

ARTICLES
"HUMAN RIGHTS WATCH"



Vietnam: Overturn Democracy Activist's Sentence ^[1]

Peaceful Blogger Punished for Exercising Free Expression

November 28, 2011

(New York) – Vietnamese authorities should immediately release the blogger Pham Minh Hoang and vacate the verdict against him when his case comes up on appeal, Human Rights Watch said today. His appeals case is to be heard by the People's Supreme Court in Ho Chi Minh City on November 29, 2011.

Pham Minh Hoang, 56, who blogs under the pen name Phan Kien Quoc, was convicted on August 10, on charges of “conducting activities to subvert the administration,” under article 79 of the penal code. He was sentenced to three years in prison, to be followed by three years on probation.

“Vietnam keeps its chokehold on free expression by using vaguely-worded national security laws to imprison peaceful activists,” said [Phil Robertson](#) ^[2], deputy Asia director at Human Rights Watch. “Peaceful activists like Pham Minh Hoang deserve to be heard by their fellow citizens, not silenced by the courts.”

By criminalizing peaceful dissent, Vietnam violates its obligations as a state party to the International Covenant on Civil and Political Rights and fails to follow Vietnam's own constitution, which guarantees freedom of expression and freedom of association.

Pham Minh Hoang was born in Vung Tau in what is now Ba Ria-Vung Tau province and went to France to study in 1973. He returned to Vietnam as a French citizen in 2000 and taught applied science at the Ho Chi Minh City Polytechnic University. In his blog, he has written about a variety of social and political issues in Vietnam. He has advocated respecting workers' rights and human rights and promoted national reconciliation, freedom of expression, and democracy.

He was arrested on August 13, 2010, for his alleged affiliation with the outlawed party Viet Tan, a group that once espoused rebellion against the communist government but later changed its approach for peaceful means. There is no evidence that Pham Minh Hoang has advocated or participated in violent action against the government. According to state media, Pham Minh Hoang wrote “33 articles that distort the policies and guidelines of the Party and the State.”

“Promoting human rights and basic freedoms should not be a crime,” Robertson said. “It's clear that Pham Minh Hoang was convicted solely for expressing peaceful political beliefs and that he should never have been imprisoned in the first place.”

Vietnam is currently negotiating to join the Trans-Pacific Partnership (TPP), a major multilateral free trade agreement with key trading partners in Asia and North America.

"The US and other TPP partner governments should pressure Vietnam to improve its human rights record by releasing all prisoners convicted of crimes merely because the government disapproves of their peaceful beliefs," Robertson said.

The following is a sample of Pham Minh Hoang's work under the pen name Phan Kien Quoc, from a blog post entitled "Political stability and economic development: the price we pay [3]":

For a long time, Vietnam's human labor has been among the cheapest in the world. This has attracted many investors, primarily for labor-intensive industries. Now, Vietnam has become a big processing [country] in the region. The consequence of cheap labor is that the life of the worker becomes worse and worse. This leads to disputes, conflicts and collective work stoppages.

If the state does not have a mechanism to protect laborers and keeps running after growth statistics, these conflicts will never end. Vietnam will never get rid of the processing status with its usual risk, uncertainty and dependency.

Workers and peasants are not the only victims of the cost of political stability and economic growth. Another serious harm is environmental pollution, which has been and will continue to destroy the health of millions of people in the months and years to come.

Source URL: <http://www.hrw.org/news/2011/11/28/vietnam-overturn-democracy-activist-s-sentence>

Links:

[1] <http://www.hrw.org/news/2011/11/28/vietnam-overturn-democracy-activist-s-sentence>

[2] <http://www.hrw.org/bios/phil-robertson>

[3] <http://tudophamminhhoang.wordpress.com/2011/04/23/%E1%BB%95n-d%E1%BB%8Bnh-chinh-tr%E1%BB%8B-va-phat-tri%E1%BB%83n-kinh-t%E1%BA%BF-cai-gia-ph%E1%BA%A3i-tr%E1%BA%A3/>

© Copyright 2011, Human Rights Watch



Vietnam: Free Religious Activists Immediately ^[1]

Crackdown Threatening Freedom of Religion

September 30, 2011

(New York) – Vietnamese authorities should immediately end their crackdown on religious activists and free 15 people detained for expressing their beliefs, Human Rights Watch said today. The arrests, primarily targeting Catholic Redemptorists, are a new blot on the country’s already problematic record on freedom of religion.

The current wave of arrests began on July 30, 2011, when the police arrested three Catholic activists at Tan Son Nhat airport in Ho Chi Minh City as they returned from abroad. During the next seven weeks, the authorities arrested 12 more religious activists. So far, 10 have been charged with violating penal code article 79, subversion of the administration, which carries a 5-to-15-year sentence for “accomplice” and 12 years to life, or the death penalty, for those designated as “organizers” or those whose actions have “serious consequences.”

“These latest arrests demonstrate the [Vietnam](#) ^[2] government’s hostility toward people who seek to practice their faith freely, outside government constraints,” said [Phil Robertson](#) ^[3], deputy Asia director at Human Rights Watch. “The authorities’ actions against these peaceful religious advocates are a telling indicator of Vietnam’s deepening abuses of human rights.”

