

AMNESTY INTERNATIONAL

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Viet Nam: Time to live up to human rights commitment

As Viet Nam takes over the Presidency of the United Nations Security Council on 1 July 2008, Amnesty International urges the Vietnamese government to end widespread intimidation of political dissidents and release activists and human rights defenders detained only for criticizing government policy.

In September 2007, before entering the Security Council as a non-permanent member, Viet Nam's Prime Minister Nguyen Tan Dung made a serious commitment before the UN General Assembly:

"Viet Nam is fully aware of the great honour and heavy responsibility for being a non-permanent member of the Security Council, a body entrusted with primary mission in maintaining international peace and security. Elected, Viet Nam will fully adhere to the purposes and principles enshrined in the UN Charter and we will do our utmost to cooperate with other members to fulfil this important task."

Amnesty International believes that the Vietnamese government should honour this commitment in full. Viet Nam has failed to uphold its obligations under international law, specifically in terms of guaranteeing the rights to freedom of expression, association and assembly; freedom of religion, and the right to freedom from discrimination.

Amnesty International calls on the Vietnamese government to allow peaceful activities by political activists, religious groups and human rights defenders, and to release all those imprisoned for peacefully expressing their views. It should lift unlawful restrictions on the right of assembly and reform provisions in the 1999 Penal Code relating to national security, ensuring vaguely worded provisions are removed or brought into line with international law and standards.

Restrictions on freedom of expression and association

In the past 18 months courts have handed down prison sentences to at least 26 peaceful activists in a crackdown to silence government critics launched late 2006. These activists have mostly been charged with offences under national security legislation, which is used to criminalize peaceful dissent. Trials often do not meet international standards for fairness: reports from a range of sources indicate that court officials have systematically ignored fair trial principles.

Of those who have been sentenced to imprisonment, at least 13 have been sentenced to an additional period of "probation" under article 38 of the Penal Code, which includes restrictions on movement after having served their prison term.

In the wake of the crackdown a number of activists, including human rights defenders, have fled abroad, to seek asylum and protection from politically motivated prosecution.

*Several people have been imprisoned for their part in the publication of a dissident journal, *Tu Do Ngon Luan* (Freedom and Democracy), supporting Bloc 8406, an internet-based pro-democracy movement formed on 8 April 2006, and other un-authorized political groups advocating democracy and human rights. They include veteran prisoner of conscience, **Father**

Nguyen Van Ly sentenced in March 2007 to eight years' imprisonment plus five years' house arrest on release, and co-defendants **Nguyen Phong**, co-founder of the Viet Nam Progression Party (six years' imprisonment plus three years' house arrest); **Nguyen Binh Thanh** (five years' imprisonment and two years' house arrest); and **Hoang Thi Anh Dao** and **Le Thi Le Hang**, who received suspended prison terms.

*Security forces arrested **Tran Quoc Hien**, 33, the spokesperson for the independent United Workers-Farmers Organization (UWFO), on 12 January 2007 and on 15 May 2007 a court in Ho Chi Minh City sentenced him to five years' imprisonment and two years' house arrest on release. Charged under Article 88 of the Penal Code (Conducting propaganda against the Socialist Republic of Viet Nam), he was also a supporter of Bloc 8406, and the allegations against him included that he "joined reactionary organizations through the internet". Three other UWFO members – **Doan Van Dien**, **Doan Huy Chuong** and **Tran Thi Le Hang** - were sentenced to between one and a half and four and a half years' imprisonment on 10 December 2007. The UWFO was formed in October 2006 to protect and promote workers' rights, including the right to form and participate in independent trade and labour unions.

Internet

The authorities' efforts to control and restrict traffic deemed undesirable in the Vietnamese cyberspace continue, while a growing number of activists and government critics use the Internet as a key tool to voice dissent and mobilise support. Many of those arrested in the on-going crackdown – lawyers, trade unionists, religious leaders, and political activists – are loosely connected through Bloc 8406 and have been detained and imprisoned for online activities.

***Truong Quoc Huy**, 28, was sentenced to six years' imprisonment followed by three years' house arrest on 29 January 2008. Police had arrested him on 18 August 2006 in an Internet café in Ho Chi Minh City. He was charged under national security legislation – Article 88. The charges against him included taking part in an online forum, and activities of Bloc 8406. When police arrested him he had been released from prison only four weeks earlier, before which he had been held incommunicado for nine months, accused of "carrying out activities aimed at overthrowing the people's administration" for taking part in chatroom discussions on democracy.

