

VIET NAM

@Continued Detention Of Members Of Religious Organizations

I. BACKGROUND

Under the Constitution of the Socialist Republic of Viet Nam, the rights to freedom of worship and religious practice are guaranteed. However, the Constitution also provides that "no one may misuse religions to violate state laws and policies." Government efforts to regulate religious activities and to "unify" religious groups have resulted in restrictions on the full exercise of these freedoms. At least 60 prisoners of conscience and possible prisoners of conscience continue to be held in detention in Viet Nam, apparently for the peaceful expression of their religious beliefs.

In November 1977, the Council of Ministers issued Resolution 297 which set out government policy regarding religions in Viet Nam, of which the main forms are Buddhism, Christianity, Cao Daism and Islam. It announced measures designed to bring religious and cultural activities under the control of the state and the Communist Party by means of a comprehensive set of rules which included restrictions on religious services, religious education and the holding of religious gatherings and retreats. Resolution 297 gave the state power over the selection of clergymen to represent religious organizations in official bodies, and local government agencies were empowered to confiscate the property of religious groups. The government also established "mass" organizations to officially represent and regulate the public activities of religious communities. The most important of these is the Viet Nam Fatherland Front, which has the authority to prohibit any activities deemed to be contrary to the goal of "building socialism".

Resolution 297 resulted in some division within the membership of the various religious groupings and denominations in Viet Nam, including the Buddhist, the Roman Catholic and the Protestant churches. Some within these religious communities resented in particular the state's authority to select without consultation their representatives to state-sponsored religious bodies such as the Viet Nam Buddhist Church (VBC) and the Committee for the Solidarity of Patriotic¹ Vietnamese Catholics. These state-selected religious officials have the right to represent religious groupings and denominations at the various levels of the government.

Control over religious activity is exercised by government authorities at the national and state levels and by local government agencies at the district and community levels. These controls include the vetting and approval of candidates for ordination and enrolment in seminaries. In effect one cannot practice openly as a religious priest or minister without such government approval. A number of clerics who functioned as military chaplains under the previous government of the (RVN) and who have been held as political prisoners after 1975, for example, have not been permitted to resume the public practice of their religious functions following their release.

¹In 1991 the word "Patriotic" was dropped from the official name

With the introduction in 1986 of the *doi moi* (renovation) policy, the government relaxed its controls on the activities of religious groups in Viet Nam. In response to this policy most of those imprisoned in "re-education" camps because of their involvement with Christian religious groups were released by 1988.

However, in May 1991, the government passed a new decree on the regulation of religious activities in Viet Nam. It reportedly replaced Resolution 297 and applies to all religions practiced in Viet Nam. The new law states that "any act which, posing as religion, attempts to sabotage national independence and go against the state will be punished according to the law". The new law stipulates that any nominations to religious office in Viet Nam, travel abroad by Vietnamese clerics and visits by representatives of foreign religious organizations to Viet Nam must be approved by the government. It also states that any religious meetings such as regional and national conferences as well as the opening of religious schools and seminaries require the approval of the government.

Information obtained by Amnesty International indicates that, even before the introduction of a new law in May 1991, an increasing number of clerics and religious activists, notably members of the Protestant church, have been arrested for the peaceful expression of their religious beliefs since 1989.

II. RELIGIOUS PRISONERS

A. Protestants

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 nationwide 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 VBC in the case of Buddhists and the Committee for the Solidarity of Vietnamese Catholics for Roman Catholics.

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 pastors and lay elders of the Jeh, Jerai and Koho tribes in the central highlands region continued to be arrested in 1989, 1990, 1991.

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, a small armed insurgent movement led by Montagnards against the Communist Vietnamese Government.

Pastors arrested between 1989 and 1990 and detained without trial include Tran Xuan Tu, Nguyen Chu, Vo Minh Hung, Tran The Thien Phuoc, Ya Tiem, Ha Wan, Ha Hak, R'Mah Boi, A Uot and Vo Xuan. The latter who was arrested in December 1989 was reportedly released in December 1991. Some of those arrested were detained on the basis of an administrative order issued by a local People's Committee² and some have 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. Amnesty International believes that they are all prisoners of conscience held for the peaceful expression of their religious beliefs.

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.

²A 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, for strengthening national defense and for improving people's living standards. It also examines and deals with public complaints, denunciations and petitions.

Amnesty International believes that the above-mentioned tribal members may be held because of their alleged association with unofficial Christian groups involved in non-violent religious activities.

In 1991, at least 11 Protestant pastors were reportedly arrested in Ho Chi Minh City and in the central highlands. They include: Tran Mai, Dinh Thien Tu, Tran Dinh Ai, R'Mah 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 of "pursuing religious activities without permission" and have been detained on the basis of an administrative order issued by a local People's Committee. Amnesty International believes that they are all prisoners of conscience held for the peaceful expression of their religious beliefs.

Pastor Dinh Thien Tu 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 detained in Phan Dang Luu prison in Ho Chi Minh City. He is reported to have led about 2,000 Christian followers who are said to be divided into at least 50 "house church" groups.³

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 allegedly 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. Other

³Unofficial "house church" movements evolved out of disagreement with some doctrines and policies of the ECVN. The first unofficial "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" were 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". 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 church" movements 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.

pastors also became involved with unofficial "house churches" after being disciplined by the ECVN.

B. Roman Catholics

In 1983 the Committee for the Solidarity of Vietnamese Catholics and the Union of Patriotic Priests were established under the patronage of the Viet Nam Fatherland Front to control and set guidelines for Roman Catholic religious activity. The move effectively challenged the authority of the Roman Catholic hierarchy to be the sole institution governing Roman Catholic religious activity. Priests, nuns and lay people may be assigned to religious functions and duties at the local level even without prior consultation with the Roman Catholic church hierarchy.

