools in his toolbox, the President of the United States. We hope that he uses them.

We will send, as per your request, your testimony and your strong appeal backed up by our strong appeal. We will do it immediately. And again, I hope the President is specific. Just some general statement about human rights doesn't cut it. It hasn't in any other country around the world. It hasn't in Vietnam. He needs to be specific.

So I want to thank you again for your very brave testimony. Thank you for your husband's tremendous personal sacrifice for the cause of Vietnam human rights and religious freedom. He is a truly remarkable man, as are others who are fighting this battle with nonviolence and with faith. Know that our prayers are with you and with him. We are in solidarity with him, I can assure you.

And I would like to note for the record that we will be having a follow-up hearing to this hearing in mid June, latter part of June, the 22nd or so. And we will be assessing the President's trip and whether or not any progress was indeed made.

So again, I want to thank you so very much for your testimony. And, Dr. Binh Nguyen, thank you for your very fine translation.

The hearing is adjourned.

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



## A P P E N D I X

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MATERIAL SUBMITTED FOR THE RECORD

**SUBCOMMITTEE HEARING NOTICE**  
**COMMITTEE ON FOREIGN AFFAIRS**  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128

**Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations**  
**Christopher H. Smith (R-NJ), Chairman**

May 10, 2016

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held by the Subcommittee on Africa, Global Health, Global Human Rights, and International Organizations in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

**DATE:** Tuesday, May 10, 2016  
**TIME:** 4:00 p.m.  
**SUBJECT:** Will President Obama Prioritize the Release of Prisoners of Conscience in Vietnam?  
**WITNESS:** Ms. Vu Minh Khanh  
(Wife of Vietnamese Prisoner of Conscience Nguyen Van Dai)

**By Direction of the Chairman**

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5921 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.



# COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON Africa, Global Health, Global Human Rights, and International Organizations HEARING

Day Tuesday Date May 10, 2016 Room 2172 Rayburn HOB

Starting Time 4:01 p.m. Ending Time 5:00 p.m.

Recesses 0 ( to ) ( to ) ( to ) ( to ) ( to ) ( to )

## Presiding Member(s)

*Rep. Chris Smith*

Check all of the following that apply:

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

## TITLE OF HEARING:

*Will President Obama Prioritize the Release of Prisoners of Conscience in Vietnam?*

## SUBCOMMITTEE MEMBERS PRESENT:

## NON-SUBCOMMITTEE MEMBERS PRESENT: (Mark with an \* if they are not members of full committee.)

*Rep. Ed Royce*

HEARING WITNESSES: Same as meeting notice attached? Yes ☒ No ☐

(If "no", please list below and include title, agency, department, or organization.)

## STATEMENTS FOR THE RECORD: (List any statements submitted for the record.)

*Ms. Vu Minh Khan's plea for her husband from 2007, submitted by Rep. Chris Smith*

*Statement from Rep. Zoe Lofgren, submitted by Rep. Chris Smith*

*Statement from Rep. Alan Lowenthal, submitted by Rep. Chris Smith*

TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or

TIME ADJOURNED 5:00 p.m.

*Gregory B. Simpkins*  
Subcommittee Staff Director

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE CHRISTOPHER H. SMITH,  
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY, AND CHAIRMAN,  
SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, GLOBAL HUMAN RIGHTS, AND INTER-  
NATIONAL ORGANIZATIONS

Plea of Mrs. Vu Minh Khanh, Wife of Attorney Nguyen Van Dai  
To Be Tried in Appeal Court on November 27, 2007

# **My Husband Is a Patriot, My Husband Is Innocent**

Hanoi, November 14, 2007

On May 11, 2007, the Hanoi People's Court sentenced my husband, attorney Nguyen Van Dai, to five years of imprisonment and four years of house arrest on the charge of "propaganda against the Socialist Republic of Vietnam". Right after my husband's arrest on March 6, 2007, many media belonging to the Communist Party of Vietnam (CPV) and to the Government have launched a campaign of vilification against my husband in order to project the image of a bad element, a traitor to the Fatherland. They misrepresent the human rights activities of my husband, spreading the propaganda that he "organized the gathering of political and social information, especially in the field of religion, so as to provide foreign countries with fodder which they can use to distort and blemish the image of Vietnam." (Sai Gon Giai Phong, April 12, 2007)

