

# SOCIALIST REPUBLIC OF VIET NAM

## A step forward for human rights?

In September and October 1998, two major prisoner amnesties were declared in Viet Nam, with 7,849 prisoners released. Among them were 13 people adopted by Amnesty International as prisoners of conscience, who the organization believed had been imprisoned solely for their peaceful political activities or religious beliefs. While large-scale amnesties have taken place in the past, the number of prisoners of conscience included in the 1998 amnesties is the largest since the closure of many “re-education” camps in the country in the early 1990s.

Amnesty International welcomes the early release of these 13 prisoners of conscience, for whom the organization has campaigned for many years. However, other prisoners of conscience and possible prisoners of conscience are still in detention in Viet Nam. Legislation which criminalises the fundamental human rights to freedom of expression and association has yet to be repealed, thus allowing for the possibility of detention of other prisoners of conscience in the future. This report provides details on the prisoners of conscience who were released under the two amnesties and on selected prisoners of conscience and possible prisoners of conscience who are still imprisoned. It also includes recommendations to the Vietnamese authorities which Amnesty International believes would, if implemented, ensure lasting improvements in the human rights situation in Viet Nam. The release of 13 prisoners of conscience is a small step on the road to enhanced protection of human rights for all the people of Viet Nam.

### Background

On 6 June 1998, Vietnamese President Tran Duc Luong signed Decision 103/1998/QĐ-CTN on the categories of prisoners eligible for inclusion in a special amnesty to mark Viet Nam’s National Day on 2 September.<sup>1</sup> Those eligible had to “*pose no threat to the country’s security, politics and social order,*” and to have served at least one third of their sentence (or 12 years in the case of a life sentence).

### Peaceful political opposition as a criminal offence

Most of the prisoners of conscience adopted by Amnesty International in the Socialist Republic of Viet Nam are people who have been convicted of criminal offences as defined in the articles of the Vietnamese Criminal Code dealing with “Crimes Against National Security” and “Especially Dangerous Crimes Against National Security.” These articles make no distinction between armed opposition to the government and peaceful political dissent, and Amnesty International believes that they run contrary to Viet Nam’s international obligations as a state

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<sup>1</sup>Viet Nam News, 10 June 1998.

party to the International Covenant on Civil and Political Rights (ICCPR). This viewpoint was expressed by the UN Working Group on Arbitrary Detention in its 18 January 1995 report to the UN Commission on Human Rights. The report states:

*“This article [article 73] has often been criticized because it does not make a distinction, from the viewpoint of *modus operandi*, between persons who use violence to achieve their objectives and those who are involved only in political activities which are primarily peaceful and which are, in the final analysis, an expression of freedom of opinion, expression, association and assembly.”<sup>2</sup>*

It was also shared by an Australian Parliamentary Consultative Delegation which visited Viet Nam in 1995. The delegation’s report states:

*“While there appears to be no repression of the **private** expression of political or other views at variance with those of the regime, public or organised dissent is not tolerated. The cases of imprisonment and harassment of which the delegation was aware demonstrate that even minor and non-violent **public** expression of dissenting views incurs harsh penalties.”* (emphasis in original)

*“The legal system treats dissidents harshly. Relevant penal provisions are broadly worded, the judicial system gives little scope for acquittal and gaol terms on conviction are lengthy.”<sup>3</sup>*

In addition to the human rights problems associated with Viet Nam’s Criminal Code, the conduct of trials in the country and of political trials in particular, gives rise to serious concerns. Defendants do not have the right to appoint counsel of their choice. A lawyer will be assigned to them, but often not until the very last moment before their case is heard. Private consultation with counsel is not guaranteed, and in the courtroom, the defence does not enjoy the right to call or question witnesses. In many cases, the most a defence counsel can do is plead for clemency on a defendant’s behalf. Prisoners are thus often found guilty and sentenced to long terms of

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<sup>2</sup>UN Document E/CN.4/1995/31/Add.4, Question of the Human Rights of all persons subjected to any form of detention or imprisonment, Working Group on Arbitrary Detention, Visit to Viet Nam, 18 January 1995, paragraph 35.

<sup>3</sup>*Australia-Vietnam Dialogue: the Currents of Change* The Report of the Visit of the Australian Parliamentary Consultative Delegation to Vietnam, 5-12 April 1995, p38. Australian Government Publishing Service, Canberra 1995.

imprisonment without ever having had the opportunity to prove their innocence. Trials are often held *in camera* and international observers are never permitted to attend.

