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# VIET NAM

## @Arrests of political prisoners, 1990-1991

### I. Introduction

Amnesty International welcomed the release of around 100 political prisoners in late 1991 and early 1992. Most of the prisoners released were former military personnel associated with the pre-1975 government of the Republic of Viet Nam (RVN). However, it has continued to receive disturbing reports of political arrests in Viet Nam, including prisoners of conscience, during 1990 and 1991.

Among those arrested or placed under house arrest were former "re-education" camp detainees, Protestant pastors and religious lay persons from tribal minorities who are members of unofficial "house church" movements or "unregistered" Christian groups, writers and journalists who are members and former members of the Communist Party of Viet Nam (CPV), and other critics of the government. Amnesty International believes that most of them have been arrested for the peaceful expression of their religious and political beliefs.

### II. Background

#### A. Political and economic reforms

In 1986 the Vietnamese Government adopted a general policy of renewal or "renovation" (*doi moi*) which had wide-ranging implications that changed the direction of government policy in many ways.

In the economic sphere, renovation meant a movement away from a centrally planned economy toward a more market-oriented economic program. However, economic development under the new policy has been hampered by restrictions on Viet Nam's access to international credit and a continued economic embargo of the country by the United States. In August 1991, the United States extended for another year its economic embargo against Viet Nam despite calls from other western countries to lift the embargo.

In the political sphere, *doi moi* meant reform of the Vietnamese legal system by the introduction of the Vietnamese **Criminal Code** in 1986 and the Vietnamese **Criminal Procedure Code** in 1989. As a consequence of the reform program thousands of political prisoners associated with the former government of the Republic of Viet Nam (RVN) in the south were released in general amnesties in 1987 and 1988. However, around 20 political prisoners remain in untried detention in a "re-education" camp in Ham Tan, Thuan Hai province.

In April 1992, the National Assembly adopted a new constitution which aims to create a new post of president, curb the power of the CPV and give people new civil and economic rights. It

will also enhance the power of the National Assembly and formalize the free market reforms introduced under the renovation policy. Some of the features of the new constitution include the right of Vietnamese citizens to travel abroad freely and to make contact with foreign companies to do business. However, the new constitution also reaffirms the one-party rule of the Vietnamese Communist Party.

## B. Recent political developments

In late 1989, in the wake of political changes in Eastern Europe, the Communist Party leadership expressed concern that the hasty implementation of political reforms may lead to political instability. Shortly afterwards, the Council of Ministers issued Directive 135-HBDT which called for a clampdown on "all violations of national security and the maintenance of a firm control over national security and political stability." It warned Communist Party members to be vigilant of local and international groups who are out "to destabilize the country". Several campaigns to combat corruption and crime were launched.

In June 1990 official radio broadcasts in Viet Nam stated that "nearly 2,000 criminals and many people accused of violating national security have given themselves up" including "many spies that have taken advantage of various international organizations and corporations that have investment in Viet Nam to infiltrate the country to carry out intelligence activities." Amnesty International believed that many of those arrested were released after a short period of detention. Later in November 1991, Minister of the Interior Bui Thien Ngo, in an article on national security published in *Tap Chi Quoc Phong Toan Dan (All People's National Defense Journal)* in Ha Noi, reported that over the past years "more than 10,000 criminals, including those who have committed economic or political crimes and other serious violations, have turned themselves in and confessed their wrongdoings."

In April 1990 the government announced that it would not hesitate to suppress dissent from people who try "to destabilize the socialist system." A series of crackdowns against critics of the government started with the arrest of several persons in April 1990 hitherto supportive of the government, such as Father Chan Tin who was placed under house arrest, Doan Thanh Liem and foreigners such as businessman Michael Morrow and Mennonite teacher Miriam Hershberger. The latter two were both expelled from the country after being detained for a brief period.

Further arrests made in November and December 1990 were reportedly aimed against members of the "*Free Forum movement*" which is composed of former "re-education" camp detainees associated with the former government of the Republic of Viet Nam (RVN) and writers such as To Thuy Yen, Doan Viet Hoat, Le Van Tien, among others. It was reported that at least a dozen people were arrested at that time.

Before the 7th Party Congress in June 1991, a continuing debate within the Communist party increased over which direction it should take during the next five years. Many opinions regarding this matter were printed daily in official newspapers, but the party leadership allegedly discouraged

members from bringing the debate outside the party. Some of these critical letters were published abroad.

### III. Political arrests in 1990 and 1991

#### A. Writers and journalists

A certain degree of open social and political criticism from writers, journalists and intellectuals both within and outside the Communist Party was tolerated following the introduction of *doi moi* in 1986. Towards the end of 1989, however, the government became wary of the increasing number of critical "opinions, open letters and suggestions" published locally and abroad.

The open debate and increasing criticisms expressed by writers and journalists was further restricted in July 1989 when eight magazines and newspapers -- three in Ha Noi and five in the southern provinces -- were closed down for creating what the Ministry for Information described as "a chaotic situation in press and newspaper publishing activities". To Hoa, the Editor-in-Chief of *Saigon Giai Phong (Liberated Saigon)*, a prominent publication in Ho Chi Minh City (formerly Saigon), was dismissed in 1989. Earlier in December 1988 the Secretariat of the Vietnamese Writers' Association dismissed Nguyen Ngoc as editor-in-chief of the official *Van Nghe (Literature and Art)*, a literary journal. No official explanation was given for his dismissal but it is believed that he was ousted for allegedly challenging the Communist Party's authority to determine the contents of his magazine.

