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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 (MHRO)

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

Amid crackdown on dissent, six Vietnamese human rights activists are dealt long prison sentences

Global Voices (09.04.2018) - <https://bit.ly/2JCeMcu> - This article by Kathy Triệu is from Loa, a news website and podcast of Viet Tan that broadcasts stories about Vietnam. It is republished by Global Voices as part of a content-sharing agreement.

Six activists were sentenced to between seven and 15 years in prison on charges of subversion after a one-day trial in Hanoi. These are the harshest punishments to be issued by Vietnam's one-party state in years.

Human rights lawyer Nguyễn Văn Đài, 48, received the longest sentence of 15 years in prison and five years of house arrest.

According to attorney Luân Lê, who represented some of the defendants, Nguyễn Văn Đài said while inside the heavily secured courtroom that "leniency for political dissidents today is really an act of leniency for yourself in the future."

Trương Minh Đức shared similar sentiments, saying, "I have no regrets. Today you put me on trial but tomorrow it may be you on trial."

Nguyễn Văn Đài's legal assistant Lê Thu Hà, who was arrested with him in December 2015, received nine years in prison. Lutheran pastor Nguyễn Trung Tôn and Trương Minh Đức both received 12 years. Nguyễn Bắc Truyển and Phạm Văn Trội received sentences of 11 and seven years in prison, respectively. All besides Lê Thu Hà are bloggers and citizen journalists who have been jailed before.

All six are members of the Brotherhood for Democracy (BFD), an organization that promotes civic engagement and provides training in human rights. The group began in 2013, with Nguyễn Văn Đài as one of the founding members.



Grace Bui
@gracebui2016



The trial of 6 Vietnamese activists is over.

Nguyen Van Dai 15 years

Nguyen Van Troi 7 years

Nguyen Trung Ton 12 years

Nguyen Bac Truyen 11 years

Truong Minh Duc 12 years

Le Thu Ha 9 years

4:27 PM - Apr 5, 2018



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See Grace Bui's other Tweets

A tightening grip on dissent

Commenting on the trial, Ministry of Foreign Affairs spokeswoman Lê Thị Thu Hằng said, "In Vietnam there is no such thing as a 'prisoner of conscience', and there's no such thing as people being arrested for 'freely expressing opinion'."

People were quick to react on Twitter.



The latest research from Amnesty International shows there are currently close to 100 prisoners of conscience in Vietnam. In 2017 alone, more than 40 activists were arrested, issued warrants or exiled in an ongoing crackdown on freedom of expression.

The European Union also condemned the convictions. An EU spokesperson for the European External Action Service (EEAS) said the development "continues the negative trend of prosecuting and sentencing human rights activists and bloggers" in Vietnam.

Nguyễn Trung Trọng Nghĩa, who is the son of pastor Nguyễn Trung Tôn, told Loa that he and his family are heartbroken with the sentence. Nghĩa, also known as Effy, had been traveling the world to advocate for his father and other members of the BFD:

It's really horrible because my grandmother is already 90 years old. I don't think she's going to last the next 12 years," he said. "I don't think my father will get the chance to see her again. [We are] a family who has a member dedicating their lives to society and this is what we get from the government."

Local and global support

Before the trial, supporters marched the roughly two kilometers from Thái Hà Church to the courthouse in Hanoi in solidarity with the six activists. A Facebook live video showed how the mobilization was followed and eventually broken up by security and plainclothes police. According to international news agency AFP, at least two participants were taken into unmarked vans by security police, and several others were taken into buses.

In the days leading up to the trial, hundreds of people around the world showed support for the activists by sharing photos with signs reading "Democracy is not a crime" along with the hashtag #HAEDC, which stands for the Brotherhood for Democracy.



"Democracy is not a crime. #HAEDC" Activist Héctor Castañón and his family in Mexico. (Photo credit: Facebook Việt Tân)

International rights organizations and family members have raised these activists' cases for nearly two years, even garnering the attention of a United Nations body. Family members of the activists met with seven embassies before the trial to plead for support and intervention.



Political officers from the US, UK, French, German, Swedish, Norwegian, and Australian embassies with family members. (Photo credit: Facebook Huyen Trang)

As the trial closed, despite facing more than a decade behind bars, Nguyễn Bắc Truyển stated: "I will continue the struggle and if I must sit in jail, others on the outside will fight on for me and they will never stop."

Capital punishment in Vietnam condemned at the 6th World Congress against the Death Penalty in Oslo

Vietnam Committee on Human Rights (21.06.2016) - <http://bit.ly/28Pd0W2> - Joining over 1,300 participants from 80 countries including 20 ministers, 200 parliamentarians, academics, lawyers and members of civil society at the 6th World Congress against the Death Penalty in Oslo, the Vietnam Committee on Human Rights (VCHR) expressed its opposition to the use of this inhuman, cruel and degrading punishment, and called upon Vietnam to implement an immediate moratorium as a first step to abolishing the death penalty. The VCHR is a member of the International Federation for Human Rights (FIDH), one of the Congress' co-sponsors.

The World Congress, which is organized every three years, focuses this year on the death penalty and terrorism, minorities and mental health. In a special session on "Progress and setbacks in Asia", VCHR Vice-President Penelope Faulkner highlighted the case of Vietnam, one of some 25 countries that still enforce capital punishment. "The use of the death penalty in Vietnam is especially disturbing because of the lack of due process of law. In Vietnam's one-Party state, the judiciary is not independent and trials are routinely unfair. Some recent death sentences were based on confessions made under torture", she said.