### **Restrictions on the right to freedom of worship**

The right to freedom of worship is also restricted by law in Viet Nam. Article 70 of the Vietnamese Constitution states:

*“Citizens have the freedom to believe or not to believe in a religious faith. All religions are equal before the law. Places of worship of all faiths are protected by law. No one may violate the freedom of faith or exploit it in a way that is at variance with the law and state policies.”*

In contrast to the ICCPR, this does not guarantee the right to freedom of worship. Article 18 of the ICCPR states:

*“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”*

In Viet Nam, the state exercises control over churches of various faiths. Individuals who worship in state-sanctioned churches do enjoy freedom of worship, and the boundaries within which state-sanctioned churches operate have widened in recent years. This is a welcome development. However, individuals whose conscientiously held religious beliefs lead them to follow religious groups which are not sanctioned by the state are subject to harassment, and even arrest and detention. Two religious groups have suffered particularly as a result of this policy, namely the Unified Buddhist Church of Viet Nam (UBCV) and the Roman Catholic Congregation of the Mother Co-redemptrix (CMC).

### **Visit to Viet Nam of the UN Special Rapporteur on Religious Intolerance**

In October 1998 the UN Special Rapporteur on Religious Intolerance Abdelfattah Amor visited Viet Nam. The visit, which was requested in 1995, finally took place between 19 and 28 October. An essay in the Vietnamese newspaper *Nhan Dan*<sup>4</sup> on 9 July 1998 sharply criticised reports by the British Broadcasting Corporation and Radio France International in advance of

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<sup>4</sup>All domestic media is state-controlled in Viet Nam.

the visit, which made reference to political and religious imprisonment in the country. The article said:

*“It is certain that the forthcoming trip to study the religious situation in Viet Nam by the UN envoy will be a success...the Vietnamese party and state always advocate and uniformly implement the policy of respecting the right to religion and the right to atheism for all people...With or without a religion, all citizens are equal in obligations and rights before the law. Any abuse of religious freedom that disturbs social order and safety; damages national independence; sabotages our policy of national unity; opposes the Socialist Republic of Viet Nam; destroys our moral values, lifestyle and culture; and obstructs the fulfilment of the citizens’ obligations by all religious followers and clergymen will be tried in accordance with our law. Superstitious activities must be condemned and eliminated...Of course there are no political and religious prisoners in Viet Nam. We have only criminal prisoners.”*

The Special Rapporteur’s arrival in Viet Nam was not reported in the domestic media at all, although there was widespread foreign media interest in the visit. During the 10 days he spent in the country, the Special Rapporteur was unable to meet with several senior members of the UBCV and the CMC, some of whom remain in detention. In a statement released on leaving the country, Abdelfattah Amor expressed regret at the way the authorities had prevented him from meeting a number of religious dissidents. The statement said that he had been prevented from meeting Thich Huyen Quang and Thich Quang Do from the UBCV, and that meetings with other UBCV monks in Z30A re-education camps had to be cut short, after interference from the head of the camp. Amor also said that the head of the camp denied holding any prisoners from the CMC, although their presence in the camp was confirmed by other sources. The statement also expressed regret that Amor was not able to meet with representatives from some smaller religious communities. In an interview with Reuters news agency after the visit, Amor was quoted as saying:

*“As UN Rapporteur I enjoy freedom of movement, and I did not get that freedom of movement. I also have the right to meet who I want, I wasn’t able to do this. I hope that none of the persons I saw will be in trouble.”<sup>5</sup>*

The authorities in Ha Noi have contested the Special Rapporteur’s statement. *Voice of Viet Nam* broadcast a statement on 30 October listing a number of officials from state-sanctioned churches whom Amor had met, and claiming:

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<sup>5</sup>Reuters, 30 October 1998.

