

VIET NAM

@Buddhist monks in detention

I. The State versus the UBCV Buddhists

In 1993 several Buddhist monks of the banned Unified Buddhist Church of Viet Nam (UBCV) were arrested in central Viet Nam and in Vung Tau in south Viet Nam. The circumstances of their arrest evoked the confrontations between Buddhist monks and government authorities of the former Republic of (South) Viet Nam more than 30 years ago. The government claims that UBCV members in Viet Nam and abroad have been using religion to engage in political activities. Some members of the UBCV have denounced the Vietnamese authorities for banning the UBCV and for their failure to return church properties. The UBCV has resisted attempts by the government to force UBCV members to join the state-sponsored Vietnamese 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 Buddhist monks 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. Members and followers of the UBCV assert the right to belong to a religious group independent from the government. The UBCV was formed in 1951 and in the 1960s was prominent in the anti-war movement and campaigned for religious freedom under the Diem government in South Vietnam: the self-immolation of one of its members, Thich Quang Duc, on 11 June 1963 caused worldwide protest. The UBCV, which was banned in 1981, has long resisted efforts by the government to integrate it into the state-sponsored VBC.

At the end of 1989 a number of the Buddhist monks and nuns who had been sentenced to long prison terms after 1975 were released. However, several Buddhist monks, arrested between 1978 and 1993, are still in prison or under house arrest. Some of them have been accused of engaging in "activities aimed at overthrowing the people's government" and "disrupting public order". Amnesty International believes that some of the monks in detention are prisoners of conscience, detained solely for the peaceful exercise of their fundamental human rights, while others may have been convicted after unfair trials.

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 religion 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.

In November 1977, the Council of Ministers issued Resolution 297 which set out government policy regarding religions in Viet Nam. 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

A government official talking to protesting monks in Hué, May 1993

"building socialism". Resolution 297 resulted in some conflict within the membership of the various religious groupings and denominations in Viet Nam, including the Buddhist, the

Catholic and the Protestant churches. Some within these religious communities did not accept 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 Vietnamese Catholics. These state-selected religious officials have the right to represent religious groupings and denominations at various levels of the government.

Control over religious activity is exercised by government authorities at the national level and by local government agencies at the district level. These controls include the approval of candidates for ordination and enrolment in seminaries. In effect no one can practice openly as a clergyman or minister without such government approval.

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. However, in May 1991, the government passed a new decree on the regulation of religious activities in Viet Nam. It replaced Resolution 297 and applies to all religions practised 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.

In December 1993 the government issued new guidelines concerning religious activities which reaffirmed the right of the government to approve candidate priests, monks and other religious officials citing the criteria for the choice of the candidates: "their good performance of their civic duties". It warned that those people "who exploit religion and commit violations with a perverse intention must be severely judged in conformity with the law. Those who slander or distort the truth will be heavily chastised". However, the guidelines also outlined steps to address the problem of ownership of certain churches including returning some of the pagodas and other places of worship which were "borrowed" or "offered" to the government for community use after the end of the Viet Nam war in 1975.

The Hué May 1993 arrests

On 21 May 1993 Dao Quang Ho, a 52 year old man from the south of Viet Nam, committed suicide by self-immolation at the Linh Mu (Thien Mu) Pagoda in Hué, one of the most hallowed Buddhist shrines in Viet Nam. Buddhist monks claimed that Dao Quang Ho was a devout Buddhist who had committed suicide as a symbolic gesture for religious freedom. However, the government authorities declared that Dao Quang Ho

was driven to suicide by marital problems and was not a follower of a particular religion. The government authorities refused to allow a Buddhist funeral and asked the Abbot of Linh Mu Pagoda, Thich Tri Tuu, to come in for questioning about the suicide on 24 May. Street protests started soon after as members of the Linh Mu Pagoda feared that Thich Tri Tuu had in fact been arrested. There are contradictory reports about the

Buddhist monks protesting in Hué in May, 1993

demonstration. The authorities claim that Thich Tri Tuu and other monks incited the crowd to violence - a government car was overturned and set on fire and some policemen were injured by stones. Thich Tri Tuu acknowledged the violence of the crowd but said that it was in response to the army use of tear gas and water pipes and that the crowd soon became peaceful again when informed that he had returned to the pagoda. On 5 June four monks were arrested. Two of them, Thich Hai Tang and Thich Hai Thinh, were denied the right to keep their monastic robes.

