

EXTERNAL (for general distribution)

AI Index: ASA 41/08/91
Distr: UA/SC

Please bring this EXTRA to the attention of any medical groups in your section. Medical groups are asked if possible to arrange urgent appeals and to involve their national professional associations in appeals.

EXTRA 81/91 Legal concern/Trial of prisoner of conscience

19 November 1991

VIET NAM

Dr Nguyen Dan QUE

Amnesty International has received reports that Dr Nguyen Dan Que, a prisoner of conscience, will be brought to trial on 29 November 1991 in Ho Chi Minh City (formerly Saigon) and formally charged with "*activities aimed at overthrowing the People's Government*". The maximum punishment for this offence is the death penalty. Dr Nguyen Dan Que is reportedly held without charge or trial in Ho Chi Minh. He was allegedly ill-treated and tortured upon arrest and is currently suffering ill-health.

Dr Nguyen Dan Que was born in 1942 in northern Viet Nam, studied medicine at Saigon University and, on graduation, joined the teaching staff of the university medical school. Dr Nguyen Dan Que remained in Ho Chi Minh City after the end of the Viet Nam war in 1975 and was appointed Director of Cho-ray Hospital. Concerned by the shortage of medicines and standards of medical care in the country, he became disillusioned with the new government's health care policies and expressed criticisms openly. This led to his dismissal as hospital director and in February 1978 he was arrested and accused of "rebellious against the regime". He was imprisoned for ten years without charge or trial.

Dr Nguyen Dan Que was released in February 1988 and later became a founder member of a political movement established in 1990 under the name of the High Tide of Humanism Movement - Cao Trao Nhan Ban. In May 1990 this organization launched a petition calling for non-violent political, social and economic change in Viet Nam, including the introduction of a multi-party system of government. Dr Nguyen Dan Que was re-arrested one month later, on 14 June 1990, and has been held without charge or trial since. Amnesty International believes that Dr Nguyen Dan Que is a prisoner of conscience arrested solely for the non-violent exercise of fundamental human rights. (See **HEALTH PERSONNEL: Victims of human rights violations ACT 75/01/91, April 1991**)

Amnesty International is concerned that under current legislation in Viet Nam Dr Nguyen Dan Que may not receive a fair trial.

Amnesty International has welcomed new legislation governing judicial procedures in Viet Nam. However, the organization continues to be concerned about the very broad definition of "crimes against national security" (defined in Articles 72 to 100 of the Criminal Code), and the possibility that individuals charged and tried under these articles may include prisoners of conscience.

Amnesty International is also concerned that this broad definition makes no distinction between violent activities which pose a real and exceptional threat to the security of the state, and non-violent activities that do not threaten state security. The organization is concerned that the Vietnamese authorities have, in some cases, invoked these provisions to convict and detain people whose peaceful, religious or other activities are not acceptable to the government.

Amnesty International is also concerned about the practice of condemning people charged with "crimes against national security" in press articles which appear before their trials have begun. This practice may effectively undermine the independence of the judiciary and mean that international standards for fair trial cannot be met. (See **VIET NAM: "Renovation" (Doi Moi), the Law and Human Rights in the 1980s, ASA 41/01/90, February 1990**)

RECOMMENDED ACTION: Telegrams/express and airmail letters:

- expressing concern that Dr Nguyen Dan Que is being held for the peaceful exercise of fundamental human rights and urging the authorities to release him immediately and unconditionally;
- urging the authorities to make public the charges against Dr Nguyen Dan Que, giving the full details about the specific charges against him, the legislation that he will be tried under, the courts which will be conducting the proceedings and the evidence on which the charges against him are based;
- urging the authorities to ensure that the trial is open to the public and conducted in accordance with international standards of a fair trial;
- seeking assurances that Dr Nguyen Dan Que will have access to independent legal counsel and enough time to consult with a defence counsel in order to prepare his case;
- noting with concern that he is in ill-health, asking what medical attention is available to him and seeking assurances that he will receive any medical care he requires.

APPEALS TO:

President of the Council of State

Vo Chi Cong

Dear President

Chu Tich Hoi Dong Nha Nuoc

Hoi Dong Nha Nuoc

Hà Nội

Socialist Republic of Viet Nam

Telegrams: Vo Chi Cong, Hoidong Nhanuoc, Hanoi, Vietnam

Chairperson of the Council of Ministers:

Vo Van Kiet

Dear Prime Minister

Chu Tich Bo Truong

Hoi Dong Bo Truong

Hà Nội

Socialist Republic of Viet Nam

Telegrams: Vo Van Kiet, Hoidong Botruong, Hanoi, Vietnam

COPIES TO:

Minister of Justice

Phan Hiên

Bo Truong Bo Tu Phap

5 Ong Ich Khiem St

Hà Nội

Socialist Republic of

Viet Nam

Chief Justice

Pham Hung

Chanh An

Toa An Nhan Dan Toi Cao

Hà Nội

Socialist Republic of

Viet Nam

Viet Nam Lawyers'

Association

Maitre Phan Anh

Hoi Luat Gia Viet Nam

4 Nguyen Thuong Hien St

Hà Nội

Socialist Republic of

Viet Nam

and to diplomatic representatives of Viet Nam in your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 December 1991.