In December 1989, the National Assembly adopted a new press law which reasserted state and party control over the press and other media. In July 1990, the Viet Nam Communist Party issued a directive on the management of literature and arts which apparently aimed to strengthen its control of the press and all cultural and artistic work.

Before the 7th Party Congress in June 1991, Communist Party members were invited by the party leadership to comment on the draft party documents reaffirming the pursuit of socialism and the guiding role of the Vietnamese Communist Party, which were submitted to the congress. Several letters and petitions addressed to party leaders commenting on the draft policies were reportedly received by the party leadership. Some of them found their way to publications abroad. In one letter, mathematician Phan Dinh Dieu called for a reduction in the party's power and changes to the Marxist-Leninist ideology.

Nguyen Khac Vien, a leading Vietnamese writer and editor, in a petition on 6 January 1991 addressed to the **Viet Nam Fatherland Front**, an umbrella organization of Communist Party supporters, urged the country's leaders to resign and to introduce broad democratic freedoms. He further stated that Viet Nam needed freedom of the press and freedom of association.

In several broadcasts of the **Voice of Viet Nam** on 7, 8, 15 and 19 April 1991, the criticisms contained in these "petitions", "suggestions", and "open letters" were dismissed as ill-intentioned. The

broadcasts accused the mass media in some western countries of waging campaigns against Viet Nam. One broadcast stated that "public opinion in Viet Nam held that this is a well prepared and ill-intentioned campaign which is being feverishly stepped up as the 7th Party Congress of the Communist Party is approaching."

In the context of these developments at least eight writers and journalists were arrested in Viet Nam during 1990 and 1991 because of their political views. Amnesty International believes that all of them are or may be prisoners of conscience.

**Duong Thu HUONG**, a novelist, was arrested on 13 April 1991 for allegedly attempting to send sensitive documents out of the country and was detained for seven months without charge or trial. She was reported to have been tried in Ha Noi in October 1991 for activities violating Viet Nam's national security before she was released on 20 November 1991. The documents she allegedly tried to send out of the country did not actually contain materials harmful to national security but was the manuscript of her latest novel "*The Arch of Triumph*". **Bui Duy Tam**, a medical doctor with US citizenship, was arrested on 12 April 1991 at Hanoi airport after customs officials found him carrying documents he had allegedly received from Duong Thu Huong. These documents reportedly included papers written by Vietnamese to Communist Party leaders in preparation for the 7th Party Congress. **Bui Duy Tam** was released in June 1991.

In 1990, after reportedly making a series of declarations in favour of human rights, **Duong Thu Huong** was expelled from the Communist Party and fired from her job as a scriptwriter at the Film Unit Committee in Ha Noi. After her expulsion from the Communist Party she became one of its critics. She is also the author of a book entitled "*Blind Paradise*" which describes the disillusionment of people who supported the communists during the wars against the French and the Americans.

**Le Nguyen NGU**, **Le Duc VUONG**, **Pham Thai THUY**, **Mai Trung TINH**, **Doan Viet HOAT**, **To Thuy YEN** and **Le Van TIEN** were reportedly accused of publishing an unlicensed paper called *Dien Dan Tu Do (Free Forum)* and of sending articles critical of the government abroad for publication. They are reported to have published 10 issues of the paper when they were arrested in November and December 1990. To Amnesty International's knowledge, none of them has been tried in a proper court of law.

**Le Nguyen NGU**, who writes under the pen name **Ho Nam** was reportedly arrested in December 1990. He had been previously detained in a "re-education" camp in 1975 until his release in 1987.

**Le Duc VUONG**, who writes under the pen name **Vuong Duc Le** was reportedly arrested in December 1990. He was accused of being a member of **Nguyen Dan Que's Cao Trao Nhan Ban (High Tide of Humanism Movement)** (see below).

**Pham Thai THUY**, a journalist, was arrested in December 1990. He had been previously detained in a "re-education" camp at Gia-Trung in Gia Lai-Kontum province in 1975 or 1976 and released in 1986. He was also reportedly accused of being a follower of Nguyen Dan Que's **High Tide of Humanism Movement**. (see below).

**Mai Trung TINH**, a poet, was also reportedly arrested in December 1990. Amnesty International is currently seeking more information about him.

**Doan Viet HOAT** was arrested on 17 November 1990 at his house in Ho Chi Minh City and is reportedly detained in Phan Dang Luu prison in Ho Chi Minh City. Before his arrest, Doan Viet Hoat, his wife and son had just been approved by both the USA and Vietnamese governments for emigration to the USA under the Orderly Departure Program (ODP).

Doan Viet Hoat obtained a BA degree in English from Saigon University in 1965. He then taught English at a high school in the Mekong Delta area of South Viet Nam for a year before becoming personnel adviser at Van Hanh Buddhist University in Saigon. In 1967, he gained a scholarship from the Asia Foundation and attended Florida State University in Miami, USA. In 1971, he returned to Viet Nam with an MA and a D Phil in education administration and took up a post as vice-president of administration at Van Hanh.

Doan Viet Hoat also worked in an unofficial capacity as a consultant with the Asia Foundation in order to promote educational and cultural exchanges between Vietnamese and American students. The Asia Foundation is a private foundation but mainly funded by the USA Government.

He was first arrested on 29 August 1976, one year after all private educational establishments were taken over by the state. He was reportedly arrested as a result of a denunciation made by a former student of Van Hanh University. Amnesty International believes that his arrest in 1976 was due to his links with Van Hanh University and with the Asia Foundation. He was detained in Chi Hoa prison in Ho Chi Minh City.

