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VIET NAM

@Doan Viet Hoat:

Forthcoming Trial of Prisoner of Conscience

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Amnesty International (AI) has received reports that Doan Viet Hoat and several others will soon be brought to trial in Ho Chi Minh City and charged with "activities aimed at overthrowing the people's government". This charge carries a maximum penalty of the death sentence. Doan Viet Hoat is a prisoner of conscience who was rearrested in 1990 and has been held without trial since. He was first detained without trial for 12 years from 1976 to 1988 for peacefully expressing his political opinions. Amnesty International is calling on the Vietnamese authorities for his immediate and unconditional release.

Doan Viet Hoat was 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. Among them were poet To Thuy Yen and journalist Le Van Tien, both were detained for the peaceful expression of their political beliefs. Le Van Tien was reportedly released on 3 March 1992. To Thuy Yen and Le Van Tien had also previously been detained in "re-education" camps from 1976 to 1988.

Doan Viet Hoat was first arrested in 29 August 1976, one 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 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 Asia Foundation (see below).

Doan Viet Hoat was a graduate 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 Miami, United States of America. 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 USA 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".

Recent Political Trials in Viet Nam

Amnesty International has recently received reports of several trials in Viet Nam where real and suspected government critics were charged with crimes against national security. Doan Thanh Lien, a lawyer, and Nguyen Tri, a poet, were sentenced on 14 May 1992 to 12 years' and 8 years' imprisonment respectively for allegedly spreading "anti-socialist propaganda" and Nguyen Ngoc Dat, who had been detained in a "re-education" camp from 1976 to 1987, was sentenced on 28 May 1992 to 20 years' imprisonment for "subversive activities".

Criminal Code of Viet Nam

Amnesty International has expressed to the Government of Viet Nam its 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 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 real or imputed non-violent beliefs or activities.

Appeal to the government

Amnesty International is calling on the Vietnamese authorities to ensure that international standards for a fair trial, as specified in Article 14 of the International Covenant on Civil and Political Rights (ICCPR), are met when Doan Viet Hoat and others are brought to trial.

Amnesty International also appeals to the government to ensure that Article 73 and other articles of the Vietnamese Criminal Code under the heading "especially dangerous crimes against national security" is never invoked to imprison people solely for the peaceful expression of their political views and to prevent their use as a measure to detain political prisoners for unspecified periods of time without charge or trial.

Amnesty International is urging the government to uphold the rights to freedom of expression, association and opinion and to release immediately and unconditionally all those confined solely for the non-violent exercise of these rights. These rights are guaranteed by international human rights agreements particularly Articles 19 and 22 of the ICCPR of which the Socialist Republic of Viet Nam is a state party.

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