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Viet Nam: Silenced critics must be released

Vietnamese lawyers, trade unionists, religious leaders and Internet dissidents have been detained or imprisoned in increasing numbers in recent months. Amnesty International is deeply concerned over an ongoing crackdown by the Vietnamese government against people who have done nothing but peacefully express their opinions.

On 30 April, "Liberation Day", the Vietnamese government marks the anniversary of the end of the Viet Nam war by releasing a number of prisoners. For 30 April 2007, Amnesty International calls on the authorities to release all those arrested, detained and imprisoned solely for the peaceful exercise of their rights to seek, receive and impart information and ideas, to peaceful assembly and association, in accordance with Viet Nam's obligations under international law.

In a trial in the city of Hue on 30 March 2007, Catholic priest Nguyen Van Ly, aged 60, was sentenced to eight years in prison for "conducting propaganda against the Socialist Republic of Viet Nam" under Article 88 of the Penal Code. Accusations levelled against him included involvement in the pro-democracy movement Bloc 8406 and taking part in the establishment of banned political groups. Four co-defendants facing the same charges were also found guilty; two of them, Nguyen Phong and Nguyen Binh Thanh, were sentenced to six and five years imprisonment respectively, two others were given suspended prison terms. The two women's suspended prison terms were of two years and 18 months respectively. Additionally, they were sentenced to a "test period" of three years and 18 months respectively, a sort of probation under the supervision of local authorities..

The one-day trial against Father Nguyen Van Ly, who now for the fourth time became a prisoner of conscience, was the first of several trials expected to take place in the months ahead against people who have publicly called for political change or respect for human rights. This crackdown follows a period of relative ease in terms of restricting civil and political rights during which the authorities organized and hosted the Asia-Pacific Economic Cooperation (APEC) forum in November, lobbied and achieved Permanent Normal Trade Relation status with the USA a month later, and joined the World Trade Organisation in January 2007.

On 10 April 2007, President Nguyen Minh Triet applauded the success of the APEC forum, which in the words of the APEC Chairman Le Cong Phung "has created a positive image of an active, open and safe country." Amnesty International believes that the ongoing crackdown with its clear violations of international human rights law is now creating a sharply contrasting image.

The first of a wave of arrests took place around the time of the APEC forum, when four leading members of the newly formed United Workers-Farmers Organisation (UWFO) were taken in by security officials. Established in October 2006, the UWFO advocates for the right to form and join independent trade and labour unions, which are not allowed under Vietnamese national law. No formal charges have been brought against them, but accusations by authorities have reportedly related to "conducting propaganda" against the state (Article 88 of the Penal Code).

The most recent publicly known arrest was on 21 April 2007 of novelist and journalist Tran Khai Thanh Thuy for "distorting the social, political and economic situation of Vietnam, denouncing Vietnam for human rights violations, putting the articles on the internet or sending them overseas to exile reactionary organisations," according to state controlled media. *Vietnam arrests dissident woman writer, AFP, 23 April 2007*

Another recent arrest was of lawyer Le Quoc Quan, who was taken away by police on 8 March after returning from a year-long fellowship in the USA, where he had done research on the role of civil society in emerging democracies. Le Quoc Quan is a pro-democracy activist, advocating religious and political freedom. He has been charged under national security legislation with attempting to overthrow the government (Article 79), which carries the death penalty as the maximum sentence.

Le Quoc Quan is not the only lawyer to be facing serious criminal charges for peacefully expressing opinions. At least four other lawyers have been arrested, including the two human rights lawyers Le Thi Cong Nhan and Nguyen Van Dai. Like Father Ly, Van Dai was among the original signatories of an Internet based petition which formed Bloc 8406. Le Thi Cong Nhan, a spokesperson for the Progression Party, had been the state-appointed legal counsel for a British citizen charged with heroin smuggling. Just days before the trial in November 2006, Le Thi Cong Nhan was placed under house arrest while another lawyer took over the case; on 6 March Le Thi Cong Nhan was arrested together with Nguyen Van Dai. They are both facing charges under Article 88, and are reportedly not allowed to receive any visitors. The Progression Party is only one of many opposition parties that have emerged in breach of national law, which allows only the ruling Communist Party of Viet Nam.

A fifth lawyer, Bui Thi Kim Thanh, a land rights activist, was in November 2006 forcibly admitted to Bien Hoa Mental Hospital, 50 km northeast of Ho Chi Minh City, in what Amnesty International believes is an attempt by the authorities to punish her for her work on behalf of the Democratic Party.

Numerous others, who are perceived by the authorities as political dissidents, are under house arrest, under surveillance, have had phone lines cut off, computers confiscated or have been harassed and interrogated by government officials. Even relatives of activists have been pressured by officials into ensuring that their activist family member ends his or her activities.

The politically-motivated charges against Father Ly, Le Thi Cong Nhan and others are a campaign by authorities to silence these critical voices and to scare other potential critics of the government into silence. Amnesty International calls on the Vietnamese authorities to honour its international human rights obligations by releasing all prisoners of conscience, including those who are facing criminal charges for having peacefully expressed their opinions. The organisation also calls for an end to all harassment against other peaceful critics.

In view of the fact that the Vietnamese Penal Code criminalises peaceful dissent – in breach of international law – Amnesty International calls on the authorities to urgently reform the many ambiguous provisions relating to national security and ensure they are either removed or brought into line with Viet Nam's obligations under international law.

Background

The rights to freedom of expression and assembly are guaranteed under the International Covenant on Civil and Political Rights (ICCPR). The covenant is binding on Viet Nam, which is a state party since 1982. Yet, peaceful government critics have been charged with "conducting propaganda", "abusing democratic freedoms to infringe upon the interests of the State" and "spying".

Father Nguyen Van Ly has already spent around 15 years in prison for peacefully criticizing government policies on religion and advocating for greater respect for human rights since the late 1970's. He was one of the architects behind an on-line petition which was launched on 8 April 2006 and signed by 118 democracy activists calling for peaceful political change and respect for human rights in Viet Nam. The petition quickly attracted more signatories and its launch marked the effective creation of an Internet based pro-democracy movement, Bloc 8406.

Known arrests of peaceful critics from November 2006 and onwards, age and affiliation (when known):

Bui Kim Thanh, 47	Democratic Party of Viet Nam
Doan Huy Chuong, 21	UWFO
Doan Van Dien, 52	UWFO
Hoang Thi Anh Dao, 21	Progression Party, Lac Hong group
Hong Trung, 45	Vi Dan Party, Lac Hong group
Le Quoc Quan, 36	Affiliation not known
Le Thi Cong Nhan, 28	Progression Party
Le Thi Le Hang, 44	Progression Party
Le Van Sy	People's Democratic Party
Nguyen Bac Truyen, 37	People's Democratic Party
Nguyen Binh Thanh, 51	Progression Party, Lac Hong group
Nguyen Phong, 32	Progression Party, Lac Hong group
Nguyen Tan Hoanh, 22	UWFO
Nguyen Thi Tuyet	Affiliation not known
Nguyen Tuan	People's Democratic Party
Nguyen Van Dai, 38	Bloc 8406, Committee for Human Rights in Viet Nam
Nguyen Van Ly, 60	Progression Party, Bloc 8406
Phan Van Loi	Bloc 8406
Tran Khai Thanh Thuy	Affiliation not known
Tran Quoc Hien	UWFO
Tran Thi Le Hang, 47	UWFO
Tran Thuy Trang	Affiliation not known