Many of those arrested in the last two months are affiliated with the Redemptorist Thai Ha church in Hanoi and Ky Dong church in Ho Chi Minh City. Over the last six months, both churches have regularly held prayer vigils calling for the safety of activists in prison or in detention, including the legal advocate Dr. Cu Huy Ha Vu, the Buddhist Hoa Hao activist Nguyen Van Lia, the blogger Nguyen Van Hai (Dieu Cay), the blogger Phan Thanh Hai (Anhbasg), and the blogger Pham Minh Hoang. On September 25, the Ky Dong church held another [vigil](#) ^[4] to pray for the 15 religious activists arrested in the last two months, as well as other prominent activists. The Redemptorists, formally known as the Congregation of the Most Holy Redeemer, are a Catholic missionary congregation founded in Italy in 1732 that currently operate in more than 77 countries worldwide.

The arrests of the influential Catholic bloggers Le Van Son and Ta Phong Tan capped a police campaign of harassment, short-term detention, and interrogations against both bloggers related to their writings. On August 2, the morning of Vu’s appeals court hearing, Le Van Son traveled to the area near the People’s Supreme Court to express his support for Vu, and he was closely followed by police. The next morning police arrested him. Ta Phong Tan was arrested on September 5, six days after she posted an analysis of the illegality and arbitrary nature of Le Van Son’s arrest on her blog, dated August 30. Ta Phong Tan was awarded the prestigious Hellman Hammett prize on September 14 for her writings in the face of ongoing persecution.

Pastoral leaders at both churches report they suffer from regular police surveillance and harassment. On July 10, the immigration police at the Ho Chi Minh City airport prevented Father Pham Trung Thanh, the leader of the Redemptorists in Vietnam, from leaving the country to attend a religious meeting in Singapore, stating that he belongs to “the category of those who have not been allowed to leave the country” (*thuoc dien chua duoc xuat canh*). The police did not provide any explanation of why he has been placed in this category. Two days later, immigration police at the Moc Bai border checkpoint in Tay Ninh prevented another Redemptorist leader, Father Dinh Huu Thoai, from leaving the country. On July 19, Dinh Huu Thoai filed a lawsuit against the officials at that checkpoint for violating his rights, but the People’s Court of Tay Ninh dismissed it on September 26, ruling that the matter is “not under the jurisdiction of the Court.”

“Freedom of movement is a basic human right, enshrined in Vietnam’s Constitution and protected by international human rights covenants ratified by Vietnam,” Robertson said. “By preventing Redemptorist leaders from traveling abroad to attend religious events, the government is showing just how little the rule of law means in Vietnam.”

The most recent arrest occurred on September 19, when Ho Chi Minh City police detained Tran Vu Anh Binh as he returned home from a funeral at the Mother’s Savior Church in the city.

In the recent report on freedom of religion in Vietnam, the US State Department asserted that “[t]here were continued reports of abuses of religious freedom in the country,” and added that “[t]here was no change in the status of respect for religious freedom by the government during the reporting period.”

“Washington needs to publicly acknowledge that Vietnam carries out severe repression against religious dissidents and to press the government to release everyone being held for peacefully expressing the dictates of their conscience rather than the party line,” Robertson said. “Vietnam’s government should acknowledge that freedom of religion does not mean freedom to only behave in ways pre-approved by the government.”

Source URL: <http://www.hrw.org/news/2011/09/30/vietnam-free-religious-activists-immediately>

Links:

[1] <http://www.hrw.org/news/2011/09/30/vietnam-free-religious-activists-immediately>

[2] <http://www.hrw.org/asia/vietnam>

[3] <http://www.hrw.org/bios/phil-robertson>

[4] http://www.hrwnews.org/press/KyDongchurch_Vigil_09252011_copyright_VRN.jpg

© Copyright 2011, Human Rights Watch



Vietnam: Torture, Forced Labor in Drug Detention ^[1]

Companies, Donors Should Press Government to Close Centers

September 6, 2011

(Bangkok) – People detained by the police in [Vietnam](#) ^[2] for using drugs are held without due process for years, forced to work for little or no pay, and suffer torture and physical violence, Human Rights Watch said in a report released today. Government-run drug detention centers, mandated to “treat” and “rehabilitate” drug users, are little more than forced labor camps where drug users work six days a week processing cashews, sewing garments, or manufacturing other items.

The 121-page report, “[The Rehab Archipelago: Forced Labor and Other Abuses in Drug Detention Centers in Southern Vietnam](#) ^[3],” documents the experiences of people confined to 14 detention centers under the authority of the Ho Chi Minh City government. Refusing to work, or violating center rules, results in punishment that in some cases is torture. Quynh Luu, a former detainee who was caught trying to escape from one center, described his punishment: “First they beat my legs so that I couldn’t run off again... [Then] they shocked me with an electric baton [and] kept me in the punishment room for a month.”

“Tens of thousands of men, women and children are being held against their will in government-run forced labor centers in Vietnam,” said [Joe Amon](#) ^[4], health and human rights director at Human Rights Watch. “This is not drug treatment, the centers should be closed, and these people should be released.”

