



fidh



A HISTORY OF VIOLENCE Repression of the right to freedom of assembly in Vietnam

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This report is dedicated to Võ Văn Ái, Vietnamese human rights defender and writer who passed away in January 2023. He was the founder and President of VCHR, and Vice-President of FIDH for over 18 years. Võ Văn Ái devoted his life to the fight for freedom and human rights in Vietnam. Although he was not able to see the finished version of this report, his vision, knowledge, and wisdom have inspired its every page.

List of acronyms

CCPR = Human Rights Committee
CPC = Criminal Procedure Code
CPV = Communist Party of Vietnam
CERD = Committee on the Elimination of Racial Discrimination
EU = European Union
FHS = Hưng Nghiệp Formosa Hà Tĩnh Steel Corporation
FIDH = International Federation for Human Rights
GHRSC = Government Human Rights Steering Committee
ICCPR = International Covenant on Civil and Political Rights
LRAD = Long Range Acoustic Devices
MPS = Ministry of Public Security
NEZ = New Economic Zone
OHCHR = Office of the High Commissioner for Human Rights
SEZ = Special Economic Zone
UBCV = Unified Buddhist Church of Vietnam
UDHR = Universal Declaration of Human Rights
UN = United Nations
UPR = Universal Periodic Review
US = United States
USCIRF = US Commission on International Religious Freedom
VCHR = Vietnam Committee on Human Rights
VND = Vietnamese dong
VTV = Vietnam Television
WGAD = Working Group on Arbitrary Detention

N.B. In this report, the names of people have been written with Vietnamese diacritics, to avoid any confusion between people with similar names. For place names, however, we have not used Vietnamese diacritics, to make for easier reading.

Executive summary

The right to freedom of peaceful assembly has been systematically repressed in Vietnam. This report provides the most comprehensive account to date of more than three decades of protests movements in Vietnam and the patterns of repression they have faced. These have included unnecessary and/or disproportionate use of force, arrest, detention, prosecution, and other forms of attacks and harassment against protest leaders, participants, and sympathizers.

Protests in Vietnam have traditionally covered a wide range of issues. The largest protests have been demonstrations for religious freedom. The most widespread and sustained protests have been the demonstrations by farmers and residents in rural communities demanding justice for violations of land rights. The most groundbreaking protests have been the anti-China demonstrations, which united Vietnamese of all ages, at home and abroad, in a common surge of patriotism. Other key issues, such as the protection of the environment, worker rights, and protests against restrictive legislation, have been among the common triggers of protests in Vietnam.

Overall, most of the demonstrations were peaceful, with protesters taking to the streets as a means of alerting the authorities of their grievances. In some cases, however, people's frustration over their lack of access to justice and the government's systematic refusal to address their concerns resulted in violent clashes. In the rare occurrences of such violence, protesters usually suffered disproportionate punishments.

In addition to systematic violent crackdowns by the authorities, Vietnam's draconian laws have provided the legal tools of repression of those who have exercised, or sought to exercise, the right to freedom of peaceful assembly.

Despite more than a decade of debates at the National Assembly, which is controlled by the Communist Party of Vietnam (CPV), there is no law on peaceful assembly in the country. In the absence of such specific national legislation, the right to freedom of peaceful assembly is regulated by a number of highly restrictive decrees and regulations, such as Decree 38 and Circulars 9 and 13, which are inconsistent with relevant international law and standards.

Most importantly, numerous "national security" provisions of the Criminal Code have been frequently used to arrest, detain, prosecute, and imprison demonstrators and civil society members involved in activities related to public assemblies, such as filming or documenting peaceful protests, and using the Internet to organize demonstrations, or posting reports, videos, and photos of these events.

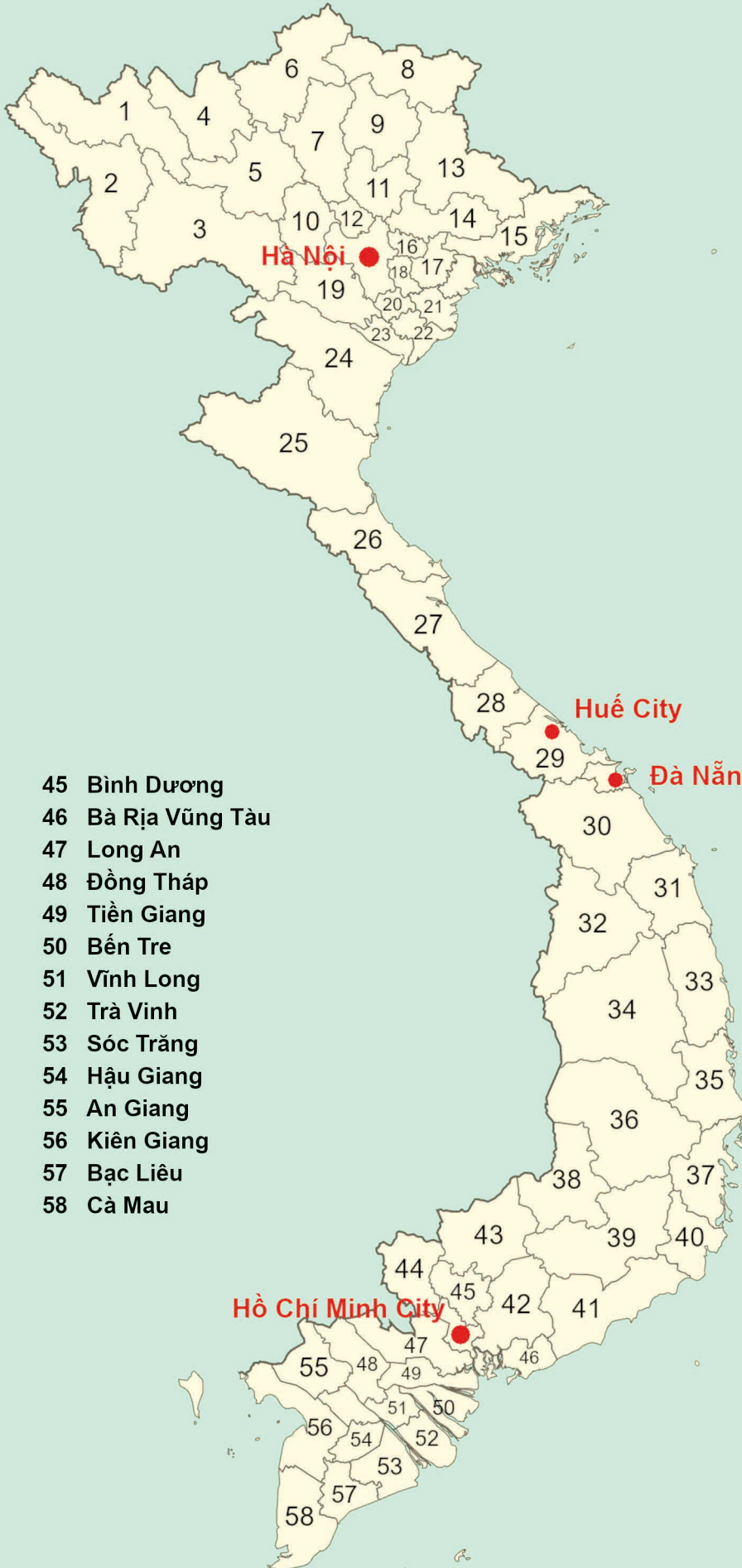
Individuals who were arbitrarily arrested, detained, and prosecuted in connection with their involvement in public assemblies have often faced further abuses, including: denial of the right to a fair trial; disproportionate prison sentences; poor detention conditions; denial of medical care, ill-treatment, and torture in custody; constant police surveillance; and judicial harassment. In some cases, poor detention conditions and ill-treatment have been fatal.

For the past three decades, various United Nations (UN) human rights monitoring mechanisms have expressed their concern over the systematic repression of the right to freedom of peaceful assembly in Vietnam. Two issues have been repeatedly raised by these UN human rights bodies and experts: 1) the Vietnamese government's arrest, detention, harassment, intimidation, and the use of excessive force against

individuals and groups for their legitimate exercise of the right to freedom of peaceful assembly; and 2) the application of vague and overly broad national security offenses that are inconsistent with the threshold set by international law to prosecute and convict those who exercise such right.

This report provides detailed and practical recommendations for the government of Vietnam to implement in order to bring the country's laws and practices related to the right to freedom of peaceful assembly into line with international standards.

Map of Vietnam



- 1 Lai Châu
- 2 Điện Biên
- 3 Sơn La
- 4 Lào Cai
- 5 Yên Bái
- 6 Hà Giang
- 7 Tuyên Quang
- 8 Cao Bằng
- 9 Bắc Kạn
- 10 Phú Thọ
- 11 Thái Nguyên
- 12 Vĩnh Phúc
- 13 Lạng Sơn
- 14 Bắc Giang
- 15 Quảng Ninh
- 16 Bắc Ninh
- 17 Hải Dương
- 18 Hưng Yên
- 19 Hòa Bình
- 20 Hà Nam
- 21 Thái Bình
- 22 Nam Định
- 23 Ninh Bình
- 24 Thanh Hóa
- 25 Nghệ An
- 26 Hà Tĩnh
- 27 Quảng Bình
- 28 Quảng Trị
- 29 Thừa Thiên Huế
- 30 Quảng Nam
- 31 Quảng Ngãi
- 32 Kon Tum
- 33 Bình Định
- 34 Gia Lai
- 35 Phú Yên
- 36 Đắk Lắk
- 37 Khánh Hòa
- 38 Đắk Nông
- 39 Lâm Đồng
- 40 Ninh Thuận
- 41 Bình Thuận
- 42 Đồng Nai
- 43 Bình Phước
- 44 Tây Ninh

- 45 Bình Dương
- 46 Bà Rịa Vũng Tàu
- 47 Long An
- 48 Đồng Tháp
- 49 Tiền Giang
- 50 Bến Tre
- 51 Vĩnh Long
- 52 Trà Vinh
- 53 Sóc Trăng
- 54 Hậu Giang
- 55 An Giang
- 56 Kiên Giang
- 57 Bạc Liêu
- 58 Cà Mau

*“The fact that people gather with placards is abnormal.
Other countries would not tolerate that.
Our democracy is, in many cases, excessive.”*¹

Communist Party of Vietnam’s Secretary-General Nông Đức Mạnh, 2001-2011

1. Introduction

The right to freedom of peaceful assembly is enshrined in Vietnam’s Constitution and in international human rights covenants to which Vietnam is a state party. Yet, authorities in Vietnam have systematically violated this fundamental right. Elements in the Communist Party of Vietnam’s (CPV’s) leadership perceive demonstrations as inherently subversive acts or “threats against national security,” and equate them to what the CPV calls the “peaceful evolution” (*diễn biến hòa bình* in Vietnamese). CPV leaders perceive the “peaceful evolution” as a strategy devised by “hostile forces” inside and outside the country to destabilize and ultimately overthrow Hanoi’s regime by undermining it from within.²

Over more than three decades, deprived of alternative means of expression, Vietnamese people from all walks of life have staged peaceful demonstrations to raise a whole range of issues, such as the environment, land rights, relations with China, religious freedom, controversial legislation, and worker rights.

Instead of listening to the protesters’ concerns, the authorities have invariably suppressed these demonstrations, sometimes with extreme violence. Police and government-backed thugs have routinely beaten and detained demonstrators, and subjected them to intimidation, harassment, and surveillance. Scores of people are detained arbitrarily in Vietnam today simply for peacefully exercising their constitutional right to freedom of peaceful assembly.

1.1. Background and political context

The Socialist Republic of Vietnam was founded in July 1976, following the reunification of the Democratic Republic of (North) Vietnam and the Republic of (South) Vietnam at the end of the Vietnam War in 1975. It is a one-party state, ruled by the CPV. The powers of the CPV, which today counts some 5.2 million members, pervade all aspects of life and maintain the country’s 100 million people under tight political control. The CPV’s monopoly is enshrined in Article 4 of Vietnam’s Constitution as the “force leading the society and state.” Although the CPV is not officially part of the state’s institutional system, its powers are clearly outlined in the CPV Charter: “The Party leads the state by its political platform, its strategy, policies, and ideological activities; its cadres manage and oversee the implementation thereof.”³

The first decade after reunification was a dark period for the people of Vietnam. In order to consolidate control over the population, the authorities set up a vast network of “re-education camps,” which were, in fact, forced labor camps. More than two million people, initially officers and soldiers from the former South

1. AP, *Communist party leader says protests show Vietnam has excessive democracy*, 10 May 2002.

2. National Defence Journal (Tập chí Quốc Phòng toàn Dân), *A new mask of “peaceful evolution”*, 26 April 2017; <http://tapchiquptd.vn/en/events-and-comments/a-new-mask-of-peaceful-evolution/10056.html>; Global Times, *Vietnamese PM urges awareness of “peaceful evolution” at meeting with Chinese envoy ahead of Harris’ visit*, 25 August 2021; <https://www.globaltimes.cn/page/202108/1232394.shtml>

3. Article 41, Charter of the Communist Party of Vietnam, 2018; <https://tulieuvankien.dangcongsan.vn/van-kien-tu-lieu-ve-dang/dieu-le-dang/dieu-le-dang-do-dai-hoi-dai-bieu-toan-quoc-lan-thu-xi-cua-dang-thong-qua-3431>

Vietnamese Army, followed by writers, artists, academics, journalists, trade unionists, teachers, students, and farmers, were incarcerated in these camps. Many would never return.⁴ Although no definitive statistics have ever been published by the government, studies have revealed that hundreds of thousands died of malnutrition, ill-health, exhaustion, or were summarily executed.⁵

At the same time, hundreds of thousands were forcibly displaced to New Economic Zones (NEZs), where they served as human buffers along Vietnam's borders with China and Cambodia. In order to escape repression, almost two million Vietnamese "boat people" fled the country in ramshackle crafts across the South China Sea. This was the first time in history that vast numbers of Vietnamese had voluntarily left their homeland – something that had not happened even in the worst times of famine or war.⁶

In 1986, the government launched a process of economic liberalization known as "*đổi mới*" or "renovation," moving from a centralized economy towards a "free market economy with Socialist orientations." Vietnam opened its borders to business and tourism and, as a result, the country's integration into the international community deepened.

These economic reforms enabled Vietnam to achieve impressive growth and bring millions of people out of poverty. But the CPV has remained hostile to political reform, claiming that it would upset the political stability required to attract foreign investment and business. After more than 35 years of *đổi mới*, there are still no opposition parties, independent media, or free trade unions. Civil society space is severely restricted, religions are tightly controlled, and all forms of peaceful criticism and dissent are systematically repressed.

While censorship and arbitrary detentions have always been key features of the government's repression, violations of human rights, particularly civil and political rights, have increased significantly in recent years. Following the CPV's 12th National Congress in January 2016, the authorities launched a severe crackdown on civil society, assaulting and detaining hundreds of bloggers, journalists, civil society activists, and human rights defenders. The CPV leadership announced its determination to combat "wrong and distorted allegations from hostile and reactionary forces" and to mobilize the military, police, and public security forces in the fight against dissent.⁷

This repressive trend has continued under the CPV leadership appointed at the 13th National Congress in January 2021. For the first time since Vietnam's reunification in 1976, over one third of the 18 members of the CPV's Politburo – Vietnam's highest political body – are high-ranking police or officials from the public security apparatus.⁸ Prime Minister Phạm Minh Chính is a three-star general and former Deputy Minister of Public Security. General Nguyễn Trọng Nghĩa, who heads the CPV's Propaganda and Education Commission, is a former chief of Force 47, the Ministry of Public Security's (MPS') unit of 10,000 "cyber warriors" used to track dissenting views on the Internet. The leadership has pledged to "step up the struggle to foil all schemes and activities of sabotage by hostile forces."⁹

The appointment of a new President, Võ Văn Thưởng, in March 2023, after the forced resignation of his predecessor and the dismissal of several top government officials in a sweeping anti-corruption crackdown,

4. Võ Văn Ái, *Isle of Light: a Look Back at the Boat People and the European Left - World Affairs Journal*, Vol. 176, No. 6, March-April 2014.

5. Jacqueline Desbarats, *Repression in the Socialist Republic of Vietnam: Executions and Population Relocation*, 1990.

6. Traditionally, most Vietnamese, whatever their religion, worship their ancestors. To leave one's homeland is thus tantamount to betraying one's ancestors. During the great famine in North Vietnam in 1945, or even during the Vietnam War, there was no exodus comparable to that of the boat people fleeing the communist regime.