Doan Viet Hoat was adopted as a prisoner of conscience by Amnesty International in 1983. He was released in 1988. His release order stated that he had been arrested for having committed "anti-revolutionary activities against the socialist regime".

**To Thuy YEN**, whose real name is Dinh Thanh Tien, was reportedly arrested in December 1990. He spent five years in a "re-education" camp until 1980 when he was sentenced to 11 years hard labour in prison. He was released in 1985. When he was arrested in December 1990 the police authorities reportedly confiscated from him anti-government poems and writings, correspondence with foreign "hostile" groups, receipts showing that he had received money from such groups, and tapes of his poetry set to music.

**Le Van TIEN**, 68, who writes under the pen name Nhu Phong, was arrested on 20 December 1990 at his home in Ho Chi Minh City. In November he had been detained for interrogation for four days and subsequently subjected to surveillance.

Le Van Tien had just received permission from the Vietnamese authorities to apply for a passport and a visa to the USA prior to his arrest.

He was educated in Ha Noi. After graduation he followed a career as a journalist, writer and broadcaster and edited the daily paper *Tu Do (Liberty)* in Saigon from 1956 to 1962 when its offices were bombed. *Tu Do* had been critical of the Ngo Dinh Diem government's treatment of the Buddhist opposition. Immediately following the bombing of the newspaper offices Le Van Tien was arrested and held without charge for several weeks. On his release he continued to work as a journalist, a writer on political affairs, a lecturer and broadcaster. He founded and edited a series of journals on Vietnamese writing and literature, which were published in Saigon. At the same time, Le Van Tien became a member of the *Viet Nam Quoc Dan Dang (Vietnamese Nationalist Party)*, contributing primarily as a policy maker and theoretician rather than as a political activist.

He was adopted as a prisoner of conscience by Amnesty International in 1983. He was formerly detained in Pang Dang Luu prison and later in T30 "re-education" camp from 4 April 1976 until his release in 9 February 1988 as a result of a general amnesty for hundreds of political prisoners. Amnesty International received information that Le Van Tien was released from his most recent detention on 3 March 1992.

### **B. Real and suspected government critics**

At least 20 individuals, including prisoners of conscience, arrested for their real or imputed political views during 1990 and 1991 are being held in detention without trial, under house arrest or after being convicted in trials that may have failed to meet international standards for fairness.

**Nguyen Dan QUE** was sentenced to 20 years' imprisonment to be followed by five years' house arrest by the People's Court in Ho Chi Minh City after a half-day trial on 29 November 1991. He was convicted of committing "activities aimed at overthrowing the people's government". He was also reportedly accused of "using his capacity as a member of Amnesty International to translate documents into English and send them abroad." He was reportedly tried without any legal representation and was not allowed to speak during the trial. His case has reportedly been transferred to an appeals court in Ho Chi Minh City for a future hearing. Amnesty International believes that Nguyen Dan Que is a prisoner of conscience arrested solely for the non-violent exercise of fundamental human rights, and that his trial may not have conformed to international standards for fair trial.

Nguyen Dan Que, born in 1942 in northern Viet Nam, studied medicine at Saigon University and became a medical doctor at the age of 22. On graduation, he joined the teaching staff of the university medical school.



He became Director of Cho-Ray Hospital in Ho Chi Minh City after the end of the Viet Nam war in 1975. He reportedly became disillusioned with the new government's health care policies and expressed criticisms openly. This led to his dismissal as hospital director.

Nguyen Dan Que was a political prisoner from 1978 to 1988. He was arrested on 18 February 1978 in Ho Chi Minh City for "rebelling against the regime" and forming a "reactionary" organization named **National Front For Progress** which allegedly aimed to overthrow the government. He was adopted as a prisoner of conscience by Amnesty International, and was released in February 1988 after ten years of detention without trial.

He became a founder member of a political movement established in 1990 under the name of the *Cao Trao Nhan Ban* (**High Tide of Humanism Movement**). On 11 May 1990 the movement issued a political manifesto which called on all individuals both in Viet Nam and abroad to sign a petition demanding non-violent political, social and economic change for Viet Nam, including the introduction of a multi-party system of government. He was re-arrested on 14 June 1990. He had also become an international member of Amnesty International in January 1990.

In its 28 October 1991 issue the *Phap Luat* (**Laws and Regulations**) magazine, published in Ho Chi Minh City, reported that after his release from prison in 1988 Nguyen Dan Que used his medical office in Ho Chi Minh City to carry out propaganda against the government and to recruit followers to join the **High Tide of Humanism Movement** and allegedly planned to overthrow the government.

*Phap Luat* further stated that during his arrest in June 1990 when his house was raided, the authorities found thousands of copies of documents allegedly prepared by Dr Nguyen Dan Que and ready for distribution. The documents allegedly encouraged the Vietnamese people to rise and overthrow the Vietnamese government and pursue a plan to build a "nation with human rights as the base". (For further details see *Viet Nam: Nguyen Dan Que: Prisoner Of Conscience Sentenced To 20 Years*, AI Index: ASA 41/02/92).

**Nguyen Van THUAN** was tried at the same time as Nguyen Dan Que. He was sentenced to 10 years' imprisonment followed by five years' house arrest for alleged "subversive activities against the people's power". He is also accused of being a "follower" of Nguyen Dan Que's **High Tide of Humanism Movement**. Amnesty International has no other information about him.

**Nguyen Thien HUNG** was allegedly a member of the **High Tide of Humanism Movement**. The official Vietnamese News Agency after the trial of Nguyen Dan Que reported that Nguyen Thien Hung and Le Duc Vuong (see above) would be tried later in another criminal case. Amnesty International has no further information about him including the date of his arrest.