Ms. Faulkner presented the VCHR's new report on "The Death Penalty in Vietnam" which gives an overview of Vietnam's policies and practices regarding the death penalty, inhumane conditions on death row and cases of wrongful convictions. Until 2010, executions were by firing squad in Vietnam. The National Assembly then adopted legislation to use lethal injections to make the process "more humane". Following an EU ban on exports of lethal drugs, Vietnam authorized the use of untested "local poisons" to reduce the backlog of prisoners on death row. The first prisoner to be executed by this method in 2013, Nguyễn Anh Tuấn, 27, took two hours to die.

In November 2015, Vietnam announced that it had abolished the death penalty on seven crimes in a reform of the Criminal Code, reducing the number of offences punishable by death from 22 to 15. However, the VCHR report revealed that 18 crimes still carry the death penalty in Vietnam today; one new crime has been added, and other crimes, notably drug-related offences, have simply been worded or displaced in the text. The report published the full list of these 18 crimes. The amended Criminal Code comes into effect on 1st July 2016.

Despite strong international pressure, Vietnam did not abolish the death penalty for any of the vaguely-defined "national security" crimes in its amended Criminal Code. On the contrary, it added a new offence of "terrorist activities aimed at opposing the people's administration" (Article 113). Indeed, Chapter XIII of the Code on "Crimes of Infringing upon National Security" contains a total of six crimes carrying capital punishment, more than any other category of crimes in the Code.

"Under these spurious "national security" laws, which are totally incompatible with international human rights provisions, human rights defenders and pro-democracy activists in Vietnam could be sentenced to death simply for criticizing the Communist Party or peacefully expressing alternative political views", Penelope Faulkner said.

The VCHR report cited cases such as Phan Văn Thu, sentenced to life imprisonment in 2013 under Article 79 of the Criminal Code (now Article 109) on "activities aimed at overthrowing the people's administration" for advocating protection of the environment.

To please Obama, Hanoi releases Catholic human rights icon Fr. Van Ly

Hanoi's Communist authorities have released Nguyen Van Ly, a Catholic priest in his 70s one of the top leaders in the struggle for religious freedom and civil rights in the country.

Herald Malaysia Online (22.05.2016) - <http://bit.ly/1syUarI> - Hanoi's Communist authorities have released Nguyen Van Ly, a Catholic priest in his 70s one of the top leaders in the struggle for religious freedom and civil rights in the country. According to some sources, the decision is a "good will" gesture ahead of the official visit of US President Barack Obama May 23 to 25.

In fact several human rights organizations and activists had appealed to the White House to raise the issue of persecution and freedom - and not just the arms trade - during meetings with government leaders.

Fr. Van Ly (pictured) was sentenced March 30, 2007 to eight years in prison and five years of house arrest for violating the notorious Article 88 of the Criminal Code. According to the indictment he led a movement for democracy, called "Bloc 8406",

founded in April 2006, with 2 thousand members, and supported illegal groups such as the Progressive Party of Vietnam.

Previously he had already spent 14 years in prison - between 1977 and 2004 - for his battles in defense of religious freedom and human rights in the communist country. The image of the handcuffed priest in the courts, with a policeman muzzling him while he was protesting against the persecutions of the communist regime made him famous worldwide.

In 2009 he was hit by a stroke in prison, which left him semi-paralyzed for some time.

His release was announced by the Archdiocese of Hue. In an interview with Radio Free Asia (RFA), Fr. Phan Loi Vam reports that nearly 20 years of jail have physically marked Fr. Van Ly. "His health - says the priest - has deteriorated. He was very thin and did not look in good condition like before. " "He could not stand up straight - he adds - and walked bent over. These are the results of the last eight years in prison ". However, on a spiritual level he is still "bright and determined."

In releasing the priest, Hanoi authorities have spoken of a presidential "pardon". In response, Fr. Van Ly said he cannot be pardoned for sins he did not commit. Rather , that his release is a "gift" for Obama, expected in Vietnam next week.

Activists, bloggers and NGOs do not see, a true "sign of change" in the release of the Catholic priest but rather a move that conceals economic, commercial and strategic interests.

In fact, Vietnam has long been at loggerheads with Beijing in the South China Sea, and is in need of the support- including military - of its historical enemy the United States, to contain China's expansionism in the seas. And Washington can now count, after Manila, on a new strong ally in the Asia-Pacific region.

Prominent US Congress members urge President Obama to press for release of Buddhist dissident Thích Quảng Độ during Vietnam visit

VCHR (20.05.2016) - <http://bit.ly/22hUHul> - Eight prominent members of the US Congress have written a letter to US President Barack Obama calling on him to press for the release of Buddhist dissident Thích Quảng Độ in his upcoming visit to Vietnam. President Obama is scheduled to arrive in Vietnam on 22st May and will visit Hanoi and Saigon (Ho Chi Minh City). Human rights and religious freedom are reportedly on the agenda of his discussions with Vietnam's communist leaders.

The letter is signed by eight Congress members from Massachusetts; Senator Elizabeth Warren, Senator Edward J. Markey, Congresswoman Katherine Clark and Congressmen Michael Capuano, James McGovern, Richard Neal, Seth Moulton and Joseph Kennedy III.

Mr. Võ Văn Ái, President of the Vietnam Committee on Human Rights and Director of the Paris-based International Buddhist Information Bureau expressed his warm thanks to the members of Congress: "*Thích Quảng Độ has spent more than a third of his life in detention. I sincerely hope President Obama will heed this strong and moving appeal, and win back the long-awaited freedom for Thích Quảng Độ.*"

Thích Quảng Độ, Patriarch of the non-recognised Unified Buddhist Church of Vietnam is currently under house arrest at the Thanh Minh Zen Monastery in Saigon. A 2016 Nobel Peace Prize nominee and outspoken dissident, Thích Quảng Độ has spent the past three

decades in prison, internal exile and house arrest for his nonviolent advocacy of religious freedom and human rights.