7. Dân Trí Online, *Trần Đại Quang: Always stand firm against the attacks of hostile forces*, 22 January 2016 [in Vietnamese]; <https://dantri.com.vn/chinh-tri/dai-tuong-tran-dai-quang-luon-vung-vang-truoc-moi-su-tan-cong-cua-the-luc-thu-dich-20160122164224996.htm>

8. Benoît de Tréglodé, Institut Montaigne, *Vietnam's new leadership: The rise of the security apparatus*, 14 April 2021; <https://www.institutmontaigne.org/en/expressions/vietnams-new-leadership-rise-security-apparatus>

9. Official Journal, *Resolution of the XIII National Congress of the Communist Party of Vietnam*, 26 February 2021; <https://baohinhphu.vn/toan-van-nghi-quyet-dai-hoi-dai-bieu-toan-quoc-lan-thu-xiii-cua-dang-102288263.htm>

is unlikely to reverse this authoritarian trend.¹⁰ Thường is known to be close to CPV General Secretary Nguyễn Phú Trọng, Vietnam's most powerful figure, who was appointed for a rare third term at the 13th CPV Congress, and who has presided over the CPV's intensified repression against civil society and fierce crackdown on dissent.¹¹

1.2. Bamboo diplomacy

The Vietnamese government's policies and practices on the right to freedom of peaceful assembly are a domestic reflection of a key aspect of Hanoi's foreign policy strategy, which Nguyễn Phú Trọng has referred to as "bamboo diplomacy." The concept evokes the image of the bamboo, which has strong roots and solid stems, but supple, flexible branches that enable it to weather all storms. Like the bamboo, Trọng argued, Vietnamese diplomacy is soft and clever, yet persistent and resolute; flexible but "consistent and resilient in safeguarding national interests."¹² Concerning peaceful assembly, the government has "flexibly" pledged to respect the relevant provisions of the International Covenant on Civil and Political Rights (ICCPR), promised to adopt enabling legislation, and formally accepted recommendations to protect the free exercise of this right. Nonetheless, Hanoi remains firmly rooted in a rigid, authoritarian doctrine, persistently preserving a repressive domestic legal framework, and resolutely suppressing the voices of peaceful protesters exercising this fundamental and constitutional right.

10. International Institute for Strategic Studies, Volume 29, *Vietnam leadership turnover and foreign policy implications*, March 2023; <https://www.iiss.org/en/publications/strategic-comments/2023/vietnam-leadership-turnover-and-foreign-policy-implications/>

11. Reuters, *Nguyen Phu Trong, Vietnam's anti-corruption czar, crowned party chief again*, 31 January 2021; <https://financialpost.com/pmn/business-pmn/nguyen-phu-trong-vietnams-anti-corruption-czar-crowned-party-chief-again>

12. Nhân Dân (The People), *Vietnamese bamboo" diplomacy imbued with national identity*, 28 December 2021; <https://en.nhandan.vn/vietnamese-bamboo-diplomacy-imbued-with-national-identity-post108947.html>.

2. Repression by law: The national legal framework

The right to peaceful assembly is guaranteed in Vietnam's Constitution. However, restrictions to this right are embedded in the Constitution itself and rooted in the legal system at every level, thus severely curtailing the exercise of this right and exposing demonstrators to serious criminal sanctions.¹³

2.1. The Constitution

The right to freedom of assembly was guaranteed by the Constitution of the Democratic Republic of Vietnam promulgated by Hồ Chí Minh in 1946. The right to “demonstrate” was added to the Constitution of 1959, and both the rights to “assemble” and “demonstrate” have been enshrined in all three consecutive Constitutions since then.¹⁴ Article 25 of the current Constitution, promulgated in 2013, states that all citizens “shall enjoy the right to freedom of opinion and speech, freedom of the press, of access to information, to assemble, form associations and hold demonstrations.”

However, the exercise of these rights is negated by Article 15 of the Constitution, which specifies that “the practice of human rights and citizens’ rights must not infringe upon national interests,” and Article 14(2), which provides restrictions to the exercise of the rights listed in Article 25 on vaguely defined grounds of “national security, social order and security, social morality, and community well-being.”

2.2. The Criminal Code

Vietnam's Criminal Code¹⁵ contains a whole chapter on “crimes against national security,” the enforcement of which seriously undermines the right to freedom of peaceful assembly and many other fundamental human rights.¹⁶ Previously classed as “anti-revolutionary” crimes, these broadly defined offenses have changed only in name and number over the past few decades [See below, *Annex: Numbering of national security offenses’ provisions in the 1999 and 2015 Criminal Codes*].¹⁷ These statutes make no distinction between violent acts and the peaceful and legitimate exercise of rights, and prescribe harsh prison terms. Six offenses carry the death penalty as the maximum sentence.¹⁸

13. Such restrictions were embedded in the very first legislation on demonstrations, Presidential Order 31, issued by Hồ Chí Minh in September 1945. While it stipulated that “freedom of assembly is one of the founding principles of the Democratic Republic [of Vietnam], it added: “In the present situation, however, it is necessary to examine and control demonstrations in order to avoid unforeseen circumstances that may have an unfortunate effect on domestic or foreign affairs.”

14. The Constitutions of the Democratic Republic of (North) Vietnam in 1946 and 1959, and the Constitutions of the Socialist Republic of Vietnam in 1980, 1992, and 2013.

15. Vietnam's first Criminal Code after the country's reunification in 1976 was adopted in 1985, and came into force on 1 January 1986. An amended version was adopted in 1999. The current Criminal Code was adopted in 2015, but did not come into force until 2018 because of many errors in the text.

16. 2015 Criminal Code of the Socialist Republic of Vietnam; <https://www.wipo.int/edocs/lexdocs/laws/en/vn/vn086en.pdf>

17. When Vietnam promulgated the 2015 Criminal Code, it changed the numbering of the articles, including those on “national security,” although the crimes remained very much the same. Since this report covers several decades of protests, some of the persons arrested for activities of peaceful assembly were prosecuted under articles in the 2015 Criminal Code and others under that of 1999. In this section, the numbers of both codes are quoted.

18. High treason (Article 108 of the 2015 Criminal Code); carrying out activities aimed at overthrowing the people's administration (Article 109); spying (Article 110); rebellion (Article 112); terrorist activities aimed at opposing the people's administration (Article 113); and sabotaging the material-technical foundations of the Socialist Republic of Vietnam (Article 114).

Articles in the Criminal Code that are most frequently used to detain demonstrators or civil society members involved in activities related to public assemblies - such as filming or documenting peaceful protests, or using the Internet to organize demonstrations, or posting reports, videos, and photos of these events - are:

- Article 109 (“activities aimed at overthrowing the people’s administration”), which carries a wide range of penalties, including prison sentences of up to 20 years, life imprisonment, and the death penalty (Article 79 of the 1999 Criminal Code).
- Article 117 (“making, storing, disseminating information, document, materials, items against the Socialist Republic of Vietnam”), which imposes prison terms of five to 20 years (Article 88 of the 1999 Criminal Code, “conducting propaganda against the Socialist Republic of Vietnam”).
- Articles 331 (“abusing democratic freedoms to infringe upon the interest of the state, the legitimate rights and interests of organizations and/or citizens”), which carries prison sentences of up to seven years (Article 258 of the 1999 Criminal Code).

Three other articles of the Criminal Code that have also been frequently invoked to repress the right to freedom of peaceful assembly are:

- Article 116 (“undermining unity policies”), which carries a maximum penalty of 15 years in prison (Article 87 of the 1999 Criminal Code). It includes the offense of “sowing divisions between religious followers and non-followers,” a clause that has often been used to arrest and prosecute members of independent religious groups not registered or recognized by the state for holding assemblies to celebrate their faith.
- Article 118 (“disrupting security”), which prescribes prison terms of up to 15 years for “any person who, for the purpose of opposing the people’s government, incites, persuades, gathers other people to disrupt security, resists law enforcement officers in the performance of their duties, or obstructs the operation of agencies or organizations” (Article 89 of the 1999 Criminal Code). This provision has been frequently used to detain people participating in peaceful assemblies and demonstrations.
- Article 318 (“disturbing public order”), which prescribes fines, community service, or prison terms of up to seven years for “any person who causes disturbance of public order which negatively impacts social safety, order, or security” (Article 245 of the 1999 Criminal Code). This broadly worded clause has provided the authorities with legal grounds to detain and prosecute people who participated in demonstrations and protests.

In addition, Articles 109, 116, 117, and 118 of the 2015 Criminal Code include vague provisions on the “preparation” of, or intent to, commit a crime, and prescribe up to five years in prison for violators. “Preparation” could mean anything from mere speculation to the physical preparation to commit an act. These vaguely defined provisions give the authorities broad discretion to punish individuals who are simply considering participating in protests, but have not taken any concrete actions.

In January 2022, 117 prominent intellectuals and civil society organizations in Vietnam sent a petition to the Vietnamese leadership calling for the abolition of Articles 109, 117, and 331 of the Criminal Code, which they said violated Vietnam’s Constitution. “The vagueness of Articles 109, 117, and 331 of the Criminal Code has opened up an avenue for law enforcement agencies to trample on the International Covenant on Civil and Political Rights,” they wrote, noting that Article 331 was “most bizarre.”¹⁹

19. Petition 117, 1 January 2022 [in Vietnamese]; <https://baotiengdan.com/2022/01/01/kien-nghi-117-yeu-cau-huy-bo-3-dieu-cua-bo-luat-hinh-su-2015/>

2.3. No law on public assemblies

There is no law on public assemblies in Vietnam, although the subject has been under debate for more than a decade.²⁰

In 2011, following a wave of anti-China protests across Vietnam [See below, *Chapter 4.4*], lawmakers in the National Assembly called for a law on demonstrations, observing that “in the context that China has committed wrongdoings that violated our country’s sovereignty, many people want to express their patriotism and aspirations.”²¹ The subject was placed for discussion on the agenda of the National Assembly’s 13th session in November 2011.²² The government directed the MPS to coordinate with relevant state agencies and develop a draft law, and to coordinate their efforts with government bodies in Russia, China, South Korea, and Thailand to learn from their experiences.²³ The MPS submitted several drafts to the National Assembly, but none garnered the necessary support for the legislative process to move forward. The latest version was to be introduced in the National Assembly in May 2020, but the MPS asked for more time to improve the text. No date was announced for the submission of a new draft.

Because of the government’s concerns over the impact of protests on its grip on power, the law on demonstrations is a highly sensitive topic for Hanoi. One commentator, former People’s Army Lieutenant Colonel Vũ Minh Trí, wryly summed up the situation: “The government’s dilemma is that it wants to adopt a law which in essence bans demonstrations, then call it the Law on Demonstrations.”²⁴ The MPS stressed that the language and intent of a law on demonstrations “must be guaranteed so that anti-state groups cannot take advantage of loopholes and engage in sabotage.”²⁵

The sanctioning of state-controlled *Tuổi Trẻ* [Youth], one of Vietnam’s most popular daily newspapers, shows the sensitive nature of this topic for Hanoi. In 2018, in the wake of widespread demonstrations against controversial draft laws on the Special Economic Zones (SEZs) and Cyber Security being considered by the National Assembly, *Tuổi Trẻ* published an article quoting then-President of Vietnam Trần Đại Quang as saying he acknowledged the need for a law on demonstrations. Almost immediately, the article was removed from the newspaper’s website. The Ministry of Information and Communication’s Press Authority said the article was “untrue,” “nationally divisive,” and caused “severe impacts.” The website was shut down for three months and the paper was made to pay a fine of 220 million Vietnamese dong (VND) (US\$9,800).²⁶ Since this incident, there has been no further reference to the law on demonstrations in the state-controlled press.

20. Legal Studies Review, *Citizens’ right to demonstrate and the issues involved in formulating a Law on Demonstrations*, No. 23, December 2015 [in Vietnamese]; <http://lapphap.vn/Pages/tintuc/tinchitiet.aspx?tintucid=208529>

21. Tuổi Trẻ News, *Vietnamese lawmakers want Law on Demonstrations to be passed next year*, 28 May 2015; <https://tuoitrenews.vn/news/society/20150528/vietnam-lawmakers-want-law-on-demonstrations-to-be-passed-next-year/3223.html>

22. New Hanoi, *The Law on Demonstrations: From demands to implementation*, 19 November 2011 [in Vietnamese]; <https://hanoimoi.com.vn/ban-in/Xa-hoi/530538/luat-bieu-tinh-nhung-doi-hoi-tu-thuc-tien>

23. VnExpress, *Ministry given more time to work on public demonstration law*, 12 May 2020; <https://e.vnexpress.net/news/news/ministry-given-more-time-to-work-on-public-demonstration-law-4098280.html>

24. Radio Free Asia, *Commune Police should be in charge of human rights protection to “nip sabotage activities in the bud,”* 5 August 2022 [in Vietnamese]; https://www.rfa.org/vietnamese/in_depth/commune-police-have-been-asked-to-assign-tasks-on-human-rights-how-to-do-it-08052022131849.html

25. VnExpress, *Ministry given more time to work on public demonstration law*, 12 May 2020; <https://e.vnexpress.net/news/news/ministry-given-more-time-to-work-on-public-demonstration-law-4098280.html>

26. VnExpress, *Major online newspaper suspended for three months in Vietnam*, 16 July 2018; <https://e.vnexpress.net/news/news/major-online-newspaper-suspended-for-three-months-in-vietnam-3778939.html>

2.4. Decree 38 and Circulars 9 and 13

In the absence of specific national legislation governing public assemblies, the right to freedom of peaceful assembly is regulated by a number of highly restrictive decrees and regulations.

Decree 38, enacted on 18 March 2005,²⁷ prohibits gatherings outside state agencies and public buildings and bans all protests deemed to “interfere with the activities” of CPV leaders and state organs.²⁸ Decree 38 was issued to curb the protests of dispossessed farmers and peasants demonstrating outside government buildings in Hanoi and Ho Chi Minh City in the early 2000s [See below, *Chapter 4.3.2.*]. Later, it was widely invoked by the authorities to quell protracted nationwide protests connected with the Formosa disaster in 2017 [See below, *Chapter 4.6.*] and demonstrations against the draft laws on the SEZs and the Cyber Security in 2018.

Circular 9, enacted on 5 September 2005,²⁹ gives directions for implementing Decree 38, and prohibits gatherings of more than five people without prior permission from the authorities. Individuals seeking to obtain this permission must submit a written request to the district or provincial authorities (Article 6.3). The request should state the objective of the gathering, the time and place of the event, the composition and number of persons involved, and the form and content of communications, including slogans, flyers, flags, and banners. The authorities are required to reply within seven working days, and may refuse permission for a wide range of vaguely defined reasons, including “gatherings that disturb public order, the environment, the people’s fine customs and cultural traditions, negatively impact the people’s solidarity, undermine solidarity between ethnic or religious communities, and impede the implementation of the social policies of the Communist Party [of Vietnam] and the state” (Article 7.4). Circular 9 also recalls that Decree 38 strictly prohibits all gatherings outside government and public buildings across the country. Circular 9 specifies that these restrictions do not apply to “gatherings organized by organs of the Communist Party [of Vietnam], the government, the Fatherland Front, and other political-social organizations” (Article 4.3).

Circular 13/2016/TT-BCA on “Regulations on the duties of the People’s Security forces in protecting Court hearings” took effect on 24 April 2016.³⁰ Circular 13 gives security forces *carte blanche* to suppress demonstrations and arrest individuals protesting unfair trials or expressing solidarity with defendants who are on trial. Article 13 of the Circular instructs police on how to maintain security during court hearings and ensure the protection of court officials, lawyers, witnesses, evidence, and people attending the trial. Article 14 of the Circular contains a clause on “handling situations of gatherings causing public disorder in the vicinity of trials.” Under Article 14 of the Circular, if people gather outside a trial, police must first issue verbal warnings to disperse them. But if the demonstrators do not comply, police may “immediately deploy forces to prevent the disturbance of public order, isolate and arrest opposition elements, instigators and leaders of the disturbance.”

27. Decree 38/2005/ND-CP. ND is the acronym for Nghị Định [Decree]; CP is the acronym for Chính Phủ [government].

28. Decree 38 [in Vietnamese]; <https://thuvienphapluat.vn/van-ban/Van-hoa-Xa-hoi/Nghi-dinh-38-2005-ND-CP-bien-phap-bao-dam-trat-tu-cong-cong-52936.aspx>

29. Circular 09/2005/TT-BCA, issued by the Ministry of Public Security on the Implementation of certain provisions of Decree 38 [in Vietnamese]; <https://thuvienphapluat.vn/van-ban/Van-hoa-Xa-hoi/Thong-tu-09-2005-TT-BCA-bien-phap-bao-dam-trat-tu-cong-cong-huong-dan-thi-hanh-Nghi-dinh-38-2005-ND-CP-17573.aspx>

30. Circular 13/2016/TT/BCA, issued by the Ministry of Public Security on 10 March 2016.



Plainclothes policemen form a human chain to prevent hundreds of protesters from approaching the court where lawyer Lê Quốc Quân faced charges of tax evasion at his trial held amid heavy security in Hanoi on 2 October 2013. © CAT BARTON / AFP

2.5. Law on Handling of Administrative Violations

The 2013 Law on Handling of Administrative Violations³¹ empowers district-level officials to detain persons suspected of “disturbing social order and safety” (i.e. participating in public gatherings or protests) in “compulsory education establishments” for periods ranging from six months to two years without any due process of law.

