



Australian Government
Refugee Review Tribunal

Country Advice

Vietnam

Vietnam – VNM39947 – Catholics – Land Disputes – World Youth Day 2008 – Father Nguyen Van Ly
1 March 2012

1. What is the position concerning Catholics in Vietnam? Are they free to practise their religion?

Catholicism is an officially recognised religion in Vietnam, however, the Vietnamese Government does not recognise the official Roman Catholic Church or the authority of the Vatican.¹ Government reforms to increase religious freedom since 2006 have resulted in the opening of new Catholic churches and the training of new clergy.² At the same time, the number of people joining the Catholic Church has increased.³ With respect to whether Catholics are free to practice in Vietnam, it is noted that there is increasing participation within the Catholic Church and the Government has permitted large religious gatherings of Catholics. Nonetheless, the state continues to regulate religion and takes action against Catholics who are perceived to be challenging the state's authority, including those involved in land disputes and political advocacy.

Government Position Concerning Catholics in Vietnam

Vietnamese law requires all religious denominations to be recognised by the Government and individual congregations to be registered with state authorities.⁴ Catholicism is one of 11 religions officially recognised by the Vietnamese Government.⁵ Nevertheless, the Vietnamese Government does not recognise the official Roman Catholic Church or the authority of the Vatican.⁶ Government reforms to increase general religious freedom in Vietnam since 2006, have allowed the Catholic Church to expand its activities. In its 2011 *Countries of Particular Concern*, the US Commission on International Religious Freedom stated that the Catholic Church in Vietnam has expanded its clerical training and charitable activities „in recent

¹ US Department of State 2011, *July-December International Religious Freedom Report*, 13 September, p.4 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011; Australian Institute of International Affairs Victoria 2011, *Report of the AIIAV Study Tour to Vietnam: 7-21 April 2011*, p. 4 www.aiia.asn.au/act.../702-aiiav-study-tour-2011-vietnam-report - Accessed 27 February 2012

² US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Vietnam*, 28 April <http://www.unhcr.org/refworld/docid/4dbe90bdc.html> - Accessed 29 February 2012; UK Home Office 2011, *Operational Guidance Note: Vietnam*, November, Refworld website, p. 9 <http://www.unhcr.org/refworld/pdfid/4ed8ab3a2.pdf> – Accessed 15 November 2011

³ US Department of State 2011, *July-December International Religious Freedom Report*, 13 September, p. 2 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011. Also see: „Growing Vietnam Church Short of Priests’ 2006, *Cath News*, 14 June <http://cathnews.acu.edu.au/606/71.php> - Accessed 28 February 2012

⁴ US Department of State 2011, *July-December International Religious Freedom Report*, 13 September www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011

⁵ US Department of State 2011, *July-December International Religious Freedom Report*, 13 September, p.4 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011; Australian Institute of International Affairs Victoria 2011, *Report of the AIIAV Study Tour to Vietnam: 7-21 April 2011*, p. 4 www.aiia.asn.au/act.../702-aiiav-study-tour-2011-vietnam-report - Accessed 27 February 2012

⁶ Australian Institute of International Affairs Victoria 2011, *Report of the AIIAV Study Tour to Vietnam: 7-21 April 2011*, p. 4 www.aiia.asn.au/act.../702-aiiav-study-tour-2011-vietnam-report - Accessed 27 February 2012

years.⁷ Similarly, in November 2011 the UK Home Office indicated that the Government has granted the Catholic Church somewhat increased autonomy:

The Roman Catholic Church can now select its own bishops and priests, but they must be approved by the government. Many restrictions on charitable activities have been lifted, and clergy enjoy greater freedom to travel domestically and internationally.⁸

Concurrent with these reforms, the number of Catholics in Vietnam has increased. Catholicism is the second largest religion in Vietnam (after Buddhism) with seven per cent of the population belonging to the Roman Catholic Church.⁹ In its *July-December 2010 International Religious Freedom* report, the US Department of State noted that the Catholic Church has experienced a ‚revival‘ in recent years with growing numbers of people who want to be ‚religious workers‘ in the Catholic Church.¹⁰

Ability of Catholics to Practice Freely in Vietnam

Sources consulted agree that the Government regulates religion in Vietnam. Some sources note that there is increasing participation within the Catholic Church and that the Government has permitted large religious gatherings of Catholics. Others state that the Vietnamese Government takes action against Catholics who are perceived to be challenging the authority of the state, including those involved in land disputes and political advocacy. In 2011, the US Department of State reported that in ‚many areas‘ Catholics – along with several other religions – reported an increase in religious activity and observance in the period July 2010-December 2010. The US Department of State also notes that the Government permitted large-scale religious events:

During the reporting period, the government permitted large religious gatherings, such as annual Catholic celebrations at the La Vang Catholic sanctuary... Catholics also held several large-scale Christmas and Easter Masses in Hanoi, Ho Chi Minh City, Da Nang, and throughout the southern part of the country with thousands of individuals participating in each event.¹¹

On 12 January 2011, *The Guardian* published an undated¹² cable by the US Ambassador to Vietnam, Michael Michalak, regarding religious freedom in Vietnam. The cable states that the Catholic Church in Vietnam has reported an increase in religious activity and observance.¹³ The cable also notes that Catholic communities in the North and Northwest Highlands continue to report improved conditions and notes:

⁷ US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Vietnam*, 28 April <http://www.unhcr.org/refworld/docid/4dbe90bdc.html> - Accessed 29 February 2012

⁸ UK Home Office 2011, *Operational Guidance Note: Vietnam*, November, Refworld website, p. 9 <http://www.unhcr.org/refworld/pdfid/4ed8ab3a2.pdf> - Accessed 15 November 2011

⁹ US Department of State 2011, *July-December International Religious Freedom Report*, 13 September, p. 2 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011

¹⁰ US Department of State 2011, *July-December International Religious Freedom Report*, 13 September, p. 2 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011. Also see: ‚Growing Vietnam Church Short of Priests‘ 2006, *Cath News*, 14 June <http://cathnews.acu.edu.au/606/71.php> - Accessed 28 February 2012

¹¹ US Department of State 2011, *July-December International Religious Freedom Report*, 13 September, p. 16 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011

¹² Although the cable is undated, it is noted that Michael Michalak was the US Ambassador to Vietnam between August 2007 and February 2011.