Motivated by his patriotism, my husband has on many occasions openly criticized the misdeeds and violations of the law perpetrated by government personnel and agencies. It is my belief that my husband's human rights activities have in actuality helped Vietnam improve its human rights situation and raise its standing with the world. He does not tell untruths. As a human rights lawyer, he has received many reports of violations of religious freedom from various localities. These are reported breakups of religious gatherings, confiscations of the faithful's property, H'mongs being forced by local authorities to renounce their religion, and beatings of Protestant followers by public security cadres leaving wound traces. My husband has written legal complaints and usually chose the path of quiet exchange with the authorities before bringing out issues to the attention of the public. In a number of instances, it was thanks to his alert bulletins that the central government learned about violations of the law by local officials and subsequently has intervened. In other localities, the situation has improved because it has drawn international attention, thus forcing the central government or local authorities to pay more attention to the matter. It was partly owing to my husband that Vietnam has been able to improve on its religious freedom record. This led the U.S. to remove Vietnam from the CPC (country of particular concern) list in November 2006. It was thanks to people like my husband that the authorities have lessened their suspicion of Protestantism, the so-called "American" and "reactionary" religion, and allowed its followers to carry out normal religious activities. Ever since the middle of last year, when various Protestant house church groups were allowed to carry out normal religious functions, it is clear that happenings leading to a tense situation have noticeably decreased. This has helped to stabilize society. Thus the voices of people like my husband's are very much needed, even though this is something that has upset a few government officials.

The fact that the government media, the indictment and the findings of the Court of First Instance (*generic term for Toa So Tham, the preliminary trial court in Vietnam; hereinafter*



Toa So Tham referred to as the "Court of First Instance") have unanimously claimed that my husband is a lawyer "who has never spoken on behalf of anyone ever since the opening of his law firm up to the day that he was arrested" is a very malevolent distortion, thus providing the public with a very erroneous image of my husband. This malevolence appears even more obvious when the Court of First Instance sentence asserts that my husband has so admitted at the trial. To rebut, I only need to cite a couple of cases, which everyone can check on. At the very least, my husband has defended Ms. Nguyen Thi Thuy, who was representative of the Vietnamese Assembly of God Church in Viet Tri at the beginning of 2000; he has defended Pastor Nguyen Hong Quang, Secretary-General of the Vietnam Mennonite Church in April 2005; he has also intervened in legal matters involving Pastor Than Van Truong of the Vietnam Baptist General Conference when the latter was kept without a valid reason in the Bien Hoa mental hospital from September 2004 to September 2005. My husband was the legal counsel of the Asset Management Council of the Evangelical Church of Vietnam North and he has counseled pro-bono for a great number of persons.

There is no lack of misinformation like the above in many articles published in the recent past. The spreading of misinformation has created a bad prejudice against my husband, thus giving to the public the impression that he is therefore guilty; it also created an atmosphere favorable to a sentence against him. I am of the belief that the investigative organs, the People's Procuracy (Vien Kiem Sat Nhan Dan) and the court have done nothing but aimed at seeking a sentence against my husband.

The sentencing of my husband at the trial of first instance in the Hanoi People's Court (Toa An Nhan Dan) was based on misinterpretations, the result of sloppy and prejudicial work by the prosecutorial organs. Before and during the trial, these organs have severely violated many fundamental principles of the Vietnam Code of Criminal Procedure (Bo Luat To Tung Hinh Su). That is why the court was unable to discover the truth about the matter. Because the trial of my husband has to be seen in a comprehensive way, I am going to contribute ideas towards clarifying a number of issues regarding civil rights in the 1992 Constitution and human rights in the International Covenant on Civil and Political Rights, to which Vietnam is a party. I am also analyzing the charges aimed at my husband's so-called crime of "propaganda against the SRV" in accordance with Article 88 of the Vietnam Criminal Code (Bo Luat Hinh Su).

1) The sentence in the Court of First Instance needs to be nullified because the prosecutorial organs have severely violated the Constitution and the very fundamentals of the Code of Criminal Procedure.

a) In the pre-trial period

In the very first article of Chapter I of the Code of Criminal Procedure, it is asserted that this code is aimed at forming fair judgment --not prejudicing the innocent-- and protecting the legal interests of citizens. In order to do so, the Code of Criminal Procedure must be built on the fundamental principles as found in Chapter II. But even before my husband was brought

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Opening Statement of the Honorable Zoe Lofgren (D-CA)

Subcommittee on Africa, Global Health, Global Human Rights, and International  
“Will President Obama Prioritize the Release of Prisoners of Conscience in Vietnam?”  
May 10, 2016

I want to thank Chairman Chris Smith, who serves as Co-Chair of the Congressional Caucus on Vietnam with me, for holding this hearing and inviting Ms. Vu Minh Khanh to testify on this pressing human rights issue. The recent wave of attacks on human rights defenders and peaceful political activists in Vietnam is alarming. These incidents and the increasing number of prisoners of conscience must be addressed during the President’s visit to Vietnam in May.