This law repealed and replaced the notorious Ordinance 44/2002, which authorized detention without trial or internment in mental hospitals of citizens suspected of public order-related offenses that were “not serious enough to justify prosecution.” Several activists who participated in protests were interned or detained under Ordinance 44. In 2006, lawyer Bùi Thị Kim Thanh was committed to Bien Hoa Mental Hospital near Ho Chi Minh City for defending expropriated farmers and protesting land confiscation.³² In November 2011, activist and blogger Bùi Thị Minh Hằng was interned in Thanh Ha Education Center in Vinh Phuc Province for taking part in protests against territorial claims by China on the Spratly and Paracel Islands [See below, *Chapter 4*].³³

Although Ordinance 44 is no longer in force, the disturbing practice of interning suspected national security offenders in mental hospitals continues in Vietnam.

31. Law on Handling of Administrative Violations, 15/2012/QH13, <http://extwprlegs1.fao.org/docs/pdf/vie117927.pdf>

32. VCHR, *Vietnam repeals Decree 31/CP on “Administrative Probation” but continues arbitrary detention of dissidents under Ordinance 44*, 30 March 2007; <https://queme.org/en/vietnam-repeals-decree-31cp-on-administrative-probation-but-continues-arbitrary-detention-of-dissidents-under-ordinance-44/>

33. *Courrier du Vietnam*, *Bùi Thị Minh Hằng: The Vietnamese institutions’ decision conforms to the law*, 7 January 2012 [in French]; <https://lecourrier.vn/bui-thi-minh-hang-la-decision-des-organes-vietnamiens-est-conforme-a-la-loi/392.html>

2.6. Anti-riot squads set up to suppress demonstrations

Alongside legal restrictions on the right to peaceful assembly, in recent years the government intensified repressive measures to crack down on “illegal demonstrations” and acts of “disturbing public order.”

Under a ruling by the MPS (Decision 1984/QĐ-BCA),³⁴ squads of specialized anti-riot police have been set up in towns and provinces all over the country. According to various reports published in state-controlled media since October 2021, at least 19 provinces and cities have set up regiments or battalions of “Reserve Riot Combat Police,” including Ho Chi Minh City and the provinces of Binh Duong, Binh Phuoc, Dong Nai, Thanh Hoa, Haiphong, Thai Binh, Hoa Binh, Nghe An, Dac Lac, Lao Cai, and Gia Lai.³⁵

These squads are trained to “act swiftly, in accordance with the security police forces, to deal with unexpected problematic breaches of security and order and prevent them from getting out of control.”³⁶ They are manned by local security police, selected for their high level of military training and “steadfast political views.” The duties of these anti-riot police include “preventing and suppressing public disorder and illegal demonstrations,” “maintaining order during important political events of the Party and state and major holidays,” “ensuring political security, social order, and safety of the locality,” and “performing other tasks as required.”

Given the broad definition of their permissible responses against demonstrations, these riot squads could be used to crack down on a wide range of peaceful protests, such as strikes in the large industrial parks near Ho Chi Minh City, or demonstrations by ethnic Christian Montagnards, Hmong, and other religious groups in the Northern and Central Highlands and elsewhere.³⁷

2.7. Suppression of freedom of assembly at the grassroots level

Alongside these local brigades of anti-riot police, Vietnam’s government has intensified measures to suppress human rights protests at a local level by accelerating the establishment of “human rights committees” in villages, towns, and provinces all over the country.³⁸ These committees are branches of the Government Human Rights Steering Committee (GHRSC), which was founded in 2004 and is headquartered in Hanoi. While their stated mission is to disseminate the policies of the CPV and the state on human rights, these committees also have the mission to identify potential activists and suppress nascent protest movements at a local level to prevent them from gaining momentum. The determination to intervene proactively to “early detect and timely deal with adverse factors” is a core element of CPV policy, as stipulated in its Resolution to the 13th National Party Congress in January 2022.³⁹

Given the low level of instruction of local party cadres and police, and the high level of corruption and power abuse, the expansion of the powers of these committees will most likely result in widespread intimidation, harassment, and arbitrary arrests of demonstrators in localities where they exist. Journalist and former political prisoner Nguyễn Ngọc Giao warned that the creation of these committees was a “forewarning of tighter surveillance, more stringent controls, and increased repression on civil society in Vietnam.”⁴⁰

34. QĐ is the acronym for Quyết Định [decision]; BCA is the acronym for Bộ Công An [Ministry of Public Security].

35. As of the date of this report’s publication, state media had reported launching ceremonies of regiments and battalions of these anti-riot police in Ho Chi Minh City and in the provinces of Binh Duong, Binh Phuoc, Dong Nai, Thanh Hoa, Haiphong, Khanh Hoa, Thai Binh, Hoa Binh, Nghe An, Dac Lac, Lao Cai, Bac Giang, Cao Bang, Gia Lai, Quang Nam, Soc Trang, Ninh Thuan, and Phu Tho.

36. Ho Chi Minh City Media Center, *Ho Chi Minh City launching ceremony for the Reserve Riot Combat Police Regiment*, 10 August 2022 [in Vietnamese]; <https://tbc-hcm.gov.vn/tp-ho-chi-minh-ra-mat-trung-doan-can-h-sat-co-dong-du-bi-chien-dau-30314.html>

37. Radio Free Asia, *Vietnam sets up specialized police units to suppress protests across the country*, 12 August 2022; <https://www.rfa.org/english/news/vietnam/vietnam-sets-up-specialized-police-units-08122022012127.html>

38. Security Police Online, *Conference to assess the situation of Human Rights Steering Committees in Central and Southern Vietnam*, 2 August 2022 [in Vietnamese]; <https://cand.com.vn/lanh-dao-bo-cong-an/hoi-nghi-danh-gia-tinh-hinh-ban-chi-dao-nhan-quyen-cac-dia-phuong-khu-vuc-mien-trung-va-mien-nam-i662530/>

39. CPV Resolution to the 13th National Party Conference, 1 February 2022; <https://lawnet.vn/en/vb/Resolution-2022-13th-National-Congress-7D534.html>

40. Radio Free Asia, *Commune police put in charge of human rights*, 5 August 2022 [in Vietnamese]; https://www.rfa.org/vietnamese/in_depth/commune-police-have-been-asked-to-assign-tasks-on-human-rights-how-to-do-it-08052022131849.html

3. No compliance with international human rights law and standards

Vietnam's laws and policies with regard to the right to freedom of peaceful assembly are inconsistent with relevant international law and standards.

The right to peaceful assembly is enshrined in key UN instruments, such as the 1948 Universal Declaration of Human Rights (UDHR), the 1966 ICCPR,⁴¹ and the 1998 Declaration on Human Rights Defenders.

Article 21 of the ICCPR stipulates: “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

Under Article 2 of the ICCPR, state parties have an obligation to adopt national laws necessary to guarantee the enjoyment of the rights enshrined in the Covenant. However, despite its accession to the ICCPR in September 1982, Vietnam has not only failed to adopt a law on demonstrations [See above, *Chapter 2.3.*], but also enacted a number of decrees and regulations that severely restrict the exercise of the right to freedom of peaceful assembly.

Vietnam's government has often contended that restrictions on the right to freedom of peaceful assembly in its domestic legislation conform to the limitations defined by Article 21 of the ICCPR to protect national security or public order, public health, morality, and the freedoms and rights of others. In fact, the restrictions in domestic legislation are grossly inconsistent with the ICCPR.

Concerning “national security,” the UN Human Rights Committee's (CCPR's) General Comment No. 37, which provides authoritative guidance on the measures that should be adopted by state parties to the ICCPR to ensure full compliance with Article 21 of the Covenant, specifies that national security may be invoked to restrict peaceful assemblies only “to protect the existence of the nation, its territorial integrity or political independence against a credible threat or use of force.”⁴²

In Vietnam, the Criminal Code and other domestic laws contain numerous provisions that do not meet this threshold, as the exercise of constitutionally guaranteed rights, such as the right to freedom of peaceful assembly, can be restricted and/or sanctioned on vague grounds, such as “abusing human rights to infringe upon state interests,” “sowing divisions between the people and the people's government,” “defaming the people's government,” or “offending famous persons or national heroes.”⁴³

41. Vietnam is a state party to the ICCPR. However, the ICCPR has no applicable status in Vietnam and cannot be invoked directly before the courts. Since Vietnam has not ratified the ICCPR's First Optional Protocol, which allows individuals to directly petition the UN Human Rights Committee if they believe their rights under the Covenant have been violated, victims have no independent remedy for human rights abuses in Vietnam.

42. UN Human Rights Committee, *General Comment No. 37 on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37, para. 42; the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights state that national security cannot be misused as a pretext to impose “vague and arbitrary limitations.” - Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights; UN Doc. E/CN.4/1985/4, annex, para. 31.

43. Article 331 of the 2015 Criminal Code on “abusing democratic freedoms to infringe upon the interest of the state, the legitimate rights and interests of organizations and/or citizens” (up to seven year in prison); Article 116 on “undermining implementation of solidarity policies” (up to 17 years in prison); Article 9 of the Press Law (103/2016/HQ13) prohibits “defaming the people's government” and “offending national heroes;” Article 8 of the 2018 Law on Cyber Security (24/2018/QH14) prohibits “denying revolutionary achievements.”

With respect to the legal obligation for organizers of public assemblies to notify authorities prior to the holding of such events, General Comment No. 37 states that in countries (such as Vietnam) where authorization procedures - as opposed to notification procedures - persist in domestic law, these “must in practice function as a system of notification, with authorization being granted as a matter of course, in the absence of compelling reasons to do otherwise.”⁴⁴

However, Vietnam’s authorization procedures, outlined in Circular 9 of 2005 [See above, *Chapter 2.4.*], allow the authorities to refuse permission for an assembly for a wide range of vaguely defined reasons that are inconsistent with the permissible restrictions under Article 21 of the ICCPR.

Regarding the expressive content of peaceful assemblies, General Comment No. 37 states that restrictions on peaceful assemblies must not be used, “explicitly or implicitly, to stifle expression of political opposition of a government, challenges to authority, including calls for democratic changes of government, the constitution or the political system, or the pursuit of self-determination. They should not be used to prohibit insults to the honor or reputation of officials or state organs.”⁴⁵

In contrast, Vietnam’s legislation criminalizes legitimate actions, including the expressive content of peaceful assemblies, on vague and overly broad grounds that are inconsistent with Article 21 of the ICCPR [See above, *Chapter 2.2.*].

Under Article 21 of the ICCPR, the right to freedom of peaceful assembly is guaranteed online as well as offline.⁴⁶ General Comment No. 37 specifies that state parties to the ICCPR must not block or hinder Internet connectivity in relation to peaceful assemblies, and ensure that Internet service providers and intermediaries “do not unduly restrict assemblies or the privacy of assembly participants.”⁴⁷

In Vietnam, the 2018 Law on Cyber Security⁴⁸ and its Implementing Decree 53⁴⁹ seriously restrict the right to freedom of peaceful assembly online. The law grants the government sweeping powers to block and restrict online assemblies under a wide range of vaguely defined “illegal activities,” such as causing confusion among the people, disturbing public security, or propagandizing against the state (Article 19). Applied in conjunction with “national security” clauses in the Criminal Code [See above, *Chapter 2.2.*], it enables the authorities to arrest and prosecute people who use the internet to prepare, organize, and document peaceful assemblies.

With regard to the modalities of public assemblies, General Comment No. 37 states that “the use of flags, signs, and banners is to be regarded as a legitimate form of expression that should not be restricted, even if such symbols are reminders of a painful past.”⁵⁰ In Vietnam, displaying flags during public assemblies can be a crime. For example, in March 2016, three women were sentenced to prison terms of three and four years, plus two years of probationary detention each, for “anti-state propaganda” (Article 88 of the 1999 Criminal Code). The three had demonstrated outside the US Embassy in Hanoi in July 2014 with flags of the former Republic of (South) Vietnam. The indictment said that their action was “very serious,

44. UN Human Rights Committee, *General Comment No. 37 on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37, para. 73.

45. UN Human Rights Committee, *General Comment No. 37 on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37, para. 49.

46. UN Human Rights Committee, *General Comment No. 37 on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37, paras. 6, 10, and 13.

47. UN Human Rights Committee, *General Comment No. 37 on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37, para. 34.

48. 2018 Law on Cyber Security, <https://thuvienphapluat.vn/van-ban/EN/Cong-nghe-thong-tin/Law-24-2018-QH14-Cybersecurity/388829/tieng-anh.aspx>

49. Decree 53/2022/ND-CP on Implementing the Cyber Security Law, in effect on 1 October 2022; <https://thuvienphapluat.vn/van-ban/EN/Cong-nghe-thong-tin/Decree-53-2022-ND-CP-elaborating-the-Law-on-cybersecurity-of-Vietnam/527750/tieng-anh.aspx>

50. UN Human Rights Committee, *General Comment No. 37 on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37, para. 51.

infringing on national security, distorting, instigating, and causing suspicion and mistrust of the people in the Party and state.”⁵¹

Regarding the restrictions on places of peaceful assemblies, General Comment No. 37 states that the designation of “places such as courts, parliaments, sites of historical significance, or other official buildings” as areas where assemblies may not take place “should generally be avoided.”⁵² However, Vietnam’s Decree 38 prohibits demonstrations outside government buildings [See above, *Chapter 2.4.*].

On the use of force to disperse assemblies, the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials stipulate that “in the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.”⁵³ General Comment No. 37 adds that “law enforcement officials may not use greater force than is proportionate to the legitimate objective of either dispersing an assembly, preventing a crime, or effecting or assisting in the lawful arrest of offenders or suspected offenders.”⁵⁴

In contrast, in Vietnam, law enforcement officers have routinely used force - and, in many cases, unnecessary and/or disproportionate force - to disperse peaceful assemblies and arrest demonstrators [See below, *Chapter 4*]. Such violence is permissible under Article 24 of Vietnam’s Criminal Code, which stipulates that “if violence and infliction of bodily harm to a criminal is the only way to capture him/her, the use of violence in this case does not constitute a criminal offense.” In addition, Circular 13 authorizes law enforcement officials to forcibly disperse gatherings outside court buildings and arrest participants [See above, *Chapter 2.4.*].

51. VOA, *Vietnam jails 3 women for waving flags of former South*, 30 March 2016; <https://www.voanews.com/a/ap-vietnam-jails-women-for-waving-flags-of-former-south/3260841.html>

52. UN Human Rights Committee, *General Comment No. 37 on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37, para. 56.

53. UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 1990, para.13.

54. UN Human Rights Committee, *General Comment No. 37 on the right of peaceful assembly (Article 21)*, 17 September 2020; UN Doc. CCPR/C/GC/37, para. 79.

4. Repression of the right to freedom of peaceful assembly

The right to freedom of peaceful assembly has been systematically repressed in Vietnam. For several decades, peaceful protest movements have faced varying degrees of repression by the authorities, including violent crackdowns, arrest, detention, prosecution, and other forms of harassment against protest leaders, participants, and sympathizers.

The Vietnamese government has frequently used hostile or stigmatizing rhetoric against public demonstrations to justify its violations of the right to freedom of peaceful assembly, while consistently failing to hold the authorities accountable for abuses committed against protesters.

Protests in Vietnam have traditionally covered a wide range of issues. The largest protests have been demonstrations for religious freedom. The most widespread and sustained protests have been the demonstrations of farmers and rural communities demanding justice for violations of land rights. The most groundbreaking protests have been the anti-China demonstrations, which united Vietnamese of all ages, at home and abroad, including veteran communists, academics, students, civil society actors, business people, and farmers in a common surge of patriotism. Salient issues, such as the protection of the environment, worker rights, or protests against restrictive legislation, have been among other common triggers of protests in Vietnam.

Overall, most of the demonstrations were peaceful, with protesters taking to the streets as a means of alerting the authorities of their grievances. In some cases, however, people's frustration over their lack of access to justice and the government's systematic refusal to address their concerns resulted in violent clashes. In the rare occurrences of such violence, protesters usually suffered disproportionate punishments.

This report does not attempt to record all demonstrations - too numerous to document - that have taken place in Vietnam since the country was united at the end of the Vietnam War. It seeks rather to give an overview of certain key protests that have shaped contemporary Vietnamese society, and document the efforts of individuals, groups, and communities who have braved harassments, intimidation, and detention to push back the boundaries and press for social justice and the respect of fundamental freedoms and rights in Vietnam.