International donor support to the centers, and to the Vietnamese government’s Ministry of Labor, Invalids and Social Affairs, which oversees them, can have the perverse impact of enabling the government to continue to detain HIV-positive drug users, Human Rights Watch said. Under Vietnamese law, HIV-positive detainees have a right to be released if drug detention centers cannot provide appropriate medical care.

Vietnam’s system of forced labor centers for drug users has its origin in “re-education through labor” camps for drug users and sex workers established following the victory of North Vietnam in 1975. The centers received renewed political support in the mid-1990s during a government campaign to eradicate so-called “social evils,” including drug use. As Vietnam’s economy has modernized, the system has expanded. In 2000, there were 56 such centers across Vietnam; by early 2011, there were 123.

People are commonly held in the centers after police detain them or family members “volunteer” them for detention. In a few cases, individuals volunteer themselves, believing the centers provide effective drug dependency treatment.

Former detainees told Human Rights Watch that they were sent to the centers without a formal legal hearing or trial, and without seeing a lawyer or judge. They said that they were unaware of any means to review or appeal the decision to detain

them. Those detainees who entered on a voluntary basis said that they were not free to leave and that their detention was arbitrarily extended by center management or changes in government policy.

Detainees described performing menial labor for long periods processing cashews, farming, sewing clothing and shopping bags, working in construction, and manufacturing products made from wood, plastic, bamboo, and rattan. Kinh Mon, a former detainee, told Human Rights Watch: "I did cashew husking for three years. I worked six and a half to eight hours a day to finish my quota. The fluid from the cashews burned my skin."

Some detainees work for years without pay. Others are paid a fraction of the minimum wage, and center management deducts food, lodging and so-called "management fees" from their pay. At the end of their detention, some detainees said, their families had to pay the centers for debts that center officials claimed the detainees owed.

Since 1994, international donors have worked with these centers on "capacity building," including training center staff in forms of drug dependency treatment and support for HIV interventions. The HIV prevalence of detainees is unknown, but has been variously reported at between 15 and 60 percent. Most centers offer no antiretroviral treatment or even basic medical care.

Some former detainees provided Human Rights Watch with the names of companies that allegedly had products processed in the centers. However the lack of transparency or any publicly accessible list of companies that have contracts with these government-run detention centers made corroborating the involvement of companies difficult. Often, detainees did not know the brand or company owning the products they worked on. Human Rights Watch said it is investigating companies that may have contracted with the detention centers.

Among the companies whose goods some detainees said they were forced to process were two Vietnamese companies, Son Long JSC, a cashew processing company, and Tran Boi Production Co. Ltd., which manufactures plastic goods. Human Rights Watch sent correspondence to both companies a number of times seeking their comments, but neither company replied.

Vietnamese media reports over the past decade identify both Son Long JSC and Tran Boi Productions Co. Ltd as producing products with detention center detainees. In 2011, the director of one detention center told a foreign journalist, with whom Human Rights Watch met, that Son Long JSC oversaw cashew processing within his center.

"Forced labor is not treatment, and profit-making is not rehabilitation," Amon said. "Donors should recognize that building the capacity of these centers perpetuates injustice, and companies should make sure their contractors and suppliers are not using goods from these centers."

Human Rights Watch called on the government of Vietnam to close down these centers permanently and to conduct an immediate, thorough, and independent investigation into torture, ill treatment, arbitrary detention, and other abuses in the country's drug detention centers. The government should also make public a list of all companies that have contracts with detention centers for processing or manufacturing products.

Donors, and their implementing agencies, should review their assistance to detention centers and ensure that no funding is supporting policies or programs that violate international human rights law.

Companies working with Vietnam's drug detention centers, including through sub-contractors, should end such relationships immediately, Human Rights Watch said.

"People who are dependent on drugs in Vietnam need access to community-based, voluntary treatment," Amon said.

"Instead, the government is locking them up, private companies are exploiting their labor, and international donors are turning a blind eye to the torture and abuses they face."

Selected accounts from individuals interviewed for "The Rehab Archipelago:"

I was caught by police in a roundup of drug users.... They took me to the police station in the morning and by that evening I was in the drug center.... I saw no lawyer, no judge.

— Quy Hop, detained in Binh Duc center (Binh Phuoc province) for four years

People did refuse to work but they were sent to the disciplinary room. There they worked longer hours with more strenuous work and if they balked at that work; then they were beaten. No one refused to work completely.

— Ly Nhan, detained in Nhi Xuan center (Ho Chi Minh City) for four years

I had a quota of 30 kilos [of cashews] a day and worked until they were done. If you refused to work you were sent to the punishment room and after a month [there] you agreed to work again.

— Vu Ban, detained in Center No. 2 (Lam Dong province) for five years

Work was compulsory. We produced bamboo furniture, bamboo products, and plastic drinking straws. We were paid by the hour for work eight-hour days, six days a week.

— Luc Ngan, a child when first detained for three-and-a-half years at Youth Center No. 2 (Ho Chi Minh City)

On paper I earned [VND] 120,000 a month but they took it. The center staff said it paid for our food and clothes.

— Quynh Luu, who spent over five years in detention in Center No. 3 (Binh Duong province)

If we opposed the staff they beat us with a one-meter, six-sided wooden truncheon. Detainees had the bones in their arms and legs broken. This was normal life inside.