**Ngo Van AN** was arrested on 25 February 1991. The police came to his home and informed him of an "administrative decision" imposed on him which specified three years of detention in a "re-education" camp. Ngo Van An was interrogated several times between 22 and 25 December 1990 by the police authorities who also searched his house.

The reason for his arrest may have been his signing of an open letter critical of the Catholic Church in Viet Nam. The letter addressed to the Archbishop of Ho Chi Minh City, Nguyen Van Binh, was released on 15 August 1989 and signed by 14 people. It called for greater independence of the Catholic Church from the state. Father Chan Tin and Nguyen Ngoc Lan (see below) were the main writers of the open letter. Ngo Van An is a former high school teacher who later worked with the Catholic Church. He has a wife and daughter. He was allegedly not allowed to teach after 1975.

**Nguyen HO** and **Ta Ba TONG**, respectively former Chairman and Vice-Chairman of the "**Club of Resistance Fighters**" have been under house arrest since May 1990, apparently in connection with an interview critical of the party which they gave to a freelance British journalist. The journalist was later expelled from Viet Nam. The interview appeared in the 29 March 1990 issue of the weekly international journal, **Far Eastern Economic Review**. The "**Club of Resistance Fighters**" is a group of high-level members of the Communist Party of Viet Nam and war veterans. Some of its members have become critical of the Communist Party in recent years and have called for the acceleration of political reforms in Viet Nam.

Nguyen Ho is the editor of the Resistance Club's newspaper **The Resistance Tradition** and also former Vice President of the **Viet Nam Labor Union**.

**Do Ngoc LONG**, an economist, is reportedly held in Phan Dang Luu prison in Ho Chi Minh City and is accused of facilitating an "illegal meeting" and acting as an interpreter between a freelance British journalist and some members of the "**Club of Resistance Fighters**" (see above) Do Ngoc Long is said to have openly criticized the government bureaucracy before his arrest. After the Viet Nam war he worked with the new government's fuel distribution organization which took over the operations of the former oil company ESSO and later became a partner in a shampoo manufacturing business. He was reportedly arrested in April 1990.

**Huynh Tan MAM** and **Le Quang VINH** were reported to have been placed under house arrest since May 1990. The reason for their arrests is not clear but Amnesty International believes that they may have been placed under house arrest for expressing critical views against aspects of government policy including writing an open letter in 1990 to former Communist Party Secretary General Nguyen Van Linh calling for greater democracy in Viet Nam. Huynh Tan Mam was a political activist and a former president of the Saigon Student's Union before 1975 and had been imprisoned on numerous occasions by the former government of the Republic of Viet Nam. He later served as a delegate to the National Assembly after 1975 in the new government. He reportedly resigned from the Communist Party in 1990.

**Stephen Chan TIN**, a Roman Catholic priest, and **Nguyen Ngoc LAN**, a former Roman Catholic priest have been under house arrest since 16 May 1990 for "carrying out activities aimed at opposing socialism, sowing dissension among religious, undermining the solidarity between

religious and secular life, and compiling and supplying documents to other countries for use against the people's authorities." Chan Tin is reportedly confined in a small church, which is not his normal residence, owned by the **Redemptorist Order** in Tanh Thanh village, Duyen Hai district in Ho Chi Minh City. Nguyen Ngoc Lan, is reportedly under house arrest in Ho Chi Minh City. According to an unofficial source the house arrest order imposed on Stephen Chan Tin and Nguyen Ngoc Lan were cancelled in February 1992, but Amnesty International has been unable to confirm this information.

**Doan Thanh LIEM, Do Trung HIEU, Nguyen Van TAN, Do Ngoc LONG, Dang Hai SON, Nguyen Trong LIEM, Pham Quoc TOAN and Nguyen Hong GIAO** were reported to have been arrested in April 1990, ostensibly in connection with the arrest and subsequent expulsion in May 1990 of United States business consultant Michael Morrow for alleged "espionage activities." Some of them may have also been detained for publicly expressing criticism against government policy on religion and other social laws. Michael Morrow was arrested in Quang Nam Da Nang province on 23 April 1990, and subsequently deported.

In June 1991, a Ho Chi Minh City newsletter **Saigon Newsreader**, quoting a local weekly paper **City Police**, reported that Do Ngoc Long, Doan Thanh Liem, Nguyen Van Tan and Nguyen Hong Giao would be tried in Ho Chi Minh City for "engaging in espionage activities." The newsletter reported that five other people would be charged with "plotting to overthrow the people's government" and three people would be tried for "propagandising against the socialist regime." The report did not mention the names of the other persons to be tried or when the trials would take place.

**Doan Thanh LIEM**, a lawyer, may have been arrested because of his involvement in the drafting of an unauthorized constitution, and because he was a signatory to an open letter addressed to the Archbishop of Ho Chi Minh City which urged the Roman Catholic Church to adopt a more critical attitude towards government policy. He was also reported to have assisted Michael Morrow in the preparation of legal contracts. Prior to his arrest, he had acted as an interpreter and consultant to various foreign reporters, writers and businessmen who were visiting Viet Nam. He was reportedly held in a villa in Ho Chi Minh City and is seriously ill. Amnesty International issued an urgent action (ASA 41/01/91) on his behalf in March 1991. He was reportedly brought to trial at the city court in Ho Chi Minh City on 14 May 1992 and sentenced to 12 years in prison for spreading "anti-socialist propaganda".