4.1. The first peaceful protests in unified Vietnam (1988-1989)

In a climate of growing tension and popular discontent following the first decade of communist rule, street protests and demonstrations broke out all over Vietnam in 1988-1989.

Inspired by the student-led pro-democracy demonstrations in China, thousands of students in Hanoi, Ho Chi Minh City, and Nghia Binh took to the streets to protest police violence against students and poor conditions in university hostels and canteens.⁵⁵ Coal miners in Quang Ninh Province went on strike over the state's failure to pay their wages. In the summer of 1988, thousands of peasants and farmers from the southern provinces descended on Ho Chi Minh City to protest forced collectivization, confiscation of their lands, and power abuse by local CPV cadres, whom they called "red feudal landlords."⁵⁶ Similar demonstrations

55. Le Monde, *Les autorités accèdent aux revendications d'un mouvement étudiant*, 21 June 1989 [in French]; Saigon Giải Phóng (Saigon Liberation), 13 June 1989 and Lao Động (Labor), 26 June 1989.

56. Quê Mẹ magazine, *Rural protests – from submission to revolt*, No. 97-98, January-February 1989; Saigon Giải Phóng (Saigon Liberation), *Peasants from the Mekong Delta march to the 2nd National Assembly office to complain about serious lack of democracy in the provinces*, 12 August 1988.

in Thanh Hoa Province, northern Vietnam, led to riots as peasants clashed with local officials who were forcing them to work in state-owned collective farms for almost no pay.⁵⁷

At a time when acts considered by the government as “anti-state activities” were punished by death, demonstrators took great personal risks to voice their discontent. These protests were rapidly suppressed, often brutally. But they set a precedent of dissent that continues today.

4.2. Religious freedom protests

The authorities have routinely suppressed peaceful religious gatherings, often with unnecessary and/or disproportionate force, and have subjected their participants to harassment, arrest, prosecution, and other grave violations of their rights. In addition, under the Law on Religion and Belief, which came into effect in 2016, religious communities are subjected to a mandatory system of registration and recognition which further restricts the exercise of freedom of peaceful assembly.

4.2.1. The Unified Buddhist Church of Vietnam (UBCV) (1993)

The largest ever protest in Vietnam was the peaceful demonstration of 40,000 Buddhists in May 1993 in the central city of Hue, one of the most important centers of Buddhism in Vietnam, to denounce repression against the UBCV, the country’s largest independent religious organization.⁵⁸ The demonstration was the culmination of mounting tension between the government and the UBCV, which was the target of continuous repression after Vietnam’s unification because it refused to join CPV-sponsored Buddhist organizations and continued to confront the government over its violations of human rights.⁵⁹

The protest was triggered by the act of a lay Buddhist, Nguyễn Ngọc Dũng, who immolated himself on the grounds of the famous Linh Mu Pagoda on 21 May 1993. Police rapidly removed his body and announced that the man was not a Buddhist, but “a desperate drug addict suffering from AIDS.”⁶⁰ On 24 May, police summoned Venerable Thích Trí Tụ, Superior Monk of the Linh Mu Pagoda, and tried to force him to sign a statement confirming the government version of events. Believing he had been arrested, other UBCV monks staged a hunger strike in the main street. News spread quickly, and within a few hours, 40,000 Buddhists, students, and local people had joined the monks in their protest.⁶¹

Police used water cannons, electric batons, and tear gas to disperse the crowds. Several Buddhist monks and lay followers were arrested in the aftermath. On 15 November 1993, at a secret trial in Hue, UBCV monks Thích Trí Tụ, Thích Hải Tạng, Thích Hải Chánh, Thích Hải Thịnh, and five lay Buddhists were convicted of “disturbing public order” and sentenced to prison terms ranging from three to four years. They did not have access to defense counsel.⁶² They were all detained, along with common criminals, in Ba Sao Prison near Hanoi, where they staged several hunger strikes to protest ill-treatment.⁶³

57. *Quê Mẹ* magazine, *Uprising in Thanh Hoa Province*, No. 102, August 1989; *Nhân Dân* (The People), 20 July 1989 [in Vietnamese]. Reports on demonstrations appeared briefly in state-controlled press during a period of “opening” in 1988-89, but later disappeared.

58. Buddhism was introduced into Vietnam over 2000 years ago, and has a long history of engagement for social justice. During the French colonial period and up to the early 1960s under the government of Ngô Đình Diệm, Buddhism was not recognized as a religion, but was reduced to the status of a mere “association” under Colonial Decree No. 10. Following mass Buddhist protests in Saigon in 1963 and the immolation of the monk Thích Quang Đức, Decree No. 10 was repealed and the UBCV was officially established in 1964. In 1981, the authorities set up the state-sponsored Vietnam Buddhist Sangha, which became the only legally-recognized Buddhist organization in Vietnam.

59. FIDH, *Written statement on Religious Intolerance in the Socialist Republic of Vietnam*, 49th Session of the UN Commission on Human Rights, 10 February 1993; UN Doc. E/CN.4/1993/NGO/27; <https://digitallibrary.un.org/record/159324>

60. *Quân đội Nhân Dân* (The People’s Army Daily), *The truth about the death at Thien Mu Pagoda*, 7 June 1993 [in Vietnamese].

61. AFP, *Vietnam authorities accuse Buddhists of creating “social unrest”*, 31 May 1993; APC Networks, *World Conference on Human Rights, Vietnam: Suppression of Buddhist Church*, 4 May 1993.

62. South China Morning Post, *Fasting Monks gravely ill*, 17 May 1994.

63. AFP, *Four Vietnamese Buddhist monks on hunger strike south of Hanoi*, 15 May 1994.

The Vietnamese authorities filmed the 24 May demonstration and Foreign Ministry officials toured Europe, Canada, and the US with an edited version, arguing that the Buddhists were “religious fanatics” who had incited the crowds to violence. An alternative version of this video, with verbatim transcripts of the monks’ exchanges with police and an analysis of the events, contradicted the government’s propaganda video and showed the peaceful nature of the demonstration.⁶⁴

The magnitude of this spontaneous demonstration took the authorities by surprise. At a conference held in June 1993 in the city of Haiphong to evaluate its implications, top CPV officials qualified the demonstration as “a warning bell that should awaken us all to the real and effective capacities of our enemies in implementing the strategy of peaceful evolution.”⁶⁵

4.2.2. Christian Montagnards in the Central Highlands (2001)

In 2001, thousands of Christian ethnic minority highlanders, known as “Montagnards” (*người Thượng* in Vietnamese), demonstrated in Vietnam’s Central Highlands to demand religious freedom and restitution of confiscated lands. The protests were triggered by the arrest of two Montagnards, Rahlan Pon and Rahlan Djan, in Gia Lai on 29 January 2001.⁶⁶ The two were accused of “illegally” converting to Christianity. Several hundred Montagnards marched to Gia Lai CPV headquarters to demand their release. The protests spread to the cities of Pleiku, Ban Ma Thuot, and the provinces of Gia Lai, Dac Lac, and Kontum, and lasted over six weeks, culminating in massive public protests throughout February 2001. The authorities deployed armed troops, military helicopters, and riot police to brutally quell the demonstrations. They also imposed a media blackout and placed the area under martial law.⁶⁷

Despite tightened security measures, widespread protests broke out again in April 2004, with 14,000 Montagnards demonstrating in Dac Lac, Dac Nong, and Gia Lai. At least eight people were killed in the ensuing crackdown.⁶⁸

Thousands of Montagnards subsequently fled to Cambodia to seek asylum, and hundreds were arrested and detained following the crackdowns. Although no exact figure is known, former political prisoner Nguyễn Khắc Toàn counted 224 Montagnards in just one section of Ba Sao Prison camp in Nam Ha Province before his release in 2006.⁶⁹ They all bore scars and traces of beating and torture.

In the following years, several other protests broke out in the Central Highlands over land rights and worker issues. In mid-2010, scores of Montagnards were beaten and several arrested during demonstrations in the rubber plantations where working conditions were extremely harsh. The government accused the Montagnards of “inciting riots” and illegal worship.⁷⁰

4.2.3. Hmongs in the Northwestern Highlands

On 30 April 2011, some 7,000 ethnic minority Hmongs gathered in Muong Nhe District, Dien Bien Province, in the Northwestern Highlands near the border with Laos, one of Vietnam’s poorest regions.

64. VCHR, *Demonstration of 40,000 Buddhists in Huế for religious freedom - Video*, 1995; <https://youtu.be/mZzHyd2EA6Y>

65. Hồng Vinh, *The effect of actions by Buddhists acting under the cloak of religion to disturb public security in Hue - Conference on Peaceful Evolution, Haiphong*, 26 June 1993 [in Vietnamese].

66. DPA, *Unrest questions unanswered in Vietnam Highlands*, 16 March 2001.

67. Chaiwatsatha-Anand and Olivier Urbain, *The Promise of Reconciliation? Examining Violent and Nonviolent effects in Asian Conflicts - Peace and Policy, Volume 20*, March 2016.

68. Chaiwatsatha-Anand and Olivier Urbain, *The Promise of Reconciliation? Examining Violent and Nonviolent effects in Asian Conflicts - Peace and Policy, Volume 20*, March 2016.

69. Observatory for the Protection of Human Rights, *Interview with former political prisoner Nguyễn Khắc Toàn, Vietnam: Twelve human Rights Defenders have the floor*, April 2007.

70. VCHR, *Violations of the Rights of Ethnic and Religious Minorities in Vietnam, Alternative Report on Implementation of ICERD*, January 2012, <https://queme.org/en/violations-of-the-rights-of-ethnic-and-religious-minorities/>; Báo Gia Lai, *Chu Prong: Hot Rubber Plantations*, 19 September 2010.

The Hmongs, including Protestants, Catholics, and Animist believers, had reportedly gathered in the area following a rumor of the imminent coming of a “messiah.”⁷¹ The gathering was also an explosion of deep unrest caused by violations of land rights and religious freedom, since many Hmongs had been driven out of their ancestral lands and forced to recant their faith.⁷²

Although this was a peaceful gathering, on 3 May 2011 the government deployed armed military and police units in an aggressive crackdown on the pretext that “extremists” were conniving with “hostile forces” to establish Hmong self-rule. In the ensuing violent crackdown, at least 60 Hmongs were killed, hundreds wounded, and hundreds of others fled to hide in the jungle or attempted to escape across the border to Laos. Helicopters were used to open machine-gun fire on the unarmed crowds, and special force units of the People’s Army were mobilized to track, arrest, interrogate, and even summarily execute suspected Hmong demonstrators. The government sealed off the area and prohibited access to foreign journalists.⁷³

4.2.4. Hòa Hảo Buddhists

Authorities have regularly prevented and dispersed the peaceful gatherings of Hòa Hảo Buddhists, often using excessive force.⁷⁴

Every year since 1999, when the authorities created a state-sponsored Hòa Hảo organization under CPV control, independent Hòa Hảo Buddhists have gathered in the birthplace of their prophet in An Giang Province to commemorate significant events, such as the founding of their religion and the birth and disappearance of their founder, whom they believe was abducted by the communists in 1947.⁷⁵

In December 2000, in one of the first celebrations of the founder’s birth, police used tear gas and batons to disperse crowds of followers. Many were beaten, placed under house arrest, or sentenced to prison terms of up to 14 years on charges of “disrupting security” (Article 89 of the 1999 Criminal Code)⁷⁶ In 2001, repression reached such a pitch that Nguyễn Thị Thu, a 75-year-old Hòa Hảo follower, immolated herself in protest in Vinh Long Province.⁷⁷

In a series of trials between January and February 2018, 10 Hòa Hảo Buddhists, including Bùi Văn Trung, Bùi Văn Thâm, Vương Văn Tha, and Vương Thanh Tuấn, were sentenced to prison terms ranging from two to 12 years for “disturbing public order” (Article 245 of the 1999 Criminal Code) and “conducting propaganda against the Socialist Republic of Vietnam” (Article 88 of the 1999 Criminal Code) for staging demonstrations to protest police interference in their religious activities.⁷⁸

71. Reuters, *Thousands of Hmong stage rare Vietnam protest*, 6 May 2011.

72. Radio Free Asia, *The demonstrations of Hmong people: What is Vàng Chử*, 13 May 2011 [In Vietnamese].

73. BBC, *Many Vietnamese Hmong in hiding*, 12 May 2011 [in Vietnamese]; BBC, *Vietnam seals ethnic Hmong protest site*, 12 May 2011 [in Vietnamese].

74. Hòa Hảo is an indigenous Buddhist sect founded in 1939 by the prophet Huỳnh Phú Sổ, with an approximate following of two million people, mainly living in the Mekong Delta in southern Vietnam.

75. In 1999, the Vietnamese government set up the “Committee of Hòa Hảo Representatives,” which became the only legally-recognized Hòa Hảo organization. However, many Hòa Hảo followers have rejected the legitimacy of this government-created body, and continued their activities independently, despite the government ban.

76. VCHR, *Violations of Civil and Political Rights in the Socialist Republic of Vietnam - Alternative Report to the UN Human Rights Committee on Implementation of the ICCPR*, July 2002.

77. CNN, *Vietnam restricts dissident Buddhist*, 25 March 2001; <http://edition.cnn.com/2001/WORLD/asiapcf/southeast/03/25/vietnam.buddhist/index.html>

78. Radio Free Asia, *Video of government repression of the demonstration in An Giang Province*, 19 April 2017 [in Vietnamese]; <https://youtu.be/lb9Ejyee9rQ>

4.2.5. Followers of the Dương Văn Minh faith

In March 2014, hundreds of practitioners of the Dương Văn Minh religious faith⁷⁹ demonstrated in the northern province of Tuyen Quang against government repression of their peaceful religious practices. Police forcibly dispersed the protest and beat and arrested many demonstrators. Seven people were sentenced to prison terms of up to two years on charges of “abusing democratic freedoms to infringe upon the interest of the state” (Article 258 of the 1999 Criminal Code).⁸⁰

The Dương Văn Minh faith, which counts some 10,000 members in the northern provinces of Cao Bang, Bac Kan, Tuyen Quang, and Thai Nguyen, practices a simplified form of funeral ceremony which entails the building of small houses to keep shared ritual objects. The authorities have condemned this as an “evil practice,” and police have regularly raided village communities, burning and destroying funeral homes, banning worship gatherings, and harassing followers. In December 2021, hundreds of police armed with shields and batons broke up an assembly of Dương Văn Minh followers attending the funeral of the founder of their faith in Tuyen Quang Province. Scores were arrested, and 15 received prison sentences of up to four years on charges of “resisting officers on duty” (Article 330 of the Criminal Code) at two closed-door trials in May 2022.⁸¹ In August 2022, police armed with guns and shock batons raided eight centers of the Dương Văn Minh faith in Cao Bang. They broke down the doors of people’s homes, destroyed altars, and hung pictures of late President Hồ Chi Minh in their place.⁸²

4.3. Land rights protests

One of the principal sources of public discontent in Vietnam has historically been the issue of land rights. The government has routinely dismissed the legitimate grievances of individuals and communities who faced land dispossession and forced evictions. In September 2022, a broadcast on state-run television claimed that private ownership of land was a notion fuelled by “reactionary hostile forces” and was contrary to Vietnamese history and traditions.⁸³

The government’s failure to address the crucial question of land rights, coupled with traditionally high levels of corruption and abuse of power among local officials in connection with the enforcement of laws and policies related to land rights, have resulted in frequent large-scale public protests, which the government has systematically repressed with disproportionate force.⁸⁴

79. The Dương Văn Minh faith was founded in 1989 in Tuyen Quang Province by an ethnic Hmong named Dương Văn Minh. It is a variant of Christianity aimed especially at Hmongs. Its teachings focus on promoting the elimination of outdated rites in favor of more modern, hygienic practices.

80. Radio France Internationale, *Trial of Hmongs in Tuyen Quang reveals religious repression*, 19 March 2014 [in Vietnamese]; <https://www.rfi.fr/viet-nam/20140319-viet-nam-vu-xu-nguoi-h%E2%80%99mong-tai-tuyen-quang-co-dau-hieu-dan-ap-%C2%AB-tin-nguon-%C2%BB>

81. Christian Solidarity Worldwide, *15 Hmong religious believers sentenced to total 38 years in prison after police raid on funeral*, 7 June 2022; <https://www.csw.org.uk/2022/06/07/press/5722/article.htm>

82. Radio Free Asia, *Vietnamese Police raid centers of banned religious sect*, 9 August 2022; <https://www.rfa.org/english/news/vietnam/raid-08092022152321.html>

83. Vietnam Television (VTV), *Rejecting slanderous views on the issue of land rights*, 1 September 2022 [in Vietnamese]; <https://vtv.vn/chinh-tri/phan-bac-luan-dieu-xuyen-tac-quan-diem-dat-dai-la-so-huu-toan-dan-2022083122355672.htm>

84. World Bank, *Well begun, not yet done: Vietnam’s remarkable progress on poverty reduction and the emerging challenges*, 2012.

