

VIET NAM

@Nguyen Dan Que: Prisoner Of Conscience Sentenced To 20 Years

Nguyen Dan Que was sentenced to 20 years' imprisonment and five years of house arrest by the People's Court in Ho Chi Minh City (formerly Saigon) after a trial on 29 November 1991. He had been formally charged under Article 73 of the Criminal Code with "activities aimed at overthrowing the people's government", which carries a penalty of 12 to 20 years in prison, life imprisonment or the death penalty.

Another man, Nguyen Van Thuan, was reportedly sentenced to 10 years' imprisonment in the same trial. Amnesty International does not have any information about Nguyen Van Thuan.

The official Vietnamese News Agency (VNA) reported that Nguyen Dan Que had been accused of circulating documents and recruiting members for an organization which allegedly aimed at abolishing socialism in Viet Nam and denigrating the Vietnamese government in international fora. He was also reportedly accused of "using his capacity as a member of Amnesty International to translate documents into English and send them abroad."

Amnesty International believes that Nguyen Dan Que is a prisoner of conscience, detained solely for the non-violent exercise of fundamental human rights, and that his trial may not have conformed to international standards for a fair trial.

Background

Nguyen Dan Que, born in 1942 in northern Viet Nam, studied medicine at Saigon University and became a medical doctor at the age of 22. On graduation, he joined the teaching staff of the university medical school.

He was awarded United Nations scholarships for in-service training in Belgium, France and the United Kingdom in 1968, 1969 and 1972. In 1974, Nguyen Dan Que returned to Viet Nam to join the Saigon University Faculty of Medicine. He is a specialist in radiotherapy.

He became Director of Cho-Ray Hospital in Ho Chi Minh City after the end of the Viet Nam War in 1975. He reportedly became disillusioned with the new government's health care policies and expressed criticisms openly. This led to his dismissal as hospital director.

He was arrested on 18 February 1978 in Ho Chi Minh City, accused of "rebellious against the regime" and forming a "reactionary" organization named National Front For Progress which allegedly aimed to overthrow the government. He was adopted as a prisoner of conscience by Amnesty International and was released in 1988 after ten years of untried detention.

Nguyen Dan Que became a founder member of a political movement established in 1990 under the name of the *Cao Trao Nhan Ban* (High Tide of Humanism Movement). On 11 May 1990 the movement issued a political manifesto which is highly critical of the Vietnamese authorities (**an unofficial translation of the manifesto is appended**). The manifesto called on all individuals both in Viet Nam and abroad to sign a petition demanding non-violent political, social and economic change for Viet Nam, including the introduction of a multi-party system of government. He was re-arrested on 14 June 1990. He had also become an international member of Amnesty International in January 1990.

In its 28 October 1991 issue the *Phap Luat* (Laws and Regulations), an official legal magazine published in Ho Chi Minh City, reported that after his release from prison in 1988 Nguyen Dan Que used his medical office in Ho Chi Minh City to carry out propaganda against the government and to recruit followers to join The High Tide of Humanism Movement and allegedly planned to overthrow the government.

Phap Luat stated that during his arrest in June 1990 the authorities found in his home thousands of copies of documents ready for distribution allegedly prepared by Dr Nguyen Dan Que. The documents allegedly encouraged the Vietnamese people to overthrow the Vietnamese government and build a "nation with human rights as the base".

Amnesty International concerns

Amnesty International is concerned that Nguyen Dan Que has been convicted because of his peaceful expression of his political views, and therefore believes him to be a prisoner of conscience.

Amnesty International is concerned that Nguyen Dan Que was sentenced to 20 years in prison during a trial which may not have conformed to international standards of a fair trial. In the past, Amnesty International has received reports which strongly indicate that the practice of political trials in Viet Nam have been unfair, despite the existence of the Criminal Procedure Code whose provisions under normal circumstances assure a fair trial. In the case of Nguyen Dan Que, the principle of presumed innocence, guaranteed as a fundamental human right in Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and in Article 11 of the Vietnamese Criminal Procedure Code, may have been

seriously undermined by publication of accusations through the official media before the trial. Amnesty International also believes that Nguyen Dan Que may not have been granted access to an independent legal counsel of his choice.

Amnesty International notes with grave 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.

Amnesty International is also concerned that the Vietnamese Government has accused Nguyen Dan Que of allegedly using his membership with Amnesty International for political activities against the Vietnamese Government.

Amnesty International wrote to the Vietnamese Government in July 1990 to establish whether Nguyen Dan Que's membership of Amnesty International was a factor in his arrest and whether the Vietnamese authorities have any objection in principle to individuals in Viet Nam becoming members of Amnesty International. Amnesty International received no response.

International membership of Amnesty International is open to anyone who supports the organization's goals and works within its guidelines. International members are members of Amnesty International who live in countries which do not have formal Amnesty International structures such as groups and sections. They become individual subscribers to Amnesty International's Newsletter and are kept informed about Amnesty International activities. They participate in some of the organization's actions, such as writing letters on behalf of prisoners of conscience in other countries, helping to recruit new members and distributing Amnesty International material.