*“While in Viet Nam, Mr Amor witnessed with his own eyes the freedom of religious activities enjoyed by the Vietnamese people. He also understood the Vietnamese party and state’s unchanged policy to ensure the freedom of religion for all Vietnamese people.”<sup>6</sup>*

The Special Rapporteur will report his findings to the UN Commission on Human Rights in early 1999. While Amnesty International welcomes the fact that the Special Rapporteur was able to visit Viet Nam, the organization is concerned that his program of meetings was severely curtailed by the authorities, and that religious dissidents were prevented from meeting with him. It is also noteworthy that in 1994, the UN Working Group on Arbitrary Detention was able to visit Viet Nam. They provided a detailed report on their visit to the UN Commission on Human Rights in 1995, the recommendations of which have yet to be implemented by the Vietnamese Government. Allowing access to Viet Nam to the UN and to independent, non-governmental human rights monitors is important, but it is simply a first step. Access must be followed by action. The willingness to accept constructive criticism in order to improve human rights protection is a test of any government’s political will to protect the rights of its citizens and residents.

### **The released prisoners**

At the end of August 1998, a Vietnamese Foreign Ministry spokesperson, answering questions about the 2 September amnesty in a briefing for foreign journalists, confirmed that two prominent political dissidents, Dr Nguyen Dan Que and Professor Doan Viet Hoat would be included in the prisoner amnesty. This was the first public indication that - in contrast to previous recent mass amnesties - high profile political dissidents were considered eligible for release.

In keeping with their usual practice, the Vietnamese authorities have not issued lists of the prisoners included in the two amnesties. Therefore, exact information on prisoners released and prisoners still detained is difficult to obtain. However, Amnesty International believes that 12 prisoners of conscience were released in the first amnesty, and one further prisoner of conscience in the second. The Vietnamese Government routinely denies that it detains political prisoners and the official media was quick to criticise reports in the international media that the prisoner amnesties were the result of anything other than Viet Nam’s “*consistent humanitarian policy*.”

### **Prisoners held for their peaceful political activities**

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<sup>6</sup>Voice of Viet Nam, 30 October 1998, BBC Monitoring.

Amnesty International believes that seven prisoners of conscience who were imprisoned for their peaceful political activities were released in the September amnesty.

**Dr Nguyen Dan Que:** a medical doctor, aged 56, he is the sole member of Amnesty International in Viet Nam. On graduating in medicine from Saigon (now Ho Chi Minh City) University, he joined the staff of the medical school. He specialised in thyroid diseases and diabetes. He then carried out research on endocrinology in Paris, Brussels and London. He returned to Viet Nam in July 1974 and, after the end of the war in 1975, became Director of the Cho-Ray Hospital in Ho Chi Minh City. After making criticisms of the direction of national health care policy he was dismissed from his post and in February 1978, was arrested and accused of "*rebellious against the regime*" and forming a "*reactionary*" organization. He was released in 1988 after 10 years of detention without trial.

Following his release, Dr Nguyen Dan Que joined Amnesty International as an international member and became a founder member of an organization called *Cao Trao Nhan Ban* (High Tide of Humanism Movement) which was established in 1990. Its manifesto called for various democratic reforms and Dr Que - who wrote the manifesto - was arrested a month after its publication. He was tried in November 1991 at the People's Court in Ho Chi Minh City. He was charged with, among other things, "*activities aimed at overthrowing the government.*" One of the charges also cited against him was membership of Amnesty International. Dr Que was sentenced to 20 years' imprisonment. During his time in prison he suffered from serious health problems for which he was denied adequate medical care. In April 1993 the United Nations Working Group on Arbitrary Detention declared that his detention was arbitrary and in contravention of the Universal Declaration of Human Rights and the ICCPR.

Following his release from Z30A prison camp in Dong Nai province on 1 September 1998, Dr Nguyen Dan Que joined his family in Ho Chi Minh City. He and his family were asked by the authorities to leave Viet Nam and resettle in the USA, but declined to do so.

**Doan Viet Hoat:** aged 56, Doan Viet Hoat was a Professor of English who had studied in the USA, and returned to Viet Nam before the end of the war. He took the post of Vice President of Administration at the Van Hanh University in Ho Chi Minh City (Saigon), and also worked as a consultant for the US-based Asia Foundation. Following the end of the war in 1975 and the formation of the Socialist Republic of Viet Nam, Doan Viet Hoat along with thousands of others, was detained without trial for "re-education" between August 1976 and February 1988. He was arrested again in November 1990 with several others involved in *Dien Dan To Do* (Freedom Forum), a group of dissidents who published and distributed among themselves - on a small scale - a newsletter critical of the communist government of Viet Nam. In March 1993, Doan Viet Hoat was sentenced to 20 years' imprisonment, (later reduced to 15 years') on charges of "*carrying out activities to overthrow the government.*"

Doan Viet Hoat's treatment in detention was harsh and he suffered from serious health problems. For the last four years of his detention, he was held in solitary confinement in a remote "re-education" camp, where he was denied almost any contact with other human beings, and family members were usually prevented from visiting him. He was not even permitted to receive letters or postcards.