The Vietnamese government does not recognize private land ownership. Under the existing system, the land is “owned by the people” but is “managed by the state.”⁸⁵ People do not own the land, but are issued with land-use rights certificates. The state can seize the land and forcibly expel its tenants at any time for vaguely defined reasons of “public interest.” Under the Land Law, last amended in 2013, local CPV authorities (People’s Committees) are in charge of implementing forced evictions and setting compensation rates.⁸⁶

4.3.1. Explosion of social unrest in Thai Binh and Dong Nai Provinces (1997)

Rural protests that had begun in the late 1980s after *đổi mới* [See above, *Chapter 1.1.*], reached a peak in 1997. Social inequity, marked by the gaping contrast between the flaunted riches of corrupt local CPV cadres and the stark poverty of farmers and peasants, triggered massive demonstrations in Thai Binh Province, the historic birthplace of Vietnamese communism, 80 km southeast of Hanoi.

In May 1997, tens of thousands of farmers from 128 villages converged on the provincial capital by foot and bicycle to protest against excessive taxation, unfair rice prices, and rampant official corruption. Violent clashes ensued after CPV officials refused to address the farmers’ concerns. In Quynh Phu District, houses of local CPV and government officials were burned down, and a People’s Committee chairman was attacked.⁸⁷ The local police swiftly intervened to restore order and arrested more than 100 people, who were then paraded on local television to “confess” their wrongdoings. On 2 July 1998, 40 demonstrators from Quynh Ha Commune were sentenced to prison terms of up to 11 and a half years.⁸⁸ They had been charged with “taking advantage of the anti-corruption struggle and abusing democratic rights to inciting people to incite public disorder.”

The rural protest movement gained momentum, and major demonstrations involving tens of thousands of peasants erupted in six other districts of Thai Binh Province, continuing for several months. Among the organizers of the protests were former CPV members, war veterans, and the mothers of soldiers killed in the war for independence and the Vietnam War. The province was declared off-limits to the foreign press, and the government dispatched over 1,000 police to quell the demonstrations.⁸⁹

As demonstrations raged in the north, in November 1997, civil unrest broke out in Thong Nhat District in the southern province of Dong Nai, 80km northeast of Ho Chi Minh City.⁹⁰ Local residents and farmers clashed with the authorities over land rights and corruption of CPV and government officials. About 10,000 demonstrators carrying banners inscribed “down with people who steal land from farmers” clashed with police.⁹¹ A media blackout was imposed, the protests were dispersed, and many demonstrators were arrested. At least nine people were prosecuted for disturbing public order.⁹²

85. Article 53 of the Constitution of the Socialist Republic of Vietnam, 2013, stipulates: “Land, water resources, mineral resources, resources in the sea and airspace, other natural resources, and property managed or invested in by the state are public property, are owned by all the people, and represented and uniformly managed by the state.” Article 54.2 stipulates: “The state shall allocate or lease land to, and recognize land use rights of, organizations and individuals.”

86. Article 21.2 of Land Law, No. 45/2013/QH13, stipulates: “People’s Committees at all levels shall excise the right to adopt [...] land prices tables and land recovery to implement socio-economic development projects [...]”

87. Trương Lai, *Preliminary Report on a Sociological Study of the events in Thai Binh from late June to early July 1997*, August 1997 [in Vietnamese]. This confidential report, obtained by VCHR in 1997 and published in Vietnamese in Quê Mẹ magazine No. 146 in July 1998, was commissioned by the Prime Minister to evaluate the causes of the Thai Binh protests.

88. Nhân Dân (The People), *40 Defendants on trial in Quynh Hoa commune*, 9 July 1998 [in Vietnamese].

89. Shaun Kingsley Malarney, *Observations on the 1997 Thai Binh uprising in Northern Vietnam*, 11 September 1997; https://icu.repo.nii.ac.jp/?action=repository_uri&item_id=2976&file_id=22&file_no=1; Economist, *Rural descent*, 11 September 1997; <https://www.economist.com/asia/1997/09/11/rural-descent>

90. FIDH, *Written Statement to the UN Human Rights Commission, 54th Session*, 9 February 1998; UN Doc. E/CN.4/1998/NGO/8; <https://digitallibrary.un.org/record/250241>

91. Los Angeles Times, *Protesters in South Clash with Police*, 11 November 1997, <https://www.latimes.com/archives/la-xpm-1997-nov-11-mn-52607-story.html>; Guardian, *Violence erupts in Vietnam land rights crisis*, 11 November 1997.

92. Radio Veritas, *10,000 Catholics demonstrate in Dong Nai*, 12 November 1997 [in Vietnamese]; <https://vntaiwan.catholic.org.tw/ghvienam/ldongnai.htm>

4.3.2. The Victims of Injustice (2000s)

In the early 2000s, the widespread anger and frustration over land rights-related abuses exploded, developing into a nationwide rural protest movement known as the “Victims of Injustice” (*Dân oan* in Vietnamese), which is still simmering today.

Between 2000 and 2015, hundreds of thousands of expropriated peasants and farmers, including many women, repeatedly marched from the countryside to Hanoi or Ho Chi Minh City to demonstrate outside government buildings and file complaints on abuses of land rights.



A woman demonstrates outside the National Assembly Office No. 2 in Ho Chi Minh City in July 2007. Her banner reads: “The peasants of Soc Trang Province call for justice.” © VCHR

In Hanoi, they staged daily demonstrations in Mai Xuan Thuong Park, located opposite the government’s Complaints Office, and also near the National Assembly and the residences of top-level CPV and government leaders.⁹³ Some women spent years sleeping in Mai Xuan Thuong Park with their children hoping to meet an official who would come to their help. Police regularly dispersed these protests, beating demonstrators, and arbitrarily arresting and detaining many of them in “Social Protection Centers” - effectively prison camps where protesters were placed under administrative detention without charges and due process of law. After being detained for brief periods, these protesters would come back to Mai Xuan Thuong Park and continued the sit-ins and demonstrations.⁹⁴

93. Observatory for the Protection of Human Rights Defenders, *Annual Report*, 19 June 2008; <https://www.refworld.org/docid/48646689c.html>

94. VCHR, *Violations of the rights of women in the Socialist Republic of Vietnam - Alternative report on Vietnam’s Implementation of the UN Convention on the Elimination of Discrimination against Women (CEDAW)*, January 2007.

In Ho Chi Minh City, demonstrations peaked in June and July 2007. In an unprecedented protest of the “Victims of Injustice,” over 500 dispossessed farmers and peasants marched from 19 provinces and camped outside the buildings of the National Assembly Office No. 2, braving sweltering summer temperatures and frequent rainstorms to protest forced evictions and demand compensation for seized lands.⁹⁵ On 17 July, prominent dissident and Buddhist monk Thích Quảng Độ visited the demonstrators to express solidarity with their movement. The next day, police sent armed riot police to rapidly disperse the peaceful demonstration and force protesters into buses bound for their home provinces. This demonstration, which lasted 27 days, was one of the longest-running peaceful protests ever to have taken place in Ho Chi Minh City.⁹⁶

4.3.3. Violent suppression of land rights protests

The Vietnamese authorities have often used force and arbitrary arrests to repress peaceful protests against violations of land rights.

On 24 April 2012, in Van Giang Commune, Hung Yen Province, about 2,000 security and riot police used tear gas and batons against farmers who were protesting evictions in connection with the construction of a satellite city called Ecopark. Many villagers were injured in the attack and at least 20 of them were arrested.⁹⁷

On 9 May 2012, in Vu Ban Commune, Nam Dinh Province, hundreds of riot police armed with electric batons sought to evict local farmers from their lands. The farmers, mostly women and elderly people, donned mourning turbans and staged a peaceful sit-in protest. Many villagers were wounded and several arrested as police brutally dispersed their protest.⁹⁸

On 25 April 2014, protests by hundreds of people resisting expulsion from their homes in Duong Noi Village near Hanoi, were violently suppressed by police, and at least seven protesters were arrested, including land rights activist Cấn Thị Thêu and her husband Trịnh Bá Khiêm. Protests held on 28 and 29 May to call for the release of detained demonstrators were also forcibly repressed by police.⁹⁹



Protesters, including land rights activist Cấn Thị Thêu, display placards marked “Democracy is not a crime” as they march towards a courthouse during the trial of prominent lawyer Nguyễn Văn Đài and five other activists in Hanoi on 5 April 2018. © JENNY VAUGHAN / AFP

In addition, several protests of Catholic communities over land rights abuses were violently repressed by police. In November 2011, protests broke out in the parish of Thai Ha in Hanoi. Some 20 Redemptorists

95. Vietnamnet, *500 people appealing for justice in Ho Chi Minh City return home*, 20 July 2007 [in Vietnamese].

96. Benedict J. Tria Kerkvliet, *Protests over land in Vietnam: Rightful resistance and more*, *Journal of Vietnamese Studies*, Vol. 9, No. 3, University of California Press, 2014.

97. BBC, *Vietnam land clash: Arrests after police evict hundreds*, 25 April 2012; <https://www.bbc.com/news/world-asia-17844198>

98. Radio Free Asia, *New Clash over land eviction*, 11 May 2012; <https://www.rfa.org/english/news/vietnam/land-dispute-05112012150534.html>

99. Radio France Internationale, *Duong Noi villagers demonstrate to demand the release of arrested people and protest forced land evictions*, 30 April 2012; <https://www.rfi.fr/vi/viet-nam/20140430-dan-oan-duong-noi-bieu-tinh-doi-tha-nguoi-va-phan-doi-cuong-che-dat-dai>

and their priest Father Nguyễn Văn Phương were arrested after they marched to demand the return of lands they said had been illegally seized by the authorities.¹⁰⁰ The protest was forcibly dispersed by police.¹⁰¹ In November 2018, protests erupted in the Catholic parish of Con Dau after a number of families resisted forced eviction and staged protests over inadequate compensation for the lands. At least 10 people were arrested.¹⁰²

4.3.4. Deadly land dispute in Dong Tam Village

In some cases, as desperate farmers sought to resist land seizures and defend their rights, protests escalated into physical confrontations. One of the most serious incidents occurred in connection with a long-running land dispute in Dong Tam Village, My Duc District, near Hanoi, which became Vietnam's deadliest land rights protest in recent times.

In the 1980s, the government reclaimed a plot of land to build a military airfield and paid compensation to the farmers. Conflict arose in 2014, when an adjacent plot was seized and given to the army for "defense purposes." Dong Tam farmers opposed the land seizure, affirming that their families had tilled the land for generations and paid taxes to the government.¹⁰³

During a protest in 2017, in which village elder Lê Đình Kinh was wounded by police and several were arrested, villagers kidnapped dozens of police officers and local officials, and held them hostage until the mayor of Hanoi personally promised to settle the dispute peacefully. However, in June 2017, the mayor went back on his promise and stepped up harassment against the villagers.¹⁰⁴

Tensions ignited on 9 January 2020. In a pre-dawn raid, 3,000 police stormed Dong Tam Village and forcefully reclaimed the disputed plot of land using tear gas, explosives, and grenades. The farmers resisted, but police continued the assault, beating villagers indiscriminately, including women and the elderly.¹⁰⁵ The clash resulted in the deaths of 84-year-old Lê Đình Kinh and three policemen, and the arrest of 29 villagers. A media blackout was imposed during the incident, and several civil society activists were arrested for documenting the protest on social media, although most of them were subsequently released.¹⁰⁶

On 14 September 2020, the Hanoi People's Court sentenced Lê Đình Công and Lê Đình Chúc (Lê Đình Kinh's sons) to death, Lê Đình Doanh (Lê Đình Kinh's grandson) to life in prison, 12 other villagers to prison terms of up to 16 years, and 14 to suspended sentences ranging from 15 months to five years. Six villagers were charged with murder (Article 123 of the Criminal Code) and 23 with "obstructing officials in the performance of their duties" (Article 330 of the Criminal Code).¹⁰⁷ The six defendants charged with murder filed appeals, and their sentences, including two death sentences and one to life in prison, were all upheld by the Hanoi People's High Court in March 2021.¹⁰⁸

The unprecedented death toll, massive deployment of police, and the excessive use of force to suppress protests of a small group of villagers turned this incident into a watershed event that alerted public attention

100. The Catholic Redemptorists said they had bought the land in 1928, but it had been seized by the authorities in 1954 after the partitioning of Vietnam. Priests and followers were imprisoned or deported, and the 6,000 m² of land were reduced to 2,700 m²; AFP, *20 Catholics detained in Vietnam: lawyer*, 12 February 2011.

101. Saigon Echo, *Members of the Thai Ha parish demonstrate in Hanoi*, 18 November 2011 [in Vietnamese].

102. Radio Free Asia, *At least 10 Vietnamese arrested amid forced evictions in land grabs in Danang*, 15 November 2018; <https://www.rfa.org/english/news/vietnam/at-least-10-vietnamese-arrested-amid-forced-evictions-11152018141742.html>

103. BBC, *Dong Tam village: Anger in Vietnam over deadly "land grab" raid*, 16 January 2020; <https://www.bbc.com/news/world-asia-51105808>

104. BBC, *Dong Tam village: Anger in Vietnam over deadly "land grab" raid*, 16 January 2020; <https://www.bbc.com/news/world-asia-51105808>

105. Báo Cáo Đồng Tâm Report, edited by Phạm Đoàn Trang and Will Nguyễn, September 2020; https://queme.org/app/uploads/2020/09/Dong-Tam-report_Phamdoantrang-Willnguyen_Sept2020.pdf

106. Reuters, *Deadly land dispute in Vietnam sparks crackdown on "critical" social media*, 16 January 2020; <https://www.reuters.com/article/us-vietnam-landrights-socialmedia-idUSKBN1ZF0YR>

107. AsiaNews, *Death sentences and life imprisonment for the villagers of Dong Tam*, 15 September 2020.

108. Reuters, *Vietnam upholds death sentences for brothers over bloody land clash*, 9 March 2021; <https://www.reuters.com/article/vietnam-security-trial-idINKBN2B11RE>

to the grave injustices of Vietnam's land rights policies and the plight of peasants and farmers, forcibly evicted from traditional farmlands to make way for more lucrative investment and infrastructure projects.

4.4. Anti-China protests – the rise of a patriotic civil society movement

The signing of two controversial border treaties between Vietnam and China in 1999 and 2000 without any public consultation triggered deep public outrage among Vietnamese from all walks of life, both inside and outside the country, and was followed by a torrent of spoken and written protests.¹⁰⁹ To the Vietnamese government's surprise, the signing of these agreements also ignited a flame of passionate patriotism within the population that continues to burn bright today.¹¹⁰



An anti-China protester stands in front of policemen blocking a street leading to the Chinese consulate during a rally in downtown Ho Chi Minh City on 11 May 2014. © LE QUANG NHAT / AFP

Tensions reached a pitch in December 2007 when hundreds of young people, mainly students, staged peaceful demonstrations in Hanoi and Ho Chi Minh City to protest China's attacks on Vietnamese fishermen and increased hostility in the South China Sea.¹¹¹ The demonstrators denounced the CPV's submissive response to China's claims of sovereignty over the potentially gas and oil-rich Spratly and Paracel Islands and its failure to make strong diplomatic protests or take concrete steps to protect disputed territories. This was the first time that large numbers of young Vietnamese had taken massively to the streets to confront the authorities since Vietnam's reunification.

Protests continued through April 2008, when they gained momentum around the Beijing 2008 Olympics torch relay, which passed through Ho Chi Minh City on 29 April. Then-Vietnamese Prime Minister Nguyễn Tấn Dũng called for "absolute security" during the torch relay and launched a widespread crackdown in the run-up to the event, which resulted in the arrest of many activists.¹¹²

On 19 April 2008, blogger Nguyễn Văn Hải (aka Điều Cày), who sought to organize a peaceful rally in Ho Chi Minh City, was arrested. Initially prosecuted for "tax evasion" and imprisoned for two years and

109. The Land Border Treaty, signed on 30 December 1999, and the Gulf of Tonkin Sea Border Treaty, signed on 25 December 2000, redefined the land and sea borders between Vietnam and China. The treaties were rubber-stamped by the National Assembly without any debate, and no information was released on the demarcation of the new borders. In a Petition to the National Assembly, 20 prominent CPV veterans denounced it as a "crime against our nation's founding fathers." Poet Bùi Minh Quốc, who toured Vietnam's northern frontier to make a field study of the new border markers in January 2002, was arrested, and police confiscated all his notes, films, and documents.

