

VIETNAM: NOW! Campaign 2018 report about Vietnamese prisoners of conscience

Latest Count: Vietnam Holds 244 Prisoners of Conscience

VietnamPoCS (03.01.2019) – <https://bit.ly/2LZCe4R> – Press release: According to the Now! Campaign, an initiative involving 14 international and Vietnamese civil society organizations, the government of Vietnam is holding at least 244 in prisons or similar forms of detention compared to 165 cases in November 2017, when the campaign was launched. This makes the country the second largest jailer of dissidents in Southeast Asia, only behind Myanmar.

The above number includes 224 who have been convicted, typically of political crimes such as “propaganda against the state” and “injuring the national unity,” and 20 others who are held in pre-trial detention. In addition, eight persons who participated in peaceful protests in mid-June of 2018 were given between five months and two years of suspended prison terms.

Many bloggers, lawyers, unionists, land rights activists, political dissidents, and followers of non-registered minority religions have been arrested and detained for peacefully exercising their internationally and constitutionally protected rights, principally the right to freedom of expression, freedom of peaceful assembly and freedom of religion or belief. The list does not include individuals who

have engaged in or advocated violence.

In 2018, Vietnam arrested 27 human rights activists and convicted 40 activists with a total imprisonment of 300 years and 69 years under house arrest. In addition, 64 peaceful protesters were convicted in connection to the mass demonstrations that started in mid-June, where tens of thousands of protesters opposed the two bills on special economic zones and cyber security. The demonstrators were sentenced to a total of 121 years and five months in prison and nine years of suspended prison terms.

Thirty-two of the prisoners of conscience among the 244 identified by the NOW! Campaign are female. With one exception, all of these women come from the majority Kinh ethnic group. The one exception, Rmah Hruth, is an ethnic Jarai woman who was sentenced to five years of imprisonment in March 2014. In total, 186 people, or 76.6 % of the list, are ethnic Kinh. The second largest ethnic grouping on the list are Montagnards, a loose set of religious and ethnic minorities who live in the mountains of the Central Highlands. They account for 24.2% of those on the list. Seventeen of those on the list are Hmong people and two from Khmer Krom ethnic minority.

Most prisoners of conscience have been charged with or convicted of allegations under Articles 109, 116, 117, 318 and 331 in the 2015 Penal Code (previously Articles 79, 87, 88, 245 and 258 of the 1999 Penal Code, respectively):

– 45 activists convicted on subversion (Article 79 of 1999

Penal Code or Article 109 in the 2015 Penal Code);

– 23 activists convicted and five charged with anti-state propaganda (Article 88 of the 1999 Penal Code or Article 117 of the 2015 Penal Code);

– 53 people from ethnic minorities convicted for undermining the national unity policy (Article 87 of the 1999 Penal Code);

– 13 activists convicted of or charged with “abusing democratic freedom” (Article 258 of the 1999 Penal Code or Article 331 of the 2015 Penal Code);

– 78 individuals convicted of or charged with “disrupting public orders” (under Article 245 of the 1999 Penal Code or Article 318 of the 2015 Penal Code). Fifty two of them were imprisoned for peaceful participation in or being suspected of planning to participate in the mid-June demonstrations and their aftermath.

– The charge(s) for 16 individuals are unknown or yet to be announced by authorities.

Note that 25 individuals in the Now! Campaign’s report dated October 1, 2018, are not listed in the year-end report due to the limited information on their cases.

Background

In order to maintain a one-party regime, Vietnam's communist government continues its intensified crackdown on local dissent by arresting and convicting many government critics, bloggers, Facebook users, non-violent demonstrators, environmentalists, and social activists.

To suppress the growing social dissatisfaction, silence activists and discourage critics, the government has used controversial articles in the national security provisions of the Penal Code to arrest democracy activists and human rights defenders and convict them with lengthy sentences. Democracy campaigner and environmentalist Le Dinh Luong (M) was sentenced to 20 years in prison and five years of probation, the most severe prison sentence given to an activist in the past five years.

The communist regime has employed harsh measures to prevent street demonstrations and used allegation of "disrupting public orders" under Article 318 of the 1999 Penal Code to imprison dozens of peaceful demonstrators.

The largest wave of arrests in two decades

In 2018, Vietnam arrested 26 activists and bloggers. Twenty-one of them were charged under provisions of the Penal Code while the charges against the remaining five have not been announced.

– University student Huynh Duc Thanh Binh (M) was charged with "attempting to overthrow the government" under Article 109 of

the 2015 Penal Code.