Ethnic and religious discrimination

Ongoing discrimination against predominantly Protestant Montagnard ethnic minority people in the Central Highlands is characterized by violence, harassment, arrest, and forced renunciation of their faith. Persecution continues to cause hundreds to flee to neighbouring Cambodia, where many are denied protection.

An unknown number of the more than 250 Montagnards sentenced for offences in connection with protests in 2001 and 2004 and for assisting people to 'escape' across the border into Cambodia remain imprisoned.

Individuals from the mostly Buddhist Khmer Krom community in southern An Giang province likewise face persecution. Media and activists have reported how Buddhist monks have been defrocked for taking part in peaceful protests; other members of the Khmer Krom ethnic group are serving prison terms for seeking to protect their land.

Members of other Christian and Buddhist groupings or congregations that operate without formal permission face similar repression. The senior leadership of the Unified Buddhist Church of Vietnam (UBCV) remains under house arrest, some since the 1980s, and its monks continue to face harassment including arbitrary detention.

*On 3 June 2008, Mennonite **Pastor A Dung**, a Montagnard asylum-seeker who had fled to Cambodia after threats and harassment for his religious activities, disappeared from a

guesthouse. His whereabouts are unknown, though eyewitnesses have reported to local activists that Vietnamese police abducted him and took him back to Viet Nam.

*Buddhist abbot **Tim Sakhorn** disappeared from Cambodia in June 2007 after having given food and shelter to Khmer Krom Buddhist monks fleeing from Viet Nam. Tim Sakhorn, a member of the Khmer Krom minority in southern Viet Nam, had lived in Cambodia since 1979 with dual citizenship. On 1 August 2007 the Vietnamese authorities reported that they had arrested him and on 9 November a court in An Giang province sentenced Tim Sakhorn to one year's imprisonment under national security legislation.

List of dissidents given prison terms, with affiliation where known

- Doan Huy Chuong (m): United Workers-Farmers Organization (UWFO)
One and a half years' imprisonment (released May 2008)
- Doan Van Dien (m): UWFO
Four years and six months imprisonment
- Huynh Nguyen Dao (m): People's Democratic Party (PDP)
Two and a half years' imprisonment, followed by two years' house arrest
- Le Nguyen Sang (m): PDP
Five years' imprisonment, followed by two years' house arrest
- Le Thi Cong Nhan (f): Viet Nam Populist Party (VPP); Bloc 8406
Three years' imprisonment, followed by three years' house arrest
- Nguyen Bac Truyen (m): PDP
Four years' imprisonment, followed by two years' house arrest
- Nguyen Binh Thanh (m): VPP
Five years' imprisonment, followed by two years' house arrest
- Nguyen Phong (m): Viet Nam Progression Party (VNPP); Bloc 8406
Six years' imprisonment, followed by three years' house arrest
- Nguyen Ngoc Quan (m): Bac Dang Giang; Bloc 8406
Three years' imprisonment, followed by two years' house arrest
- Nguyen The Vu (m): Viet Tan
Five months and 26 days' imprisonment (time served, released)
- Nguyen Van Dai (m): Vietnam Committee for Human Rights
Three years' imprisonment, followed by four years' house arrest
- Nguyen Van Ngoc (m): Vietnamese Political and Religious Prisoners Friendship Association (VPRPFA)
Four years' imprisonment
- Father Nguyen Van Ly: VNPP; Bloc 8406
Eight years' imprisonment, followed by five years' house arrest on release
- Pham Ba Hai (m): Bac Dang Giang; Bloc 8406
Five years' imprisonment, followed by two years' house arrest
- Phung Quang Quyen (m): UWFO
One year and six months' imprisonment
- Somsak Khunmi, (m), also known as Nguyen Hoang Hai:
Nine months' imprisonment, followed by three years' house arrest
- Tran Khai Thanh Thuy (f): Independent Workers' Union (IWU); Hoi Dan Oan Viet Nam (HDOV)
Nine months and 10 days' imprisonment (time served, released)
- Tran Quoc Hien (m): UWFO; Bloc 8406
Five years' imprisonment, followed by two years' house arrest
- Tran Thi Le Hang (f): UWFO
Three years' imprisonment
- Trinh Quoc Thao (m): VPRPFA
Four years' imprisonment
- Truong Minh Duc (m): Bloc 8406; VPP
Five years' imprisonment
- Truong Minh Nguyet (m): VPRPFA

- Two years' imprisonment
Vu Hoang Hai (m): Bac Dang Giang; Bloc 8406
Two years' imprisonment, followed by two years' house arrest

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