— Dong Van, detained for over four years in Center No. 5 (Dak Nong province)

[The solitary confinement cell] was about two meters by two meters with a small seat and small window. A toilet hole led outside. You could be held alone there for one to four months.

— Cho Don, a woman detained for five years in Phu Van center (Binh Phuoc province)

No one refused to work by not going to the workplace. Everyone worked, including the children.

— Thai Hoa, detained at Youth Center No. 2 (Ho Chi Minh City) for five years

Source URL: <http://www.hrw.org/news/2011/09/07/vietnam-torture-forced-labor-drug-detention>

Links:

[1] <http://www.hrw.org/news/2011/09/07/vietnam-torture-forced-labor-drug-detention>

[2] <http://www.hrw.org/asia/vietnam>

[3] <http://hrw.org/reports/2011/09/07/rehab-archipelago-0>

[4] <http://www.hrw.org/bios/joseph-amon>

© Copyright 2011, Human Rights Watch



Vietnam: Free Seriously Ill Rights Advocates ^[1]

National Day Releases Should Include All Imprisoned Dissidents

August 31, 2011

(New York) – The Vietnam government should immediately release two ailing dissidents and ensure their proper medical treatment, Human Rights Watch said today. Nguyen Van Hai, the blogger known as Dieu Cay, 59, is believed to have suffered a serious injury in prison. [Father Nguyen Van Ly](#) ^[2], 65, a veteran political activist who had been given medical parole because of three strokes and other serious illness, was re-incarcerated in July.

“A great way for Vietnam to celebrate its National Day would be by freeing all those imprisoned for the peaceful exercise of their human rights,” said [Phil Robertson](#) ^[3], deputy Asia director at Human Rights Watch. “The unconditional release of dissidents needing urgent medical treatment should be at the top of the list.”

[Vietnam](#) ^[4] usually celebrates its National Day, September 2, with a partial amnesty of prisoners. This year the government announced it will release 10,244 prisoners. According to Vietnamese state media, only five of them are prisoners incarcerated for “national security crimes.” Frequently, the authorities punish critics who peacefully exercise their rights to association, assembly, and free expression with criminal convictions under the mantle of “national security crimes.” Hundreds of dissidents convicted of such crimes remain behind bars.

Two of the five who reportedly are to be released are the democracy activists Nguyen Van Tinh and Tran Duc Thach, a 2010 winner of the Hellman/Hammett award for writers who have been victims of political persecution.

Human Rights Watch is deeply concerned for the health of Nguyen Van Hai, popularly known by his blog moniker Dieu Cay. He is co-founder of the Club for Free Journalists, established in September 2007 to promote freedom of expression and independent journalism. He was arrested on April 20, 2008. On September 10, 2008, a criminal court sentenced him to 30 months in prison on a trumped-up tax evasion charge. In 2009, he received the Hellman/Hammett award.

On October 20, 2010, police transferred Nguyen Van Hai from Xuan Loc (Z30A) prison in Dong Nai province, where he had been serving his prison term, to the headquarters of the Security Investigative Bureau of the Ho Chi Minh City Municipal Department of Public Security at No. 4 Phan Dang Luu Street. Both decades-old facilities are notorious for their horrific conditions and the long-term imprisonment and ill-treatment of political prisoners.

On July 17, 2011, Nguyen Van Hai’s former wife, Duong Thi Tan, filed a complaint with the Ho Chi Minh City Municipal Department of Public Security about his health and safety. She alleged that a police officer told her on July 5 that “Mr. Hai has lost an arm.” Concerns have been heightened by the Ho Chi Minh City police’s rejection of an application from Nguyen Van Hai’s lawyer to represent him and multiple requests by his family to visit him. His current whereabouts and health

condition are unknown.

“The Vietnam government shamelessly constructs charges to keep peaceful critics like Dieu Cay behind bars and then deny them any outside contact,” Robertson said. “Denying access to counsel and family members is all the more egregious when there are concerns about his health.”

Father Nguyen Van Ly was returned to prison on July 25. He had been sentenced to eight years in prison in March 2007 for pro-democracy activities, including issuing a manifesto calling for peaceful struggle to establish human rights and democracy in Vietnam. The authorities charged him with disseminating “anti-government propaganda” under penal code article 88.

The authorities released Ly on temporary medical parole on March 15, 2010, and sent him to his parish in Hue. His release came after he suffered three strokes while in solitary confinement in 2009. He was returned to prison in July to serve the remaining five years in his term.

Since 1977, Ly has spent a total of 15 years in prison for his peaceful campaigning for religious freedom, democracy, and human rights. He was one of the principal architects of the democracy movement known as Bloc 8406, named after the date of its founding on April 8, 2006. In 2004 and 2008, he received Hellman/Hammett awards.

Ly needs continuing medical treatment for his serious health problems, which include a three-centimeter brain tumor that may have contributed to paralysis of his right leg and arm while in prison, and carotid atherosclerosis, which can cause strokes.

“Father Ly was convicted solely for expressing peaceful political beliefs and he should never have been imprisoned in the first place,” Robertson said. “We are concerned that his return to prison when he is so ill is putting his life at grave risk.”