¹³ ‚US Embassy Cables: Concerns over Vietnamese Crackdown‘ 2011, *The Guardian*, 12 January <http://www.guardian.co.uk/world/us-embassy-cables-documents/244345> - Accessed 13 February 2012

Ongoing land disputes notwithstanding, the Catholic Church continues to report that its ability to gather and to worship has improved, and restrictions have eased on the assignment of clergy.¹⁴

The Vietnamese Government takes action against Catholics who are perceived to be challenging the authority of the state, including those involved in land disputes or political dissidence. The 2011 US Commission on International Religious Freedom report notes that the relationship between the Vietnamese Government and the Catholic Church remains tense in parts of Vietnam. As a result, the Government continues to restrict religious practices by Catholic priests considered to be „extremists’ as well as (in some instances) members of Catholic congregations. The example is given of police action taken against Catholics participating in a peaceful prayer vigil following a land dispute in 2010:

[I]n the past several years, including in 2010, police have used tear gas and batons against, and have detained, participants at peaceful prayer vigils at properties formerly owned by the Catholic Church. In addition, government officials have employed “contract thugs” to assault and intimidate Catholics attending these prayer vigils.¹⁵

In November 2011, the UK Home Office reported that during January 2010, Vietnamese Catholic groups reported that priests and „believers’ in the Dong Chiem area were „attacked on their way to pray’.¹⁶ It is noteworthy that Catholic parishioners in Dong Chiem held a protest in February 2010, after police and army officers blew up a crucifix at the cemetery that was allegedly illegally erected.¹⁷ According to the Australian Institute of International Affairs the ability of religious organisations in general to engage in social or political activities that challenge the state’s authority is limited. The report notes that this is especially true of relations with the Catholic Church that are circumscribed by the refusal of the Vietnamese Government to recognize the Vatican’s authority in Vietnam.¹⁸

One report was found indicating that the Vietnamese Government restricts the religious practices of Catholics who belong to ethnic minority groups. In March 2011, Human Rights Watch stated that Catholics of Montagnard ethnicity¹⁹ in Gia Lai province were forced by Government officials to renounce their faith:

Using official Vietnamese media sources, Human Rights Watch documented the controversial practice of forced recantations of faith. Government officials have forced hundreds of Montagnard Catholics and Protestants to renounce their religion in public criticism sessions, violating internationally protected rights to freedom of religion and conscience. Those who resist and insist on their right to independent worship facing beatings, arrest, and imprisonment.²⁰

¹⁴ „US Embassy Cables: Concerns over Vietnamese Crackdown’ 2011, *The Guardian*, 12 January

<http://www.guardian.co.uk/world/us-embassy-cables-documents/244345> - Accessed 13 February 2012

¹⁵ US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Vietnam*, 28 April <http://www.unhcr.org/refworld/docid/4dbe90bdc.html> - Accessed 29 February 2012

¹⁶ UK Home Office 2011, *Operational Guidance Note: Vietnam*, November, Refworld website, p.10

<http://www.unhcr.org/refworld/pdfid/4ed8ab3a2.pdf> – Accessed 15 November 2011

¹⁷ US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Vietnam*, 28 April <http://www.unhcr.org/refworld/docid/4dbe90bdc.html> - Accessed 29 February 2012

¹⁸ Australian Institute of International Affairs Victoria 2011, *Report of the AIIAV Study Tour to Vietnam: 7-21 April 2011*, p. 4 www.aiaa.asn.au/act.../702-aiiav-study-tour-2011-vietnam-report - Accessed 27 February 2012

¹⁹ The Montagnard are the Indigenous people of the Central Highlands of Vietnam. Please see: Cultural Orientation (undated), *Montagnards: The People* <http://www.cal.org/co/montagnards/vpeop.html> - Accessed 28 February 2012

²⁰ Human Rights Watch 2011, *Vietnam: Montagnards Harshly Persecuted*, 30 March

<http://www.hrw.org/news/2011/03/30/vietnam-montagnards-harshly-persecuted> - Accessed 27 February 2012

2. Is there any information about land disputes between the Vietnamese Government and the Catholic Church?

Reports were found of land disputes between the Vietnamese Government and the Catholic Church. It is noted that these incidents form part of a long-running history of disputes concerning the Government seizure of church land in Vietnam.²¹ In 2011, the US Commission on International Religious Freedom reported that the Catholic Church – along with „nearly every other religious denomination’ that existed in Vietnam prior to the war – has outstanding land claims resulting from the nationalisation of private property following the Vietnam War.²² In 2011, Human Rights Watch reported that land disputes generally are becoming increasingly frequent as the Vietnamese Government seizes property to lease land to domestic and foreign investors.²³ According to the US Commission on International Religious Freedom, during 2010 property disputes between the Government and Catholic Church continued to lead to „harassment, property destruction, detention, and violence.’²⁴ It is noted that *Country Advice VNM39759* of 11 January 2012 provides information on the history of land disputes in Vietnam.²⁵ Examples of land disputes involving the Catholic Church during 2011 and 2010 include:

- On 2 December 2011, *Radio Free Asia*²⁶ reported that police in Hanoi arrested 20 members of the Thai Ha Catholic Church parish and their parish Priest, Father Nguyen Van Phuong, during a march to protest the construction of a sewage reservoir on land they claim belongs to the church.²⁷ The protest follows an earlier demonstration held by 200 parish members on 18 November 2011.²⁸ According to an article by *Agence France-Presse* from 27 November 2011, the protest was peacefully dispersed by the police.²⁹
- On 15 August 2011, *Voice of America*³⁰ reported that on 7 August 2011 a rally was held in Vinh City to protest the Government’s treatment of Catholics, including plans to seize land that allegedly belongs to the Catholic Church. According to the article, 3,000 people

²¹ Sino Daily 2011, *Vietnam’s Falungong under Pressure*, 23 December

http://www.sinodaily.com/reports/Vietnams_Falungong_under_pressure_999.html - Accessed 27 February 2012

²² US Department of State 2011, *July-December International Religious Freedom Report*, 13 September, p.8

www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011

²³ Freedom House 2011, *Freedom in the World 2011 – Vietnam*, 26 May

http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2011&country=8012&pf – Accessed 22 July 2011

²⁴ US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Vietnam*, 28 April <http://www.unhcr.org/refworld/docid/4dbe90bdc.html> - Accessed 29 February 2012

²⁵ RRT Country Advice Service 2012, *Country Advice VNM39759*, 11 January

²⁶ *Radio Free Asia* is a private, non-profit corporation that broadcasts news and information in nine native Asian languages to listeners who do not have access to full and free news media.

²⁷ Radio Free Asia 2011, *Vietnam: Catholics Arrested During Land Rally*, 2 December, Refworld website http://www.unhcr.org/refworld/topic.464db4f52.464dbda12.4ee9f17dc.0..._html – Accessed 27 February 2012

²⁸ Radio Free Asia 2011, *Vietnam: Catholics Arrested During Land Rally*, 2 December, Refworld website http://www.unhcr.org/refworld/topic.464db4f52.464dbda12.4ee9f17dc.0..._html – Accessed 27 February 2012;

Brown, M. 2011, „Hanoi Catholics Protest Sewage Project Near Church’, *Voice of America*, 19 November <http://www.voanews.com/english/news/asia/Hanoi-Catholics-Protest-Sewage-Project-Near-Church-134172288.html> - Accessed 27 February 2012

²⁹ „At Least 10 Held at Vietnam Demo- AFP’ 2011, *Agence France-Presse*, 27 November, Inquirer News website <http://newsinfo.inquirer.net/101345/at-least-10-held-at-vietnam-demo-%E2%80%93-afp> – Accessed 27 February 2012

³⁰ *Voice of America* (VOA) is the official international radio and television broadcasting service of the US federal Government.

participated in the protest.³¹ On 8 August 2011, *Asia News* reported that 5,000 people attended the protest.³²

- A land rights dispute between Catholic parishioners and the police during May 2010 in Con Dau parish was widely reported.³³ According to the *Catholic News Agency*³⁴, 500 parishioners participated in the protest.³⁵ In 2011, Amnesty International noted that hundreds of police used batons and electric prods against parishioners who were attempting to bury a woman in a cemetery on land designated by the authorities for the development of a resort. According to the report, dozens of people were injured and around 60 briefly detained. Two protestors were sentenced in October 2010 to nine and 12 month jail sentences respectively, and five protestors received non-custodial sentences after being charged with public order offences.³⁶ On 18 August 2010, Commissioner Theodore J. Van Der Meid stated in a testimony to the Tom Lanton Human Rights Commission on Religious Freedom, that residents of Con Dau continue to face 'ongoing intimidation' in their land dispute with the Vietnamese Government.³⁷

3. What is known of participation by Vietnamese in World Youth Day events in Sydney in 2008?

Pilgrims travelled from Vietnam to attend World Youth Day (WYD)³⁸ in Sydney during 2008. One news report was found that discusses the number of Vietnamese pilgrims who were granted visas to attend WYD. On 9 July 2008 *Catholic Online*³⁹ quoted Bishop Joseph Dang Duc Ngan (of Lang Son city) as saying that 'of the 900 young Vietnamese who asked for Visas for Australia' to attend WYD, 'only 200 received visas'.⁴⁰ Media reports were also found that provide differing estimates of the number of Vietnamese citizens who were expected to attend WYD:

³¹ Brown, M. 2011, 'Vietnam Takes Calculated Approach to Public Protests' 2011, *Voice of America*, 15 August <http://www.voanews.com/english/news/asia/southeast/Vietnam-Takes-Calculated-Approach-to-Public-Protests-127736423.html> - Accessed 27 February 2012

³² Dang, J. 2011, 'Cau Ram: Thousands of Catholics Protest Against Property Seizures', *Asia News*, 8 August <http://www.asianews.it/news-en/Cau-Ram:-thousands-of-Catholics-protest-against-property-seizures-22309.html> - Accessed 27 February 2012

³³ US Department of State 2011, *July-December International Religious Freedom Report*, 13 September, p.13 www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011; Trung, J.Q. 2011, 'Con Dau Appeal for Help to Save Their Parish', *Asia News*, 27 June <http://www.asianews.it/news-en/Con-Dau-appeal-for-help-to-save-their-parish-21944.html> - Accessed 27 February 2012; 'Catholics Jailed over Vietnam Land Dispute' 2011, *UCA News*, 28 October <http://www.ucanews.com/2010/10/28/catholics-jailed-over-land-dispute/> - Accessed 27 February 2012

³⁴ *Catholic News Agency* (CNA) is a Catholic news provider.