On 1 September 1998, Doan Viet Hoat was released and sent immediately to the USA, where his closest relatives live. Speaking to journalists en route to the USA, Doan Viet Hoat said that he did not want to leave his country but had been given no choice.

**Nguyen Van Thuan:** aged 65, Nguyen Van Thuan is a writer, poet and former teacher of Vietnamese literature. He was involved in both the *Cao Tran Nhan Ban* (High Tide of Humanism Movement) and *Dien Dan Tu Do* (Freedom Forum). Nguyen Van Thuan was first detained without trial, on charges of "protecting reactionary elements" between June 1975 and August 1983. He was rearrested in November 1990, along with other members of Dien Tu Do, and was sentenced in two separate trials to long prison terms, amounting in total (following a reduction of one sentence) to 22 years' imprisonment.

During his imprisonment, Nguyen Van Thuan suffered greatly from serious health problems, exacerbated by the harsh conditions of his detention. In February 1994 he suffered a stroke which left him partially paralysed, but it was a whole week before he was admitted to hospital for treatment, where he remained for two years, after which he was returned to Z30B "re-education" camp in Dong Nai province. Although he recovered from the paralysis, his health remained weak. Nguyen Van Thuan remained in Viet Nam following his release in September 1998.

**Dong Tuy:** a former professor of Literature and Philosophy, Dong Tuy was a political activist who was Vice President of the Movement to Unite the People and Build Democracy (MUPBD), a group which advocated peaceful political and economic change in Viet Nam. The MUPBD made preparations to hold an international conference on human rights and democracy in Ho Chi Minh City in November 1993, with domestic and foreign participants, and they believed that they had the necessary permission from the authorities. The authorities declared that the conference could not go ahead and arrested nine leaders of the group. Dong Tuy was held under house arrest until February 1995, when he was taken into detention. In August 1995, he and other members of the group were brought to trial and charged with "carrying out activities to overthrow the government". He was found guilty and sentenced to 11 years' imprisonment.

Like the other prisoners mentioned above, Dong Tuy suffered serious health problems during his imprisonment, and at times was unable to stand up straight or walk without assistance. It is believed that he suffered a mild stroke earlier in 1998.

Dong Tuy was released from Z30A prison camp in Dong Nai province, and has since been reunited with family members in Europe. He is receiving much-needed medical care, and his health is improving.

**Other MUPBD members** : Amnesty International has received information that at least three other members of the MUPBD were released in the 2 September amnesty. They are **Bui Kim Dinh**, writer and General Secretary of the MUPBD, serving a 12 year sentence; **Pham Tuong**, a former Professor of Economics, and Second Vice President of the MUPBD, serving a 14 year sentence; and **Nguyen Van Bien**, a member of the MUPBD who was sentenced to eight years' imprisonment. The organization believes that these three men are still in Viet Nam, and is seeking further information as to their state of health.

### **Prisoners held for their peaceful religious activities**

Six prisoners of conscience from the Unified Buddhist Church of Viet Nam and the Congregation of the Mother Co-redemptrix were released in the amnesties.

**Thich Quang Do**: a 70-year-old monk, Thich Quang Do is the Secretary General of the unofficial UBCV, and was released from B14 prison near Ha Noi on 31 August 1998. Thich Quang Do has spent most of the last 20 years in detention or under house arrest because of his opposition to the official state-sanctioned Viet Nam Buddhist Church. He was held between April 1977 and December 1978, then kept under house arrest between February 1982 and mid 1992. His most recent arrest was in January 1995, after he had condemned the arrests of five other Buddhist monks and lay people for their involvement in a mission to distribute relief to flood victims in the Mekong Delta without government permission. In August 1995 he was brought to trial and sentenced to five years' imprisonment. He suffered from a number of health problems in prison, including high blood pressure, migraines and severe arthritis. On his release, Thich Quang Do returned to the Thanh Minh Zen monastery in Ho Chi Minh City. During a visit to Viet Nam in October 1998, the UN Special Rapporteur on Religious Intolerance was prevented from visiting him there.