– Five activists were arrested and charged with “disrupting security” in early September: Hoang Thi Thu Vang (F) and four members of the unregistered Hien Phap (Constitution) Group: Ngo Van Dung (M), Nguyen Thi Ngoc Hanh (F), Doan Thi Hong (F) and Ho Dinh Cuong (M). Security forces kidnapped all of them on September 1-4 without informing their families about their arrests and places of detention. They are facing imprisonment of up to 15 years if convicted.

– Five activists were arrested and charged with “making, storing or spreading information, materials or items for the purpose of opposing the government of the Socialist Republic of Vietnam” under Article 117: Nguyen Ngoc Anh (M), Nguyen Dinh Thanh (M), Huynh Truong Ca (M), Nguyen Trung Linh (M) and Nguyen Van Quang (M).

– Nine activists were arrested and charged with “abusing democratic freedom” under Article 331 of the Penal Code: Do Cong Duong (M), Le Anh Hung (M), Nguyen Van Truong (M), Doan Khanh Vinh Quang (M), Bui Manh Dong (M), Nguyen Hong Nguyen (M), Truong Dinh Khang (M), and Le Minh The (M). Five of them were convicted and sentenced to between one and five years in prison while four others are in pre-trial detention.

– Charge(s) against Huynh Duc Thinh (M), Tran Long Phi (M), Do The Hoa (M) and Tran Thanh Phuong (M) have not been publicized. Police have yet to hand over their arrest warrants to their families. All of these dissidents have been held incommunicado during the investigation period. They are not

permitted to meet with their lawyers, and their families are not allowed to visit them in person and must turn over to the prison authorities food, medicine and other personal necessities intended for the detainees.

In addition, Vietnam arrested hundreds of people participating in peaceful demonstrations in Ho Chi Minh City, Hanoi, Da Nang, Dong Nai, Nha Trang, Binh Thuan, Ninh Thuan, Binh Duong, and other localities on June 10-11. These demonstrators protested the National Assembly's draft bills on special economic zones and on cyber security. The first bill is believed to ignore the country's sovereignty and favor Chinese investors while the second bill is considered a draconian tool to silence online critics.

For the UN review of Vietnam's implementation of the Convention Against Torture, held on November 14-15, 2018, BPSOS and five other civil organizations had submitted a joint report detailing the police's heavy-handed treatment and arrest of peaceful demonstrators in June 2018. Vietnam's security forces have used plainclothes agents to kidnap dissidents and hold them for months without publicizing charge(s) against them or informing their families about their arrest and the allegations made against them. At least ten activists were so taken into police custody in early September, and they are still held incommunicado for investigation on serious accusations including "disrupting security" under the national security provisions of the Penal Code. Among them are bloggers Nguyen Thi Ngoc Hanh (F), Tran Thanh Phuong (M), Hung Hung (M), Ngo Van Dung (M), Doan Thi Hong (F) and Do The Hoa (M) of the unregistered group Hien Phap (Constitution).

In its Concluding Observations following the review of Vietnam's implementation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Geneva in mid November, the UN Committee Against Torture urges Vietnam to "[g]uarantee that all detained persons are afforded, in law and in practice, all fundamental legal safeguards from the very outset of their deprivation of liberty, including the right to be informed immediately of the charges against them, to have prompt access to a lawyer or to free legal aid during all proceedings, to notify a relative or another person of their choice about their detention or arrest, to request and receive a medical examination from an independent doctor, including by a doctor of their choice upon request, and to have their deprivation of liberty recorded in registers at all stages..."

Lengthy pretrial detention and failure to promptly bring detainee to court

In many cases, activists have been held for up to 28 months in pre-trial detention. For example, human rights lawyer Nguyen Van Dai (M) and his assistant Le Thu Ha (F) were in pre-trial detention from December 16, 2015 until their trial on April 5, 2018. During the pre-trial detention, activists are kept incommunicado and not permitted to meet with their lawyers or relatives. In most cases, they may have access to lawyers to prepare for their defense only a few days before being tried.

The case of blogger Nguyen Danh Dung (M) is of particular concern. On December 16, 2016, authorities in the central province of Thanh Hoa arrested him and charged him with "conducting anti-state propaganda" under Article 88 of the 1999 Penal Code. There has been no information about him since

then. It is unclear whether he had been tried or freed or is still in pre-trial detention.

In its Concluding Observations, the UN Committee Against Torture has expressed concern about the lengthy pre-trial detention faced by human rights defenders and advised Vietnam to “[e]nsure that persons in administrative detention enjoy fundamental legal safeguards such as access to a lawyer or legal aid, the right to notify their family about their detention; and that their conditions of detention and treatment are not inferior to those of other persons deprived of their liberty.”

Heavy sentences

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Heavy Sentences

In 2018, Vietnam convicted 40 activists, 32 of them being arrested in 2015-2017 and eight in 2018.

