

SOCIALIST REPUBLIC OF VIET NAM

Father Thadeus Nguyen Van Ly - Prisoner of Conscience

On 17 May 2001, Father Thadeus Nguyen Van Ly was arrested at An Truyen church, Phu An commune, in central Thua Thien-Hue province, for his alleged “failure to abide by the decisions on his probation issued by authorized State agencies,” according to the official Viet Nam News Agency (VNA). The 55 year old priest had previously spent one year in prison from 1977 to 1978, and then a further nine years in prison between May 1983 and July 1992, having been sentenced in December 1983 to 10 years’ imprisonment for “opposing the revolution and destroying the people’s unity”. In December 1983, Amnesty International adopted Father Thadeus Nguyen Van Ly as a prisoner of conscience, imprisoned solely for his non-violent religious and political views. Amnesty International believes that once again Father Thadeus Nguyen Van Ly is in detention because of his peaceful dissenting views, and is calling for his immediate and unconditional release.

Father Ly’s arrest comes at a time of increasingly tense relations between various religious groups in Viet Nam and the state authorities. While the Vietnamese government claims that everyone in Viet Nam has the right to believe or not believe in any religion, in practice, only those who follow state-approved churches are looked upon favourably. Those whose conscience dictates that they should follow the teachings of a non-approved religious group - such as the Unified Buddhist Church of Viet Nam - or who are dissenting voices within an approved religious group - such as the Catholic Order of the Mother Co-redemptrix - can quickly find themselves on the wrong side of Vietnamese law. Other groups which have been subject to persecution include various evangelical Protestant churches, and members of the Hoa Hao religious faith, several of whose members were recently sentenced to prison terms.¹

Background to Father Ly’s arrest

Father Ly’s activities in support of greater religious freedom in Viet Nam date back many years. After he was released from prison in July 1992, he was appointed priest at the Nguyen Bieu church, in Thuy Bieu village, Hue Diocese, and continued his ministry there, but did not remain silent on issues that concerned him. In November 1994, he published a “10 Point Statement on the State of the Catholic Church in the Hue Diocese”. This statement criticised the state’s appropriation of church property, the lack of places in seminaries for men to train for the priesthood, and the interference of the state in church teachings.

In 1999, much of Viet Nam suffered from very heavy flooding. Father Nguyen Van Ly came to the attention of the authorities in his attempts to organize relief distributions to

¹See Amnesty International *Socialist Republic of Viet Nam: Religious Intolerance - Recent arrests of Buddhists* (AI Index: ASA 41/001/2001, February 2001).
Amnesty International July 2001 AI Index: ASA 41/005/2001

people who had lost basic necessities in the natural disaster. The US-based Committee for Religious Freedom in Viet Nam (CRFV), for which Father Ly is an advisory board member, collected funds for him to use on various relief projects after the flooding. These donations from overseas were regarded with suspicion by the Vietnamese authorities, who have prevented other religious groups from conducting similar charitable missions in the past. In 1995, a group of Buddhist monks and lay followers from the Unified Buddhist Church of Viet Nam were sentenced to prison terms for participating in an “unauthorised” flood relief mission in the Mekong Delta.

When US President Clinton visited Viet Nam in November 2000, a CRFV delegation visited Father Nguyen Van Ly in his village, attracting more official attention. After the visit, Father Ly increased his peaceful religious and political activities. On 24 November 2000, Father Ly reissued his 1994 ten point statement, which he quickly followed with two more appeals for religious freedom in early December 2000. He also became involved in a stand-off with the authorities over the rights of villagers to cultivate church land, which the authorities reportedly wished to confiscate. He then issued more appeals, including a joint statement with three other religious leaders, at the end of December, calling again for more religious freedom in Viet Nam; for the return of church properties; the end of state interference in religious affairs; and the release of all prisoners detained for their religious beliefs. On 5 February 2001, it was announced that Nguyen Van Ly was to be transferred from Nguyet Bieu to the parish of An Truyen, also in Hue.