Like all members of Amnesty International, international members are guided by the general rules and practices of Amnesty International such as universality and political impartiality. They may not write letters or take any other action on cases in their own country using Amnesty International's name. This also means that they do not investigate or gather information about actual or possible human rights violations in their own country on the organization's behalf. Such work is the sole responsibility of the Research Department of the organization's International Secretariat, based in London.

There is no formal role for individual international members in the decision-making processes of Amnesty International. International members also do not have the authority to speak on behalf of or act otherwise as representatives of Amnesty International. This is the

responsibility of the International Executive Committee or the International Secretariat at the international level, sections at the national level, and groups at the local level.

Thus Nguyen Dan Que, or any other Vietnamese citizen becoming a member of Amnesty International, would have no involvement in Amnesty International's work on Viet Nam either through research or through appeals on behalf of Vietnamese political prisoners or would have no formal role in the organization. As far as Amnesty International is concerned Nguyen Dan Que did not violate or infringe upon the rules and guidelines of the organization and any work he undertook on behalf of the organization was in keeping with his status as an international member.

It should also be stressed that membership in Amnesty International does not preclude participation by members of Amnesty International in any other human rights activity or membership of other human rights organizations in their own country. Amnesty International members are responsible for ensuring that they maintain a clear distinction between the human rights work they do in Amnesty International's name and activities they choose to do either as an individual or as a member of other organizations.

Amnesty International believes that Nguyen Dan Que is a prisoner of conscience arrested solely for the non-violent exercise of fundamental human rights and appeals to the Government of Viet Nam for his immediate and unconditional release.

Appendix 1

Appeal Of The Humanist High Tide Movement To Forces Struggling For Freedom, Democracy And Pluralism

The world has changed enormously, the confrontational East and West are being transformed into a North-South cooperative arrangement. The war era has ended, to be replaced by an era of peace and development.

Everywhere the trend of time is a demand for respect of human rights, for freedom and democracy, and for a pluralistic political system.

All the nations of Southeast Asia and of the Pacific Region wish to see this area of the world move into an era of peace, stability, non-alignment and regional cooperation so as to develop their economies and culture, through such instruments as ASEAN (Association of the Southeast Asia Nations).

The Vietnam War was in actuality an expression of contradictory strategic interests between the United States and China, that was implemented by two proxies - the leadership in Saigon and Hanoi. When there was no longer confrontation between the two blocs - the communist bloc and the capitalist bloc - when the relationship between the United States and China became one of cooperation (Shanghai Joint Declaration of 1972) the conditions were obtained for solving the Vietnam War on the basis of withdrawal of alien elements (ie the two war machines and the two leaderships in Saigon and Hanoi) to let the Vietnamese people determine their own political future.

In Indochina the essential mistake of the Political Bureau of the Vietnamese Communist Party was to try and englobe militarily the three nations of Indochina under one political power whereas the whole world demands that the three nations of Indochina be kept as three separate political powers before they could join ASEAN.

The Vietnamese people must rapidly integrate to the international community and actively find solutions to fulfil its aspirations and protect its interests. In this regard the Humanist High Tide Movement advocates:

1. To disband the war machine of Hanoi, for which China and the Soviet Union are responsible since they had a hand in setting it up. This instrument of violence is being used by the Hanoi leadership to repress the voice of the Vietnamese people.
2. The Political Bureau of the Vietnamese Communist Party must respect the human, civil and property rights of the people. It must also accept a pluralist political system. The Vietnamese people have the right, through truly free elections, to determine a new system of government which would be in tune with the present infrastructure of the Vietnamese society.

3. To turn over to society the entire economic and cultural structures of the country. To restore to every single citizen his or her economic and cultural rights so as to bring about a new set of humanist relations of production, in which the forces of production are in direct control of the relations of productions - and not a socialist state or the capitalists for that matter.

We urgently appeal to all individuals and all groups inside Vietnam as well as in the world - organizations in Europe and America as well as Vietnamese movements in Europe and in America - to all those in love of freedom, democracy and pluralism to support us in our moderate and non-violent struggle meant to establish a social-humanist and progressive regime, a new governmental system that would belong to the whole people and not to any one class, a state whose role would not be to disrupt the national community - that it should truly serve instead - one whose role will no longer be to supervise but to coordinate the activities of all areas in society.

The above is a necessary trend of modern Vietnamese history, it will allow for the solution of current socio-economic difficulties and will project Vietnam on a strong path of development in the present-day world.

Vietnam, May 11, 1990

(Signed)

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JANUARY 1992

SUMMARY

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KEYWORDS: PRISONERS OF CONSCIENCE1 / LONG-TERM IMPRISONMENT1 / HOUSE/TOWN ARREST / TRIALS / DOCTORS / HUMAN RIGHTS ACTIVISTS / REARREST / BANNING / CENSORSHIP /

This report summarizes a six-page document (2106 words), *Viet Nam: Nguyen Dan Que: Prisoner Of Conscience Sentenced To 20 Years* (AI Index: ASA 41/02/92), issued by

Amnesty International in January 1992. Anyone wanting further details or to take action on this issue should consult the full document.

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