Source URL: <http://www.hrw.org/news/2011/08/31/vietnam-free-seriously-ill-rights-advocates>

Links:

[1] <http://www.hrw.org/news/2011/08/31/vietnam-free-seriously-ill-rights-advocates>

[2] <http://www.hrw.org/news/2011/07/26/vietnam-father-nguyen-van-ly-should-remain-free>

[3] <http://www.hrw.org/bios/phil-robertson>

[4] <http://www.hrw.org/en/asia/vietnam>

© Copyright 2011, Human Rights Watch



Vietnam: Free Peaceful Land Rights Activists ^[1]

Petitioners Imprisoned for Helping Rural Poor, Practicing Their Rights

August 17, 2011

(Bangkok) – The Vietnam ^[2] government should immediately release four peaceful land rights activists when their appeals cases are heard by the People’s Court of Ho Chi Minh City on August 18, 2011, Human Rights Watch said today. By criminalizing freedom of speech and association in yet another trial of dissidents, the Vietnam authorities are violating the commitments they undertook by ratifying the International Covenant on Civil and Political Rights, Human Rights Watch said.

Duong Kim Khai, Pham Van Thong, Tran Thi Thuy, and Cao Van Tinh are appealing their convictions for “subversion against the people’s administration” under article 79 of the penal code, and sentences of 5 to 8 years in prison ordered by the People’s Court of Ben Tre on May 30. The authorities alleged that the four were found in possession of anti-government documents, which government media characterized as “calling for a multiple party system and distort[ing] the leadership of the Communist Party of Vietnam” and that three belonged to a banned overseas Vietnamese political organization. Three other members of the group – Nguyen Thanh Tam, Nguyen Chi Thanh, and Pham Ngoc Hoa – were each sentenced to two years in prison and did not appeal.

“Judging by their rolling crackdown on those who express dissenting views, Vietnam’s leaders seem to think that they can sign international human rights treaties with invisible ink,” said Phil Robertson, deputy Asia director at Human Rights Watch. “The UN and Vietnam’s donors need to speak up loud and clear to condemn Hanoi’s actions, and demand the release of everyone it has imprisoned for exercising their right to peaceful expression, association, and assembly.”

All of the defendants have for many years helped aggrieved citizens who are resisting land confiscations and fighting for land rights. Pastor Duong Kim Khai, the leader of the so-called Mennonite Cattle Shed congregation in Ho Chi Minh City, has assisted land rights petitioners from the Mekong Delta to file complaints with local, provincial, and national authorities. The congregation has been based in the cattle barn of a supporter since the previous house of worship was seized by authorities.

Tran Thi Thuy, a Hoa Hao Buddhist follower, has been struggling with authorities for many years to regain her family’s land, which was confiscated by local officials. The two other defendants were also targeted for their persistent land rights activism. The defendants are not known to have advocated violence.

While Human Rights Watch takes no position on the underlying merits of the land rights petitions, defending people with grievances and peacefully criticizing the government are activities that should be protected under the right of freedom of expression in international law.

“There is no evidence that the accused did anything more than support the human rights of desperate local people with their backs against the wall, facing loss of their lands and homes where their families have lived for generations,” Robertson said. “By claiming those actions amount to subverting the government, Vietnam government authorities are displaying their contempt for those trying to assist the rural poor and the landless, whose support has been one of the pillars of the Vietnam Communist Party since its founding.”

Source URL: <http://www.hrw.org/news/2011/08/17/vietnam-free-peaceful-land-rights-activists>

Links:

[1] <http://www.hrw.org/news/2011/08/17/vietnam-free-peaceful-land-rights-activists>

[2] <http://www.hrw.org/asia/vietnam>

© Copyright 2011, Human Rights Watch



Vietnam: Father Nguyen Van Ly Should Remain Free ^[1]

Police Return Ailing Dissident Priest to Prison

July 26, 2011

(Bangkok) – Vietnam should immediately release the Roman Catholic priest Father Nguyen Van Ly, who was sent back to prison on July 25, 2011, to serve a sentence for political dissent, Human Rights Watch said today. The state-run Vietnam News Agency (VNA) said he was returned to prison for “compiling, storing and distributing documents...opposing the Party and the State” and “inciting people to...stage demonstrations,” which the news agency claimed defied the law.

The activist priest, who suffered several serious strokes while serving an eight-year prison sentence, was granted temporary medical parole 16 months ago. With his return to prison, Ly must serve five more years behind bars followed by five years of probationary house arrest.

“Throwing Father Ly back in prison only compounds the cruelty and injustice of his original sentence,” said Phil Robertson, deputy Asia director of Human Rights Watch. “Father Ly was convicted solely for expressing peaceful political beliefs and should never have been imprisoned in the first place.”

Human Rights Watch is concerned for Ly’s health since he suffers from serious ailments that could worsen in prison. He experienced three strokes while held in solitary confinement in prison in 2009, has a 3-centimeter brain tumor that may have contributed to paralysis of his right leg and arm while in prison, and suffers from carotid atherosclerosis, a leading cause of stroke, and high blood pressure.