The [text of the letter](#) is as follows:

Dear Mr. President:

We wish you well on your trip to South East Asia in May. We hope and expect that your presence in the region will contribute to its peace and stability.

It is with respect to Vietnam that we write you today. The Universal Declaration of Human Rights affirms that the peoples gathered in the United Nations respect fundamental human rights and the dignity and worth of the human person. Moreover, that this shared recognition is essential to promote the development of friendly relations between nations. Article 18 explicitly sets forth the right to religious liberty:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Nations committed to human rights and the rule of law later concluded a more explicit document, the *International Covenant on Civil and Political Rights*, to which Vietnam acceded on September 24, 1982. Notably, Article 18, Section 2 of the Civil and Political Covenant states:

No one should be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

We believe that the prolonged sequestering, sometimes called “pagoda arrest,” of the Buddhist monk, Thich Quang Do, violates these universally-recognized principles. The leader of the Unified Buddhist Church of Vietnam is an 87 year-old man and is recognized as a “prisoner of conscience” by Amnesty International, the International Federation for Human Rights, PEN International, and the Lantos Foundation for Human Rights. He has suffered exile, imprisonment, and detention almost uninterruptedly since 1982.

In your meetings with Vietnam’s President Tran Dai Quang, Prime Minister Nguyen Xuan Phuc, and the General Secretary of the Communist Party Nguyen Phu Trong, with whom you met last summer, we urge you to call for the immediate release of Thich Quang Do. We ask you, as our President, to reinforce to your Vietnamese interlocutors that the United States is committed to human freedom and dignity. Please tell them that we share Thich Quang Do’s belief, expressed to US Assistant Secretary of State Tom Malinowski in August 2015 and cited by the International Buddhist Information Bureau, that human rights are essential and that society must rest on mutual respect and the rule of law.

We hope that you will use your upcoming trip to the region to convey the profound concern of the United States for Thich Quang Do and our support for the principles for which he has suffered so long and unjustly. Thank you for your efforts to promote human rights in Vietnam and throughout South East Asia.

Sincerely,

Senator Elizabeth Warren
Senator Edward J. Markey
Congresswoman Katherine Clark
Congressman Michael E. Capuano
Congressman James P. McGovern

Congressman Richard E. Neal
Congressman Seth Moulton
Congressman Joseph P. Kennedy III

European Commission fails to address the human rights impacts of its trade agreement with Vietnam

FIDH & VCHR (07.10.2015) - In their latest submission to the EU Ombudsman, dated 30 September 2015, FIDH and its member organisation, the Vietnam Committee on Human Rights (VCHR), reiterated their call on the EU Commission (EC) to conduct a human rights impact assessment (HRIA) and introduce the necessary clauses and safeguards before finalising the EU-Vietnam free trade and investment agreement (FTA). FIDH and VCHR detail the reasons why, if finalised without conducting a HRIA and without introducing the necessary human rights safeguards, the FTA would be concluded in violation of EU law. FIDH and VCHR also call upon the other EU institutions to demand that the EU fully comply with its obligations.

Despite recognising in its memo dated 4 August 2015 having reached a deal that has “never before been achieved with a developing country”, and that is going “largely beyond [...] any other FTA that Vietnam has concluded”, the EC still refuses to assess the impact of the agreement on human rights. It argues, in its opinion to the draft recommendation of the EU Ombudsman, Ms Emily O’Reilly, that a Human Rights Impact assessments (HRIA) is not necessary because the “mix of instruments” it uses to deal with human rights in Vietnam fulfils the “very same overarching purpose of an HRIA” and is sufficient to address the negative impacts the FTA may have.

Indeed the EC proposes to rely on dialogues, démarches, development cooperation, and provisions that “are normally included in FTAs”. However despite these tools have shown their limitations in practice and fall far short of providing appropriate mechanisms to measure and respond to the potentially negative impacts of the FTA.

“The threat that trade and investment agreements risk causing to human rights is well documented and demands a comprehensive revision of these deals. Instead, the EC turned a blind eye on its own responsibilities and invoked ineffective instruments that have demonstrably failed to prevent the negative impacts that trade deals may have on human rights,” said FIDH President Karim Lahidji.

“From the outset, the European Commission has knowingly disregarded any human rights considerations in its quest to conclude its free trade agreement with Vietnam. Without strong human rights safeguards, the EU-Vietnam free trade agreement is likely to cause an increase in abuses of social, economic and political rights in Vietnam,” said VCHR President Vo Van Ai.

In their 30 pages submission to the Ombudsman (on 30 September), FIDH and VCHR demonstrated the EC’s failure to inform the ombudsman’s procedure and, more broadly, the democratic debate. FIDH and VCHR have clearly documented how superficial the EC’s analysis of the human rights impacts of the FTA is. The submission details the reasons why the solutions proposed by the EC are inadequate to address the new challenges the future EU-Vietnam FTA will pose for human rights, as well as some of the problematic provisions of the FTA and similar agreements. The submission also provides specific recommendations to enhance the human rights safeguards and to revise the agreement. Such safeguards notably include human rights flexibilities, redress and accountability mechanisms for affected communities, and a modification of the substantive provisions regarding investment protection.

Police in Hue harass and seize property of Buddhist youth leader Le Cong Cau

IBIB (20.04.2015) – The **International Buddhist Information Bureau** (IBIB) received an appeal today from Le Cong Cau, Head of the Buddhist Youth Movement and Secretary-general of the Unified Buddhist Church of Vietnam (UBCV). He reports that Security Police broke into his home in Hue, harassed and threatened him, and confiscated his scanner and other property. Le Cong Cau called on IBIB to inform international opinion and press Vietnam to cease harassments of citizens for simply exercising their right to freedom of religion or belief.

