

---

# *amnesty international*

---

## VIET NAM

### @Doan Viet Hoat and Seven Others Sentenced To Long Jail Terms

APRIL 1993

AI INDEX: ASA 41/03/93

DISTR: SC/CO/GR

Doan Viet Hoat, a prisoner of conscience, and seven other political prisoners were sentenced to long jail terms by the People's Court of Ho Chi Minh City (formerly Saigon) at a public trial on 29 and 30 March 1993. The Viet Nam News Agency (VNA) reported that the defendants pleaded guilty to activities allegedly aimed at overthrowing the government.

Doan Viet Hoat was sentenced to 20 years' imprisonment, Pham Duc Kham to 16 years' imprisonment and Nguyen Van Thuan to 12 years' imprisonment. Five other prisoners, whose identities are not confirmed, were also given jail terms ranging from eight and a half months to seven years. All allegedly belonged to an illegal organization formed in June 1989 named *Dien Dan Tu Do* (Freedom Forum). The group, which was allegedly headed by Doan Viet Hoat, was also accused of publishing an unlicensed newsletter called *Dien Dan Tu Do* (Freedom Forum) which contained writings of its members and translations of articles from abroad which were critical of the Vietnamese Government, and of sending articles critical of the government abroad for publication. They are reported to have published 10 issues of the newsletter when they were arrested in November and December 1990. *Saigon Giai Phong*, a Ho Chi Minh City newspaper, in an article published in its 6 May 1992 issue accused Doan Viet Hoat and his group of undertaking activities to overthrow the government.

#### BACKGROUND

Doan Viet Hoat is a prisoner of conscience who was first detained without trial for 12 years from 1976 to 1988 for peacefully expressing his political opinions. Doan Viet Hoat was re-arrested on 17 November 1990 at his house in Ho Chi Minh City. The authorities accused him of undertaking counter-revolutionary activities against the government. Amnesty International believes that he

may have been arrested as part of a wider crackdown against real and suspected government critics as a preventive measure against possible political unrest. Several Vietnamese writers and journalists associated with the former South Vietnamese government were also reportedly arrested at the same time, including journalist Le Van Tien who was later released on 3 March 1992.

Doan Viet Hoat was first arrested on 29 August 1976, a 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, a Buddhist University in Saigon. At that time, a number of South Vietnamese writers, journalists and artists were arrested for the purpose of "re-education". Amnesty International believes that Doan Viet Hoat was arrested due to his links with Van Hanh University and with the US-based Asia Foundation.

Doan Viet Hoat graduated 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 Vanh Hanh University. In 1967, he gained a scholarship from the Asia Foundation and attended Florida State University in the USA. In 1971, he returned to Viet Nam and took up a post as vice-president of administration at Van Hanh University. During this period he 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 which is mainly funded by the United States Government.

Doan Viet Hoat was first adopted as a prisoner of conscience by Amnesty International in 1983. On his release in 1988 the release order stated that he had been arrested for having committed "anti-revolutionary activities against the socialist regime". He taught English at the University of Agriculture and Forestry in Ho Chi Minh City from 1988 until his rearrest in 1990.

## **AMNESTY INTERNATIONAL CONCERNS**

Amnesty International is concerned that the trial of Doan Viet Hoat and the seven other political prisoners charged under Article 73 of the Vietnamese Criminal Code with activities "aimed at overthrowing the people's government" may not have conformed to international fair trial standards. In the past, Amnesty International has received reports which indicate that the practice of political trials in Viet Nam have been unfair, despite the provisions of the Criminal Procedure Code which under normal circumstances assure a fair trial. In the case of Doan Viet Hoat and others, the principle of presumed innocence, guaranteed as a fundamental human right in Article 14 of the International Covenant on Civil and Political Rights (ICCPR), in Principle 36 of the Body of Principles 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 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 wide 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 their real or imputed non-violent beliefs or activities.

Amnesty International is particularly concerned that some of those sentenced to long jail terms are former "re-education" camp detainees released in past years and who had been adopted as prisoners of conscience by Amnesty International in the past. Amnesty International wrote to the Vietnamese Government in October 1991 asking for information about the arrest of Doan Viet Hoat and others but received no response.

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 Doan Viet Hoat and all those confined solely for the non-violent expression of their opinions and beliefs. These rights are guaranteed by international human rights agreements, particularly Articles 18, 19 and 22 of the International Covenant on Civil and Political Rights, to which the Socialist Republic of Viet Nam is a party.

**KEYWORDS:** LONG-TERM IMPRISONMENT / PRISONERS OF CONSCIENCE<sup>1</sup> / CENSORSHIP / BANNING / REARREST / TEACHERS /

INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 8DJ, UNITED KINGDOM