This move, which was apparently an attempt to isolate Father Nguyen Van Ly from his base of parish support, and to silence his dissent, had little effect. On 13 February 2001, the United States Commission on International Religious Freedom held a meeting on the issue of freedom of religion in Viet Nam, and Father Nguyen Van Ly was invited to address the hearing. He was unable to attend in person, because he could not leave Viet Nam, but he did submit written testimony which was presented to the Commission. Father Ly’s testimony was highly critical of the situation in Viet Nam, and stated that “in the realm of religion, the control of the communist government has stripped all churches of their independence and freedom”. In addition to many pages of highly critical analysis, Father Nguyen Van Ly also advocated that the US Congress should not ratify the long-negotiated US-Viet Nam Bilateral Trade Agreement, because of the lack of respect for human rights and freedom of religion in Viet Nam. Father Ly’s testimony was published on the Internet, making it widely available internationally, but unlikely to be seen by the majority of Vietnamese people. The official Vietnamese media quickly criticised the hearing itself, and much of what was said by the various participants. The official Viet Nam News Agency stated on 21 February that such a hearing “*will benefit only a very small group of overseas Vietnamese who want to provoke quarrels and undermine Viet Nam for their own interests.*” The People’s Committee of Thua Thien-Hue province decided on 26 February to put an administrative surveillance order on Father Ly, which was publicly announced on 3 March 2001 (see Appendices for text).

International attention

International interest in Father Nguyen Van Ly's situation, which had grown since Father Ly's affiliation with the US Committee for Religious Freedom in Viet Nam, continued after the publication of his written testimony. Norwegian Parliamentarian Lars Rise visited Viet Nam between 8 and 11 April 2001, and met with a number of dissident religious leaders, including Thich Quang Do, of the Unified Buddhist Church of Viet Nam, in Ho Chi Minh City. In the evening of 9 April 2001, Lars Rise and those accompanying him came to Father Nguyen Van Ly's parish church and joined hundreds of worshippers for evening service. Lars Rise then went to talk with Father Ly in his office. Twenty minutes later, one of Father Nguyen Van Ly's assistants reported that the church was surrounded by policemen. Lars Rise and his entourage were arrested as soon as they left the office, and were taken to the local police station where they were questioned between 8.30pm and 3.00am, and then questioned again the following day (10 April 2001) from 8.00am to 1.00pm. They were then taken to Danang and put on a flight to Ho Chi Minh City, from where they were expelled from Viet Nam. Amnesty International has received unconfirmed reports that some of the villagers who were worshipping at the church at the time of Lars Rise's visit have since been detained.

Land conflict

Father Nguyen Van Ly's peaceful activities in support of his religious and political views are not new. He has maintained his position as a critic of Vietnamese government policy for over a quarter of a century. One of the possible reasons for the new official campaign against him, which led to his removal from his parish, and to his eventual arrest, appears to have been his support of villagers who wished to cultivate their crops on church land, which the local authorities assert belongs to them. There are some 1,200 square metres of land, which villagers say is owned by the Nguyet Bieu church. In December 2000, Father Ly supported a village protest against the confiscation of the land, and allowed villagers to hang banners at the church proclaiming "We need real religious freedom". These banners were removed by local officials, but according to the CRFV, Father Ly replaced them with two new banners.² Father Ly's recent outspoken criticism of Vietnamese government policy towards church groups includes allegations of widespread confiscation of church properties dating back to 1954. Since Father Ly's expulsion from the parish, villagers from Thuy Bieu village, Nguyet Bieu parish, have continued to try to assert their right to cultivate the land by their church, and as recently as mid-June 2001 have reportedly been interrogated by local police, who assert that the villagers have no right to grow crops on the land.

Arrest

Father Nguyen Van Ly was arrested early in the morning on 17 May 2001, in his church as he prepared to celebrate mass. According to reports, hundreds of police were involved in the operation, apparently in order to outnumber the priest's local supporters. There were many reports of the arrest in the official media, stating that the police action "received the support of local people". VNA reported on 25 May 2001:

²CRFV press release, 9 December 2000.