– As many as 16 activists were convicted on subversion. They included eight members of the banned group Brotherhood for Democracy: Nguyen Van Dai (M), Nguyen Trung Ton (M), Nguyen Trung Truc (M), Pham Van Troi (M), Truong Minh Duc (M), Tran Thi Xuan (F), Nguyen Van Tuc (M), and Le Thu Ha (F); environmentalist and democracy advocate Le Dinh Luong (M), retired teacher Dao Quang Thuc (M) and five individuals alleged to be connected to the yet-to-be-established Coalition for Self-Determination for the Vietnamese People: Luu Van Vinh (M), Nguyen Quoc Hoan (M), Nguyen Van Duc Do (M), Tu Cong Nghia (M) and Phan Trung (M). They were given harsh sentences

of 7-20 years in prison and additional probation of 1-5 years.

– Seven activists were convicted on charge of “conducting anti-state propaganda” under Article 88 of the 1999 Penal Code or “making, storing or spreading information, materials or items for the purpose of opposing the government of the Socialist Republic of Vietnam” under Article 117 of the 2015 Penal Code: Vu Quang Thuan (M), Nguyen Van Dien (M), Tran Hoang Phuc (M), Bui Hieu Vo (M), Nguyen Viet Dung(M), Huynh Truong Ca (M) and Nguyen Dinh Thanh (M). They were sentenced to between 4.5 years and 8 years in prison. The highest sentence was given to Mr. Thuan and the lightest imprisonment was given to Bui Hieu Vo, an online blogger in HCM City. Some of them were given additional four or five years of probation.

– Four activists were convicted on allegation of “abusing democratic freedom to infringe interests of the state” under Article 331 of the 2015 Penal Code: Truong Dinh Khang (M), Nguyen Hong Nguyen (M), Doan Khanh Vinh Quang (M) and Bui Manh Dong (M). They were sentenced to 1 year, 2 years, 27 months and 30 months in prison, respectively.

– Do Cong Duong (M), an anti-corruption activist and independent journalist in Bac Ninh province, was arrested while filming an enforced land grabbing in February 2018. Later, he was convicted on allegations of “abusing democratic freedom” and “disrupting public orders” under Articles 331 and 318 of the 2015 Penal Code. He was sentenced in separate trials to 5 years in prison for the first charge and 4 years in prison for the second charge.

– Nine activists and 64 peaceful protesters in mid-June were convicted for “disrupting public orders” and sentenced to between 8 months and 6 years in prison.

Mistreatment in prison

In July – August imprisoned human rights activists Tran Thi Nga (F) and Nguyen Ngoc Nhu Quynh (aka blogger Mother Mushroom) (F) were reportedly mistreated in prison. Ms. Nga was beaten and given death threats by an inmate. On September 29, Nga was denied of her family’s visit. The last time she met with her family was July 26. Her family is concerned about her safety. Ms. Quynh was also threatened by an inmate and was given poor-quality food. She conducted a 17-days hunger strike that lasted from July 7 to July 23 in a bid to protest the prison’s inhumane treatment.

Tran Huynh Duy Thuc (M), who is serving his 16-year imprisonment at Prison Camp No. 6 in the central province of Nghe An, started a hunger strike on August 14 to protest the bad treatment by prison authorities, which aimed to coerce him to make false confessions. The hunger strike lasted till September 16.

On August 16, 2018, appearing as witnesses at the hearing of Le Dinh Luong (M), Nguyen Van Hoa (M) and Nguyen Viet Dung (M) informed the presiding judge that their written confessions against Luong had been obtained through torture. They were both taken to another room where Hoa was beaten again by a senior police officer from the Nghe An province’s Police Department.

The Ministry of Public Security apparently transfers prisoners of conscience to prison camps far from their families as additional punishment for those who refused to admit wrongdoings. For example, Tran Huynh Duy Thuc, Nguyen Ngoc Nhu Quynh, and Tran Thi Nga were sent to prisons located between 1,000 km and 2,000 km from their families. Other documented cases are included in the following table.