**Nguyen TRI** was tried at the same time as Doan Thanh Liem. He was sentenced to 8 years imprisonment for spreading "anti-socialist propaganda". He was reportedly described as a "reactionary poet" at his trial and had been detained in a "re-education" in 1975. Amnesty International has no further information about him including the date of his arrest.

**Do Trung HIEU** was reportedly a prominent member of the Communist Party before his arrest and worked with a property and architectural firm. He reportedly assisted Michael Morrow with hotel projects and was travelling with him to Quang Nam Da Nang province at the time of his

arrest. According to an unofficial source, Do Trung Hieu was released in early 1991, but Amnesty International has been unable to confirm this information.

**Nguyen Van TAN**, a former journalist who wrote under the pen name **Cao Son**, had been working part-time as a general assistant to Michael Morrow at the time of his arrest in April 1990. He had previously been detained for 12 years in a "re-education" camp allegedly for having worked for a paper controlled by the intelligence service of the former Republic of Viet Nam. His current place of detention is unknown. Amnesty International learned that he was released from detention on 24 January 1992.

**Dang Hai SON**, a private art dealer, was reportedly arrested in May 1990. Michael Morrow had reportedly bought a painting from him. He had been detained in a "re-education" camp from 1975 until his escape in 1980. He surrendered to the authorities in 1988 and was placed under house arrest for one year. His current place of detention is not known. He was an army officer of the former RVN before 1975 and a former General Secretary of the Dalat Provincial Council.

**Nguyen Trong LIEM**, a former naval architect, had reportedly acted as a consultant to Michael Morrow on a proposed project to introduce fibreglass boat-building technology. He had also been imprisoned for several years in a "re-education" camp after 1975. His current place of detention is unknown.

**Pham Quoc TOAN** was editor of the *Vung Tau Con Dac* newspaper at the time of his arrest in 1990. Vung Tau, an area located south of Dong Nai province, is being developed as a special economic zone. He had reportedly exchanged copies of his publication with Michael Morrow, who publishes the journal, **Petroleum News**. He is reportedly accused of furnishing articles on oil and gas exploration to Michael Morrow and other foreigners.

**Nguyen Hong GIAO** was an instructor at the Polytechnic Institute of Ha Noi at the time of his arrest in 1990. He reportedly had no business dealings with Michael Morrow but had met him casually. His office is located in the same premises as that of Doan Thanh Liem. He is reportedly accused of committing treason by selling documents to a foreigner on physics research in Viet Nam and the USSR.

**Nguyen MAU**, 76 years old and a former member of parliament of the RVN from 1971 to 1975, was reportedly arrested on 4 December 1990 and is reportedly being held at Bach Dang prison number 3 in Ho Chi Minh City. It is not known why he was arrested. Previously, he had been imprisoned in a "re-education" camp from 1975 to 1985. He is reported to be in poor health and has heart disease.

**Pham Duc KHAM** was reportedly arrested on 14 November 1990 allegedly for "planning reactionary activities against the state". He is a former Army Major and graduate of the South

Vietnamese Military Academy. He was imprisoned from 1961 to 1963 for participating in a failed attempt to remove former President Ngo Dinh Diem from power. He was captured by the North Vietnamese in 1975 and detained for 13 years in a "re-education" camp without charge or trial until his release in 1988.

The government has not made public the legislation under which the above mentioned prisoners are held but Amnesty International believes that those of them who remain untried may have been held under Articles 70 and 71 of the 1989 **Criminal Procedure Code** which provides for "temporary detention for investigation" and those persons placed under house arrest may have been held under Articles 61 and 74 of the 1989 **Criminal Procedure Code** which provides for detention under "house arrest." (See below, **Part IV Amnesty International Concerns and recommendations, A. Detention without trial**)

### C. Protestants

Following the end of the war in 1975 all foreign missionaries were expelled from the country and Protestant military chaplains were sent to "re-education" camps (see **Viet Nam: "Renovation" (Doi Moi), The Law And Human Rights In The 1980s**, ASA 41/01/90, February 1990). Most of them have been released in recent years. However, Amnesty International has received reports that a number of Protestant<sup>1</sup> pastors and lay elders of the Jeh, Jerai and Koho tribes continued to be arrested in 1989, 1990 and 1991. Some of them were reported to have been sentenced to three years' imprisonment.

The Vietnamese authorities apparently suspect some members of Protestant churches of having links with the *Front Unifié de la Lutte pour les Races Opprimées (FULRO)*, **The Unified Front for the Struggle of Oppressed Races**, an armed insurgent movement led by Montagnards.

In recent years, Protestant tribal members seem to have resorted to membership of unofficial "house church" movements<sup>2</sup> and to hold meetings in private to continue their religious activities

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<sup>1</sup>Most of the Protestant community in Viet Nam is situated in the south and in the central highlands of Viet Nam. In the north of Viet Nam, there are reportedly about 40 Protestant churches with about 40,000 members, while in the south, there are reportedly about 200,000 to 300,000 Protestant Christians of whom about one third are Montagnards, the French term for the ethnic minorities who inhabit the central highlands region. There is no unified official Protestant church in Viet Nam. The Protestant churches in the south, belonging mainly to the southern-based Evangelical Church of Viet Nam (ECVN), had reportedly resisted the establishment of a government-sponsored nationwide institution which would purport to unite all Protestant churches all over the country, as with the state-sponsored Viet Nam Buddhist Church (VBC) in the case of Buddhists and the Committee for the Solidarity of Vietnamese Catholics for Catholics.