“Contrary to other priests, who had preached religion at Nguyen Bieu diocese to help local Catholics to live the Gospel amidst the nation, Nguyen Van Ly incited followers to seize land, prevented them from getting involved in irrigation building and provoked security disorder, said Nguyen Thi Khoa, a Catholic of Nguyet Bieu diocese. Khoa described Ly’s arrest as too late because Ly had already printed and distributed reactionary documents to Catholics, acted against the local authorities and sowed division between religious and non-religious people.”³

At the time of his arrest, the official media stated that Father Ly had caused public disorder, incited believers to cause unrest, and spread propaganda against the government.⁴ At the time of writing, there has been no confirmation of charges brought against Father Nguyen Van Ly or of a trial date.

A lifetime of struggle

Father Nguyen Van Ly has spent much of the last 26 years attempting to exercise his right to freedom of expression and freedom of worship. His most recent arrest is one more event in a series of repressive actions against him.

Father Nguyen Van Ly was ordained as a priest in 1974. He taught at a seminary in Hue, and served as secretary to the then Bishop of Hue Monsignor Philippe Nguyen Kim Dien, (who in 1975 had welcomed the end of the war and the accession to power of the new government). On 15 April 1977, following the arrests of Buddhist monks in Ho Chi Minh City, a meeting was organised in Hue by the Binh Tri Thien province and Hue town Viet Nam Fatherland Front, to discuss the arrests. At the meeting, Monsignor Philippe Nguyen Kim Dien made a statement, expressing his sadness at the arrest of the monks, and declaring himself dissatisfied with the reality of religious freedom in Viet Nam, stating that Catholics were treated as “second class citizens”. The bishop also kept a written record of his statement, and voiced similar concerns at a second meeting of the Fatherland Front in Hue on 22 April 1977. Father Nguyen Van Ly distributed copies of Monsignor Dien’s statements; the bishop’s position was publicly denounced in *Công Giao va Dân Tộc*, the official newspaper of the Southern Catholic Liaison Committee.

While Monsignor Dien was not arrested, two priests - Ho van Quy and Nguyen Van Ly - were detained, Father Ho van Quy relatively briefly, while Father Nguyen Van Ly spent a year in detention. His release in 1978 coincided with a relatively harmonious period of Church-State relations in Viet Nam, while his second arrest on 18 May 1983 came at a time of very poor Church-State relations. Although the local authorities had refused permission for the pilgrimage, and police roadblocks had been set up, on 15 August 1981, many thousands of pilgrims, including the Archbishop of Hue, came to La Vang - a site holy to

³VNA news agency website, Hanoi, in English, 25 May 2001, as reported by BBC monitoring.

⁴See for example “Ly Arrested on charges of Law Breaking,” Viet Nam News Agency, 17 May 2001.

Vietnamese Catholics since around 1800. A year later, on 14 August 1982, Father Nguyen Van Ly, by this time parish priest of Doc So, in the Hue diocese, accompanied by one other priest and a number of Christian followers, attempted to make the pilgrimage to La Vang. Police blocked the road and forced the pilgrims to return to Hue.

On 20 November 1982, Father Nguyen Van Ly was arraigned before the Binh Tri Thien provincial People's Tribunal, charged with leading an illegal pilgrimage to La Vang.⁵ He was convicted, expelled from the Doc So parish and ordered to retire to his native village. Father Nguyen Van Ly refused to do so, insisting he would only leave his parish on the orders of his superior, Monsignor Dien, the Archbishop of Hue. On 9, 10 and 11 April 1983, police agents tried to enforce the decision of the People's Tribunal by surrounding Father Nguyen Van Ly's presbytery and taking him away by force. In response, Father Ly used a loud-hailer to address the population of Doc So, to "appeal for freedom of religion and enlighten the public opinion of the population on a certain number of questions". On 11 April 1983, the Hue People's Committee ordered Father Ly to stop using the loud-hailer; Father Ly wrote to the Binh Tri Thien People's Committee promising to stop his activities in return for an official response on "seven legitimate and reasonable points". By 1 May 1983, no response had been received, and Father Nguyen Van Ly then drew up a document entitled "My Definitive and Ultimate Position" in which he set out his seven points, and appealed for help from the entire population. These seven points can be summarised as:

Point 1: the authorities should allow the La Vang pilgrimage to continue and to admit that they had tried to forbid it since 1975.