On 10 April 2015 at 8:00am, a large group of security police and local officials suddenly arrived at his home and read out a "Property Seizure Order" No. 2153/QD/CC signed by Nguyen Van Thong, Chairman of the Huong Thuy district People's Committee. They said they were mandated to confiscate his property because he had failed to pay a fine of 3 million dong (approx. 120 Euros) issued by the People's Committee on 29 March 2014. Police pushed Le Cong Cau against the wall whilst others ransacked his belongings. They seized a scanner and a stereo recorder.

Le Cong Cau strongly protested against the intrusion. He told Police he refused to pay the fine because it was unlawful and unfair. In fact, the fine was an administrative sanction imposed after Police arrested him on 1st January 2014 at Phu Bai airport, Hue, as he was boarding a plane to Saigon to visit the UBCV Patriarch Thich Quang Do. Police accused him of circulating "anti-Socialist" propaganda and threatened to prosecute him under Articles 87 and 88 of the Criminal Code, which carry sentences of up to 20 years in prison. They confiscated his two laptop computers and two cell phones, and placed him under house arrest pending investigation. Since there was no incriminating evidence, the Huong Thuy People's Committee (which has jurisdiction for Phu Bai airport) did not initiate criminal sanctions, but condemned him to pay an administrative fine.

On 29 May 2014, Le Cong Cau wrote to the Hue People's Committee protesting against the fine, and demanding that he be released from house arrest. Under Vietnam's Complaints Procedure, the authorities must address citizens' complaints within 60 days. Le Cong Cau never received a reply.

After seizing his property on 10 April 2015, the Deputy Bureau Chief of the Huong Thuy People's Committee Cao Dinh Thuan ordered Le Cong Cau to sign the seizure papers. Instead of signing, Le Cong Cau wrote: **"I protest against the seizure of my property. The authorities have no right to seize anything until they have addressed my Complaint. I consider this an act of robbery by the authorities against an innocent citizen"**.

Cao Dinh Thuan complained: *"You can't do that. You must obey first, and protest later. That is the law"*. Le Cong Cau replied: *"What if I am condemned to death – should I also obey first and protest later?"*

Le Cong Cau told IBIB that he had refrained from reporting his harassment earlier because it happened just before the Funeral of the UBCV's Deputy leader Thich Nhu Dat in Hue. To avoid causing alarm and deterring Buddhists from attending, he waited until the Funeral ceremonies were over and UBCV followers had safely returned home before making the incident public.

Buddhist New Year calendar is an “anti-State” document in Vietnam

IBIB (25.11.2014) – The Unified Buddhist Church of Vietnam (UBCV) reports that a young UBCV monk, Venerable Thich Minh Nghia, was intercepted and harassed by a group of plain-clothed security police on 21 November 2014 in Hue. He had just come out of a printing house where he had picked up 300 calendars ordered by the UBCV to offer to Buddhists in the coming Lunar New Year of the Goat. Security police confiscated the calendars on the grounds that they were “*reactionary, anti-state documents*”.

The incident took place at 3.00pm on Nguyen Lo Trach Street, when five plain-clothed men roughly accosted Thich Minh Nghia and pushed him towards a house. They told the monk he must go inside for a “working session” (a police expression for “interrogation”). Thich Minh Nghia refused, saying that only Police had the right to interrogate citizens. The five men then announced that they were provincial security policemen. At that point, another man stepped out of the house. He showed the monk his police badge, introduced himself as Phung Viet Quy from the Hue municipal security police force and ordered the monk to come inside to answer charges of “*administrative offenses and possession of illegal documents*”. When Thich Minh Nghia refused, the men dragged him inside the courtyard and locked the gate. Alerted by his cries for help, a crowd of people gathered outside. However, a group of youths – presumably also plain-clothed security agents – suddenly appeared and chased them away.

The security police drew up a statement accusing the monk of “*transporting and possessing documents bearing the name of the Unified Buddhist Church of Vietnam, an illegal organization that is not recognized by the State and moreover is considered to be reactionary and anti-State*”. Then they confiscated the “incriminating” documents, i.e. the 300 Lunar Year calendars (*see facsimile*). The men tried to force Thich Minh Nghia to sign the statement but he refused, stating that he had committed no crime. The young monk also demanded that the security police give him a receipt for the confiscated calendars, otherwise he would stage a sit-down protest in the house. After several hours and a telephone call to their superiors, the police finally let Thich Minh Nghia free.

Le Cong Cau, Secretary-general of the UBCV’s Executive Institute *Viện Hóa Đạo* and leader of the Buddhist Youth Movement sent a letter to the Chairman of the Hue Provincial People’s Committee protesting the incident and demanding the authorities to give the calendars back to the UBCV.

Although Vietnam has never officially banned the UBCV, it has branded it “illegal” since the creation of the State-sponsored “Vietnam Buddhist Sangha” in 1981. Since then, UBCV leaders and members have suffered continuous harassments, police surveillance and detention. The UBCV leader Thich Quang Do has spent three decades under detention for his peaceful advocacy of religious freedom, human rights and democracy.

New report denounces violations of economic, social and cultural rights in Vietnam

Que Me (11.11.2014) – http://www.que.me.net/eng/news_detail.php?numb=2372 - In a new joint report released at the United Nations in Geneva today, the Vietnam Committee on Human Rights and the FIDH document serious violations of economic, social and cultural rights in Vietnam.