110. Phương Hoàng, *Domestic protests and foreign policy: an examination of anti-China protests in Vietnam and Vietnamese Policy towards China regarding the South China Sea*, *Journal of Asian Security and International Affairs*, Volume 6, Issue 1, April 2019; <https://doi.org/10.1177/2347797019826747>

111. Economist, *Disputes in the South China Sea*, 13 December 2007.

112. Guardian, *Protesters held ahead of torch relay in Vietnam*, UK, 29 April 2008; <https://www.theguardian.com/world/2008/apr/29/olympicgames2008.china>

six months, he was kept in prison after completing his sentence and prosecuted on a second charge of “conducting propaganda against the Socialist Republic of Vietnam” (Article 88 of the 1999 Criminal Code). On 24 September 2012, he was sentenced to 12 years in prison at a trial that lasted only a few hours.¹¹³

In September 2008, several other dissidents, including Nguyễn Xuân Nghĩa, Phạm Văn Trội, Phạm Thanh Nghiên, Vũ Hùng, and Nguyễn Văn Túc, were arrested on the eve of a peaceful demonstration planned outside the Chinese Embassy in Hanoi. They were charged under Article 88 of the Criminal Code and sentenced to prison terms of up to six years.¹¹⁴

4.4.1. Summer protests in Hanoi and Ho Chi Minh City (2011)

A new wave of street protests erupted in the summer of 2011, after Chinese vessels harassed Vietnamese ships conducting seismic surveys within Vietnamese territorial waters in May. Between 5 June and 21 August, rallies took place almost every Sunday in Hanoi and Ho Chi Minh City, before spreading to some smaller cities and provinces, such as Ba Ria-Vung Tau, where intellectuals and artists convened in front of a mall to voice their protests. Between 100 and 300 demonstrators marched peacefully in the vicinity of the Chinese Embassy in Hanoi (police later moved the rally to the Hoan Kiem Lake area)¹¹⁵ and the Chinese Consulate in Ho Chi Minh City, displaying banners denouncing Chinese encroachments on Vietnamese waters and lands. Some of the protests in Ho Chi Minh City drew up to 1,000 demonstrators.¹¹⁶

Unlike previous spontaneous anti-China protests, the demonstrations of 2011 revealed a new maturity among Vietnam’s civil society activists and an unprecedented engagement of youth in the movement to defend civil rights. For the first time in Vietnam, the demonstrators carried banners paying tribute to soldiers from the former Republic of (South) Vietnam as well as communist soldiers who died defending the Spratly and Paracel Islands in 1974 and 1988. As one commentator observed: “The upsurge of patriotic feelings and public criticism during the China dispute reflects a real awakening of political sentiments in the young generation. They are not encumbered by the heavy ideological legacy of the older generation, so they see things with new eyes.”¹¹⁷

Using text messages, social networks, and blogs, young activists convened rallies that brought together intellectuals, CPV veterans, artists, business people, students, and ordinary people. The organizers specified that the protests would be orderly and non-violent, in conformity with the right to peaceful assembly guaranteed by Vietnam’s Constitution.

Police reaction to the protests was variable, sometimes allowing them to pursue their demonstrations peacefully, at other times cracking down violently. On 5 June 2011, security police intercepted monks belonging to the UBCV and surrounded the Thanh Minh Zen Monastery to prevent UBCV leader Thích Quảng Độ from attending a rally in Ho Chi Minh City.¹¹⁸ On 17 July 2011, police clamped down brutally on demonstrators in Hanoi, detaining scores of people in their homes, arresting more than a dozen participants, and hauling them onto buses.¹¹⁹ A video of police holding one protester by his arms and legs as another policeman stomped on his face went viral on social media.

113. VCHR, *Vietnam must free bloggers Dieu Cay, Phan Thanh Hai and Ta Phong Tan*, 16 April 2012.

114. VCHR, *UNWGAD condemns unlawful imprisonment of government critics in Vietnam*, 7 September 2009; <https://queme.org/en/un-working-group-on-arbitrary-detention-condemns-unlawful-imprisonment-of-government-critics-in-vietnam/>

115. BBC, *Demonstrations in Hanoi: Police beat protesters*, 17 July 2011 [in Vietnamese]; https://www.bbc.com/vietnamese/vietnam/2011/07/110717_hanoi_protest

116. Reuters, *Hundreds protest in Vietnam against China over searow*, 5 June 2011; <https://www.reuters.com/article/idINIndia-57504920110605>

117. FIDH, *Conversation with Vo Van Ai, President and Founder of the Vietnam Committee on Human Rights (VCHR)*, 23 August 2011; <https://www.fidh.org/en/region/asia/vietnam/Conversation-with-Vo-Van-Ai>

118. VCHR, *Security Police prevent Buddhist leader Thích Quảng Độ from joining anti-China demonstrations in Saigon*, *International Buddhist Information Bureau*; 6 June 2011; <https://queme.org/en/security-police-prevent-buddhist-leader-thich-quang-do-and-ubcv-monks-from-joining-anti-china-demonstrations-in-saigon/>

119. BBC, *Demonstration in Hanoi: Security Police “beat” people*, 17 July 2011; https://www.bbc.com/vietnamese/vietnam/2011/07/110717_hanoi_protest

On 18 August, the Hanoi People's Committee issued an order to "end gatherings, demonstrations, and spontaneous marches" and warned that people who did not comply with the order would be punished. The order led to more protests across the country.¹²⁰ On 19 August, 25 prominent Hanoi intellectuals, including economists, bloggers, a former government deputy minister, and a retired army general, sent a petition to the Hanoi People's Committee denouncing the order as "illegal and unconstitutional."¹²¹ On 5 September, a group of 10 intellectuals filed a lawsuit against state-controlled radio and TV for reporting that the protests were "incited by hostile forces," stressing that they were "peaceful demonstrations by patriotic Vietnamese."¹²²

When the protests continued on 20 August in defiance of the government ban, the authorities cracked down heavily. In Hanoi, a peaceful rally was aggressively repressed by police and plainclothes security agents, who outnumbered the protesters. At least 47 demonstrators were arrested and taken away in buses.¹²³ Although most were later released, many were detained for interrogations and subjected to beatings in detention. All further demonstrations were forbidden, and police systematically visited the homes of activists, threatening them with reprisals if they engaged in public protests again.

On 28 August, after a meeting with China's Defense Minister in Beijing, Vietnam's Deputy Defense Minister Nguyễn Chí Vịnh declared: "We will strongly punish any further gatherings or rallies in Vietnam. We will not let this happen again."¹²⁴

4.5. Demonstrations against draft laws on the SEZs and Cyber Security (2018)

Beginning on 9 June 2018, in one of the largest waves of public protests since the end of the Vietnam War, mass demonstrations broke out in major cities and provinces all over the country to protest two controversial pieces of legislation introduced in the National Assembly – the draft Law on the SEZs and the draft Law on Cyber Security.

On 10 June, at least 30,000 people joined rallies in major cities and provinces, including Ho Chi Minh City, Hanoi, Binh Duong, Binh Thuan, Dong Nai, Nha Trang, Danang, Tien Giang, Phan Thiet, Vung Tau, Nghe An, and Khanh Hoa.¹²⁵ On 17 June, thousands protested in Hanoi, Ho Chi Minh City, Ha Tinh, and other localities.¹²⁶

Demonstrators were denouncing the draft Law on the SEZs, which would allow foreign investors to lease land for periods of up to 99 years. Many feared that the law would enable Chinese companies to establish a long-term presence in Vietnam, at a time when China was taking a particularly aggressive stand on Sino-Vietnamese territorial disputes in the South China Sea. The draft Law on Cyber Security would give the government sweeping powers to monitor all online activity, censor free expression, and collect information on online dissent. It also required that social media companies remove content deemed by the government to be "offensive" from their platforms within a day of receiving notice from the authorities.

120. AFP, *Vietnam anti-China protestors reject order to stop*, 19 August 2011.

121. The petition was posted on popular blogs such as Anh Ba Sàm (<http://anhbasam.wordpress.com>) and Nguyễn Xuân Diện (<http://xuandienhannom.blogspot.com>), which became rallying points for the demonstrations.

122. Reuters, *Vietnam stops anti-China protest, detains many*, 11 August 2011; <https://www.reuters.com/article/us-vietnam-protest/vietnam-stops-anti-china-protest-detains-many-idUSTRE77K0FF20110821>

123. Reuters, *Vietnam stops anti-China protest, detains many*, 11 August 2011; <https://www.reuters.com/article/us-vietnam-protest/vietnam-stops-anti-china-protest-detains-many-idUSTRE77K0FF20110821>

124. Quân Đội Nhân Dân (The People's Army), *Expanding co-operation, building trust, contributing to promoting traditional friendship ties*, 30 August 2011 [in Vietnamese]; <https://www.qdnd.vn/chinh-tri/tin-tuc/mo-rong-hop-tac-xay-dung-tin-cay-gop-phan-thuc-day-quan-he-huu-nghi-truyen-thong-299783>

125. Vietnamese, *Thousands demonstrate across Viet Nam to oppose bills on SEZs and Cybersecurity*, 10 June 2018; <https://www.nguoi-viet.com/viet-nam/hang-van-nguoi-bieu-tinh-khap-viet-nam/> [in Vietnamese]; Radio Free Asia, *Thousands protest in Vietnam over proposed SEZ concessions*, 11 June 2018.

126. Radio Free Asia, *Vietnam authorities beat, arrest demonstrators protesting economic zone draft law*, 18 June 2018; <https://www.rfa.org/english/news/vietnam/demonstrators-06182018144417.html>

In Hanoi, Ho Chi Minh City, and other cities, police dispersed the protests using unnecessary force. Activists reported police beatings, harassments, and the use of Long Range Acoustic Devices (LRADs), which emitted a shrill noise to disorient demonstrators.¹²⁷

In Ho Chi Minh City, police and plainclothes security agents beat and arrested people indiscriminately, rounding up even tourists and passers-by. Temporary detention centers were set up in Tao Dan Park and other places where police conducted interrogations of those arrested. According to state-run media, over 300 people were arrested in Ho Chi Minh City on 9 and 10 June, although many were later released. At least 22 were charged and prosecuted, including a US citizen who was later released and deported.¹²⁸

In Hanoi, police forcibly dispersed crowds of demonstrators gathered near the Hoan Kiem Lake. Scores of demonstrators were forced onto buses and taken for interrogations, and several were assaulted by police during the transport, including civil society activist Nguyễn Thúy Hạnh.¹²⁹

At least 127 people were tried and convicted for their involvement in the 2018 demonstrations.¹³⁰ Some received lengthy prison sentences. For instance, in June 2019, one man, Trương Hữu Lộc, was sentenced to eight years in prison on charges of “disrupting security” (Article 118 of the Criminal Code) for distributing bread and water to protesters in Ho Chi Minh City and livestreaming videos of the protests.¹³¹ His family learned about his sentence from a neighbor who read it in the newspaper.

In the southern provinces of Binh Duong and Dong Nai, two men, Nguyễn Đình Thành and Trần Minh Huệ, were arrested on 8 June 2018. In October 2018, they were sentenced to seven and five years in prison respectively, for printing and distributing flyers urging workers in the Song Than Industrial Park to join an anti-SEZ law rally. They had been accused of “organizing protests illegally” and printing documents “with distorted content,” and charged under Article 117 of the Criminal Code.¹³²

In October 2018, two women, Vũ Thị Dung and Nguyễn Thị Ngọc Strong, were arrested for advocating for demonstrations against the two proposed laws. In May 2019, they were sentenced to six and five years in prison respectively at a trial in Binh Duong Province. According to state-run media, the two had “produced and distributed 117 leaflets, 103 of which contained slogans and slanderous contents inciting people to demonstrate.”¹³³

While most of the protests were peaceful, in Binh Thuan Province demonstrators burned vehicles, threw rocks at police, and stormed a government building. On 26 September 2018, 15 of these demonstrators were sentenced to prison terms ranging from two to four and a half years on charges of “disturbing public order” (Article 318 of the Criminal Code).¹³⁴ At a separate trial on 21 May 2019, Đặng Ngọc Tấn and Phạm Thanh, two other men who had participated in the Binh Thuan demonstrations, were sentenced to

127. Tweet by activist Anh Chí (@AnhChiVN), 10 June 2018; <https://twitter.com/AnhChiVN/status/1005764494356697088>

128. Radio Free Asia, *Vietnam deports US citizen found guilty of “disturbing public order”*, 20 July 2018; <https://www.rfa.org/english/news/vietnam/deportation-07202018143321.html>

129. Vietnam Human Rights Defenders, *Hundreds of Vietnamese Protestors Arrested, Beaten During Nationwide Demonstrations, Crackdown Continues*, 13 June 2018; <https://www.vietnamhumanrightsdefenders.net/2018/06/13/hundreds-of-vietnamese-protestors-arrested-beaten-during-nationwide-demonstrations-crackdown-continues/>

130. Radio Free Asia, *One year after the protests against SEZs and Cybersecurity Law*, 7 June 2019 [in Vietnamese]; https://www.rfa.org/vietnamese/in_depth/one-year-after-the-protest-against-the-sez-bill-special-law-and-the-cyber-security-law-06072019142743.html

131. Viet Nam News, *Two prosecuted for disturbing social order in HCM City*, 15 June 2018; <https://vietnamnews.vn/politics-laws/450035/two-men-prosecuted-for-disturbing-social-order-in-hcm-city.html#pwTtj8HrpgWE5uOD.97>

132. Người Lao Động, (The Worker), *Indictment of persons taking advantage of protests on the draft law on SEZs to distribute leaflets and disturb public order*, 13 July 2018 [in Vietnamese]; <https://nld.com.vn/phap-luat/khoi-to-hai-doi-tuong-rai-truyen-don-o-binh-duong-20180713171102149.htm>

133. Nhân Dân (The People), *11 years in prison for two women distributing anti-state leaflets*, 11 May 2019 [in Vietnamese]; <https://nhandan.vn/11-nam-tu-cho-hai-doi-tuong-rai-truyen-don-chong-pha-nha-nuoc-post358279.html>

134. BBC, *15 demonstrators in Binh Thuan sentenced to 52 years in prison*, 27 September 2018 [in Vietnamese]; <https://www.bbc.com/vietnamese/vietnam-45648709>

11 and 17 years in prison respectively, for “disturbing public order” (Article 318 of the Criminal Code) and “deliberate destruction of property” (Article 178 of the Criminal Code).¹³⁵

To assuage public discontent, the government postponed the debate on the draft Law on the SEZs in the National Assembly. However, the draft Law on Cyber Security was adopted despite the protests, and came into effect in January 2019.

The demonstrations of June 2018 were remarkable in that participants went beyond expressing anti-China or nationalist sentiments to voice wider grievances concerning the CPV’s repressive rule. Some carried placards calling for greater democracy, autonomy for the people, and accusing the National Assembly of being “undemocratic” or “unconstitutional.”

4.6. Protests on environmental issues – the Formosa disaster (2016)

In early April 2016, one of Vietnam’s worst environmental disasters triggered a new wave of protests across the country.

Toxic waste discharged into the sea along 200 km of coastline in Central Vietnam caused the deaths of tens of millions of fish and devastated the livelihoods of hundreds of thousands of fishermen in the provinces of Ha Tinh, Quang Binh, Quang Tri, and Thua Thien-Hue.

While local residents and fishermen immediately identified the steel plant operated by Hung Nghiệp Formosa Ha Tinh Steel Corporation (FHS), an affiliate of the Taiwan-based Formosa Plastics Group,¹³⁶ as the cause of the maritime pollution, the Vietnamese government was slow to respond. Public anger was further stoked by the laconic remarks in state-run media by FHS’s Hanoi office chief, who told local fishermen to look for another job, because it was impossible to have both clean water and steel: “Do you want to catch fish and shrimps or do you want a steel plant? Make your choice!”¹³⁷

This unprecedented environmental disaster and the inaction by both the Vietnamese government and FHS provoked deep public outrage and led to massive protests. From the end of April throughout May and June 2016, thousands of people took to the streets to demand the expulsion of FHS and to protest government inaction.

From 28 to 30 April 2016, hundreds of fishermen staged demonstrations in Quang Binh Province, blocking the traffic on National Highway No. 1, Vietnam’s principal highway. On 1 May, peaceful demonstrations took place in major cities, such as Ho Chi Minh City, Danang, Nha Trang, Vung Tau, Haiphong, and Hanoi. In Hanoi, hundreds gathered near the Opera House with banners reading “fish need clean water, people need transparency” and “fish dead, people dead.” Several protests were violently repressed, either by police or by thugs hired by local authorities.¹³⁸

135. Nhân Dân (The People), *Two defendants sentenced to over 39 years for destroying property and disturbing public order*, 21 May 2019.

136. FHS is an affiliate of the Taiwan-based Formosa Plastics Group. The complex in Hà Tĩnh Province included a steel plant, a power plant, and a deep-sea port, and was one of the largest foreign investments in Vietnam. The toxic waste included cyanide, phenol, and iron hydroxides.