Those arrested, Thich Tri Tuu, Thich Hai Tang, Thich Hai Chanh and Thich Hai Thinh, are all members of the UBCV. In 1992 after the death and funeral of the Patriarch of the UBCV, Thich Don Hau, they were often called for interrogation by the authorities which contested the validity of the previous Patriarch's testament designating Thich Huyen Quang as the new Patriarch of the UBCV.

In November 1993, the Thua Thien-Hué People's Court found the four monks and five other persons guilty of "disturbing public order", a criminal offence under Article 198 of the Vietnamese Criminal Code and sentenced them to three to four years' imprisonment. In December 1993 the Vietnamese government provided Amnesty International with an edited copy of a video film taken during the May 1993 Hué demonstration which showed that some of the monks involved in the demonstration may have engaged in disrupting public order in violation of Vietnamese criminal laws. Amnesty International is currently investigating whether or not the right to a fair trial of Thich Tri Tuu, Thich Hai Tang, Thich Hai Thinh and Thich Hai Chanh has been safeguarded by the Vietnamese authorities and whether or not some of them are prisoners of conscience.

The Son Linh Pagoda July 1993 arrests

In July 1993, two monks from the Son Linh Pagoda near Vung Tau City, Thich Han Duc and Thich Thien Tho, were arrested together with supporters of the monks who protested at Thich Han Duc's expulsion from the pagoda. According to a local newspaper Thich Hanh Duc was expelled from the Son Linh Pagoda in February 1993 for "publicising shameful documents opposing Vietnam's socialist regime". The newspaper added that he had organised an anti-government rally in early June 1993. On 9 July 1993 local residents gathered at the Son Linh pagoda to protest this decision and one source claims that government security forces attacked the pagoda in order to expel Thich Hanh Duc and his supporters, using tear gas in the process. However, the head of the government Religious Affairs Committee claimed that the supporters had started the conflict by taking a government official as hostage and that several officials were injured when the crowd showered them with rocks and sticks.

The UBCV later claimed that about 100 monks and their supporters were arrested during confrontations with government security forces on 9 July. Most of those arrested were immediately released except Thich Han Duc, Thich Thien Tho, and "four or five" of their supporters who were allegedly found to have an arms cache including five kilograms of explosives, sticks and knives. The UBCV maintains that the crowd had been non-violent and only threw stones to protect themselves and the monks in response to the attacks by the security forces. The security police, it alleges, attacked the crowd with tanks, tear gas grenades and by punching and beating some of the monks supporters. Thich Han Duc and Thich

Thien Tho were tried in January 1994 and sentenced to three years' imprisonment and to 18 months' house arrest, respectively.

Amnesty International is currently investigating whether or not the right to a fair trial of Thich Han Duc and Thich Thien Tho has been safeguarded by the Vietnamese authorities and whether or not any of them are prisoners of conscience.

II. Buddhist monks restricted or in detention

Thich Huyen Quang

Thich Huyen Quang was recognized by the UBCV in Viet Nam and by his followers abroad as Patriarch of the UBCV after the death of Patriarch Thich Don Hau

Thich Huyen Quang at the funeral of Patriarch Thich Don Hau and inset in April 1992. He has been under house arrest since 1982. He was born in 1929 in Nghia Binh Province. In 1974 he became Executive Vice-President of the UBCV based in Ho Chi Minh City (formerly Saigon). Before 1975 he had been active in denouncing human rights abuses under the government of the Republic of (South) Viet Nam. In February 1982 he was

arrested and subsequently banished to his native Quang Ngai Province. His presence in Ho Chi Minh City (HCMC) was said by the authorities to be "too dangerous for the safety and well-being of the people". In March 1994, the Vietnamese authorities denied that Thich Huyen Quang was under house arrest and in need of medical care. A government spokesman said that "he is now practising his religious services at the Hoi Phuoc Pagoda in Quang Ngai Province in Central Viet Nam". Amnesty International is concerned that Thich Huyen Quang is confined to his pagoda and its immediate premises and his right to travel within Viet Nam is severely restricted by the Vietnamese authorities. Amnesty International considers him to be a prisoner of conscience.