<sup>2</sup>Unofficial "house church" movements evolved out of disagreement on the part of some Protestants with some doctrines and policies of the ECVN. The first "house church" was said to have been started by Pastor Ho Hieu Ha in Ho Chi Minh City in the early 1980s. Pastor Ha and other members of his church were arrested in 1983 and tried in 1987 and later sentenced to imprisonment for eight years on charges which included "carrying out propaganda against the revolution". Pastor Ha is now living in the United States of America after his release from detention in January 1990. The development of "house churches" was not welcomed by the ECVN, which reportedly consider their practices bringing public discredit to the Evangelical Church in Viet Nam endangering the ECVN by their "illegal activities".

since large public services are reportedly suspected by the police authorities. Police authorities have reportedly interrogated many members of unofficial "house churches" since February 1991 about their religious activities.

In December 1989, 1990 and 1991, at least 20 Protestant pastors were reportedly arrested in Ho Chi Minh City and in the central highlands. They include: **Nguyen Chu, Vo Minh Hung, Tran The Thien Phuoc, Ya Tiem, Ha Wan, Ha Hak, Vo Xuan, R'Mah Boi, A Uot, Tran Mai, Dinh Thien Tu, Tran Dinh Ai, Rmah Loan, Phan Quang Thieu, Le Quang Trung, Vu Minx Xuan, Hoang Van Phung, Bui Thanh Se, Vo Van Lac** and **Pham Phu Anh**. Pham Phu Anh and Vo Van Lac were released in June and July 1991 after being detained for two and five months, respectively, without trial. Some of the detainees have reportedly been accused by the authorities of "illegal preaching", "pursuing religious practice without permission", "opposition to the policy of the government under the guise of religion" and "disturbing the peace" by holding unauthorized meetings attended by their religious followers and have been detained on the basis of an administrative order issued by a local People's Committee<sup>3</sup>. Amnesty International believes that they are all prisoners of conscience held for the peaceful expression of their religious beliefs.

**Tran MAI**, a pastor, was reportedly arrested on 31 October 1991 in Ho Chi Minh City and charged with "pursuing religious activities without permission" and using such activities "to fight the government". He was allegedly also accused of "abusing religious powers" and of having maintained links with overseas Christian organizations along with Dinh Thien Tu and Tran Dinh Ai. He was held under an administrative detention order and has been reportedly sentenced to three years in prison. He is believed to be held in Phan Dang Luu prison, in Gia Dinh district in Ho Chi Minh City.

**Dinh Thien TU**, a pastor, was arrested by the government authorities in Ho Chi Minh City on 22 February 1991 allegedly for operating a social work program without government approval and for alleged unauthorized contacts with foreign Christian groups. He is reported to have been sentenced to three years' imprisonment and is believed to be detained in Phan Dang Luu prison in Ho Chi Minh City. He is reported to have lead about 2,000 Christian followers who are said to be divided into at least 50 "house church" groups.

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Government authorities consider "house churches" as illegal if their leaders have not received official permission to preach or to gather their members in a meeting. Their leaders could be accused of "illegal preaching" by the government authorities and liable to arrest.

Some pastors who started "house churches" were expelled by the ECVN. After their expulsion, some of them reportedly tried to get official permission to operate legally as a religious group but the authorities reportedly rejected their applications.

<sup>3</sup>A People's Committee is the executive body of a People's Council, the organ of state authority in every administrative unit in Viet Nam from the provincial to the district or ward levels. Some of the functions of a People's Committee are: carry out resolutions, decisions and instructions of higher administrative bodies, manage local administrative work, guide the organizations at all levels under its jurisdiction to fulfill state plans for economic and cultural development, and for strengthening national defense. It also examines and deals with public complaints, denunciations and petitions.

In 1988, Pastor Dinh Thien Tu, who reportedly led one of the largest government-sanctioned Protestant churches in Ho Chi Minh City, was suspended from all pastoral duties and evicted from the church parsonage by the officially recognized ECVN. He was reportedly accused of "teaching false theories and not observing the rules and regulations of the church".

After his eviction from the church parsonage Pastor Tu became involved in one of the "house church" movements in Ho Chi Minh City. It is believed that many members of his former church also followed him into the so-called "underground" church movement.

**Tran Dinh AI**, a pastor, was reportedly arrested in Ho Chi Minh City on 27 February 1991 and given a three-year administrative detention order. He was reportedly convicted on the basis of "evidence" taken from his personal diary which contained information about his daily activities including contacts with foreigners. He is reportedly widely known for his contacts with Pentecostal churches abroad. He is held in Phan Dang Luu prison in Ho Chi Minh City. He is reportedly allowed visits by his wife once a month.

**Nguyen CHU**, a pastor, was arrested on 13 May 1990. At about 9.00 am, six security police reportedly carrying electric whips, guns and cameras came into Pastor Chu's home in Kontum town, located in the central highlands province of Gia Lai-Kon Tum, about 500 kilometers north of Ho Chi Minh City, while he was expounding the Bible in front of his followers. The policemen took photographs of the "illegal gathering" before taking him away.

Pastor Nguyen Chu has been arrested several times in the past in connection with his religious activities. On Christmas Eve in 1983 the Kontum security police detained him for seven days for "illegal gathering of people" and seized church musical instruments, copies of the Bible and hymn books. On 14 June 1988, he and his two sons, Thieu and Hao, one still a schoolboy, were detained for one week while visiting his followers. Later, he was again detained for two days and made to appear in a video film to be shown on television in the company of criminals in order to discredit him in the eyes of the public.

He was again arrested on 15 April 1990, Easter Sunday, along with his son, Hao. After his release, he was placed under police surveillance for the next three years as stipulated for in Administrative Decision number 257QDQC signed by the Chairman of the People's Committee of Gia Lai-Kon Tum province.