137. Tuổi Trẻ (Youth), *Formosa spokesman: “You want to catch fish and shrimp or you want a steel plant, make your choice!”*, 25 April 2016; [in Vietnamese]; <https://tuoitre.vn/dai-dien-formosa-muon-bat-ca-bat-tom-hay-nha-may-chon-di-1090468.htm>

138. Diplomat, *Amid fish deaths, social media comes alive in Vietnam*, 4 May 2016; <https://thediplomat.com/2016/05/amid-fish-deaths-social-media-comes-alive-in-vietnam/>



Protesters demonstrate against Taiwanese conglomerate FHS during a rally in Hanoi on 1 May 2016.
© HOANG DINH NAM / AFP

According to information received by VCHR, on 8 May, in the protests in Hanoi and Ho Chi Minh City, police looked on passively as government-hired thugs brutally beat peaceful demonstrators. Dozens were arrested and held in “social protection centers” for several days before being released.

In June 2016, the Formosa Plastics Group formally acknowledged its responsibility for the toxic spill and pledged to pay US\$500 million in compensation.¹³⁹ However, the protests continued, since affected communities believed the compensation was inadequate and slow, and the agreement excluded victims in Nghe An Province, where the livelihoods of thousands of families had been destroyed. In the following months, Catholic priests from several parishes in the region helped farmers and fishermen file requests for compensation and organized peaceful protests involving thousands of people.¹⁴⁰

On 2 October, in the largest anti-Formosa demonstration, over 10,000 demonstrators surrounded the Formosa steel plant in Ha Tinh Province to demand its closure.¹⁴¹ Police and armed troops were deployed to protect the area. Later in October, police in Nghe An Province attacked a delegation of fishermen led by Catholic priest Đặng Hữu Nam to prevent them from travelling to the Ky Anh People’s Court in Ha Tinh Province to submit over 600 complaints against the Formosa plant.¹⁴²

Protests erupted again on 14 February 2017, when 700 fishermen and their families sought to march to Ky Anh People’s Court to submit legal complaints against Formosa. Hundreds of armed police blocked their convoy outside Song Ngoc Commune in Nghe An Province, and forced them to turn back. Witnesses said police beat and arrested some of the protesters.¹⁴³

Overall, scores of civil society activists were beaten, harassed, and arbitrarily detained for documenting or peacefully protesting this environmental disaster, the painful effects of which continue today.

139. Business and Human Rights Resource Centre, *Formosa Steel owns up to toxic spill, agrees to pay Vietnam \$ 500 Million*, 30 June 2016; <https://www.business-humanrights.org/fr/derni%C3%A8res-actualit%C3%A9s/formosa-steel-owns-up-to-toxic-spill-agrees-to-pay-vietnam-500-million/>

140. BBC, *Demonstrations in Central Vietnam against Formosa*, 8 August 2016 [in Vietnamese]; https://www.bbc.com/vietnamese/vietnam/2016/08/160808_formosa_nghe_an_protest

141. Radio Free Asia, *Thousands of Vietnamese protest at Formosa Steel plant in Ha Tinh*, 3 October 2016; <https://www.rfa.org/english/news/vietnam/formosa-spill-10032016163647.html>

142. Bertelsmann Stiftung, *BTI 2018 Country Report Vietnam*, 22 March 2018.

143. Reuters, *Vietnam police stop fishermen marching to make claims at steel firm*, 14 February 2017; <https://www.reuters.com/article/us-vietnam-protest-formosa-plastics-idUKKBN15T1MK>

In November 2017, activist Nguyễn Văn Hóa was sentenced to seven years in prison on charges of “conducting propaganda against the Socialist Republic of Vietnam” (Article 88 of the 1999 Criminal Code) for using a flycam drone to film peaceful protests outside the Formosa steel plant in Ha Tinh in 2016.¹⁴⁴ On 6 February 2018, labor and environmental rights defender Hoàng Đức Bình was sentenced to a total of 14 years in prison - seven years on charges of “abusing democratic freedoms to infringe upon the interests of the state” (Article 331 of the Criminal Code) and another seven years for “resisting officials in the performance of their duties” (Article 330 of the Criminal Code). He had organized several protests and livestreamed the march of fishermen in Nghe An Province on 14 February 2017. His lawyer Hà Huy Sơn said: “The trial was conducted without evidence and objectivity: it was imposed.”¹⁴⁵

In April 2018, Trần Thị Xuân, who had organized demonstrations denouncing the Formosa disaster, was sentenced to nine years in prison and five years of probationary detention at a closed-door trial.¹⁴⁶

In December 2021, at the trial of independent journalist Phạm Đoan Trang, the prosecutor produced a report she wrote on the Formosa protests and cited it as incriminating evidence, leading to her conviction to nine years in prison for “conducting propaganda against the Socialist Republic of Vietnam.”¹⁴⁷

4.7. Symbolic gatherings suppressed

The Vietnamese government has suppressed not only large-scale demonstrations, but also smaller symbolic gatherings, such as birthday parties, music concerts, and meetings to discuss issues such as the environment and human rights. Brutal suppression of such gatherings contradicts the government’s claim that the authorities do not prohibit public assemblies, only “unlawful assemblies that disturb public security and order, or infringe on the rights and legitimate interests of individuals or organizations.”¹⁴⁸

4.7.1. Human rights picnics

In 2013, as Vietnam was lobbying for membership of the UN Human Rights Council, civil society activists launched a series of human rights picnics to inform public opinion about the UN and the international human rights treaties to which Vietnam is a state party. Organized via Facebook and other social media platforms, participants were invited to meet on 5 May 2013 in public parks in Ho Chi Minh City, Hanoi, Nha Trang, and other major towns to enjoy a picnic and discuss human rights.¹⁴⁹

In Nha Trang, security agents quickly blocked access to the designated venue in Bach Dang Park, deployed barbed wire, and hit participants with sticks and steel bars. In Ho Chi Minh City, the planned moderators of the session, Nguyễn Hoàng Vi and Vũ Quốc Anh, were detained after they distributed copies of the UDHR in the park. Vũ Quốc Anh, Nguyễn Hoàng Vi, and her sister were brutally beaten by police, who also kicked Vi’s mother and stubbed out a cigarette on her forehead. Police gave no explanation for suppressing these peaceful and legitimate assemblies.¹⁵⁰

144. New York Times, *Vietnamese blogger gets 7 years in jail for reporting on toxic spill*, 27 November 2017; <https://www.nytimes.com/2017/11/27/world/asia/vietnam-nguyen-van-hoa-blogger.html>; Footage of Nguyễn Văn Hóa’s flycam recording of the Formosa protest: <https://www.facebook.com/watch/?v=1087647597971046>

145. Reuters, *Vietnam jails environmental blogger for 14 years*, 6 February 2018; <https://www.reuters.com/article/us-vietnam-dissident/vietnam-jails-environmental-blogger-for-14-years-idUSKBN1FQ172?il=0>

146. Radio Free Asia, *Vietnam jails 3 more democracy activists, drawing condemnation from rights defenders*, 12 April 2018; <https://www.rfa.org/english/news/vietnam/activists-trial-04122018165621.html>

147. Human Rights Watch, *Vietnam: Quash Conviction of Prominent Activist*, 23 August 2022; <https://www.hrw.org/news/2022/08/23/vietnam-quash-conviction-prominent-activist>

148. UN Human Rights Committee, *Information received from Vietnam on follow-up to the concluding observations on its third periodic report on implementation of the ICCPR*, 8 April 2021; UN Doc. CCPR/C/VNM/FCO/3

149. IFEX, *Police respond with violence to bloggers’ picnic protests in Vietnam*, 8 May 2013; <https://ifex.org/police-respond-with-violence-to-bloggers-picnic-protests-in-vietnam/>

150. IFEX, *Police respond with violence to bloggers’ picnic protests in Vietnam*, 8 May 2013; <https://ifex.org/police-respond-with-violence-to-bloggers-picnic-protests-in-vietnam/>

4.7.2. Street art demonstrations

On 29 April 2016, on the eve of the biennial festival in Hue, a group of artists named Viet Art Space staged a street art performance to draw attention to the Formosa disaster [See above, *Chapter 4.6.*]. The group, made up mostly of Vietnamese and one French artist, marched across the Trang Tien Bridge over the Perfume River wearing striking make-up and traditional costumes in a performance entitled “The fish’s pain,” to illustrate the mass fish deaths resulting from pollution from the Formosa plant. Police swiftly intervened, dispersed participants, and detained the artists for several hours for interrogation before releasing them.¹⁵¹

4.7.3. Music concerts

On the evening of 15 August 2018, a crowd of 50 people gathered in the Café Casanova in Ho Chi Minh City for a musical show entitled “A Memory of Saigon” by Nguyễn Tín, a singer and human rights activist. Nguyễn Tín’s performances often included songs composed under the former Republic of (South) Vietnam, some of which remain prohibited by the government, and songs about human rights issues or the plight of political prisoners. At about 9:00pm, security agents, including uniformed officers and plainclothes individuals broke into the café and dispersed the gathering. They punched and kicked singer Nguyễn Tín, tied him up, and drove him to Cu Chi District, 60 km away from the city center, where they confiscated his mobile phone and money, and abandoned him in a deserted rubber plantation. Prominent dissident Phạm Đoàn Trang was also seized by police and taken to the local police station for interrogation, where she was beaten repeatedly. After the interrogation, police released her in a dark street, where she was again viciously assaulted by six men on motorbikes. She was hospitalized for concussion after the attack. The concert’s organizer, Nguyễn Đăng Cao Đại, was also beaten by security agents, driven to Cu Chi District and abandoned.¹⁵² No explanation was given for the disruption of this private concert.

4.7.4. Birthday parties

On 18 June 2022, Ánh Tuyết, fiancée of detained activist Đỗ Nam Trung, who is serving 10 years in prison for participating in protests against the Formosa disaster and the draft Law on Cyber Security [See above, *Chapters 4.5.* and *4.6.*], celebrated her birthday with the wives and children of four other political prisoners in Hanoi. Police broke up the party and forced the women to disperse, stating that such “large gatherings” were not permitted in Vietnam.¹⁵³

4.7.5. Charity bazaar for Ukraine

In March 2022, several pro-democracy supporters, human rights defenders, and civil society activists were subjected to house arrest and other forms of harassment to prevent them from attending a charity bazaar held by the Ukrainian Embassy in Hanoi to support victims of Russia’s invasion in Ukraine.¹⁵⁴ Activists reported on social media that police had threatened them and blocked them in their homes or neighborhoods until the event was over. At least eight activists - Nguyễn Xuân Diện, Hoàng Hà, Nguyễn Nguyên Bình, Nguyễn Văn Viên, Phạm Thị Lan, Đặng Bích Phương, Nguyễn Khánh Trâm, and Nguyễn Hoàng Anh - were prevented from attending the event.¹⁵⁵ The reason for blocking participation in this peaceful gathering was

151. Đỗ Trung Quân, *On the eve of the Hue Festival, artists take a stand*, 29 April 2016 [in Vietnamese]; <https://xuandienhannom.blogspot.com/2016/04/tin-hot-trinh-dien-noi-au-cua-nhung-con.html>

152. BBC, *Singer and blogger Nguyễn Tín is arrested and beaten at music show*, 18 August 2018 [in Vietnamese]; <https://www.bbc.com/vietnamese/vietnam-45204274>

153. Bauxite Việt Nam, *Prisoners’ wives - by Trương Năng Tiên*, 14 August 2022 [in Vietnamese]; <https://boxitvn.online/?p=81047#more-81047>. The other women were Nguyễn Thanh Mai, daughter of land rights activist Nguyễn Thị Tâm (six years in prison), Trịnh Thị Nhung, the wife of Bùi Văn Thuận (eight years in prison) and Đỗ Thu, the wife of land rights activist Trịnh Bá Phương (10 years in prison).

154. Diplomat, *Vietnam blocks activists from attending Ukrainian Embassy Charity event*, 17 March 2022; <https://thediplomat.com/2022/03/vietnam-blocks-activists-from-attending-ukrainian-embassy-charity-event/>

155. Hoàng Hà’s Facebook, 5 March 2022; <https://www.facebook.com/songqueemdem/posts/2066137023546685>.

not given, but activists believed the authorities disapproved of the event because of the Vietnamese and Russian governments' close relations.¹⁵⁶

4.7.6. Member of the European Parliament expelled after solo protest

In a demonstration that remains unique in the history of peaceful protests in post-war Vietnam, on 6 June 2001, Olivier Dupuis, a Belgian member of the European Parliament, staged a solo protest outside the Thanh Minh Zen Monastery in Ho Chi Minh City, where Buddhist dissident Thích Quang Độ, leader of the outlawed UBCV was under house arrest. Prevented by police from entering the monastery, Mr. Dupuis held his protest outside, brandishing banners in Vietnamese marked “Freedom for Thích Quảng Độ” and “Religious Freedom for Vietnam,” while his assistant photographed the scene. Security forces quickly intervened, seized the camera, and hauled both men into a police van. They were interrogated by police for five hours before being expelled from the country. Hanoi’s spokesman said they had “caused disorder in Ho Chi Minh City.”¹⁵⁷

156. On 2 March 2022, Vietnam abstained from voting on the resolution denouncing Russia’s invasion of Ukraine at the UN General Assembly in New York.

157. AFP, *Vietnam expels MEP after rights protest*, 7 June 2001; DPA, *Vietnam expulsion draws concern*, 7 June 2001.

5. Persecution of peaceful protesters

Individuals who exercised their right to peaceful assembly in Vietnam as well as those who documented demonstrations or provided assistance to victims of violence or detention as a result of their participation in demonstrations have faced systematic repression.

Acts of repression have included: threats and intimidation; arbitrary arrest and detention; denial of the right to a fair trial; disproportionate prison sentences; poor detention conditions; denial of medical care, ill-treatment, and torture in custody; constant police surveillance; and judicial harassment. In some cases, poor detention conditions and ill-treatment have been fatal.

Below are some examples of the systematic repression suffered by courageous civil society activists, pro-democracy campaigners, and human rights defenders who took to the streets to peacefully exercise their rights to freedom of assembly in Vietnam. Other human rights violations committed by the authorities against organizers and participants during public assemblies, including attacks against them and their families, are detailed in Chapter 4.

5.1. Unlimited pre-trial detention and prolonged incommunicado detention

Individuals detained for their involvement in protests have been routinely subjected to unlimited pre-trial detention and prolonged incommunicado detention, which are forms of cruel and inhumane treatment.¹⁵⁸

As previously mentioned [See above, *Chapter 2.2.*], most of those arrested in connection with their participation in demonstrations in Vietnam have been charged with “national security” crimes in the Criminal Code. Under Vietnam’s legal system, arrests, investigation, prosecution, trials, and detention for national security crimes are subjected to special protocols that are different from those applicable to other defendants.

Under Vietnam’s Criminal Procedure Code (CPC) of 2015, investigators and/or prosecutors may place suspected national security offenders in pre-trial detention without establishing any grounds for their decision and without any right of appeal (Article 119). The CPC also provides for virtually unlimited pre-trial detention for suspected national security offenders, giving the Supreme People’s Procuracy full authority to extend pre-trial detention “until the investigation closes” (Articles 172 and 173). For example, dissident Lê Anh Hùng, arrested in July 2018 for opposing the draft laws on the SEZs and Cyber Security [See above, *Chapter 4.5.*], was detained for over four years before being brought to court. He was sentenced to five years in prison during a closed-door trial in Hanoi on 30 August 2022 for “abusing democratic freedoms to infringe upon the interest of the state” (Article 331 of the Criminal Code).¹⁵⁹

Individuals charged with national security offenses are detained incommunicado during the whole investigation period, which can be of up to two years or more. They are denied family visits and access to their lawyers, who are only permitted to meet with them once the investigation has been completed “to keep the secrets of the investigation” (Article 74 of the CPC).

158. UN ESCAP, *UN Recommendations on the 2015 Penal Code and Criminal Procedural Code of Viet Nam*, 17 May 2017; <https://vietnam.un.org/en/14681-un-recommendations-2015-penal-code-and-criminal-procedural-code-viet-nam>

159. Lê Anh Hùng was moved from pre-trial detention to the National Psychiatric Ward in Hanoi after his arrest, then taken back to prison in May 2022 to stand trial.

For example, journalist Phạm Đoan Trang, arrested in October 2020 for documenting public protests against the Formosa disaster [See above, *Chapter 4.6.*] and other issues, was detained incommunicado for a full year before being allowed to meet her lawyers.¹⁶⁰ Land rights defenders Cấn Thị Thêu, Nguyễn Bá Phương, and Nguyễn Bá Tư¹⁶¹ and activists Phạm Chí Dũng, Nguyễn Trường Thụy, and Lê Hữu Minh Tuấn, all of whom had actively participated in demonstrations, were subjected to prolonged incommunicado detention before their trial.¹⁶²

5.2. Denial of the right to a fair trial

Human rights defenders and civil society activists who were arrested for exercising their right to freedom of peaceful assembly have been routinely denied the right to a fair trial.