**Thich Tri Sieu** and **Thich Tue Sy**: both 55-year-old UBCV monks, they were released at the end of August 1998. Arrested in April 1984, they were brought to trial in September 1988 and found guilty of "*conducting activities to overthrow the people's administration*". Both were sentenced to death. Amnesty International was at the forefront of an international campaign for the commutation of the death sentences. In November 1988, the sentences were commuted to life imprisonment.

Thich Tri Sieu became a Buddhist monk at the age of 12, and studied at the Bao Quoc Pagoda in Hue. Between 1964 and 1974 he studied in the USA and obtained a PhD in Buddhist studies and philosophy. On returning to Viet Nam, he became a respected authority on



Vietnamese history and literature. A member of the UBCV, at the time of his arrest in April 1984 he was compiling an encyclopaedia on Vietnamese Buddhism with Thich Tue Sy. Thich Tue Sy became a monk at the age of seven. He taught himself Classical Chinese, English, French, Pali, Sanskrit and Japanese. He was highly regarded in Vietnamese scholarly circles for his published essays, monographs and poems, and his translations of Buddhist texts into Vietnamese from Sanskrit, Chinese and Japanese. He held various academic and editorial positions at the Buddhist Van Hanh University in Ho Chi Minh City, from where he was arrested. Amnesty International believes that the reason for the arrests and detention of Thich Tue Sy and Thich Tri Sieu was their membership of the unofficial UBCV and the interest and respect their scholarly studies of Buddhism and literature were creating at a time when the Vietnamese authorities were trying to control the Buddhist church.

Since their release, both monks are reportedly keen to resume their scholarly activities. Amnesty International is seeking more information about their current state of health.

**Thich Nhat Ban:** a UBCV monk, aged 61, his release in the second amnesty was announced on 27 October 1998. He was among the group of UBCV monks and lay persons arrested in November 1994, after participating in an unofficial relief mission to flood victims in the Mekong Delta. He was sentenced to four years' imprisonment, so his amnesty came just a matter of days before he was in any case due for release. Thich Nhat Ban was previously detained without trial for "re-education" between 1975 and 1985. He is reported to have written several open letters to the authorities critical of the government's policies on religion. His health suffered in detention after he participated in several hunger strikes in protest at his incarceration. Unconfirmed reports suggest that since his release, Thich Nhat Ban's freedom of movement remains seriously curtailed and that he is under surveillance at a pagoda near Ho Chi Minh City.

**Brother Nguyen Chau Dat**, aged 73, and **Reverend Dinh Viet Hieu** (Thuc), aged 59, were released on 2 September. Both were among a group of 23 members of the CMC arrested in May 1987 for holding training courses and distributing religious books without government permission. Reverend Dinh Viet Hieu, who was sentenced to 14 years' imprisonment, is reported to be in good health. Brother Nguyen Chau Dat, who was an assistant to the founder of the CMC, and was sentenced to life imprisonment, reduced to 20 years' on appeal, is ill and receiving hospital treatment.

### **Prisoners still in detention**

Amnesty International welcomes the release of the 13 prisoners mentioned above. However the organization remains concerned at the continued detention of dozens of other prisoners of conscience and possible prisoners of conscience. A summary of some of these cases is presented below. This is not an exhaustive list, but is representative of the cases Amnesty

International is currently working on. Research on Vietnamese prisoner cases is difficult, because of a lack of official information, censorship of domestic news media and lack of access to the country for independent human rights monitors. Making a definitive judgment as to whether an individual is a prisoner of conscience is sometimes difficult. It is for this reason that Amnesty International is seeking further information on some of the cases below, where individuals are classified as "possible prisoners of conscience".

### Prisoners of conscience

, **Members of the Congregation of the Mother Co-redemptrix (CMC)**  
Four members of the CMC remain in detention. They are part of a group of 23 Roman Catholic monks arrested in May 1987 and sentenced under national security legislation to long terms of imprisonment for holding training courses and distributing religious books without government permission. **Brother Mai Duc Chuong (Nghì)**, 67, was sentenced to 18 years' imprisonment, since reduced by 18 months; **Brother Nguyen Thien Phung (Huan)** was sentenced to 20 years' imprisonment; **Brother Nguyen Van Thin (Quan)** was sentenced to 16 years' imprisonment; and **Reverend Pham Ngoc Lien (Tri)**, 57, sentenced to 20 years' imprisonment.