³⁵ 'Congressman Criticizes Conviction of Six Catholics in Vietnam as 'Sham Court' 2010, *Catholic News Agency*, 28 October <http://www.catholicnewsagency.com/news/congressman-criticizes-conviction-of-six-catholics-in-vietnam-as-sham-court/> - Accessed 28 February 2012

³⁶ Amnesty International 2011, *Annual Report 2011: Vietnam*, p. 352 <http://www.amnesty.org/en/region/vietnam/report-2011> - Accessed 13 May 2011

³⁷ Van Der Meid, T.J. 2010, 'Commissioner Ted Van Der Meid Testimony on Religious Freedom on a Status Update: Religious Freedom in Vietnam', 18 August, US Commission on International Religious Freedom <http://www.uscirf.gov/government-relations/congressional-testimony/3313-8182010-ted-van-der-meid-testimony-on-religious-freedom-in-vietnam.html> - Accessed 27 February 2012

³⁸ It is noted that World Youth Day was held in Sydney between 15 July 2008 and 20 July 2008.

³⁹ *Catholic Online* is a news and information centre for Catholics.

⁴⁰ Nguyen, H. 2008, 'World Youth Day 2008 - Catholic Online', 9 July <http://www.catholic.org/wyd08/story.php?id=28523> - Accessed 23 February 2012. Also see: Vu, J.B. 2008, '900 Vietnamese Prepare for World Youth Day', *Asia News*, 20 May <http://www.asianews.it/index.php?l=en&art=12303&theme=8&size=A> - Accessed 23 February 2012

- According to a *SBS News* article from 15 July 2008, 800 pilgrims from Vietnam were expected to attend WYD, a record high.⁴¹
- An article on the *VietCatholic News*⁴² website from 9 July 2008 states that between 700 and 900 young Vietnamese would travel to WYD in 2008.⁴³
- On 4 July 2008, *Cath News*⁴⁴ quoted Bishop Joseph Vu Van Thien, of Hai Phong city as stating that 600 Vietnamese planned to travel to Australia for the events.⁴⁵

The abovementioned *SBS News* article indicates that Vietnamese expatriates (including Vietnamese-Australians) were expected to participate in WYD events in Sydney. According to this report, 2,300 Vietnamese-Australians were expected to attend WYD.⁴⁶ No other sources were found to corroborate this.⁴⁷

4. Deleted.

5. What is known of the dissident Catholic priest, Father (Thadeus/Thaddeus) Nguyen Van Ly?

Country Advice VNM39109 from 22 August 2011, provides information of Father Van Ly Nguyen, including his political activities, treatment by the Vietnamese Government and his history of arrests.⁴⁸ No information was found to update *Country Advice VNM39109*. This Country Advice is reproduced in its entirety below:

Father Thadus (or Thaddeus) Nguyen Van Ly is a Catholic priest and prominent dissident from Hue diocese, on the central coast of Vietnam. The Wall Street Journal has described Van Ly as “a potential lightning rod for dissent”, and “one of Vietnam’s best known antigovernment critics”.⁴⁹

Father Van Ly has been a persistent advocate for religious freedom and other human rights such as democracy and freedom of the press.^{50 51} Between 1977 and 2004,

⁴¹ „Vietnamese Flag Choice Sparks Ideological Debate’ 2008, *SBS*, 15 July
<http://www.sbs.com.au/news/article/551821/vietnamese-flag-choice-sparks-ideological-debate> - Accessed 23 February 2012

⁴² *VietCatholic News* is a Vietnamese-language Catholic news website. It is noted that the website features some English-language articles.

⁴³ „WYD 2008: Catholics from Asia as Witnesses of Faith in Jesus Christ’ 2008, *VietCatholic News*, 9 July
<http://vietcatholic.net/News/Html/56437.htm> - Accessed 28 February 2012

⁴⁴ *Cath News* is a daily Catholic and religious information service which provides news, opinion pieces and prayers.

⁴⁵ „Vietnam Up, US Down on WYD Numbers’ 2008, *Cath News*, 4 July
<http://www.cathnews.com/article.aspx?aeid=7948> – Accessed 23 February 2012

⁴⁶ „Vietnamese Flag Choice Sparks Ideological Debate’ 2008, *SBS*, 15 July
<http://www.sbs.com.au/news/article/551821/vietnamese-flag-choice-sparks-ideological-debate> - Accessed 23 February 2012

⁴⁷ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld, International Crisis Group. A Vietnamese language search was also undertaken using the Google Translate service.

⁴⁸ RRT Country Advice Service 2011, *Country Advice VNM39109*, 22 August
⁴⁹ „U.S. Protests Treatment of Diplomat in Vietnam’ 2011, *The Wall Street Journal*, 6 January
<http://online.wsj.com/article/SB10001424052748704405704576064832396257142.html> – Accessed 11 August 2011

⁵⁰ „U.S. Protests Treatment of Diplomat in Vietnam’ 2011, *The Wall Street Journal*, 6 January
<http://online.wsj.com/article/SB10001424052748704405704576064832396257142.html> – Accessed 11 August 2011

⁵¹ „Father Ly arrested despite poor health’ 2011, *Christian Solidarity Worldwide – USA*, 28 July
<http://www.cswusa.com/Vietnam.ihtml?id=630080> – Accessed 15 August 2011

Father Van Ly reportedly spent a total of 14 years in prison for actions “defending religious freedom and human rights”.⁵² In July 2011, *Christian Solidarity Worldwide* reported that Father Van Ly had been imprisoned many times after trials which have not followed due process or international law.⁵³ According to a blog dedicated to him, Father Van Ly was first arrested in 1977 after distributing two essays, written by an Archbishop, which were critical of the Vietnamese government. He was sentenced to 20 years imprisonment but released several months later.⁵⁴ In 2001, he submitted written testimony, which was critical of the government, to the US Commission on International Religious Freedom.⁵⁵ Also in 2001, Father Van Ly was given cumulative sentences totalling 15 years for “damaging national unity”. In 2002 Father Van Ly’s niece and two nephews were sentenced to three years imprisonment for relaying information on his activities to foreign journalists.⁵⁶