Thich Quang Do

Thich Quang Do, a researcher and scholar born in northern Viet Nam, is a leading member of the UBCV. An active human rights activist before 1975 he was arrested in February 1982 and banished to his native village - Vu Doai village in Thai Binh Province. In 1992 he was allowed to return to the Thanh Minh Thien Vien Pagoda in HCMC. Although the Vietnamese Government maintains that Thich Quang Do is not currently under house arrest, reliable reports indicate that he is confined to his pagoda and its immediate surroundings. Amnesty International is concerned that his right to travel in Viet Nam is severely restricted by the Vietnamese authorities. Amnesty International considers him to be a prisoner of conscience.

Thich Nguyen Giac

Thich Nguyen Giac (lay name Ho Khac Dung) was born in 1951 in Thua Thien. He was arrested on 2 April 1984 along with eleven Buddhist monks and nuns who were accused of membership of an illegal organization. Many of them were detained without trial until September 1988 when they were tried by a court of first instance in Ho Chi Minh City. They were charged with involvement with a "counter-revolutionary organization" called the Free Viet Nam Force. Thich Nguyen Giac was tried in September 1988 and sentenced to 14 years' imprisonment. He is currently detained in a "re-education" camp at Xuan Phuoc, Phu Yen Province. Amnesty International considers him to be a prisoner of conscience.

Thich Tri Sieu

Thich Tri Sieu (Le Man That) was born in 1943 in Trieu Phong, Quang Tri Province. He is a Buddhist scholar and author. He was arrested on 2 April 1984 in HCMC along with Thich Nguyen Giac and other Buddhist monks and nuns for membership in an illegal organization called Free Viet Nam Force. He was sentenced to death in September 1988 but the sentence was later commuted to 20 years' imprisonment by the Supreme People's Court. He is believed to be imprisoned in Z30A Xuan Loc camp, Dong Nai Province. Amnesty International considers him to be a prisoner of

conscience.

Thich Tue Sy

Thich Tue Sy (Pham Van Thuong) was born on 15 February 1943 in Laos. He was arrested on 1 April 1984 along with a group of Buddhist monks and nuns. They were accused of leading a "counter-revolutionary organization" called Free Viet Nam Force. He was brought to trial and sentenced to death in September 1988. The sentence was commuted to 20 years' imprisonment by the Supreme People's Court in November 1988. In December 1989 he was transferred to a "re-education" camp at Xuan Phuoc, Phu Yen Province. Amnesty International considers Thich Tue Sy to be a prisoner of conscience.

Thich Thien Tan

Thich Thien Tan (Thai Thanh Hung), a member of the UBCV was born in June 1945. He became abbot of the pagoda of Thuyen Ton in Hué city in 1972. He was arrested in August 1978 and tried in March 1980 by the People's Court in Hué. He was accused of "political participation in rebellious activities" and sentenced to life imprisonment. He is currently imprisoned in A20 camp, Xuan Phuoc, Phu Yen Province. Amnesty International is concerned that Thich Thien Tan may have been imprisoned solely on account of his

religious beliefs and activities. Amnesty International is seeking more information about his trial and the evidence used as the basis for his conviction.

Thich Phuc Vien

Thich Phuc Vien (Le Hien) is a Buddhist monk at the Chau Lam temple in Hué. He was arrested in June 1980 and charged with "political participation in rebellious activities". He was later tried by the People's Court in Hué in September 1980 and sentenced to 20 years' imprisonment. He is believed to be currently detained in A20 "re-education" camp, Xuan Phuoc, Phu Yen Province. Amnesty International is concerned that Thich Phuc Vien may have been imprisoned solely on account of his religious beliefs and activities. Amnesty International is seeking more information about his trial and the evidence used as the basis for his conviction.

Thich Tri Tuu

Thich Tri Tuu (Le Quang Vinh), a member of the UBCV was born on 10 February 1953. Before his arrest in June 1993, he was

Thich Tri Tuu

the Superior Monk at the Linh Mu Pagoda in Hué. He was arrested along with other monks on 5 June 1993 at the Linh Mu Pagoda. The other monks arrested with him are Thich Hai Tang, Thich Hai Chanh and Thich Hai Thinh. They were initially detained at Thua Phu Prison in Hué but were later transferred to a prison in Nam Ha Province in north Viet Nam. They were tried in November 1993 and convicted of "disturbing public order". Thich Tri Tuu, who was accused of being the leader of the May 1993 "Hué riot", was sentenced to four

years' imprisonment. Amnesty International is concerned that Thich Tri Tuu may have been denied a fair trial.