The Vietnamese government continues to oppress its citizens, including peaceful advocates for democracy, bloggers, and religious minorities. Last month, the State Department released its most recent Country Report on Human Rights Practices for Vietnam, where it stated that “authorities continued to suppress political speech through arbitrary arrest and short-term detentions without charge”. In its 2016 World Press Freedom Index, Reporters Without Borders ranked Vietnam as 175<sup>th</sup> of 180, only one spot ahead of China, and last in Southeast Asia. Vietnam was listed as “not free” in Freedom House’s 2016 “Freedom in the World” index among countries like Syria, China, and Sudan. The U.S. Commission on International Religious Freedom, in its most recent Annual Report, again recommended that Vietnam be designated as a “country of particular concern,” or CPC, under the International Religious Freedom Act (IRFA), as it has every year since 2001. With reports and rankings like these, including his administration’s own findings, how can President Obama ignore the need to address the release of prisoners of conscience during his meetings in Hanoi?

As today’s witness will attest, her husband, Mr. Nguyen Van Dai, is a renowned human rights lawyer, who was assaulted by plainclothes police officers, last December. Ten days later, he was arrested on his way to meet with EU officials who were attending the EU-Vietnam Human Rights Dialogue. He has been charged with Article 88 of Vietnam’s Penal code “conducting propaganda against the Socialist Republic of Vietnam.”

Ms. Vu, who I met with last month in San Jose, is traveling throughout the western world seeking help for the release of her husband and his assistant. The United States, along with Australia and EU nations, are looked to in the quest for human rights. It is incumbent on us not to disappoint her or others like her who strive for the rule of law and basic human rights in Vietnam.

When I traveled to Vietnam with Democratic Leader Nancy Pelosi and several other Members of the House, in March of 2015, I was prevented from meeting with Mr. Dai, as he was under “house arrest.” I did meet, however, with his assistant Le Thu Ha, a wonderful young lawyer, who also advocated for human rights in Vietnam. Le Thu Ha

has also been arrested under Article 88. I worry that Le Thu Ha's efforts to coordinate my meetings with human rights advocates may have played some role in the persecution he has faced from authorities in Vietnam.

My colleagues on the Vietnam Caucus and I are determined to bring attention to the human rights violations in Vietnam and to demand changes. This includes the arbitrary arrest and detention of prisoners of conscience. On numerous occasions, we have called for Vietnamese authorities to release prisoners of conscience and urged the Administration to negotiate for their release. During my March of 2015, I personally handed a list of prisoner of conscience names to Vietnamese government officials and urged for their release. It is my sincere hope that the President will also make this issue a priority during his visit to Vietnam this month.

It would be a glaring mistake for the United States to turn a blind eye to these blatant human rights violations and instead reward Vietnam with closer ties to the modern world through such means as the Trans-Pacific Partnership. The President should instead use this opportunity to



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**House Foreign Affairs Committee / Africa, Global Health, Global Human  
Rights, and International Organizations Subcommittee:  
Will President Obama Prioritize the Release of Prisoners of  
Conscience in Vietnam?**

**Rep. Lowenthal Statement**

**Wednesday, August 31, 2016**

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Thank you Mr. Chairman, and a special thank you to Ms. Vu Minh Khanh for joining us today. I saw firsthand Ms. Vu's bravery and passion in advocating for her husband's release when she visited Little Saigon in my district last month. I was happy to support her petition to come to the United States to speak out on behalf of her husband. We are so pleased to have you here Ms. Vu.

As we have all heard, Ms. Vu's husband Mr. Nguyen Van Dai—a tireless advocate for human rights in Vietnam—was viciously beaten in the streets of Hanoi and subsequently arrested by the government on trumped-up charges. I was honored to meet Dai last year on a Congressional Delegation to Vietnam led by Chairman Matt Salmon.

Sadly, Dai is one of many prisoners of conscience in Vietnam. I have also adopted the case of Lutheran Pastor Nguyen Cong Chinh, who remains imprisoned simply for practicing his faith and exercising his fundamental right to religious freedom. Just last month, after meeting with David Saperstein, the US Ambassador at-Large for International Religious Freedom, Pastor Chinh's wife was detained and beaten by local security forces.

Others like blogger Nguyen Tien Trung and the Venerable Thich Quang Do, head of the Unified Buddhist Church of Vietnam, remain under house arrest.

Along with many of my colleagues, I will be urging the President to make prisoners of conscience one of his top priorities when he visits Vietnam later this month. The President should press for the immediate release of Nguyen Van Dai, Pastor Nguyen Cong Chinh, and all other prisoners of conscience in Vietnam.