In early 2004, Father Van Ly was released from prison and put under house arrest. In 2006, he became a co-author of the “Manifesto on Freedom and Democracy for Vietnam.”⁵⁷ By the end of 2006, the manifesto had reportedly been signed by over 2,000 people.⁵⁸ The signatories to this Manifesto later became known as Bloc 8406.⁵⁹ Also in 2006, Father Van Ly became a founding member of the Vietnam Progression Party.⁶⁰

In February 2007, security police arrested Father Van Ly. He was subsequently sentenced to eight years in prison and five years under house arrest for actions deemed to undermine the state, including his support for Bloc 8406.⁶¹ Father Van Ly’s was physically prevented from speaking during his trial, with a police officer holding a hand over his mouth. The photograph included below, of Father Van Ly with his mouth held shut at the trial, gained international attention.^{62 63}

⁵² „Fr Nguyen Van Ly released, handed over to the diocese of Hue’ 2010, Asia News.it website, 15 March <http://www.asianews.it/news-en/Fr-Nguyen-Van-Ly-released.-handed-over-to-the-diocese-of-Hue-17891.html> – Accessed 11 August 2011

⁵³ „Father Ly arrested despite poor health’ 2011, *Christian Solidarity Worldwide – USA*, 28 July <http://www.cswusa.com/Vietnam.ihtml?id=630080> – Accessed 15 August 2011

⁵⁴ „Father Ly’s Biography’ 2007, **FREE** Father Nguyễn Văn Lý website, 1 March <http://fathernguyenvanly.blogspot.com/2007/03/father-lys-biography.html> – Accessed 11 August 2011

⁵⁵ US Department of State 2004, *Country Reports on Human Rights Practices for 2003 – Vietnam*, 25 February Section 1 (a)

⁵⁶ US Department of State 2004, *Country Reports on Human Rights Practices for 2003 – Vietnam*, 25 February Section 1 (a)

⁵⁷ „Father Ly’s Biography’ 2007, **FREE** Father Nguyễn Văn Lý website, 1 March <http://fathernguyenvanly.blogspot.com/2007/03/father-lys-biography.html> – Accessed 11 August 2011

⁵⁸ Freedom House 2010, *Countries at the Crossroads 2010 – Vietnam*, Freedom House website <http://freedomhouse.org/uploads/ccr/country-7949-9.pdf> – Accessed 31 January 2011

⁵⁹ „Father Ly’s Biography’ 2007, **FREE** Father Nguyễn Văn Lý website, 1 March <http://fathernguyenvanly.blogspot.com/2007/03/father-lys-biography.html> – Accessed 11 August 2011

⁶⁰ „Fr Nguyen Van Ly released, handed over to the diocese of Hue’ 2010, Asia News.it website, 15 March <http://www.asianews.it/news-en/Fr-Nguyen-Van-Ly-released.-handed-over-to-the-diocese-of-Hue-17891.html> – Accessed 11 August 2011

⁶¹ „Father Nguyen Van Ly’ (undated), PEN International website <http://pen.org.au/about-us/honorary-members/bio/nguyen-van-ly/> – Accessed 11 August 2011

⁶² „Fr Nguyen Van Ly released, handed over to the diocese of Hue’ 2010, Asia News.it website, 15 March <http://www.asianews.it/news-en/Fr-Nguyen-Van-Ly-released.-handed-over-to-the-diocese-of-Hue-17891.html> – Accessed 11 August 2011

⁶³ „Father Ly arrested despite poor health’ 2011, *Christian Solidarity Worldwide – USA*, 28 July <http://www.cswusa.com/Vietnam.ihtml?id=630080> – Accessed 15 August 2011



Father Van Ly, on trial, 30 March 2007

Father Van Ly was reportedly held in Ba Sao labour camp from 2007 until he suffered a stroke and was hospitalised in late 2009. In March 2010 he was released and placed under house arrest, in Hue, on medical grounds.⁶⁴ He was prevented from giving interviews during this period of house arrest in Hue.⁶⁵ In January 2011, a US diplomat was reportedly manhandled by Vietnamese police when he attempted to visit Father Van Ly: the United States lodged an official protest with the Vietnamese Government regarding the incident.⁶⁶ Despite medical concerns, Father Van Ly was re-arrested in July 2011. At the time of writing he remains imprisoned. According to *Agence France Presse*, he is now aged in his 60s and suffers a tumour.⁶⁷

Father Van Ly has gained international attention for his pro-democracy efforts on several occasions. In 1983, Amnesty International reportedly adopted Father Van Ly as a prisoner of conscience.⁶⁸ In 2009, he was a candidate for the European Parliament's Sakharov Prize for Freedom of Thought.⁶⁹ On two occasions, in 2009 and again in 2010, an Australian Ambassador has tabled concerns for Father Van Ly at the Australia-Vietnam Human Rights Dialogue.⁷⁰

6. What was the process for World Youth Day pilgrims to obtain visas to attend World Youth Day in Australia in 2008?

No information was found specifically regarding the process for Vietnamese pilgrims to obtain visas for the Australian WYD.⁷¹ Information was found, however, about the visa application process for 2008 WYD pilgrims more generally.