At the meeting of the Thang Loi Ward People's Committee on 10 May 1990 Pastor Nguyen Chu was accused of "crimes against collective security". According to the judgement given at the end of the public meeting convened by the People's Committee on the night of 10 May 1990, it was alleged that "the defendant has caused trouble and endangered collective security among followers who had offered their church to the state; the Evangelical Church is connected with the **FULRO** movement; it has stirred up disorder; the Evangelical church is led by the Americans; he has brought his son Nguyen Van Thieu to Dak Lak to preach Protestantism unlawfully".

**Vo Minh HUNG**, a pastor, was reportedly arrested on 20 January 1990 in Pleiku, Gia Lai-Kon Tum province allegedly for leading an "unauthorized Christian meeting in his house". It

was reported that Vo Minh Hung had been arrested for questioning on two occasions in the past and was told on his third arrest in January 1990 that he would be held for only one week. He has since remained in detention in A20 "re-education" camp, Dong Xuan, Phu Khanh province. He has not been tried or sentenced.

**Tran The Thien PHUOC**, a pastor, was reportedly arrested in December 1989 allegedly for "disturbing the peace" while on his way to meet other church members. He is believed to be held in a camp at Tong Le Chan, Song Be province without charge or trial. He has a wife and three children who live in Cay Truong II, Ben Cat, Song Be province. He had reportedly been detained in "re-education" camps two times in the past.

**R'Mah LOAN**, a pastor from the Mnong tribe, was reportedly arrested in June 1991. He is reportedly held in a prison in Buon Me Thuot, Dak Lak province. He was formerly in charge of 14 Protestant congregations in his area.

**Ya TIEM, Ha WAN, and Ha HAK**, pastors from the Koho tribe, were reportedly arrested in June 1990 and subsequently sentenced to three years' imprisonment after what may have been an unfair trial. They are reportedly held in a prison in Dalat, Lam Dong province.

**Vo XUAN**, a pastor, born in 1944, was arrested on 4 December 1989 for meeting Christians in their homes in the Binh Thuy area, where three Protestant churches have been closed for some time. He was accused of "disturbing the peace". He reportedly refused to sign the "charges" paper as he maintained that it contained false statements. Vo Xuan had been held previously for thirteen years in a "re-education" camp for former military chaplains, and was released in April 1987. He has not been interrogated since his arrest on 4 December 1989. He is being held at Trai Giam I Phan Thiet in Thuan Hai province. His wife and four children were allowed to visit him for the first time in April 1990. Amnesty International has learned that Vo Xuan was released in December 1991.

**R'Mah BOI**, a pastor from the Jerai tribe, was reportedly arrested in December 1989 at Chu Pa, Gia Lai-Kon Tum province. Pastor Boi organized a work crew of 200 tribal Christians to assist two tribal leaders who were being compelled by a sentence to harvest a large rice field. For this, Pastor Boi and two tribal elders were arrested and have been held since under "administrative arrest" provision number 135. Pastor Boi has a wife and six children. He is believed to be held at A20 "re-education" camp in Dong Xuan, Phu Khanh province.

**A UOT**, a pastor from the Jerai tribe was reportedly arrested in June 1990 and later sentenced to three years' imprisonment. He is detained in Pleibong (T15) "re-education" camp in Gia Lai-Kon Tum province.



Other Protestant pastors who are reported to have been detained in 1991 are: **Phan Quang Thieu, Le Quang Trung, Vu Minx Xuan, Hoang Van Phung, Bui Thanh**. Amnesty International is currently seeking more information about them.

At least 16 Protestant religious activists and lay workers of the Jeh, Jerai and Koho tribes were also reported to have been arrested during the past two years. Amnesty International believes that they may be held because of their alleged association with unofficial Christian groups involved in non-violent religious activities.

**A. Yel, A. Trip, A. Chuoc, A. Neo, A. Phiel, Siu Phan, Siu Trung, A. Blan, A. Tho, and A. Dia**, all elders of the Jeh tribe, were arrested in June, July and August 1990 and were reported to have been sentenced to three years' imprisonment. They are reportedly detained in Pleibong (T15) "re-education" camp in Gia Lai-Kon Tum province. The reasons for their arrest are unclear; Amnesty International believes they may be detained on the basis of an administrative order issued by a People's Committee.

**Ro Cam Sieng, Ama Phuc, B. Yui, and R. Cham Boi**, all elders of the Jerai tribe, were reportedly arrested in August 1990 and were reported to have been sentenced to three years' imprisonment with hard labour. They are detained in T20 "re-education" camp in Pleiku, Gia Lai-Kon Tum province. The reasons for their arrest are unclear; Amnesty International believes they may be detained on the basis of an administrative order issued by a People's Committee.

**Em and H'Lap**, both tribal elders who were believed detained in December 1989, were reportedly sentenced to three years' imprisonment and are being detained in A20 "re-education" camp at Xuan Phuoc, Phu Khanh province. The reasons for their arrest are unclear; Amnesty International believes they may be detained on the basis of an administrative order issued by a People's Committee.

#### **IV. Amnesty International concerns and recommendations**

##### **A. Detention without trial**

Most of the political prisoners described in this report have been either placed under house arrest or detained without charge or trial for long periods. Although the legislation under which they are held has not been made public by the authorities Amnesty International believes that they are being held on the basis of several articles contained under section five of the Vietnamese **Criminal Procedure Code** notably Article 61 which grants the authorities the power to detain persons "to promptly halt a criminal action, or when there is a basis for believing that the accused or defendant will create difficulties for the investigation, adjudication or prosecution, or will continue to commit crimes". Article 74 of the **Criminal Procedure Code** specifically authorizes house arrests and

Articles 70 and 71<sup>4</sup> authorize temporary detention with the latter stipulating that "when necessary, for crimes of particular danger to national security, the Chief Procurator may further extend the period of detention".