, The **Venerable Thich Huyen Quang**, 79 years old, is the Supreme Patriarch of the unofficial Unified Buddhist Church of Viet Nam (UBCV). His outspoken defence of human rights and in particular the right to practice religion freely has resulted in his being in conflict with the Vietnamese authorities for the last 20 years. Thich Huyen Quang has spent much of the time since 1977 under house arrest. His most recent arrest took place in December 1994, around the same time that other UBCV members were arrested for trying to organize relief to victims of flooding in the Mekong Delta without authorization. Initially charged with "sabotaging the policy of national solidarity", the authorities decided not to bring him to trial "because of his age and state of health". He was sent to an isolated pagoda in Quang Ngai province where he is currently under strict house arrest. The UN Special Rapporteur on religious intolerance was reportedly prevented from meeting him during his October 1998 visit to Viet Nam.

, **Thich Khonh Tanh**, a 55-year-old senior Buddhist monk and member of the unofficial Unified Buddhist Church of Viet Nam (UBCV), was arrested in November 1994 outside the Lien Tri Pagoda in Ho Chi Minh City. He and five other Buddhist monks and lay people were brought to trial on 15 August 1995 at Ho Chi Minh City People's Court on charges of "sabotaging the policy of solidarity" and "taking advantage of freedom and democratic rights to

*infringe upon the interests of the state, social organizations and citizens".* In early November 1994, Thich Khonh Tanh and four of his five co-defendants were involved in organizing a mission to distribute relief to flood victims in the Mekong Delta, without government permission. Thich Khonh Tanh was sentenced to five years' imprisonment. He had previously been imprisoned between November 1977 and December 1986 without trial after setting up a secret Committee for Human Rights and organizing a hunger strike at the An Quang Pagoda to call for freedom of religion and human rights and the release of detained Buddhist leaders; and between October 1992 and October 1993 after being found in possession of documents critical of government policies towards Buddhist monks and nuns.

**Members of the *Dai Viet Duy Dan* (Greater Viet Nam People's Party)**

Four members of the *Dai Viet Duy Dan* remain in detention. All were arrested in July 1991 and tried in January 1992 on charges of "*activities aimed at overthrowing the people's government*". They are believed to be detained solely for their peaceful activities as members of an opposition political party. All four are last reported to be detained at Ba Sao "re-education" camp in northern Viet Nam. ***Do Van Hung***, 64, is a poet and former military officer and businessman. He was sentenced to 12 years' imprisonment, reduced to 11 on appeal. His brother, ***Do Van Thac***, about 70 years old, is a former teacher, sentenced to 14 years' imprisonment, reduced to 13 on appeal. ***Nguyen Kim Nang*** was sentenced to 10 years' imprisonment, and ***Pham Quang Tin***, 43, a violinist and portrait painter, was sentenced to 11 years' imprisonment.

**Members of the Movement to Unite the People and Build Democracy (MUPBD)**

Three members of the MUPBD remain detained at Z30A prison camp in Xuan Loc, Dong Nai province. Eleven members of the MUPBD were arrested in November 1993 for planning an international conference in Ho Chi Minh City on democracy and human rights. Those still detained are ***Nguyen Dinh Huy***, 66, a former professor of English and History, and founder and President of the MUPBD who was sentenced to 15 years' imprisonment on charges of "*carrying out activities to overthrow the people's government*"; ***Nguyen Ngoc Tan***, 77, a former writer, journalist and member of parliament, who was a founding member and First Vice President of the MUPBD. ***Nguyen Van Chau*** was sentenced to four years' imprisonment and should have been released already. However, Amnesty International has received recent information that he remains in detention and is concerned that he may have received additional punishment.

, **Pham Hong Tho**, 76, and **Vo Van Pham**, 51, were arrested in June and July 1991 and tried on charges of being involved in establishing an "*organization aimed at overthrowing the people's government*". Pham Hong Tho was sentenced to 13 years' imprisonment and Vo Van Pham to 12 years' imprisonment. The charges against them appeared to be made on the basis of allegations that they advocated multi-party democracy and planned to organize a political group to take part in a democratic system. Pham Hong Tho is a former sugar merchant, farmer, journalist and political party activist who was detained for "re-education" with thousands of others between 1975 and 1979. Vo Van Pham was a nurse who had also earlier spent some time doing general administrative work in his local armed forces; he was also briefly detained for "re-education" in 1975/76.