⁶⁴ „Father Nguyen Van Ly’ (undated), PEN International website <http://pen.org.au/about-us/honorary-members/bio/nguyen-van-ly/> – Accessed 11 August 2011

⁶⁵ „Father Ly arrested despite poor health’ 2011, *Christian Solidarity Worldwide – USA*, 28 July <http://www.cswusa.com/Vietnam.ihtml?id=630080> – Accessed 15 August 2011

⁶⁶ „U.S. Protests Treatment of Diplomat in Vietnam’ 2011, *The Wall Street Journal*, 6 January <http://online.wsj.com/article/SB10001424052748704405704576064832396257142.html> – Accessed 11 August 2011

⁶⁷ „Vietnam under pressure to release jailed priest’ 2011, *Agence France Presse*, 26 July <http://www.google.com/hostednews/afp/article/ALeqM5jKT96BHMDVfkAlxiEOjgadSj0ftw?docId=CNG.a18f8f3a800f1e93dbfd0e596f0760d6.f31> – Accessed 11 August 2011

⁶⁸ „Fr Nguyen Van Ly released, handed over to the diocese of Hue’ 2010, *Asia News.it* website, 15 March <http://www.asianews.it/news-en/Fr-Nguyen-Van-Ly-released,-handed-over-to-the-diocese-of-Hue-17891.html> – Accessed 11 August 2011

⁶⁹ „Father Nguyen Van Ly’ (undated), PEN International website <http://pen.org.au/about-us/honorary-members/bio/nguyen-van-ly/> – Accessed 11 August 2011

⁷⁰ „Father Nguyen Van Ly’ (undated), PEN International website <http://pen.org.au/about-us/honorary-members/bio/nguyen-van-ly/> – Accessed 11 August 2011

⁷¹ Nature of the research conducted included consulting internal tribunal databases, CISNET and the Factiva database. An internet search of publically available documents was also undertaken including the European Country of Origin Network, Immigration and Immigration and Refugee Board of Canada, UNHCR Refworld, International Crisis Group. A Vietnamese language search was also undertaken using the Google Translate service.

Application System for World Youth Day Visas

In October 2007, the Assistant Minister for Immigration, Teresa Gambaro, noted that a „tailor-made’ visa application system was developed for WYD.⁷² Under the new system – established by way of a Memorandum of Understanding (MoU) between the Australian Government and the Catholic Church – the visa application fee was waived, successful applicants were granted standard three month tourist visas and there was no limit on the number of visas granted overall or from a particular country.⁷³ To participate in the free WYD-specific visa application process, pilgrims must have registered for WYD.⁷⁴ Articles from the migration service agencies, *Migration Expert* and *Live in Australia*, were found which state that pilgrims must register for the WYD event on the WYD website.⁷⁵ According to a *Sydney Morning Herald* article from 7 April 2008, „many bishops’ conferences’ planned to apply for visas in „one bulk application.’⁷⁶ The article does not specify whether a bishops’ conference from Vietnam planned to make a bulk application.⁷⁷

Some pilgrims applied for visas outside of the WYD-specific application system. In 2008, DIAC reported that „a large number of other pilgrims obtained their visas independently through the Department’s other services.’⁷⁸ Similarly, the abovementioned 2008 *Sydney Morning Herald* article quoted a DIAC spokesperson as saying that „a significant number of pilgrims eligible for the WYD08 visa are opting to obtain a visa when booking their flight rather than using the WYD08 visa arrangements’.⁷⁹

Security Checks and Documentation Required to Lodge World Youth Day Visa Applications

One news report was located discussing security checks and documentation required for WYD visa applications. The abovementioned 2008 *Sydney Morning Herald* article notes that WYD visa applicants were subjected to various personal checks. It is unclear whether this

⁷² Gibson, J. 2008, „Easier Visas to Help Youth on the Road to Randwick’, *Sydney Morning Herald*, 4 October <http://www.smh.com.au/articles/2007/10/03/1191091193492.html> - Accessed 1 March 2012

⁷³ Department of Immigration and Citizenship 2008, *Annual Report 2008-09*, <http://www.immi.gov.au/about/reports/annual/2008-09/html/features/feature2.htm> - Accessed 1 March 2012; Catholic Archdiocese of Melbourne 2007, *Immigration MoU Eases Path for World Youth Day Pilgrims*, 4 October <http://www.cam.org.au/news/immigration-mou-eases-path-for-world-youth-day-pilgrims.html> - Accessed 1 March 2012

⁷⁴ Gibson, J. 2008, „Easier Visas to Help Youth on the Road to Randwick’, *Sydney Morning Herald*, 4 October <http://www.smh.com.au/articles/2007/10/03/1191091193492.html> - Accessed 1 March 2012; *Live in Australia* 2008, *Pilgrims Urged to Lodge World Youth Day Visa Application*, 14 April http://www.liveinaustralia.com/home/news_article.asp?id=346 - Accessed 1 March 2012

⁷⁵ Migration Expert 2008, *World Youth Day Pilgrims: Lodge Visa Applications Now, Says Australian Immigration Minister*, 9 April http://www.migrationexpert.com/australia/visa/australian_immigration_news/2008/apr/3/224/world_youth_day_pilgrims:_lodge_visas_applications_now_says_australian_immigration_minister – Accessed 1 March 2012; *Live in Australia* 2008, *Pilgrims Urged to Lodge World Youth Day Visa Application*, 14 April http://www.liveinaustralia.com/home/news_article.asp?id=346 - Accessed 1 March 2012

⁷⁶ Morris, L. 2008, „For the Love of God, Come all Ye Volunteers and Pilgrims’, *Sydney Morning Herald*, 7 April <http://www.smh.com.au/news/national/for-the-love-of-god-come-all-ye-volunteers-and-pilgrims/2008/04/06/1207420201197.html> - Accessed 1 March 2012