Amnesty International considers that all political prisoners, including those held in administrative detention, must be charged with a recognizable criminal offence and given a fair trial within a reasonable time. The detention of political prisoners in Viet Nam under the form of administrative detention authorized in articles 61, 70, 71 and 74 without charge or trial within a reasonable time clearly violates the right of everyone set out in Article 9 of the **International Covenant on Civil and Political Rights (ICCPR)** to "liberty and security of person" and not to be "subjected to arbitrary arrest or detention". The Socialist Republic of Viet Nam is a state party to the **ICCPR** and is therefore legally bound to follow its provisions.

Amnesty International is also concerned that a number of political prisoners have been detained and sentenced to three years' imprisonment on the basis of administrative orders issued by People's Committees, despite assurances by the Vietnamese government expressed in an Aide Memoire in March 1990 sent to Amnesty International which stated that resolution 49/TVQH, providing for detention without trial for "re-education" and other administrative decrees providing for detention without trial, will be reviewed or amended. With the introduction of the **Criminal Code** and the **Criminal Procedure Code** in 1986 and 1989 respectively, it was expected that detainees would be tried within a reasonable time.

## B. Unfair trial

Amnesty International is concerned that the trial of Nguyen Dan Que and Nguyen Van Thuan, in which they were formally charged under Article 73 of the Vietnamese **Criminal Code** with activities "aimed at overthrowing the people's government", may not have conformed to international standards for fair trial. In the past, Amnesty International has received reports which strongly indicate that political trials in Viet Nam have been unfair, despite the provisions of the **Criminal Procedure Code** which should assure a fair trial. In the case of Nguyen Dan Que, the fundamental principle that an accused person is presumed innocent until proved guilty, enshrined

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<sup>4</sup>Article 70: **Temporary detention** states that "*an accused or defendant may be temporarily detained in especially serious cases or for crimes subject to 1 year or more of imprisonment as stipulated by the Penal code, and when there are grounds to believe that he may evade or obstruct the investigation and adjudication or continue to commit crimes*".

Article 71: **Period of temporary detention** paragraph 1. states that "*the period of temporary detention for investigation cannot exceed 2 months for less serious crimes; and not more than 4 months for serious crimes*".

Paragraph 2. states "*when necessary, for crimes of particular danger to national security, the Chief Procurator may further extend the period*".

Paragraph 3. also states "*when the period of temporary detention expires, the person issuing the temporary detention order must release the person being temporarily detained or, if deemed necessary, apply other measures of restraint*".

in Article 14(2) of the **International Covenant on Civil and Political Rights (ICCPR)** and in Article 11 of the Vietnamese **Criminal Procedure Code**, may have been seriously undermined by publication of accusations through the official media before the trial.

Amnesty International also believes that Nguyen Dan Que and Nguyen Van Thuan, who were tried in only half a day may not have been granted adequate time and facilities to prepare and present a full defence, including being represented by an independent legal counsel of their choice, in violation of Article 14 of the **ICCPR**.

### **C. The Criminal Code of the Socialist Republic of Viet Nam**

Amnesty International notes with grave concern that the crime of "taking actions to overthrow the people's government" specified in Article 73 of the Vietnamese **Criminal Code** does not distinguish between armed or violent acts which may pose a threat to national security and the peaceful exercise of the rights of freedom of expression and association. This is also true of other criminal offences specified in Chapter I of the Vietnamese **Criminal Code** under the heading "especially dangerous crimes against national security". This legislation defines a range of peaceful activities as "crimes against the national security", and grants judicial authorities the power to convict and imprison people, solely on the basis of real or imputed non-violent beliefs or activities.

### **D. Appeal to the government**

Amnesty International urges the government to take immediate steps to ensure that provisions for pre-trial detention and house arrest under the **Criminal Procedure Code**, and administrative decrees such as Resolution 49/NQ/TVQH which provides for house arrest and detention for "re-education", are brought into conformity with international standards, in particular that all political detainees be charged with a recognizable criminal offence and given a fair trial within a reasonable time. Amnesty International appeals to the government to ensure that Article 73 and other articles of the Vietnamese **Criminal Code** under the heading "especially dangerous crimes against national security" and Articles 61,70,71 and 74 of the **Criminal Procedure Code** are never invoked to imprison people solely for the peaceful expression of their views, or for legitimate political or religious activities; and to prevent their use as a measure to detain political prisoners for unspecified periods of time without charge or trial.

Amnesty International is particularly concerned that some of those currently arrested were recently released former "re-education" camp detainees who had been previously held without charge or trial and who were adopted as prisoners of conscience by Amnesty International in the past.

Amnesty International urges the Government of Viet Nam to ensure that all persons arrested are charged with a recognizable criminal offence and promptly tried in a proper court of law, in accordance with internationally accepted standards for fair trial.

Amnesty International appeals to the government to uphold the right to freedom of expression, the right to freedom of association and the right to freedom of thought, conscience and religion and to release immediately all those confined solely for the non-violent exercise of these rights. These rights are guaranteed by international human rights agreements particularly Articles 18, 19 and 22 of the **International Covenant on Civil and Political Rights** of which the Socialist Republic of Viet Nam is a state party.