No.	Name	Charge	Place of detention	Home location	Distance (km)	Period
1	Nguyen Ngoc Nhu Quynh (f)	88	Prison camp No. 5- Thanh Hoa	Nha Trang	1,300	2017-2018
2	Tran Thi Nga (f)	88	Prison camp Dak Trung- Gia Lai	Hanoi	1,250	Currently
3	Tran Huynh Duy Thuc (m)	79	Prison camp No. 6- Nghe An	HCM City	1,400	Currently
4	Tran Anh Kim (m)	79	Prison camp No. 5- Thanh Hoa	Thai Binh	150	Currently
5	Nguyen Dang Minh Man (f)	79	Prison camp No. 5- Thanh Hoa	Vinh Long	1,600	Currently
6	Nguyen Van Oai (m)	88	Prison camp Dak Trung- Gia Lai	Nghe An	1,300	Currently
7	Ngo Hao (m)	79	An Diem Prison camp- Quang Nam	Phu Yen	500	Currently
8	Bui Thi Minh Hang (f)	245	Prison camp Dak Trung- Gia Lai	Vung Tau	1,000	2015-2017
9	Mai Thi Dung (f)	79	Thanh Xuan Prison camp- Hanoi	Dong Thap	2,000	2013-2015
10	Can Thi Theu (f)	245	Prison camp No. 5- Thanh Hoa	Hanoi	300	2016-2017
11	Ho Duc Hoa (m)	79	Ba Sao Prison camp- Ha Nam	Nghe An	300	Currently
12	Le Thanh Tung (m)	79	Prison camp No. 5- Thanh Hoa	Hanoi	210	Currently
13	Nguyen Hoang Quoc Hung (m)	89	Xuyen Moc Prison camp- Ba Ria- Vung Tau	HCM City	100	Currently
14	Nguyen Huu Vinh (m)	258	Prison camp No. 5- Thanh Hoa	Hanoi	300	Currently
15	Nguyen Van Hoa	88	An Diem Prison camp- Quang Nam	Ha Tinh	500	Currently
16	Phan Kim Khanh	88	Ba Sao Prison camp- Ha Nam	Phu Tho	300	Currently
17	Phan Van Thu	79	An Phuoc Prison camp, Binh Duong	Phu Yen	500	Currently
18	Tran Thi Thuy	79	An Phuoc Prison camp, Binh Duong	Ben Tre	150	2013-2017
19	Le Dinh Luong	79	Ba Sao Prison camp- Ha Nam	Nghe An	300	Currently

Release from prison

Ten activists were released from prison this year. Nguyen Huu Quoc Duy (M), Dinh Nguyen Kha (M), Tran Thi Thuy (F), Giang A Vang (M), and Vang A Long (M) completed their sentence. The first three are still placed under probation – they are under the close surveillance of local authorities during the probation period. After years in prison, their health has worsened; diagnosed with a number of severe diseases, they need urgent medical treatment to partly recover their health.

On the other hand, Nguyen Ngoc Nhu Quynh (F), Le Thu Ha (F) and Nguyen Van Dai (M) were given amnesty but forced to leave Vietnam to live in exile. On June 7, Mr. Dai, accompanied by his wife, and Ms. Ha left for Germany. On October 17, Ms. Quynh was accompanied by her two children and her mother to the United States.

International responses

Vietnam's persecution against dissidents was met by strong international condemnation, particularly by the United States, the European Union, Germany, and the United Kingdom as well as by international human rights organizations such as Human Rights Watch, Amnesty International, Reporters Without Borders and the Committee to Protect Journalists.

Along with calling on Hanoi to release all prisoners of conscience immediately and unconditionally, the international community has urged Vietnam to respect international human rights treaties of which Vietnam is a state-party. The international community has also called on Vietnam to amend

its Cyber Security Law, which in its current form would further restrict freedom of expression.

In its Concluding Observations dated December 28, 2018, the UN Committee Against Torture called on Vietnam to immediately cease all acts of torture and other forms of ill-treatment targeting persons deprived of their liberty, especially prisoners of conscience.

The term “prisoner of conscience” (POC) was coined by Peter Benenson in the 1960s. It refers to any individual “imprisoned for his/her political, religious or conscientiously held beliefs, ethnic origin, sex, colour, language, national or social origin, economic status, birth, sexual orientation or other status who have not used violence or advocated violence or hatred.”

The NOW! Campaign is a joint campaign initiated by Boat People SOS (BPSOS) calling upon the government of Vietnam to release all prisoners of conscience immediately and unconditionally. The campaign is supported by 14 non-government organizations:

Boat People SOS (BPSOS)

Front Line Defenders (FLD)

Civil Right Defenders (CRD)

Christian Solidarity Worldwide (CSW)

Defend the Defenders (DTD)

Stefanus Alliance International

Asian Parliamentarians for Human Rights (APHR)

The 88 Project

Independent Journalists Association of Vietnam (IJAVN)

Progressive Voice-Burma
Vietnam Women for Human Rights (VNWHR)
Campaign to Abolish Torture in Vietnam (VN-CAT)
World Organisation Against Torture (OMCT)
Montagnard Human Rights Organization (MHR0)

For more information on the NOW! Campaign, visit
www.vietnampocs.com.

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