Ly, 65, was arrested ^[2] and sentenced to eight years in prison in March 2007 for pro-democracy activities, including issuing a manifesto calling for peaceful struggle to establish human rights and democracy in Vietnam. The authorities charged him with disseminating “anti-government propaganda,” under penal code article 88. During his trial in 2007, police placed their hands over his mouth to muzzle him when he confronted Vietnamese judicial officials and accused them of practicing the “law of the jungle.”

Ly has spent a total of 15 years in prison since 1977 for his peaceful campaigning for religious freedom, democracy, and human rights ^[3]. He was one of the principal architects of the democracy movement known as Bloc 8406 ^[4], named after the date of its founding on April 8, 2006. He also played leading roles in two underground pro-democracy publications, “Tu Do Ngon Luan” (Freedom of Expression) and “Tu Do Dan Chu” (Freedom and Democracy), and was one of the founding members of the opposition Vietnam Progression Party. In 2008 and 2004, he received the Hellmann/Hammett writers award ^[5].

“Vietnam denies its people basic freedoms and unjustly imprisons peaceful activists like Father Ly,” Robertson said. “Returning Father Ly to prison for another five years poses serious risks to his health and violates his right to peaceful expression and freedom from arbitrary detention.”

His return to prison marks the end of the home detention at his parish in Hue, where he was sent to recover his health starting on March 15, 2010. In Hue, the People's Committee of Vinh Ninh Ward instructed Ly that he was strictly prohibited from making any anti-government actions or communications, and that he was required to get advance permission to leave the ward. The police in Hue harassed and intimidated anyone who tried to visit Ly, including a US embassy official, Christian Marchant, who was assaulted when he tried to visit Ly in January 2011.

In September 2010, the United Nations Working Group on Arbitrary Detention called for the immediate and unconditional release of Ly, who it said had been arbitrarily and illegally detained and denied access to legal counsel by the Vietnamese authorities.

Vietnam's development partners, including the US, the European Union, Australia, Canada, and Japan, should weigh in forcefully with the government and insist that Ly be released from prison, Human Rights Watch said.

"Vietnam's donors need to make it clear that it is not acceptable for Vietnam to continue to flagrantly violate human rights and religious freedom," Robertson said. "Until Vietnam improves its record on religious freedom, the US should reinstate Vietnam's designation as a Country of Particular Concern for violations of religious freedom."

Source URL: <http://www.hrw.org/news/2011/07/26/vietnam-father-nguyen-van-ly-should-remain-free>

Links:

[1] <http://www.hrw.org/news/2011/07/26/vietnam-father-nguyen-van-ly-should-remain-free>

[2] <http://www.hrw.org/news/2007/03/08/vietnam-crackdown-dissent-wake-wto-and-apec>

[3] <http://www.hrw.org/en/news/2011/01/25/vietnam-intensifying-repression-human-rights>

[4] <http://www.hrw.org/en/news/2011/04/07/vietnam-free-political-and-religious-detainees>

[5] <http://www.hrw.org/news/2008/07/21/vietnam-eight-vietnamese-writers-receive-prestigious-human-rights-prize>

© Copyright 2011, Human Rights Watch



Vietnam: Free Political and Religious Detainees [1]

Peaceful Dissidents and Bloggers Arbitrarily Locked Up

April 7, 2011

(New York) - Dozens of peaceful advocates for democratic reforms, rule of law, religious freedom, and human rights face arbitrary detention and harsh prison sentences, with no respite in sight, Human Rights Watch said today, on the fifth anniversary of the founding of the democracy movement known as Block 8406.

"With a steady stream of people being locked up for nothing more than asking for their rights, the situation is critical," said Phil Robertson, deputy Asia director at Human Rights Watch. "Vietnam's donors and development partners need to forcefully express their public support for Vietnam's courageous activists and call for the immediate release of all who have been arbitrarily detained."

Named for its inception date of [April 8, 2006](#) [2], Block 8406 swelled into a movement of thousands through [online petitions](#) [3] calling for respect for basic human rights, establishment of a multiparty political system, and guarantees of freedom of religion and political association. Vietnamese authorities respond with harassment and arrests to nonviolent appeals by Block 8406 and other groups advocating for democracy and human rights.

Since June 2010, Vietnamese authorities have arrested and detained at least 24 dissidents, house church activists, and bloggers, many of whom have been held incommunicado for many months without access to legal counsel or to their families.

During the last month alone, courts sentenced a [prominent legal activist, Cu Huy Ha Vu](#) [4], to seven years in prison on April 4; upheld harsh sentences for three young labor activists on March 18; and sentenced Chau Heng, a land rights activist and member of the Khmer Krom ethnic minority in An Giang province, to two years in prison on March 31. On April 8, Vu Duc Trung and Le Van Thanh, who have been held by Hanoi police since June 2010, will be tried for broadcasting information from an illicit house-based radio station about the Falun Gong religion.

In an attempt to shut down popular support for Dr. Cu Huy Ha Vu, on April 4 police in Hanoi arrested Pham Hong Son, a physician, and Le Quoc Quan, a lawyer, as they approached the People's Court of Hanoi on Hai Ba Trung street, where the trial was taking place. Initially, authorities indicated the trial would be open, but then the area surrounding the court was cordoned off and guarded by police and civil defense forces.