The 36-page report, entitled "[Violations of Economic, Social and Cultural Rights in Vietnam](http://www.queme.net/eng/doc/vchr-fidh-report-pidesc-vietnam-2014-en.pdf)", (<http://www.queme.net/eng/doc/vchr-fidh-report-pidesc-vietnam-2014-en.pdf>) was released at the 53rd Session of the UN Committee on Economic, Social and Cultural Rights (CESCR) which is meeting in Geneva (10-28 November 2014) to examine the implementation of the UN International Covenant on Economic, Social and Cultural Rights (ICESCR). The FIDH-VCHR prepared the Shadow Report to provide the UN experts with evidence and analysis on the grave ongoing violations of economic, social and cultural rights in Vietnam.

The Vietnamese government presented its report on Monday 10 November 2014, with a delegation of 19 officials led by Vice-Minister for Planning and Investment Nguyen Chi Dung. The 18-member Committee of experts first heard statements from VCHR President [Vo Van Ai](#), Vice-President [Penelope Faulkner](#) and other civil society representatives before questioning the Vietnamese delegation. The session concluded on Tuesday afternoon. The CESCR will present its conclusions and recommendations on 1st December 2014.

Although Vietnam acceded to the ICESCR in 1982 and has a binding obligation to submit regular reports to the Committee, it has not reported to the CESCR since 1993.

"The ICESCR is one of the pillars of international human rights protection", said Vo Van Ai, President of the Vietnam Committee on Human Rights. **"Vietnam's 21-year delay in submitting the report and the empty rhetoric of its submission show its lack of concern for the people's' economic, social and cultural rights. Victims of abuses – especially vulnerable populations such as women, children, ethnic minorities and the rural and urban poor – have no mechanisms to protect their rights and no means to redress them. Human rights defenders who denounce rights abuses are harassed and detained"**, he told the CESCR.

The FIDH and the VCHR report reveals alarming wealth disparity and social inequalities in Vietnam. Since Vietnam opened to a free market economy under the policy of "doi moi" (renovation) in the late 1980s, the country has undergone rapid growth and economic transformation. However, economic liberalization under one-Party political control has led to growing inequalities between the ruling elite and the rest of population. Whereas Vietnam ranks high in the world in the increase of "super rich" people (people with assets of over US\$30 million), one in every five Vietnamese lives under the poverty line, and 8% live in extreme poverty. Millions of others live just above the poverty threshold and remain vulnerable to falling back into poverty at the slightest shock.

Social inequalities are not only due to the rising income gap, but also discrimination on the grounds of political opinions, religious affiliations or ethnicity. The report cited field-research by the World Bank which showed that people who do not have good connections with the Vietnamese Communist Party receive unequal treatment in health care, education, employment and access to land.

Forced evictions and State confiscation of land for development purposes, exacerbated by endemic official corruption and power abuse have left hundreds of thousands of farmers homeless, and sparked off violent clashes in Van Giang, Vu Ban, Con Dau, Duong Noi and elsewhere. In the workplace, sweatshop working conditions and low pay have led to a rising number of strikes, yet the official Vietnam Confederation of Labour takes no action to defend worker rights. Child labour is widespread. The report cites a 2013 Circular which legalizes "light work" for children from 13 to 15 years old.

Citizens who denounce abuses risk harassments, intimidation and imprisonment. The FIDH and VCHR state that scores of bloggers, land rights and worker rights activists, human rights defenders and members of religious minorities are currently detained for their advocacy of economic, social and cultural rights. In one trial in January 2013 alone,

22 peaceful environmental activists were charged with "*subversion*" and sentenced to terms ranging from 10 years to life imprisonment. Seven ethnic H'mong in Tuyen Quang were imprisoned in March 2014 simply for practicing their faith. Most of these activists are charged under vaguely-worded articles in the Criminal Code such as "*abusing democratic freedoms,*" or "*spreading anti-State propaganda*" which are totally inconsistent with the ICESCR.

Presenting the joint FIDH-VCHR report to the CESCR, Mr. Vo Van Ai denounced Vietnam's use of the law as a tool to suppress human rights and maintain political control. He listed legislation such as the Law on Trade Unions, the Publications Law, the Cinematography Law, the Cultural Heritage Law, Decree 97 on Scientific Research, Internet Decree 72, Religious Decree 92 and numerous regulations limiting cultural, spiritual and religious practices. ***"Vietnam's periodic report cites a host of regulations and laws but gives no information on their content or application. Thirty two years after Vietnam's accession to the ICESCR, its citizens are still deprived of their fundamental human rights"***, he said.

He also denounced pervasive State censorship in Vietnam. A recent publication in Vietnamese of Thomas Bass's book "*The Spy who loved us*" (on former *Time* correspondent and Hanoi spy Pham Xuan An) was censored in 444 places, despite contractual agreement with the author. Censorship of the Internet has forced many Vietnamese websites and blogs to operate outside the country.

Mr. Ai highlighted the report's finding on the teaching of history in Vietnam. The only history book in use in schools is published by the state. Not only does it distort history in many instances, but the style is close to political propaganda and potentially incites children to hatred. Many academics in Vietnam have also denounced this "politicization" of history teaching and called for the use of alternative teaching materials.

In conclusion, the FIDH and VCHR made 37 recommendations for progress in Vietnam, including trade, business and human rights; trade union rights, the right to health and education; non-discrimination; land rights; freedom of expression and cultural rights; independence of the judiciary and ratification of human rights instruments.

Progress urged towards abolishing the death penalty

FIDH/VCHR (10.10.2014) - Vietnam must put an end to executions and undertake incremental and time-bound reforms towards abolishing the death penalty, FIDH and its member organization VCHR said today to mark the 12th World Day Against the Death Penalty.