⁷⁷ Morris, L. 2008, „For the Love of God, Come all Ye Volunteers and Pilgrims’, *Sydney Morning Herald*, 7 April <http://www.smh.com.au/news/national/for-the-love-of-god-come-all-ye-volunteers-and-pilgrims/2008/04/06/1207420201197.html> - Accessed 1 March 2012

⁷⁸ Department of Immigration and Citizenship 2008, *Population Flows: Immigration Aspects 2007-08*, p. 52 http://www.immi.gov.au/media/publications/statistics/popflows2007-08/PopFlows_09_chp3.pdf - Accessed 1 March 2012

⁷⁹ Morris, L. 2008, „For the Love of God, Come all Ye Volunteers and Pilgrims’, *Sydney Morning Herald*, 7 April <http://www.smh.com.au/news/national/for-the-love-of-god-come-all-ye-volunteers-and-pilgrims/2008/04/06/1207420201197.html> - Accessed 1 March 2012

information only relates to applications submitted through the WYD-specific system, or applications lodged through all avenues:

The department [of Immigration and Citizenship – DIAC] said each non-citizen applying for a visa was considered on individual merit against legal requirements set out in migration legislation, and subject to health, character and national security checks. But like all visitors staying in Australia for less than three months, World Youth Day applicants will not usually be required to undergo medical examinations.⁸⁰

The article also quotes a DIAC spokesperson as stating that letters of endorsements from Catholic bishops were required for some WYD visa applicants:

There will be no questions to test Catholicism but, to maximise compliance with visa conditions, the department has asked that some applicants provide letters of endorsement from Catholic bishops.

“This is not a test of religion but is intended to assist both pilgrims and the department by confirming that the applicant genuinely intends to take part in World Youth Day,” a spokesman said.

“Involvement with the local Catholic community is something a bishop may consider in deciding about an endorsement.

“However, this is not the only basis on which a bishop could be willing to provide an endorsement and Catholicism is not a requirement for a visa grant.”⁸¹

⁸⁰ Morris, L. 2008, „For the Love of God, Come all Ye Volunteers and Pilgrims’, *Sydney Morning Herald*, 7 April <http://www.smh.com.au/news/national/for-the-love-of-god-come-all-ye-volunteers-and-pilgrims/2008/04/06/1207420201197.html> - Accessed 1 March 2012

⁸¹ Morris, L. 2008, „For the Love of God, Come all Ye Volunteers and Pilgrims’, *Sydney Morning Herald*, 7 April <http://www.smh.com.au/news/national/for-the-love-of-god-come-all-ye-volunteers-and-pilgrims/2008/04/06/1207420201197.html> - Accessed 1 March 2012

References

„At Least 10 Held at Vietnam Demo- AFP’ 2011, *Agence France-Presse*, 27 November, Inquirer News website <http://newsinfo.inquirer.net/101345/at-least-10-held-at-vietnam-demo-%E2%80%93-afp> – Accessed 27 February 2012

„Catholics Jailed over Vietnam Land Dispute’ 2011, *UCA News*, 28 October <http://www.ucanews.com/2010/10/28/catholics-jailed-over-land-dispute/> - Accessed 27 February 2012

„Congressman Criticizes Conviction of Six Catholics in Vietnam as „Sham Court’ 2010, *Catholic News Agency*, 28 October <http://www.catholicnewsagency.com/news/congressman-criticizes-conviction-of-six-catholics-in-vietnam-as-sham-court/> - Accessed 28 February 2012

„Father Ly arrested despite poor health’ 2011, *Christian Solidarity Worldwide – USA*, 28 July <http://www.cswusa.com/Vietnam.ihtml?id=630080> – Accessed 15 August 2011 <

„Father Ly’s Biography’ 2007, **FREE** Father Nguyễn Văn Lý website, 1 March <http://fathernguyenvanly.blogspot.com/2007/03/father-lys-biography.html> – Accessed 11 August 2011 –

„Father Nguyen Van Ly’ (undated), PEN International website <http://pen.org.au/about-us/honorary-members/bio/nguyen-van-ly/> – Accessed 11 August 2011

„Fr Nguyen Van Ly released, handed over to the diocese of Hue’ 2010, *Asia News.it* website, 15 March <http://www.asianews.it/news-en/Fr-Nguyen-Van-Ly-released,-handed-over-to-the-diocese-of-Hue-17891.html> – Accessed 11 August 2011

„Growing Vietnam Church Short of Priests’ 2006, *Cath News*, 14 June <http://cathnews.acu.edu.au/606/71.php> - Accessed 28 February 2012

„U.S. Protests Treatment of Diplomat in Vietnam’ 2011, *The Wall Street Journal*, 6 January <http://online.wsj.com/article/SB10001424052748704405704576064832396257142.html> – Accessed 11 August 2011

„US Embassy Cables: Concerns over Vietnamese Crackdown’ 2011, *The Guardian*, 12 January <http://www.guardian.co.uk/world/us-embassy-cables-documents/244345> - Accessed 13 February 2012

„Vietnam Up, US Down on WYD Numbers’ 2008, *Cath News*, 4 July <http://www.cathnews.com/article.aspx?aeid=7948> – Accessed 23 February 2012

„Vietnamese Flag Choice Sparks Ideological Debate’ 2008, *SBS*, 15 July <http://www.sbs.com.au/news/article/551821/vietnamese-flag-choice-sparks-ideological-debate> - Accessed 23 February 2012

Amnesty International 2011, *Annual Report 2011: Vietnam* <http://www.amnesty.org/en/region/viet-nam/report-2011> – Accessed 13 May 2011

Australian Institute of International Affairs Victoria 2011, *Report of the AIIAV Study Tour to Vietnam: 7-21 April 2011* www.aiia.asn.au/act.../702-aiiav-study-tour-2011-vietnam-report - Accessed 27 February 2012