Le Quoc Quan is a former fellow of the US-based National Endowment for Democracy (NED) [who was previously arrested on March 8, 2007](#) [5], four days after his return from the United States. The authorities detained him for 100 days on charges of carrying out activities to overthrow the government, under article 79 of the penal code. He was released on June 16, 2007.

A pro-democracy activist, Pham Hong Son was arrested on March 27, 2002, on espionage charges, under article 80 of the penal code, for using the internet to communicate with fellow dissidents and to disseminate pro-democracy articles and statements. The authorities sentenced him to 13 years in prison in June 2003 [6], which was later reduced [7] to five years upon appeal, followed by three years on probation. The government gave him amnesty and released him on August 30, 2006.

"The government is playing a game of guilt by proximity by arresting Pham Hong Son and Le Quoc Quan for standing near the court," Robertson said. "It only adds certainty that this show trial is a new high-water mark in a continuing crack-down on human rights advocates in Vietnam."

Vietnamese prison authorities routinely mistreat and torture political detainees during interrogation to pressure them to sign pre-written confessions and to disclose information about other activists. During pretrial detention, which can last up to 20 months, political detainees are often shackled in solitary confinement in dark cells and allowed out only for interrogation and abuse.

Since January, police have held a number of activists connected to Bloc 8406, pending investigation, such as a land rights petitioner, Ho Thi Bich Khuong, and a Protestant pastor, Nguyen Trung Ton. Other supporters of Bloc 8406 have been sentenced to long prison terms, including Pham Ba Hai, Nguyen Hoang Quoc Hung, Nguyen Xuan Nghia, Tran Anh Kim, Tran Khai Thanh Thuy, Tran Quoc Hien, Truong Minh Duc, Truong Quoc Huy, and Vi Duc Hoi. In addition, several Bloc 8406 members released from prison remain under house arrest, including Father Nguyen Van Ly, Le Thi Cong Nhan, and Nguyen Van Dai.

Authorities are also holding other peaceful activists not directly associated with Bloc 8406, such as Pham Minh Hoang, who blogged as Phan Kien Quoc, and a Mennonite pastor, Duong Kim Khai. Both have been in detention for more than six months on allegations of subversion.

Nguyen Van Hai, who blogged under the name Dieu Cay, has been held incommunicado since October 20, 2010, after serving 30 months in prison on a trumped-up tax evasion charge.

Another blogger, Phan Thanh Hai, a.k.a. Anhbasg, has been detained for almost six months. Police arrested him on October 18, two days before Nguyen Van Hai's scheduled release date. Both are founders of the Club for Free Journalists, established in September 2007 to promote freedom of expression and human rights. Another founding member of the club, Ta Phong Tan, also a blogger, has been harassed and interrogated by the police.

"Bloggers and activists peacefully campaigning for freedom of expression and human rights should not be arrested and locked up," Robertson said. "Holding them for months without trial or access to legal counsel seriously violates their basic civil rights. They should be immediately and unconditionally released."

Annex

Activists and dissidents detained and awaiting trial in 2010 and 2011

The following list of political and religious detainees, in the order of most recent arrest, should not be considered exhaustive or representative of political and religious prisoners in Vietnam. The Vietnamese government does not allow access to its prisons and detention centers by independent monitors, nor does it generally publish the names, locations,

and charges against people in detention. This list should be considered a sample of the most recent arrests of dissidents who have not yet gone to trial.

- 1. **Le Quoc Quan** - lawyer and a former fellow of the National Endowment for Democracy. Arrested April 4, 2011, in Hanoi. No formal charge announced.
- 2. **Pham Hong Son** - a medical doctor and political prisoner from 2002 to 2006. Arrested April 4, 2011, in Hanoi. No formal charge announced.
- 3. **Nguyen Ngoc Cuong** - activist from Ho Chi Minh City. Arrested April 1, 2011, in Dong Nai for allegedly distributing anti-government leaflets.
- 4. **Vu Quang Thuan** - leader of Vietnam Progressive Democratic Movement. Arrested February 2, 2011, upon arrival at Tan Son Nhat airport in Ho Chi Minh City and charged with "fleeing abroad to carry out activities against the people's administration" under article 91 of the penal code.
- 5. **Nguyen Trung Ton** - a religious activist, Bloc 8406 supporter, and Protestant pastor, who heads the Full Gospel Church in Thanh Hoa province. Arrested January 15, 2011, in Nghe An. No formal charge announced.
- 6. **Ho Thi Bich Khuong** - a land rights activist, blogger, and member of Bloc 8406 who was imprisoned for six months in 2005 and again from 2007-2009. Arrested January 15, 2011, in Nghe An. No formal charge announced.
- 7. **K Khiep** - Ko Ho ethnic group. Arrested December 11, 2010, in Tay Ninh for alleged affiliation with the Vietnamese-Love-Vietnamese (Nguoi Viet Yeu Nguoi Viet) party. Charge and whereabouts unknown.
- 8. **K Theo** - Ko Ho ethnic group. Arrested December 10, 2010, in Tay Ninh for alleged affiliation with the Vietnamese-Love-Vietnamese party. Charge and whereabouts unknown.
- 9. **Nguyen Chi Thanh** - land rights activist and member of the Cow Shed Mennonite home church. Arrested November 19, 2010, in Ho Chi Minh City. No formal charge announced.
- 10. **Pham Ngoc Hoa** - land rights activist and a member of the Cow Shed Mennonite home church. Arrested November 19, 2010, in Ho Chi Minh City. No formal charge announced.
- 11. **Siu Glol** - Montagnard (Jarai) Christian pastor. Arrested September 22, 2010, in Chu Se district, Gia Lai. Charges and whereabouts unknown.
- 12. **Kpuih Theng** - Montagnard (Jarai) Christian. Arrested September 13, 2010, by border guards in Gia Lai province as he was trying to flee to Cambodia. Charge and whereabouts unknown.