"Despite Vietnam's rhetoric of adopting a 'humane policy' vis-à-vis the death penalty, executions have not stopped and Hanoi has showed a cynical lack of commitment to making progress toward the abolition of capital punishment," said FIDH President Karim Lahidji.

On 5 February 2014, during its second Universal Periodic Review (UPR), Vietnam refused to commit to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights and establishing a moratorium on executions. In addition, Vietnam accepted only six of the 29 recommendations made by other states on death penalty-related issues. Four of the six accepted recommendations urged Vietnam to reduce the number of capital crimes. Vietnam's Criminal Code lists 22 offenses that are punishable by death.

"Vietnam must swiftly implement the UPR recommendations and adopt the necessary legislative amendments to reduce the number of crimes that are punishable by death, including economic and drug-related crimes," said VCHR President Vo Van Ai. **"Vietnam must also re-consider the imposition of the death penalty for the seven vaguely-defined 'national security' crimes, which could be used to punish dissidents for the peaceful exercise of their rights to freedom of expression, assembly, and association."**

FIDH and VCHR urge Vietnam to establish an official moratorium on capital punishment, to sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at abolishing the death penalty, and to vote in favor of a resolution calling for a worldwide moratorium on executions at the 69th session of the UN General Assembly (UNGA) in December.

At least 148 people were sentenced to death in 2013. As of November 2013, a total of 678 prisoners were awaiting execution. Vietnam usually treats statistics about executions as state secrets. However, some are periodically reported in state media. The last time executions were reported was on 23 July 2014, when state media said three people were put to death by lethal injection a day earlier. One of the three was Nguyen Duc Nghia, 30, who had been sentenced to death in July 2010 on charges of murdering his ex-girlfriend.

FIDH is a member of the World Coalition Against the Death Penalty. FIDH opposes the death penalty for all crimes and in all circumstances and works with its member organizations for its global abolition. FIDH considers that death penalty constitutes an inhuman treatment. FIDH has documented that death penalty is commonly pronounced after unfair trials, and its application is often discriminatory.

Blogger Truong Duy Nhat's two-year prison sentence upheld

Joint Press Release

OMCT/ FIDH/ VCHR/ OBS (30.06.2014) /

http://www.queme.net/eng/news_detail.php?numb=2316 - On June 26, the highest jurisdiction in Vietnam upheld a two-year prison sentence against blogger Truong Duy Nhat. The Observatory for the Protection of Human Rights Defenders, an FIDH-OMCT joint programme, together with the Vietnam Committee on Human Rights (VCHR), denounce the Supreme People's Court's decision and call on the Vietnamese Government to release him along with all other human rights defenders currently detained across the country.

On June 26, 2014, the Supreme People's Court in Danang, Central Vietnam, upheld a two-year prison sentence against prominent blogger **Truong Duy Nhat** for publishing online articles critical of the Government on his blog "*A Different Point of View*". On March 4, 2014, Truong Duy Nhat had been sentenced by a court in Danang to two years' imprisonment under Article 258(2) of the Criminal Code for "*abusing democratic freedoms to infringe upon the interests of the State*". During the appeal hearing, Truong Duy Nhat was not allowed to defend the content of the 12 online articles that led to his prosecution. The blogger has been detained since his arrest by the Vietnamese police on May 26, 2013.

Truong Duy Nhat is a former journalist with State-run newspapers "*Bao Cong An Quang Nam Danang*" (Quang Nam Danang Security Police newspaper) and "*Dai Doan Ket*"

(Great Solidarity newspaper). In 2011, he quit his work as a reporter to write for his blog "Mot Goc Nhin Khac" (A Different Point of View), which became widely known for its criticism of the Government. In his blog, Truong Duy Nhat frequently criticized the performance of top Government officials, including the Prime Minister, from the point of view of the rights enshrined in Vietnam's legislation and the international human rights covenants signed by Vietnam.

Our organisations urge the Vietnamese authorities to immediately and unconditionally release Truong Duy Nhat as well as all human rights defenders who are currently serving long prison sentences or awaiting trial in Vietnam, as well as to immediately repeal draconian laws that severely restrict freedom of opinion and expression.

Our organisations reiterate their call on the Vietnamese authorities to ensure in all circumstances that human rights defenders are able to carry out their legitimate activities without any hindrance and fear of reprisals, in line with the United Nations Declaration on Human Rights Defenders and the Universal Declaration of Human Rights.

EU-Vietnam Human Rights Dialogue: bringing together European and Asian values

EEAS (30.09.2013) - The European Union and Vietnam held the third round of the Dialogue on Human Rights in Hanoi on 11 September 2013. The Director for Human Rights and Democracy in the European External Action Services (EEAS), Mrs Véronique Arnault, led the EU delegation and the Director General of the International Organisations Department of the Vietnamese Ministry of Foreign Affairs, Mr Hoang Chi Trung, led the Vietnamese delegation.

The EU considers Vietnam to be an important partner in South East Asia. Consequently, the strong bilateral relations have allowed talks on human rights, which transformed in an annual Human Rights Dialogue in 2012. The objective of these annual dialogues is for the EU to share its experiences and focus on guidelines on human rights in order for Vietnam to bring improvements in the area of human rights. In this sense, the EU provides technical assistance on constitutional, legal, and judicial reforms that Vietnam is preparing. From this position the EU and Vietnam can work together, with the experience of the former highlighting the importance of drafting new legislation in line with international obligations, the right of fair trials, and the necessity to fight corruption.

