

# CONNECTING HUMAN RIGHTS IN VIET NAM

‘It seems that the communist authorities are doing their best to train and turn me into a professional political activist; they do not want me to operate as a lawyer specialized in human rights and religious freedom... I have always wanted to just be a human rights lawyer, but historical circumstances seem to be steering me in another direction...’

NGUYEN VAN DAI, INTERVIEW WITH FREE NEWS AGENCY, 3 MARCH 2007

**In Viet Nam there is little room for human rights defenders to act independently of the state. Those who seek to promote human rights are often perceived to be against the state and so are threatened, harassed and often imprisoned. Those who act to protect the rights of others also risk punishment as shown by the cases of Le Thi Cong Nhan and Nguyen Van Dai, two human rights lawyers, who have been branded as a threat and imprisoned by the authorities.**

## FINDING A VOICE — BLOC 8406

In November 2006, Viet Nam hosted the Asia Pacific Economic Co-operation (APEC) Summit in Ha Noi, attended by world economic leaders. In the months preceding the Summit, there was a brief window of tolerance as the government attempted to counter international concern about its human rights record.

In early 2006, activists attempted to use the internet to work more closely with one another and communicate their ideas and aspirations more broadly. The “Manifesto 2006 on Freedom and Democracy for Viet Nam” was launched on 8 April 2006. The Manifesto was an online petition, signed by 118 pro-democracy activists calling for peaceful political change and respect for human rights, guided by the rights included in the International Covenant on Civil and Political Rights (ICCPR). The aims of the petition were multiparty democracy, freedom of speech, freedom of association, including voting and standing for election, freedom to organize trade unions and to strike legitimately, and freedom of religion, to be achieved peacefully and without violence.

Unlike previous political initiatives, the Manifesto involved people from

Ten years after the adoption of the UN Declaration on **Human Rights Defenders** (Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms), they continue to face restrictions on their work, harassment, intimidation and abuse. Yet despite the risks and challenges, human rights defenders continue to make a real difference to the lives of individuals around the world.

Human rights defenders strive to close the gap between the promise of justice and equality in dignity and rights set out in the Universal Declaration of Human Rights (UDHR) and the reality of continuing human rights abuses today. Their work is vital for the realization of human rights for all.



different political groupings, religious creeds, professional backgrounds and geographical areas of the country. It included business people, doctors, engineers, lawyers, nurses, religious followers, teachers, and writers. The petition quickly attracted signatories and its launch marked the effective creation of an internet-based pro-democracy movement, now known as Bloc 8406. About six months after the petition was launched, 2,000 people inside Viet Nam had signed up to support the Manifesto, along with a large number of Vietnamese living overseas.

As well as Bloc 8406, several independent groups, such as trade unions and political parties advocating democracy and human rights, emerged in late 2006, with their members placing themselves at great risk of being

targeted by the authorities. These included the United Workers-Farmers Organization (UWFO) which advocates for the right to form and join independent trade and labour unions; the Viet Nam Progression Party, the Vietnamese Political and Religious Prisoners Fellowship Association and the Committee for Human Rights in Viet Nam, which documents and distributes information about human rights violations.

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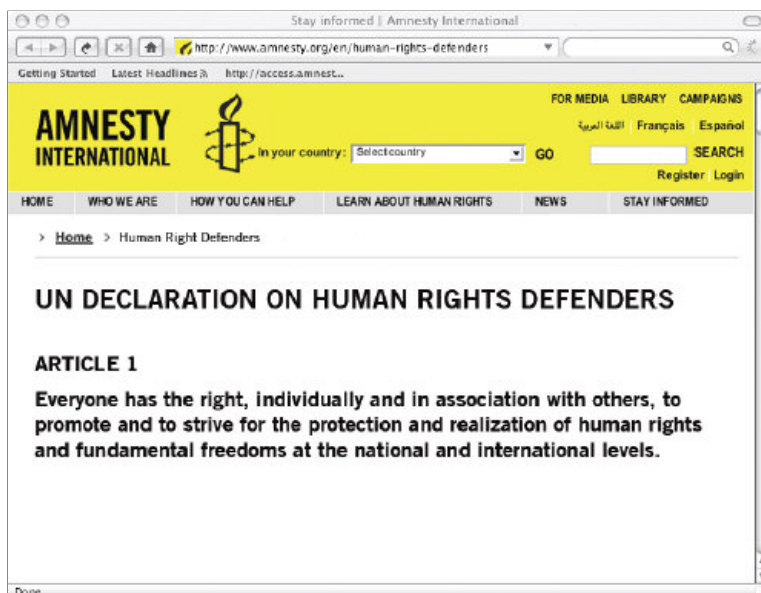
## CRACKDOWN

This brief period of open criticism of government policies came to a halt in November 2006 when police arrested four members of the UWFO ahead of the APEC Summit. They were tried on 10 December 2007 and sentenced to between four and a half and one and a half years' imprisonment for "abusing democracy and freedom rights". During the Summit, security forces

The **Declaration on Human Rights Defenders** was adopted by the UN General Assembly on 9 December 1998. The term "human rights defender" is used to describe people who act in many different ways and in different capacities to protect and promote human rights.

Some defenders work against particular abuses, such as torture or forced eviction. Others work for the rights of specific groups or sectors of the population facing discrimination and disadvantage, such as Indigenous People, ethnic or religious minorities, rural women, street children, or lesbian, gay, bisexual and transgender people.

For all their diversity, human rights defenders whoever they are and whatever they do have several characteristics in common. They all uphold the fundamental principle of universality – that all human beings are equal in dignity and rights, regardless of gender, race, ethnicity, or any other status. All are committed to respecting the rights and freedoms of others in their own actions.



harassed and threatened leading political and religious dissidents. The police cordoned off the homes of several dissidents, including Nguyen Van Dai, and isolated them in order to prevent them from speaking to the many foreign journalists who were covering the event.