### Possible prisoners of conscience

, **Nguyen Ngoc Dat**, **Tran Huy Duyen** and **Le Van Trinh** were brought to trial in May 1992 accused of "*carrying out activities with the aim of overthrowing the people's government*". Nguyen Ngoc Dat, a writer and Buddhist intellectual, was sentenced to 20 years' imprisonment; Tran Huy Duyen, 78, to 10 years' imprisonment; and Le Van Trinh to 12 years' imprisonment. According to an official account of their trial, the charges against them appear to be based on allegations of discussing "*plans for coordinating activities to overthrow the people's administration*", of writing documents critical of government policy towards the Buddhist church, and of trying to contact people outside the country for financial support. Another source claims that they were arrested after they formed the Humanitarian People's Front, an organization about which Amnesty International has no further information.

, **Chu Van Huu**, **Nguyen Van Ngo**, **Tran Ngoc Khai**, and **Pham Dinh Thuan** were among a group of people arrested in April and May 1985 for their alleged involvement with an unofficial opposition political movement, the *Mat Tran Viet Nam Tu Do* (Free Viet Nam Front), and/or the *Viet Nam Quoc Dan Dang* (VNQDD, Viet Nam National People's Party) a political party banned in 1975. They were detained for three and a half years before being tried in December 1988 on charges of carrying out "*activities aimed at overthrowing the people's government*". Chu Van Huu, 58, was sentenced to 14 years' imprisonment; Nguyen Van Ngo, 81, was sentenced to 18 years' imprisonment; Tran Ngoc Khai, 69, was sentenced to 20 years' imprisonment; and Pham Dinh Thuan, 84, sentenced to 18 years' imprisonment, reduced to 16 years on appeal.

, **Pham Van Quang**, 56, was arrested in February 1992 and tried two years later in 1994. He was sentenced to 15 years' imprisonment on charges of "rebellion". In the court verdict he was alleged to have fired a revolver, wielded a hand grenade and waved a flag of the former Vietnamese regime while standing on the roof of his car as a protest. However, another report of the incident describe him making a peaceful protest with the flag of the former regime and wearing robes of the Hoa Hao Buddhist sect which is not approved by the authorities.

## Recommendations

Amnesty International warmly welcomes the release of 13 prisoners of conscience in Viet Nam. In October 1998, the organization wrote to President Tran Duc Luong, noting the prisoner releases and expressing the view that the Vietnamese Government's decision to give these prisoners their freedom represented an important and positive development for human rights in Viet Nam. The letter also expressed the hope that a constructive dialogue could be opened between Amnesty International and the Vietnamese authorities on human rights concerns in the country. This paper was submitted to the Vietnamese Government for comment.

< Amnesty International recommends the immediate and unconditional release of all remaining prisoners of conscience in Viet Nam. However, while they remain in detention, the organization calls upon the Vietnamese authorities to ensure that their treatment conforms to international standards, and in particular that prisoners have access to adequate medical care, and to their families.

< Amnesty International notes that the Vietnamese authorities intend to revise the criminal code, including the sections relating to national security. The organization welcomes this initiative, and recommends that the Vietnamese authorities ensure that the new criminal code reflects Viet Nam's international obligations as a state party to the ICCPR, and fully protects the fundamental rights to freedom of expression and association, including freedom of worship. In particular, the organization draws the authorities' attention to the recommendations made by the UN Working Group on Arbitrary Detention in its 1995 report with regard to revision of the Code of Criminal Procedure.<sup>7</sup>

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<sup>7</sup>UN Document E/CN.4/1995/31/Add.4, Question of the Human Rights of all persons subjected to any form of detention or imprisonment, Working Group on Arbitrary Detention, Visit to Viet Nam, 18 January 1995, Section V, paragraphs 74 to 83.

- < Access to Viet Nam for independent human rights monitors is severely restricted. Amnesty International recommends that the authorities lift these restrictions, and ensure that independent human rights monitors are able to visit the country freely, and engage in dialogue with the authorities on human rights issues, with the objective of improving the protection of human rights for all the people of Viet Nam.
  
- < The October 1998 visit of the UN Special Rapporteur on Religious Intolerance was permitted by the Vietnamese authorities more than three years after the initial request was made. The Rapporteur is due to report to the UN Commission on Human Rights in 1999. Amnesty International recommends that the Rapporteur's report be widely distributed in Viet Nam, and that its recommendations be implemented in full by the authorities.