Point 2: only the Archbishop of Hue has the right to appoint priests in his diocese and to remove them from their functions.

Point 3: asks the authorities to revoke the expulsion order on Father Nguyen Van Ly, which he claims is a violation of the principle of freedom of religion.

Point 4: calls on the authorities to forget any idea they may have of defrocking him, as only God has this power.

Point 5: orders the authorities to stop harassing Christians merely because they protect their priest or their church.

Point 6: asks the authorities to stop spreading the "mendacious accusations" that Father Nguyen Van Ly opposes the revolution.

Point 7: calls on the authorities to remove the security presence around the Doc So presbytery, as it constitutes a "public sign of religious oppression".

Father Nguyen Van Ly ended his declaration by insisting that there could be no dialogue until his conditions were met, and that he was prepared to be martyred for his faith. Religious people of both Catholic and Buddhist faiths gathered at the Doc So presbytery and frustrated the attempts of the police to arrest Father Nguyen Van Ly, until 18 May 1983, when around 200 policemen came in the morning and arrested the priest by force. He was sentenced to 10 years' imprisonment on 13 December 1983, and was released in July 1992.

Prisoner of conscience

⁵The annual pilgrimage to this sacred site is now permitted to take place.
Amnesty International July 2001 AI Index: ASA 41/005/2001

Amnesty International believes that once again Father Nguyen Van Ly is a prisoner of conscience, detained solely on account of his peaceful religious and political beliefs. He has not used or advocated violence. The organization calls on the Vietnamese authorities to release him immediately and unconditionally, and to allow him to continue with his ministry without restrictions. As a state party to the International Covenant on Civil and Political Rights (ICCPR), Viet Nam is obliged to uphold its provisions, including Article 18 (1), which states:

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

The Vietnamese authorities maintain that there are no prisoners of conscience in Viet Nam. As recently as 31 May 2001, a Vietnamese Foreign Ministry spokesperson stated:

“It is important to reiterate that there are no such people as prisoners of conscience in Viet Nam. All the basic civil rights are respected in Viet Nam. Freedom of speech, freedom of the press, freedom of assembly, freedom of organizing demonstrations, freedom of establishing associations, freedom of religion and belief, and freedom of non-religion and non-belief are guaranteed by the constitution and are respected by authorities in real life. All Vietnamese citizens enjoy equal rights and have equal obligations under the Constitution and the law. All violations of the law are handled in accordance with the law.”⁶

In fact, Vietnamese law does not guarantee these fundamental rights. Article 70 of the Vietnamese constitution states:

“The citizen shall enjoy freedom of belief and of religion; he can follow any religion or none. All religions are equal before the law. The places of worship of all faiths and religions are protected by the law. No one can violate freedom of belief and of religion; nor can anyone misuse belief and religions to contravene the law and State policies.”

This provision falls far short of the guarantee in the ICCPR, and indeed the reality in Viet Nam falls short even of the constitution, as all religions are not equal before the law. Only those with official recognition have any rights before the law, and these rights are limited. Vietnamese people whose faith and conscience calls them to peaceful activities regarded as “hostile” by the state are vulnerable to arbitrary arrest and detention and often to long prison sentences. Father Nguyen Van Ly is only one of many people in Viet Nam whose religious beliefs, political convictions and conscience have led to severe curtailment of their fundamental rights and freedoms. Vietnamese law criminalizes peaceful opposition to the state, and allows for the imprisonment of people simply because they may have differing views on how the state should be governed. In particular, the article in the criminal code on the crime of “Undermining national unity” states:

1. Any person committing any of the following acts with intent to undermine the people’s power shall be subject to a term of imprisonment of between

⁶*Voice of Vietnam*, Hanoi, in Vietnamese, 31 May 2001, as reported by BBC monitoring.

five and 15 years:

- a. Sowing division among social strata, or between the people and armed forces and the people's power and social organizations;
 - b. Sowing hatred, discrimination and division, and committing infringements of equal rights among the different ethnic groups in Viet Nam;
 - c. Sowing division between religious believers and non-believers, between the former and the people's power and social organizations;
 - d. Undermining the implementation of the policy of international solidarity.
2. If the offence is committed in less serious circumstances, the offender shall be subject to a term of imprisonment of between two and seven years.