- 13. Ro Mah Hit** - Montagnard (Jarai) Christian. Arrested August 25, 2010, in Chu Prong district, Gia Lai for allegedly using unauthorized religious activities to incite unrest in rubber plantations. Charges and current whereabouts unknown.
- 14. Kpuih Do** - Montagnard (Jarai) Christian. Arrested August 25, 2010, in Chu Prong district, Gia Lai for allegedly using unauthorized religious activities to incite unrest in rubber plantations. Charges and whereabouts unknown.
- 15. Kpa Thom** - Montagnard (Jarai) Christian. Arrested August 25, 2010, in Chu Prong district, Gia Lai for allegedly using unauthorized religious activities to incite unrest in rubber plantations. Charges and whereabouts unknown.
- 16. Ro Lah K'lan** - Montagnard (Jarai) Christian. Arrested August 25, 2010, in Chu Prong district, Gia Lai for allegedly using unauthorized religious activities to incite unrest in rubber plantations. Charges and whereabouts unknown.
- 17. Phan Thanh Hai** (aka blogger Anhbasg) - founding member of Club for Free Journalists. Arrested October 18, 2010, in Ho Chi Minh City. No formal charge announced.
- 18. Pham Minh Hoang** (aka blogger Phan Kien Quoc) - democracy activist affiliated with the banned Viet Tan party. Arrested August 13, 2010, in Ho Chi Minh City and charged with "subversion of the people's administration" under article 79 of the penal code.
- 19. Duong Kim Khai** - pastor of the Cow Shed Mennonite home church and a land rights activist. Arrested August 10, 2010, in Ho Chi Minh City. No formal charge announced.
- 20. Tran Thi Thuy** - land rights activist and a follower of Hoa Hao Buddhist Church. Arrested August 10, 2010, in Dong Thap and charged with "subversion of the people's administration" under article 79 of the penal code.
- 21. Nguyen Thanh Tam** - land rights activist and member of the Cow Shed Mennonite home church. Arrested July 18, 2010, in Ben Tre. No formal charge announced.
- 22. Pham Van Thong** - land rights activist and a member of the Cow Shed Mennonite home church. Arrested July 18, 2010, in Ben Tre. Charged with carrying out activities to overthrow the government under article 79 and disseminating propaganda against the government under article 88 of the penal code.
- 23. Vu Duc Trung** - a Falun Gong member. Arrested June 11, 2010, in Hanoi for installing equipment to broadcast information about Falun Gong to China. He is scheduled for trial on April 8, 2011, on charges of "illegally transmitting information on the network of telecommunication" under article 226 of the penal code.
- 24. Le Van Thanh** - Falun Gong member. Arrested June 11, 2010, in Hanoi for installing equipment to broadcast information about Falun Gong to China. Scheduled for trial on April 8, 2011, on charges of "illegally transmitting information on the network of telecommunication" under article 226 of the penal code.

Continued detention after prison sentence completed

Nguyen Van Hai (a.k.a blogger Dieu Cay) - co-founder of the Club for Free Journalists, arrested April 20, 2008, and sentenced September 10, 2008, by the People's Court of District Three, Ho Chi Minh City, to two years and six months in prison for tax evasion. The government refused to release him on October 20, 2010, after he completed his prison term. While the authorities have not formally announced any additional charges, his family said they believe the government is holding him on a new charge of "propaganda against the Socialist Republic of Vietnam" under article 88 of the penal code.

Source URL: <http://www.hrw.org/news/2011/04/07/vietnam-free-political-and-religious-detainees>

Links:

- [1] <http://www.hrw.org/news/2011/04/07/vietnam-free-political-and-religious-detainees>
- [2] <http://www.hrw.org/en/news/2006/05/10/vietnam-fledgling-democracy-movement-under-threat>
- [3] <http://bloc8406vn.blogspot.com/2010/11/bloc8406manifesto.html>
- [4] <http://www.hrw.org/en/news/2011/04/02/vietnam-release-prominent-legal-activist>
- [5] <http://www.hrw.org/en/news/2007/04/05/vietnam-end-attacks-year-old-democracy-movement>
- [6] <http://www.hrw.org/en/news/2003/06/16/vietnams-crackdown-cyber-dissidents>
- [7] <http://www.hrw.org/en/news/2003/08/25/vietnam-supreme-court-should-overturn-cyber-dissidents-conviction>

© Copyright 2011, Human Rights Watch