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Viet Nam should release peaceful critics

Today, at least seven peaceful critics of government policies are awaiting trial in Viet Nam. They face charges for posting articles about democracy and human rights on the internet, for writing poetry, distributing leaflets, and unfolding banners. Also today, the Human Rights Council in Geneva will adopt the Outcome Report of the Universal Periodic Review of Viet Nam, a report in which Viet Nam has blatantly rejected a large number of key recommendations pertaining to freedom of expression, assembly and association.

In its report for the Universal Periodic Review Viet Nam made a serious commitment for human rights:

“Respecting the universality of human rights, Viet Nam has become party to almost all core international human rights treaties and other international treaties in this field, and seriously implements its obligations. [...] Viet Nam is fully aware that the implementation of international treaties on human rights is, first and foremost, the responsibility of the state party.”¹

Yet the government did not support over 40 recommendations by other states, including repealing or amending national security provisions of the 1999 Penal Code to ensure compliance with international law; removing other restrictions on dissent, debate, political opposition, freedom of assembly; and the release of prisoners of conscience.² Many states also emphasised the need to reform law and practice to protect freedom of expression and assembly more specifically, including on the Internet, through independent media and an independent civil society. Viet Nam rejected also these recommendations.

Moreover, since the UPR review in May 2009, the Vietnamese government has increased its crackdown against peaceful expression. Public security officials and police have arrested at least 11 independent lawyers, bloggers and others who have criticized government policies or come forward as pro-democracy activists.

On 24 May 2009 police arrested Tran Huynh Duy Thuc and on 13 June 2009 the renowned lawyer Le Cong Dinh. These arrests were followed by at least nine others, including a number of bloggers. Three of these were subsequently released after several days of interrogation. The authorities accuse the majority of those in detention of committing crimes under Article 88 of the Penal Code’s national security section. If convicted, they risk prison terms of up to 20 years.

Article 88 - “Conducting propaganda against the Socialist Republic of Vietnam” - is vaguely worded and the authorities have a long history of using its sweeping provisions to silence voices they deem unacceptable. The article bans “propagating against, distorting and/or defaming the people’s administration”, “propagating psychological warfare and spreading fabricated news in order to foment confusion among people” and “making, storing and/or circulating documents and/or cultural products with contents” against the state. Amnesty International has repeatedly called on the Vietnamese authorities to repeal or reform the article so as to place it in line with Viet Nam’s international legal obligations. At the UPR, several states recommended reform of Article 88 and other equally sweeping national security laws.

Among those arrested are:

Le Cong Dinh, 41, lawyer
Nguyen Tien Trung, 26, IT engineer
Tran Anh Kim, 60, former army officer
Tran Huynh Duy Thuc, 43, businessman and blogger
Le Thang Long, 42, businessman
Bui Thanh Hieu, 37, blogger
Pham Doan Trang, 31, online journalist
Nguyen Ngoc Nhu Quynh, 31, blogger

The first five are reported to be affiliated to the Democratic Party of Viet Nam, an exile political group which speaks out for multi-party democracy. The Vietnamese authorities do not recognise any political parties or groups that are not authorised by the state and under its control. The last three are bloggers or online journalists, who were arrested and detained for expressing their views online. All these eight individuals have publicly criticised business deals and border issues relating to China, including a controversial bauxite mining operation in the Central Highlands, and a territorial agreement over the Spratly and Paracel archipelagos in the South China Sea. Amnesty International considers them as prisoners of conscience, imprisoned solely for their peaceful expression of their views or beliefs.

Immediately after the arrest of Le Cong Dinh, the most well-known of them, the government launched a propaganda campaign in state controlled media against him. Officials and the media accused him of seeking to “overthrow the Communist regime in Vietnam through setting up the opposing political organisations”, by compiling documents “distorting the policies and laws of the Party and State”, and also stated that “Dinh had capitalized on his role as a lawyer to carry out his reactionary plot”.^{3, 4} Following mounting domestic and international criticism of the arrest, on 18 June the Ministry of Public Security arranged two press conferences providing details of a “confession” by Le Cong Dinh, in which he reportedly admitted wrongdoing and asked for leniency. As others were arrested in subsequent days, the government issued more public statements and politically motivated news reports. On 19 August 2009, state television interrupted regular broadcasts to air video clips with “confessions” by some of the detainees, including Le Cong Dinh.

These “confessions” and the propaganda campaign refer to activities that do not amount to recognizably criminal offenses under international law, but are merely expressions of alternative views or criticism. Examples include gathering information, communicating with others, and posting articles on the Internet. The confessions are also a cause of concern in themselves. Reports suggest that the detainees have not been allowed any visits since their arrests, including by their lawyers, and that they have been interrogated numerous times. In similar arrests, interrogations have involved intimidation, coercion and threats to obtain confessions, which raise fears for the well-being of the detainees.

The Vietnamese government has stated that these detainees will be tried as a matter of urgency, but it is unclear if any of the trials have yet been scheduled.

Amnesty International also considers the seven individuals, whose trials in Viet Nam were scheduled for today but reportedly postponed, as prisoners of conscience. They have been detained for around one year. This group includes:

Nguyen Xuan Nghia, 60, writer
Nguyen Van Tinh, 67; writer
Nguyen Kim Nhan, 60, electrician
Nguyen Van Tuc, 45; land rights activist
Ngo Quynh, 25, student
Nguyen Manh Son, 66, engineer
Pham Van Troi, 37, poet

Amnesty International calls on the Vietnamese government to live up to its human rights commitments made during the Universal Periodic Review by immediately and unconditionally releasing these and other prisoners of conscience.

¹ National Report – Viet Nam, A/HRC/WG.6/5/VNM/1, 16 February 2009, 63, p. 15

² Report of the Working Group on the Universal Periodic review, Viet Nam, A/HRC/12/11, paragraph 102.

³ Le Cong Dinh arrested, Nhan Dan, 15 June 2009

⁴ Lawyer arrested for subversion, police say, Thanh Nien News, 14 June 2009