Brown, M. 2011, „Hanoi Catholics Protest Sewage Project Near Church’, *Voice of America*, 19 November <http://www.voanews.com/english/news/asia/Hanoi-Catholics-Protest-Sewage-Project-Near-Church-134172288.html> - Accessed 27 February 2012

Brown, M. 2011, „Vietnam Takes Calculated Approach to Public Protests’ 2011, *Voice of America*, 15 August <http://www.voanews.com/english/news/asia/southeast/Vietnam-Takes-Calculated-Approach-to-Public-Protests-127736423.html> - Accessed 27 February 2012

Catholic Archdiocese of Melbourne 2007, *Immigration MoU Eases Path for World Youth Day Pilgrims*, 4 October <http://www.cam.org.au/news/immigration-mou-eases-path-for-world-youth-day-pilgrims.html> - Accessed 1 March 2012

Cultural Orientation (undated), *Montagnards: The People* <http://www.cal.org/co/montagnards/vpeop.html> - Accessed 28 February 2012

Dang, J. 2011, „Cau Ram: Thousands of Catholics Protest Against Property Seizures’, *Asia News*, 8 August <http://www.asianews.it/news-en/Cau-Ram:-thousands-of-Catholics-protest-against-property-seizures-22309.html> - Accessed 27 February 2012

Department of Immigration and Citizenship 2008, *Annual Report 2008-09*, <http://www.immi.gov.au/about/reports/annual/2008-09/html/features/feature2.htm> - Accessed 1 March 2012

Freedom House 2010, *Countries at the Crossroads 2010 – Vietnam*, Freedom House website <http://freedomhouse.org/uploads/ccr/country-7949-9.pdf> – Accessed 31 January 2011

Freedom House 2011, *Freedom in the World 2011 – Vietnam*, 26 May http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2011&country=8012&pf – Accessed 22 July 2011

Gibson, J. 2008, „Easier Visas to Help Youth on the Road to Randwick’, *Sydney Morning Herald*, 4 October <http://www.smh.com.au/articles/2007/10/03/1191091193492.html> - Accessed 1 March 2012

Human Rights Watch 2011, *Vietnam: Montagnards Harshly Persecuted*, 30 March <http://www.hrw.org/news/2011/03/30/vietnam-montagnards-harshly-persecuted> - Accessed 27 February 2012

Live in Australia 2008, *Pilgrims Urged to Lodge World Youth Day Visa Application*, 14 April http://www.liveinaustralia.com/home/news_article.asp?id=346 - Accessed 1 March 2012

Migration Expert 2008, *World Youth Day Pilgrims: Lodge Visa Applications Now, Says Australian Immigration Minister*, 9 April http://www.migrationexpert.com/australia/visa/australian_immigration_news/2008/apr/3/224/world_youth_day_pilgrims:_lodge_visas_applications_now_says_australian_immigration_minister – Accessed 1 March 2012

Morris, L. 2008, „For the Love of God, Come all Ye Volunteers and Pilgrims’, *Sydney Morning Herald*, 7 April <http://www.smh.com.au/news/national/for-the-love-of-god-come-all-ye-volunteers-and-pilgrims/2008/04/06/1207420201197.html> - Accessed 1 March 2012

Nguyen, H. 2008, „World Youth Day 2008 – Catholic Online’, 9 July
<http://www.catholic.org/wyd08/story.php?id=28523> – Accessed 23 February 2012

Radio Free Asia 2011, *Vietnam: Catholics Arrested During Land Rally*, 2 December, Refworld website <http://www.unhcr.org/refworld/topic/464db4f52,464dbda12,4ee9f17dc,0,...html> – Accessed 27 February 2012

RRT Country Advice Service 2011, *Country Advice VNM39109*, 22 August

RRT Country Advice Service 2012, *Country Advice VNM39759*, 11 January

Sino Daily 2011, *Vietnam’s Falungong under Pressure*, 23 December
http://www.sinodaily.com/reports/Vietnams_Falungong_under_pressure_999.html - Accessed 27 February 2012

Trung. J.Q. 2011, „Con Dau Appeal for Help to Save Their Parish’, *Asia News*, 27 June
<http://www.asianews.it/news-en/Con-Dau-appeal-for-help-to-save-their-parish-21944.html> - Accessed 27 February 2012

UK Home Office 2011, *Operational Guidance Note: Vietnam*, November, Refworld website
<http://www.unhcr.org/refworld/pdfid/4ed8ab3a2.pdf> – Accessed 15 November 2011

US Commission on International Religious Freedom 2011, *USCIRF Annual Report 2011 – Countries of Particular Concern: Vietnam*, 28 April
<http://www.unhcr.org/refworld/docid/4dbe90bdc.html> - Accessed 29 February 2012

US Department of State 2004, *Country Reports on Human Rights Practices for 2003 – Vietnam*, 25 February Section 1 (a)

US Department of State 2011, *July-December International Religious Freedom Report*, 13 September <www.state.gov/g/drl/rls/irf/2010_5/168382.htm - Accessed 15 September 2011

Van Der Meid, T.J. 2010, „Commissioner Ted Van Der Meid Testimony on Religious Freedom on a Status Update: Religious Freedom in Vietnam’, 18 August, US Commission on International Religious Freedom <http://www.uscirf.gov/government-relations/congressional-testimony/3313-8182010-ted-van-der-meid-testimony-on-religious-freedom-in-vietnam.html> - Accessed 27 February 2012

Vu, J.B. 2008, „900 Vietnamese Prepare for World Youth Day’, *Asia News*, 20 May
<http://www.asianews.it/index.php?l=en&art=12303&theme=8&size=A> – Accessed 23 February 2012