Thich Hai Tang

Thich Hai Tang (Nguyen Dinh Hoa), another member of the UBCV, was born on 14 March 1958. He was the Superior Monk at Long An Pagoda, Quang Tri Province. He was arrested on 5 June 1993 at Long An Pagoda and sentenced to four years' imprisonment in November 1993. He is believed to be currently detained in a prison camp in Nam Ha Province. He was accused of inciting some members of the crowd during the Hué May 1993

incident to stop a government car which was carrying Thich Tri Tuu, roll it over and set it on fire. Amnesty International is concerned that Thich Hai Tang may have been denied a fair trial.

Thich Hai Chanh and Thich Hai Thinh

Thich Hai Chanh (Nguyen Chon Tam) and Thich Hai Thinh (Lê Phu Thinh), both Buddhist monks at the Linh Mu Pagoda, were each sentenced to three years' imprisonment in November 1993. They were both arrested on 5 June 1993 and accused of allegedly inciting some "extremists" in the crowd during the Hué May 1993 incident to stop a government car, roll it over and set it on fire. Thich Hai Thinh allegedly jumped on the roof of the People's Committee's car during the May 1993 incident and shouted insults at the government authorities. Both he and Thich Hai Chanh are believed to be detained in a prison camp in Nam Ha Province. Amnesty International is concerned that they may have been denied a fair trial.

Thich Han Duc and Thich Thien Tho

Buddhist monk Thich Han Duc (Vo Han Duc) was sentenced to three years' imprisonment in January 1994 by a court in the province of Ba Ria-Vung Tau. He was

arrested in July 1993 and accused of having "conducted activities against the law" and "handing out documents hostile to the Socialist Government of Viet Nam," according to the charges. He is alleged to have organized a group of "extremists" armed with hoes, spades and sticks, and of preparing them to resist the government security police who went to the Son Linh Pagoda to evict him in July 1993. He was the Abbot of Sonh Linh Pagoda since 1983. The VBC (the government sponsored Buddhist organization) does not recognize him as Abbot of Son Linh Pagoda and in fact "expelled" him from the Buddhist Church on 23 February 1993 "because he had dissociated himself from the church and discarded the constitution and the monastic laws of the Viet Nam Buddhist Church". Buddhist monk Thien Tho was sentenced to house arrest for 18 months during the same trial as Thich Han Duc in January 1994. He was arrested together with Thich Han Duc during the Son Linh Pagoda incident. Amnesty International is concerned that both monks may have been denied a fair trial.

III. Appeals to the Government

The Vietnamese authorities released more than 100 political prisoners in 1992 and several prisoners of conscience in 1993. Amnesty International has welcomed these releases, but notes that the authorities continue to detain citizens for the peaceful expression of their political and religious beliefs. The Vietnamese Government has national and international obligations and responsibilities to ensure that the human rights of its citizens are respected and guaranteed, irrespective of their political opinions and religious beliefs. The protection of these human rights cannot be regarded as an internal affair of the country, but as an international obligation. These rights are guaranteed by international human rights agreements particularly Articles 14, 18, 19 and 22 of the International Covenant of Civil and Political Rights, to which the Socialist Republic of Viet Nam is a party. Viet Nam adopted a new constitution on 15 April 1992 which states in Article 50 that "In the Socialist Republic of Viet Nam, all human rights in the political, civil, economic, cultural and social fields are respected and manifested as citizens' rights stipulated in the Constitution and law." Article 70 states that "Citizens have the freedom to believe or not to believe in a religious faith".

Amnesty International appeals to the government to release immediately, and lift the restrictions imposed on, the Buddhist monks who are detained or confined solely for the non-violent expression of their opinions and beliefs, and are considered to be prisoners of conscience.

Amnesty International is further concerned that some Buddhist monks may have been tried under procedures that fall short of international standards of fair trial. It appeals to the Vietnamese Government to grant fair and open trials, in accordance with international standards, to all monks charged with political offences.