The members of the Roman Catholic church in Viet Nam, estimated to number six million, have witnessed a relative relaxation of government control over their freedom of worship in recent years. While there are no more Roman Catholic military chaplains of the former government imprisoned in "re-education" camps at present, a number of priests arrested before 1988 are still in prison. They include priests and lay persons who were critical of the church hierarchy and the government (see **Viet Nam: Arrest And Detention Of Real And Suspected Government Critics**, ASA 41/11/90, July 1990) and members of the Congregation of the Mother Co-Redemptrix whose headquarters in Thu Duc District near Ho Chi Minh City was raided by police authorities in May 1987. Twenty-three priests and monks were tried in trial procedures that may not have conformed to international standards of a fair trial and convicted after being charged with "propaganda against the socialist system, sabotage, disturbance of public security and terrorism". The prison sentences imposed ranged from five years' imprisonment to life imprisonment. The sentences of life imprisonment imposed on two priests were commuted to 20 years' imprisonment after an appeal hearing in 1988. (for background information see **Viet Nam: Dominic Tran Dinh Thu And Nguyen Van Dat**, ASA 41/06/89, July 1989, **Viet Nam: "Renovation" (Doi Moi), The Law And Human Rights In The 1980s**, ASA 41/01/90, February 1990, and **Viet Nam: Long-Term Political Prisoners**, ASA 41/04/91, June 1991).

In 1989, the Vietnamese authorities released Archbishop Francis Xavier Nguyen Van Thuan who had been imprisoned for 13 years without charge or trial and allowed him to travel abroad. Monsignor Van Thuan had been appointed co-adjutor bishop of the Saigon Diocese six days before the fall of South Viet Nam in 1975. Father Joseph Le Thanh Que, a prisoner of conscience arrested in 1980 together with other priests for being a "counter-revolutionary" (see **Viet Nam: Long-Term Political Prisoners**, ASA 41/04/91, June 1991), was released in September 1991.

The 17 Roman Catholic priests and monks still in detention in Viet Nam are: Pham Ngoc Chi (Hiep), Paul Nguyen Chau Dat, Nguyen Van De, Luke Vo Son Ha, Boniface Hong Thien Gian (Thinh), Mark Tran Khac Kinh, Nguyen Ngoc Lan (former priest), John B Pham Ngoc Lien (Tri), Thadeus Nguyen Van Ly, John E Mai Huu Nghi, Bernard Nguyen Thien Phung, Michael Nguyen Minh Quan, Quoc (Ban), Hilary Do Tri Tam (Thuyen), Thadeus Dinh Tri Thuc (Hieu), Stephen Chan Tin, Dominic Tran Dinh Thu, John Doan Phu Xuan, Pius Vu Thanh Hai (Dat).

All except four of the prisoners are detained in Z30A camp, Xuan Loc district in Dong Nai province. Amnesty International believes that they are all prisoners of conscience held for the peaceful expression of their religious beliefs.

C. Buddhists

More than 60 percent of Vietnamese are Buddhists and are represented by an officially-recognized body, the Viet Nam Buddhist Church (VBC). The VBC was established in 1981 and became the only Buddhist organization to receive official recognition. Not all Buddhists, many of whom were active in the anti war campaign before 1975, welcomed the government move to establish a single Buddhist organization. Some of them including Thich Quang Do and Thich Huyen Quang, who have been under house arrest since 1982, criticized the authorities over alleged persecution, human rights violations, and state control over Buddhist institutions.

At the end of 1989 several of the Buddhist monks and nuns sentenced to long prison terms were released. However, Amnesty International is aware of at least eight Buddhist monks, arrested in 1982 and 1984, who are currently either detained or under house arrest for "national security" reasons (for background information see **Viet Nam: "Renovation" (Doi Moi), The Law And Human Rights In The 1980s**, ASA 41/01/90, February, 1990 and **Viet Nam: Long-Term Political Prisoners**, ASA 41/04/91, June 1991). To Amnesty International's knowledge, no Buddhist monks or nuns have been arrested in Viet Nam since the arrest in 1984 of Buddhist scholars Thich Tue Sy and Thich Tri Sieu and 10 other Buddhist monks and nuns.

The Buddhist monks still in detention in Viet Nam are Thich Quang Do, Thich Nguyen Giac, Thich Duc Nhuan, Thich Huyen Quang, Thich Tri Sieu, Thich Tue Sy, Thich Thien Tan, Thich Phuc Vien. Some of them have been accused of engaging in "activities aimed at overthrowing the people's government". Except for two prisoners who have been under house arrest, all of the detainees are detained in "re-education" camps located in Phu Khanh, Dong Nai and Thuan Hai provinces. Amnesty International believes that six of the detainees are prisoners of conscience held for the peaceful expression of their religious beliefs. The cases of the other two prisoners have been taken up for investigation.

III. SUMMARY OF CONCERNS

Amnesty International is concerned that members of religious organizations have been detained without charge or trial, and that others have reportedly been sentenced to three years' imprisonment on the basis of administrative orders, solely on the basis of their peaceful expression of their religious beliefs.

Amnesty International is also concerned about the continued detention of Buddhist monks and Roman Catholic priests, several of whom have been held for a number of years in untried detention before being brought to court and sentenced after what may have been unfair trials.

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 expression of their opinions and beliefs. These rights are guaranteed by international human rights agreements particularly Articles 18, 19 and 22 of the ICCPR to which the Socialist Republic of Viet Nam acceded in 1982.