Until articles such as this in the criminal code are revised, all people in Viet Nam are vulnerable to the arbitrary nature of the law, rather than protected by its provisions.

Appendices

(Unofficial Translation)

**Socialist Republic of Vietnam
Independence – Freedom – Happiness**

**People's Provincial Executive Committee
Thua Thien Hue Province**

No. 401/QD-UB

Hue, February 26. 2001

**Decree of the Chairman of the People's Provincial Executive Committee
Administrative Arrest**

The Chairman of the People's Provincial Executive Committee

In accordance to the Law of the Organization of the People's Council and the People's Executive Committee dated June 21, 1994;

In accordance to the Codes of Penalties for Administrative Violations dated July 06, 1995

In accordance to the Decree 31/CP dated April 14, 1997 by the Government on Administrative Arrest;

On recommendations of the Provincial Consultative Council in Report No. 01/TTr-HDTV dated February 17, 2001 and on recommendations of the Chairman of the People's District Executive Committee, Phu Vang District, in Report No. 06/BC-UB dated February 14, 2001, on Administrative Arrest;

Decree

Article 1: Apply Administrative Arrest to the following person:

Name: Nguyen Van Ly, Male, ID No. 190061567

Alias: None

Born: On May 15, 1946 at Ba Binh, Vinh Chap Village, Vinh Linh District, Quang Tri Province.

Origin: Ba Binh, Vinh Chap Village, Vinh Linh District, Quang Tri Province.

Approved residential location: Truyen Nam Hamlet, Phu An Village, Phu Vang District, Thua Thien Hue Province.

Current residence: Truyen Nam Hamlet, Phu An Village, Phu Vang District, Thua Thien Hue

Province.

Ethnic group: Vietnamese, Religion: Roman Catholic

Education: 12/12

Profession: Priest.

Workplace: An Truyen Parish, Phu An Village, Phu Vang District

Reason for Administrative Arrest: Citizen Nguyen Van Ly has had activities, which violate laws and threaten national security, but in considering that time is required to educate and to create conditions for Mr. Ly to correct his mistakes, an Administrative Arrest under current provisions shall apply.

Article II: The term of the Administrative Arrest shall be 24 months, from the time Mr. Nguyen Van Ly presents himself to the People's Village Executive Committee, Phu An Village.

Location for the implementation of the Administrative Arrest: Truyen Nam Hamlet, Phu An Village, Phu Vang District, Thua Thien Hue Province.

Article III: Mr. Nguyen Van Ly shall bear the responsibility of complying to all measures determined under the Administrative Arrest Decree and shall have the rights to appeal within 10 days after receiving this Decree.

Article IV: This decree shall be effective from February 27, 2001.

Article V: The Chief of Staff of the People's Provincial Executive Committee, the Chairman of the People's District Executive Committee, Phu Vang District, The Chief of Police, Phu Vang District, the Chairman of the People's Village Executive Committee, Phu An Village and Mr. Nguyen Van Ly shall bear the responsibility of implementing this decree.

For The Chairman of the People's Provincial Executive Committee, Thua Thien Hue
Province,
Vice-Chairman

Signature

Nguyen Xuan Ly

Receiving locations:

As in Article V

People's Provincial Supreme Court

Files VT, NC

[Handwritten notes on text by Father Nguyen Van Ly]

1. The Interfaith Committee for Religious Freedom (for all religions in Viet Nam) demands the revocation of the 31/CP decree signed on April 14 1997 by the Vietnamese communist authorities whose policy is to subject to imprisonment or administrative detention (in residence) without trial individuals accused of opposing the Vietnamese communist government.

An Truyen, 27.02.01

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