These annual dialogues are of great importance for EU-Vietnam relations as Vietnam has been criticised by international organisations like Human Rights Watch and Amnesty International, according to which Vietnam has limited freedom of expression and association and freedom of religion; radio and TV stations continue to be subject of strict control. In addition, there have reportedly been cases of torture in detention, as well as long prison sentences for bloggers and rights activists. These are delicate issues which should be discussed and carefully dealt with.

However, it also shows that Vietnam has a great interest in increasing its focus and attention in the area of human rights, collaborating with other regional organisations such as ASEAN on the issue. Another example which is that in August the Vietnamese authorities did not interfere when over a hundred people participated in a public demonstration for lesbian, gay, bisexual, and transgender (LGBT) rights. The September annual dialogue hence took place in an open atmosphere, where Vietnam expressed its plans for signing and ratifying the United Nations Convention against Torture in 2014. In addition, Vietnam announced that it welcomes the UN Special Rapporteur for Freedom of

Religion or Belief and Working Groups to visit the country in 2014. Next to these positive developments, the EU used the opportunity also to draw Vietnam's attention to the limited freedom of expression and media and the fate of internet bloggers and rights activists. In this context, the EU delegation was allowed to meet internet bloggers, human rights activists, and NGOs separately. Lastly, the country's candidacy for a 2014-2016 seat on the Human Rights Council could also be seen as a positive development which shows that Vietnam is willing to make improvements in the field of human rights.

Furthermore, Vietnam has made strides in the field of Corporate Social Responsibility (CSR). One initiative to encourage CSR in Vietnam and its enterprises is the project undertaken by the United Nations Industrial Development Organization (UNIDO) called 'Helping Vietnamese SMEs Adapt and Adopt CSR for Improved Linkages with Global Supply Chains in Sustainable Production'. The EU has financed 80 percent of the costs of the project. The main aim is to raise awareness and entrench CSR standards in SMEs in the garment and textile, leather and footwear and electrical and electronic sectors in order for Vietnamese SMEs to be integrated into Global Supply Chains through the adoption of CSR.

For more information:

[EU and Vietnam Hold Human Rights Dialogue \(European Commission\)](http://europa.eu/rapid/press-release_IP-13-832_en.htm)

http://europa.eu/rapid/press-release_IP-13-832_en.htm

[Political and Human Rights Dialogue \(Delegation of the EU to Vietnam\)](http://eeas.europa.eu/delegations/vietnam/eu_vietnam/political_relations/political_human_rights_dialogue/index_en.htm)

http://eeas.europa.eu/delegations/vietnam/eu_vietnam/political_relations/political_human_rights_dialogue/index_en.htm

[List of Projects \(Delegation of the EU to Vietnam\)](http://eeas.europa.eu/delegations/vietnam/projects/list_of_projects/171192_en.htm)

http://eeas.europa.eu/delegations/vietnam/projects/list_of_projects/171192_en.htm

[Annual Report 2013 - Vietnam \(Amnesty International\)](http://www.amnesty.org/en/region/vietnam/report-2013)

<http://www.amnesty.org/en/region/vietnam/report-2013>

[Word Report 2013: Vietnam \(Human Rights Watch\)](http://www.hrw.org/world-report/2013/country-chapters/vietnam) <http://www.hrw.org/world-report/2013/country-chapters/vietnam>

[EU and Vietnam Hold 3rd Round of Human Rights Dialogue \(CPV\)](http://www.cpv.org.vn/cpv/Modules/Preview/PrintPreview_En.aspx?co_id=30253&cn_id=608488)

http://www.cpv.org.vn/cpv/Modules/Preview/PrintPreview_En.aspx?co_id=30253&cn_id=608488

At the XXII session of the UN Human Rights Council: Restrictive legislation, internment of cyber-dissidents in psychiatric hospitals and repression of freedom of expression in Vietnam

Vietnam committee (12.03.2013) - Speaking at the 22nd session of the UN Human Rights Council in Geneva jointly with the **International Federation of Human Rights (FIDH)**, Mr. **Vo Van Ai**, President of the **Vietnam Committee on Human Rights (VCHR)** denounced systematic and organized violations of Internet freedom in Vietnam.

Citing the findings of the recent FIDH and VCHR report "***Bloggers and Netizens behind bars in Vietnam***", Mr. Ai declared that the ongoing repression, supported by widespread Police violence and vaguely-worded, restrictive legislation, was grossly inconsistent with the provisions of Article 19 of the UN International Covenant on Civil and Political Rights (ICCPR) to which Vietnam acceded in 1982.

Vo Van Ai expressed particular concern about the increasing use of internment in psychiatric institutions under Ordinance 44 to silence cyber-dissidents. He also denounced a Draft Internet Decree currently under preparation which would increase

state censorship and oblige Internet companies, including foreign firms, to collaborate with the government in "*tracking down government critics*" (see full text of the statement below).

Ms **Penelope Faulkner**, speaking on behalf of **Agir Ensemble pour les Droits de l'Homme** also expressed concern about the government's assault on freedom of expression in Vietnam and the arbitrary detention and harassment of bloggers, citing the cases of bloggers **Dieu Cay**, **Ms . Nguyen Hoang Vi** and **Buddhist monk Thich Quang Do**. She said the release of bloggers and repealing of restrictive legislation was "*indispensable in the light of Vietnam's bid for membership of the UN Human Rights Council in 2014*" (see speech below).

Full text of the statement by Vo Van Ai:

"The **FIDH** and its affiliate organization, the **Vietnam Committee on Human Rights**, wish to draw the Council's attention to the brutal campaign of repression on freedom of expression in Vietnam, in violation of Article 19 of the International Covenant on Civil and Political Rights (ICCPR). This campaign is totally inconsistent with the Council's 2012 Resolution (HRC/20/L.13) on "*The promotion, protection and enjoyment of human rights on the Internet*" and the recommendations accepted by Vietnam at its Universal Periodic Review in 2009.