Since the Summit, at least 27 dissidents have been convicted and imprisoned for their peaceful activism. Most were charged with offences under national security legislation. Over half of those

convicted were sentenced to additional periods of “probation” or house arrest on release from prison, which includes restrictions on movement and activities and regular interrogation by the authorities. An unknown number of others are currently held in pre-trial detention.

## SUPPRESSION CONTINUES

The crackdown on freedom of expression and association, characterized by harassment, arrest

and imprisonment of dissidents continues. Trials of political dissidents routinely fail to meet international standards of fairness.

Authorities have imposed strict controls over the internet aimed at filtering and reducing what they regard as politically harmful information. Security forces or groups associated with them have stepped up surveillance, harassment, and arrests of individuals who have expressed support for Bloc 8406, and other independent groups.

## HUMAN RIGHTS LAWYERS IMPRISONED

On 4 February 2007, 10 public security officers raided the Thien An Lawyers’ Office based in Ha Noi. **Le Thi Cong Nhan** was leading a human rights discussion with five others. All five were held for questioning. **Nguyen Van Dai**, Director of the Thien An Lawyers’ Office, was also arrested when he tried to intervene. They were all released the next day. Meanwhile security officers searched the office and the homes of the two lawyers, confiscating documents and two computer hard disks.

On 6 March 2007, Ha Noi Investigation and Security Police arrested the two lawyers again. Shortly after, the Ha Noi Bar Association announced that Le Thi Cong Nhan and Nguyen Van Dai had been removed from its members’ list, and on 6 May the Ministry of Justice withdrew the Thien An Lawyers’ Office licence. The Bar Association stated that initial investigation had shown that Nguyen Van Dai had taken advantage

of the lawyers’ office to “spread propaganda, and collude with political opportunists as well as hostile forces at home and abroad which oppose the State.”

On 11 May 2007, the two lawyers were tried by Ha Noi People’s Court: Le Thi Cong Nhan received a four year prison sentence and Nguyen Van Dai five years, with an additional three and four years respectively under house arrest. Both appealed, and on 27 November 2007 the Supreme People’s Court upheld the convictions but reduced each prison sentence by one year.

Both had been convicted under Article 88 of the Penal Code for conducting propaganda against the state. At the appeal hearing, their lawyers argued that Article 88 was unconstitutional and did not conform to international conventions Viet Nam has signed, and should therefore be reviewed.

**Nguyen Van Dai** founded the Committee for Human Rights in Viet Nam in November 2006. He provides legal advice to dissidents and defends those on trial, in particular Protestants who claim persecution by the state, and documents human rights violations against rural communities in land rights cases. He was one of the original signatories to the Bloc 8406 online petition, and writes articles about democracy and press freedom. He has given numerous interviews to foreign media.

**Le Thi Cong Nhan** is a member of the Committee for Human Rights in Viet Nam. She has written articles criticizing domestic legislation and is a supporter of Bloc 8406. She is the spokeswoman for the Viet Nam Progression Party. In October 2006, officials prevented Le Thi Cong Nhan from travelling to Warsaw, Poland, where she was due to speak at a Conference on Workers’ Rights about the lack of the right to strike and the need for independent workers unions in Viet Nam.

**'I have been working for human rights for six years. I was arrested... this year after writing our 2006 Manifesto. I have to meet a security officer twice a month. Security officers watch me everywhere. My wife and family are threatened. My phone is cut off constantly, all my utilities are cut off too.'**

Nguyen Van Dai interviewed by Rado Tylecote with other dissidents on 3 August 2006.

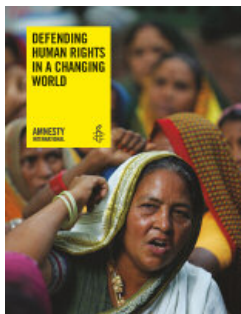
## BACKGROUND

The ruling Communist Party of Viet Nam is the only permitted political party in Viet Nam; all other political parties and independent organizations are banned. Non-governmental organizations and trade unions are state-run or under strict state control. There is no independent, privately-run media – domestic newspapers, television and radio stations are also strictly controlled by the state, and direct criticism of the Communist Party is forbidden.

Since 1982, Viet Nam has been a state party to the ICCPR, a treaty that guarantees the right to freedom of expression and assembly. In addition,

Viet Nam's 1992 Constitution affirms the right to freedom of expression, together with the rights of assembly and association.

However, the authorities use the numerous criminal offences listed in the national security section of the Penal Code to silence peaceful dissidents. Common charges include "conducting propaganda" (Article 88), "spying" (Article 80) and "undermining the unity policy" (Article 87). In addition, legislation remains in force authorizing the arbitrary detention without trial for up to two years of anyone suspected of threatening national security.



## OUT NOW

### 'DEFENDING HUMAN RIGHTS IN A CHANGING WORLD'

[www.amnesty.org/library](http://www.amnesty.org/library)

ACT 30/006/2008

## TAKE ACTION NOW

Please write to the Vietnamese authorities calling for:

- The immediate and unconditional release of Le Thi Cong Nhan and Nguyen Van Dai.
- The immediate reform of provisions in the Penal Code relating to national security, ensuring that vaguely worded provisions are removed or brought into line with international law and standards.
- The government to allow peaceful activities by human rights defenders, political activists and religious groups, and end their harassment, arbitrary detention and imprisonment.
- The government to recognize their obligation – set out in the UN Declaration on Human Rights Defenders – to enable human rights defenders to carry out their legitimate activities without restrictions or fear of reprisals.

### WRITE TO:

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Ministry of Foreign Affairs  
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HUMAN RIGHTS  
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