"As revealed in our recent report, "***Bloggers and Netizens Behind bars: Restrictions on Internet Freedom in Vietnam***", which we hold at the Council's disposal, Internet users are harassed, intimidated, molested and imprisoned. There are currently 32 bloggers and netizens in prison in Vietnam, either sentenced or awaiting trial, with prison terms of up to 16 years.

"Such repression does not serve to protect "national security" as the Vietnamese authorities claim, but to stifle the voices of an emerging civil society speaking out on corruption, power abuse, the plight of dispossessed peasants and farmers, human rights and democratic reforms.

"Cynically, the authorities are also repressing those who contributed to a recent public consultation on reforming the Constitution. Last week, journalist **Nguyen Duc Kien** was fired from the newspaper *Gia đình & Xã hội (Family and Society)* less than 24 hours after posting a criticism of the Communist Party and its Secretary-general on his blog.

"Vietnam does not only use violence and Police coercion, but also invokes a host of vague and broadly-interpreted laws to suppress freedom of expression, in flagrant violation of Article 19 of the ICCPR. Article 88 on "*anti-Socialist propaganda*" or Article 258 on "*abusing democratic freedoms to encroach on the interests of the state*" are routinely used to detain cyber-dissidents.

"Ordinance 44 (2002), which authorizes the detention of suspected "national security" offenders without any due process of law, is increasingly used to detain bloggers, especially its provisions authorizing the internment of citizens in psychiatric hospitals, as was recently the case of bloggers **Nguyen Trung Linh** and **Le Anh Hung**.

"In the framework of legal reforms financed by the international community, this arsenal of restrictive legislation continues to grow. A new draft Internet Decree is under consideration which raises serious concerns. If adopted as such, it would legalize a whole system of content-filtering, censorship and sanctions against vaguely-defined "prohibited acts". It would also oblige Internet companies and providers, including foreign companies, to cooperate with the government in the surveillance and tracking of cyber-dissidents.

"Such repression is inconsistent with Vietnam's international obligations as a state party to the ICCPR and the recommendations made by 13 states at its UPR to guarantee freedom of expression.

"We call upon the Council to press Vietnam to put an end to this repression; to abrogate Ordinance 44 and all other legislation incompatible with international human rights law, and review the draft Internet decree in order to ensure that it guarantees freedom of expression. Vietnam should also invite the Special Rapporteur on Freedom of Opinion and Expression to visit Vietnam at the earliest opportunity."

Statement by Penelope Faulkner

"Mr. Chairman,

"We wish to draw the Council's attention to the alarming escalation of violations of the right to freedom of expression in Vietnam.

"The Vietnamese Constitution enshrines the right to freedom of expression and the press, and at its first Universal Periodic Review in 2009, Vietnam accepted recommendations to fully guarantee right to receive, seek and impart information and ideas in compliance with Article 19 of the ICCPR, to which it acceded in 1982.

However, over the past year alone, scores of bloggers, online journalists and human rights defenders in Vietnam have been harassed, intimidated, subjected to Police abuse, or condemned to extremely harsh prison sentences simply for expressing their peaceful views on the Internet.

"The situation of blogger **Nguyen Van Hai (Dieu Cay)** is particularly alarming. Charged with "*circulating anti-socialist propaganda*" (Article 88 of the Criminal Code), he was sentenced to 12 years in prison and five years house arrest at a trial in September 2012 which violated all international standards. The trial was closed to the public, and the Court cut off the microphone when Dieu Cay spoke to defend himself. Today, his safety and security is in danger. Senior Police official Lt.-Colonel Hoang Van Dung told Dieu Cay he would destroy his health and make sure that he died in prison.

"Netizens routinely suffer beatings, abuse and even sexual assaults by Police. On 28 December Miss **Nguyen Hoang Vi**, a 25-year-old blogger, was beaten savagely by Police, stripped naked and subjected to a humiliating body search which was videotaped by male Police officers. Police had arrested her on the pretext of an "identity check" as she stood outside the Court during Dieu Cay's appeal trial.

"Many Internet users are detained under house arrest without any due process of law. Buddhist monk and prominent dissident **Thich Quang Do** has been under house arrest at the Thanh Minh Zen Monastery since 2003 because of his online appeals for democracy and human rights (1).

"Vietnam claims that it arrests government critics because they have violated Vietnamese law. However, in Opinion 27/2012 on Vietnam, the UN Working Group on Arbitrary Detention stressed that even if the detention is in conformity with national legislation, it must also be consistent with international law. The "Working Group also emphasized that "*the holding and expressing of opinions, **including those which are not in line with official Government policy, are protected under Article 19 of the ICCPR***".

"We therefore call upon Vietnam to repeal all domestic laws inconsistent with Article 19, to release all persons detained for their peaceful exercise of freedom of expression, both online and offline, and to invite the Special Rapporteurs on Freedom of Opinion and Expression, and on Human Rights Defenders to visit Vietnam. **This is indispensable in the light of Vietnam's bid for membership of the UN Human Rights Council in 2014.**"

(1) Despite his detention under house arrest at the Thanh Minh Zen Monastery in Ho Chi Minh City, Thich Quang Do has recently launched via the Internet a declaration on pluralism and democracy in Vietnam, as a contribution to the current debate on

reforming the Constitution (see [Buddhist leader Thich Quang Do issues a Declaration on Pluralism and Democracy in Vietnam](#), IBIB, 6 March 2013)