Their prolonged and incommunicado pre-trial detention [See above, *Chapter 5.1.*] undermined their right to a fair trial, because lawyers had insufficient time to meet with them to prepare their defense.

Lawyers have not only been denied access to their clients during the investigation period, but have also frequently not been provided with case files until a few days before the trial. During hearings, courts have often refused to hear testimony from witnesses requested by defense lawyers, as was the case in the trial of the Dong Tam villagers in September 2020,¹⁶³ which resulted in two death sentences and extremely long prison sentences [See above, *Chapter 4.3.4.*].



This picture taken and released by the Vietnam News Agency on 14 September 2020 shows Dong Tam villagers involved in a land dispute attending their court trial in Hanoi. © Vietnam News Agency / AFP

In addition, trials concerning “national security” offenses - which is the case for most individuals arrested in connection with public protests - may be held *in camera* (Article 25 of the CPC). For example, medical doctor Hồ Văn Hải was sentenced to four years in prison at a closed-door trial in Ho Chi Minh City on 1 February 2018 on charges of “spreading anti-state propaganda” (Article 117 of the Criminal Code) for protesting against the effects of the Formosa disaster. His family learned of the trial in the official press. Arrested in November 2016, he had spent 15 months in incommunicado detention.¹⁶⁴

160. UN OHCHR, *Vietnam: Release writer held on “propaganda” charges – UN experts*, 29 October 2021.

161. Observatory for the Protection of Human Rights Defenders, *Vietnam: Rejection of the appeal on the prison sentence of Trinh Ba Phuong*, 23 August 2022; <https://www.fidh.org/en/issues/human-rights-defenders/vietnam-rejection-of-the-appeal-on-the-prison-sentence-of-trinh-ba-phuong>

162. UN OHCHR, *Press briefing notes on Vietnam*, 8 January 2021; <https://www.ohchr.org/en/2021/01/press-briefing-notes-vietnam>

163. Petition by 13 lawyers of Dong Tam villagers to the President of the People’s Court and the Procuracy before the trial protesting flawed procedures and calling for the respect of due process to ensure a fair and impartial hearing, 3 September 2020 [in Vietnamese]; AsiaNews, *Death sentences and life imprisonment for the villagers of Dong Tam*, 15 September 2020; <https://www.asianews.it/news-en/Death-sentences-and-life-imprisonment-for-the-villagers-of-Dong-Tam-51034.html>

164. VCHR, *Shrinking Spaces, assessment of human rights in Vietnam during the 2nd cycle of its UPR*, February 2018; <http://queme.org/app/uploads/2018/02/Shrinking-spaces-VCHR-2018-EN.pdf>

In addition, international observers and family members have been frequently barred from entering the courtroom. At the appeal trial of land rights activists Trịnh Bá Phương and Nguyễn Thị Tâm on 17 August 2022 in Hanoi, their families were assaulted and chased away by plainclothes police.¹⁶⁵ In many cases, family members were not even informed by the authorities about the dates of the trials.

The trial of environmental rights lawyer Đặng Đình Bách, who organized numerous assemblies and gatherings to encourage young people to speak out against Vietnam's policies on climate change, is a typical example of flawed procedure. Sentenced to five years in prison on politically motivated charges of “tax evasion” on 24 January 2022, he was denied access to his lawyer during detention. The court ignored evidence presented by his lawyers, as well as their submission that the prosecution had failed to present any compelling evidence.¹⁶⁶ At his appeal trial on 22 August 2022, security forces barred his wife, Trần Phương Thảo, from attending the trial, despite the fact that she had a permit delivered by the court. Diplomatic representatives from the United States (US), Germany, and the European Union (EU) were also refused entry on the pretext that there were “not enough seats in the courtroom.”¹⁶⁷

Similarly, in the case of journalist Phạm Đoan Trang, who participated in Formosa and anti-China protests [See above, *Chapters 4.4.* and *4.6.*], diplomatic representatives from the US, the EU, the Czech Republic, Switzerland, and Germany were not allowed to attend her appeal trial on 25 August 2022.¹⁶⁸

Lastly, the right to the presumption of innocence, which is guaranteed by Article 13 of the CPC, has been often compromised by vilification campaigns in the state-controlled media. In January 2020, following the events in Dong Tam Village, national TV channel *Vietnam Television 1* (VTV 1) aired footage of defendants Lê Đình Công, Lê Đình Chúc, and Lê Đình Doanh in custody, “confessing” that they had attacked police with stones and hand-made petrol bombs. Their faces were bruised, as if they had suffered torture.¹⁶⁹

5.3. Disproportionate prison sentences

Many activists involved in organizing, attending, or documenting peaceful assemblies received lengthy prison sentences in Vietnam. Some salient recent cases include:

- Independent journalist Phạm Chí Dũng, sentenced to 15 years in prison in January 2021 along with Nguyễn Tường Thụy and Lê Hữu Minh Tuấn (11 years each), on charges of “making, storing, spreading information, documents, materials, items against the Socialist Republic of Vietnam” (Article 117 of the Criminal Code). The three had all taken part in anti-China demonstrations and used the Internet to mobilize protests against the draft Law on Cyber Security.
- Hoàng Đức Bình, sentenced to 14 years in prison in April 2018 on charges of “resisting officials in the performance of their duties” and “abusing democratic freedoms to infringe upon the interest of the state” (Articles 330 and 331 of the Criminal Code) for participating in protests on the Formosa disaster.
- Pastor Nguyễn Trung Tôn and journalist Trương Minh Đức, both sentenced to 12 years in prison, along with activist Nguyễn Bắc Truyển (11 years in prison), on 5 April 2018 on charges of

165. Thu Đỗ's Facebook, 17 August 2022 [in Vietnamese]; https://www.facebook.com/permalink.php?story_fbid=pfbid02fgcNgJyMSTiBqiuEK3yVDbluJCB21c5Gq77fb7z4pHhWVuLXNiJ6x4a9eLB6qqfCl&id=100008236984260

166. Stand with Bach, <https://www.standwithbach.org/dang-dinh-bach>

167. FIDH, *Vietnam: ongoing arbitrary detention and judicial harassment against four environmental rights defenders*, 17 August 2022; <https://www.fidh.org/en/issues/human-rights-defenders/vietnam-ongoing-arbitrary-detention-and-judicial-harassment-against>

168. Radio Free Asia, *Vietnamese journalist loses appeal against nine-year sentence*, 25 August 2022; <https://www.rfa.org/english/news/vietnam/vietnamese-journalist-loses-appeal-08252022015721.html?ref=thevietnamese.org>

169. Báo Cáo Đồng Tâm Report, edited by Phạm Đoan Trang and Will Nguyễn, September 2020; https://queme.org/app/uploads/2020/09/Dong-Tam-report_Phamdoantrang-Willnguyen_Sept2020.pdf

“activities aimed at overthrowing the people’s administration” (Article 79 of the 1999 Criminal Code) for protesting abuses of human rights and religious freedom.

- Trịnh Bá Phương, sentenced to 10 years in prison in December 2021 on charges under Article 117 of the Criminal Code for his involvement in land rights protests.
- Journalist Phạm Đoan Trang, sentenced to nine years in prison in December 2021 on charges under Article 88 of the 1999 Criminal Code for documenting and participating in protests.
- Trần Thị Xuân, sentenced to nine years in prison on 12 April 2018 on charges of “activities aimed at overthrowing the people’s administration” (Article 79 of the 1999 Criminal Code) for organizing protests on the Formosa disaster.
- Cần Thị Thêu and her son Trịnh Bá Tư, sentenced to eight years in prison each in May 2021 on charges under Article 117 of the Criminal Code for their involvement in land rights protests.
- Trương Hữu Lộc, sentenced to eight years in prison in June 2019 on charges of “disrupting security” (Article 118 of the Criminal Code) for aiding demonstrators protesting the draft laws on the SEZs and Cyber Security.
- Nguyễn Đình Thành, sentenced to seven years in prison in October 2018 on charges under Article 117 of the Criminal Code for printing leaflets and taking part in the protests against the draft Law on the SEZs.
- Nguyễn Văn Hóa, sentenced to seven years in prison in January 2017 on charges of “abusing democratic freedoms to infringe upon the interest of the state” (Article 258 of the 1999 Criminal Code) for filming protests at the Formosa plant.
- Đặng Đăng Phước, a music teacher, sentenced to eight years in prison on 6 June 2023 under Article 117 of the Criminal Code. He had participated in several peaceful protests and supported the adoption of a law on demonstrations by the National Assembly.

5.4. Violations of prisoners’ rights

Individuals incarcerated for their involvement in peaceful protests in Vietnam have often been mistreated in custody, including by being: subjected to torture and ill-treatment; detained under appalling conditions; denied access to medical care; and held in prisons far from their homes. As one former political prisoner remarked: “When the prison door closes behind you, the law stays outside. Your life and death are in the hands of the prison wardens and authorities alone.”¹⁷⁰

Such treatment is not only inconsistent with relevant international human rights law and standards but also in violation of Vietnam’s domestic legislation, namely the 2019 Law on Execution of Criminal Judgments, which came into effect on 1 January 2020.¹⁷¹ Article 4 of this law pledges to “guarantee Socialist humanity; respect the dignity, rights, and legitimate interests of prisoners.” Under Article 27, these rights include “protection and respect of their lives, health, assets, and dignity [...], the right to receive healthcare, send and receive letters [...], [and] to receive visits from families.” Under Article 55, prisoners who fall ill are entitled to receive medical examinations and healthcare in prison or at the nearest state facility.

170. Radio Free Asia, *Scores of families call on prisons to provide timely healthcare for prisoners of conscience*, 10 August 2022 [in Vietnamese].

171. Law on Execution of Criminal Judgments, 41/2019/QH14 [in Vietnamese]; <https://thuvienphapluat.vn/van-ban/Trach-nhiem-hinh-su/Luat-Thi-hanh-an-hinh-su-2019-387991.aspx>

5.4.1. Torture and Ill-treatment

Individuals involved in protests have often been subjected to torture and ill-treatment in custody, including through beatings, the use of shackles, and solitary confinement.

Nguyễn Văn Hóa, who received a seven-year sentence in 2017 for participating in demonstrations on the Formosa disaster [See above, *Chapter 4.6.*] was beaten by the authorities to coerce him to give false testimony against other activists involved in the protests. When he recanted these false “confessions,” he was beaten again. Between May and September 2019, he was shackled for over four months in a solitary confinement cell with no natural light for protesting against ill-treatment in the prison.¹⁷²

During a prison visit, land rights activist Trịnh Bá Tư told his father that he had been beaten by prison guards and shackled by his legs for 10 days in September 2022,¹⁷³ and forced to urinate and defecate on the spot, as a “disciplinary measure” to punish him for writing letters of complaint. Tư was sentenced to eight years in prison along with his mother Trần Thị Thêu in May 2021 under Article 117 of the Criminal Code for demonstrating against violations of land rights. Their sentence was upheld on appeal in December 2021.

Tư’s brother, Trịnh Bá Phương, who actively engaged in land rights protests and advocated for villagers detained in the Dong Tam incident [See above, *Chapter 4.3.4.*], said he was frequently beaten and kicked by the authorities during his pre-trial detention in Hanoi Detention Center in 2020 in an attempt to extract confessions.¹⁷⁴ In December 2021, he was sentenced to 10 years in prison under Article 117 of the Criminal Code. His sentence was upheld in August 2022.

Persons detained for questioning during demonstrations have been frequently beaten by police. For example, during the wave of protests in June 2018 against the draft laws on the SEZs and Cyber Security [See above, *Chapter 4.5.*], several demonstrators were held at temporary detention centers set up in Tao Dan Park in Ho Chi Minh City. They reported that they were kicked and beaten by police, and could hear screams of other detained protest participants being beaten in adjacent rooms.¹⁷⁵

5.4.2. Poor detention conditions and denial of medical care

Many persons imprisoned for participating in demonstrations are in very poor health due to lack of medical treatment or unhygienic detention conditions.

Dissident Trần Văn Bang (aka Trần Bang), who has a long history of participating in public protests, is in poor health due to lack of medical treatment and poor detention conditions. He told his family he plans to write his testament in custody because of grave health concerns. He has a cyst in his groin “the size of an egg” and other health problems.¹⁷⁶ Prison officers told him that only prisoners in “emergency” health situations can be admitted to hospital. Trần Bang took part in anti-China demonstrations from 2011 to 2018, and was severely beaten during a rally in Ho Chi Minh City to protest China’s President

172. FIDH-VCHR, *Vietnam: Government report for Universal Periodic Review suppresses grave human rights violations*, 4 September 2018; <https://www.fidh.org/en/region/asia/vietnam/government-report-for-universal-periodic-review-ignores-grave-human>

173. Thu Đỗ’s Facebook, 20 September 2022 [in Vietnamese]; https://m.facebook.com/story.php?story_fbid=pfbid0TQ35fyRmbpwUtC5UrtKScXcfFk3846jodxa7112iAi1besX6Qapq66nvQjM92EXl&id=100008236984260

174. BBC, *Sentences of Trịnh Bá Phương and Nguyễn Thị Tâm upheld on appeal*, 18 August 2022 [in Vietnamese]; <https://www.bbc.com/vietnamese/vietnam-62587199>

175. VCHR, *Vietnam’s assault on freedom of expression and peaceful demonstration denounced at the UN Human Rights Council*, 27 June 2018; <https://queeme.org/en/vietnams-assault-on-freedom-expression-peaceful-demonstration-denounced-unhrc/>

176. Radio Free Asia, *Activist Trần Văn Bang is arrested under Article 117 of the Criminal Code*, 1 March 2022 [in Vietnamese]; https://www.rfa.org/vietnamese/in_depth/activist-tran-bang-was-arrested-under-article-117-of-the-penal-code-03012022091347.html; Vietnam Posts English, *Defendant Trần Văn Bang received 8 years in prison for opposing the State*, 12 May 2023; <https://vietnam.postsen.com/news/327121/Defendant-Tran-Van-Bang-received-8-years-in-prison-for-opposing-the-State.html>

Xi Jinping's visit to Vietnam in 2015. He was finally arrested on 1 March 2022, and sentenced to eight years in prison on 12 May 2023 under Article 117 of the Criminal Code.¹⁷⁷



Protesters shout anti-China slogans as they hold up marked depictions of China's President Xi Jinping in front of the Chinese embassy in Hanoi on 5 November 2015, a few hours prior to the arrival of the Chinese leader for a two-day state visit. © HOANG DINH NAM / AFP

Huỳnh Trương Ca, co-founder of the “Constitution,” a civil society group established to inform Vietnamese citizens of their constitutional rights, was arrested in June 2018 for participating in the demonstrations against the draft laws on the SEZs and Cyber Security and sentenced to five and a half years in prison under Article 117 of the Criminal Code in December 2018. Huỳnh Trương Ca is in very poor health in Xuyen Moc Prison, Dong Nai Province. He is suffering from a large abscess in his groin, which needs urgent surgery, but the prison doctor keeps delaying the operation.¹⁷⁸

Veteran human rights defender Nguyễn Tường Thụy, who is serving an 11-year sentence under Article 117 of the Criminal Code,¹⁷⁹ has contracted scabies because of poor hygiene and a lack of access to clean water in the Bo La Prison camp in Binh Duong Province. His wife said that almost all the prisoners in this prison contracted skin infections. Thụy also suffers from back pain, high blood pressure, and an inflammatory bowel disease, but has received no medical treatment.¹⁸⁰ He had regularly participated in anti-China demonstrations since 2008, and has a long history of engagement in protests for human rights and social issues.¹⁸¹

Former political prisoner Đinh Nguyên Kha, who served a six-year sentence in Xuyen Moc Prison in Ba Ria-Vung Tau Province from 2012 to 2018 for distributing leaflets on the issue of China's actions in the South China Sea, was denied medical treatment for complications following an operation to remove a tumor

177. Radio Free Asia, *Activist Trần Văn Bang is arrested under Article 117 of the Criminal Code*, 1 March 2022 [in Vietnamese]; https://www.rfa.org/vietnamese/in_depth/activist-tran-bang-was-arrested-under-article-117-of-the-penal-code-03012022091347.html; Vietnam Posts English, *Defendant Tran Van Bang received 8 years in prison for opposing the State*, 12 May 2023; <https://vietnam.postsen.com/news/327121/Defendant-Tran-Van-Bang-received-8-years-in-prison-for-opposing-the-State.html>

178. Vietnam Human Rights Defenders, *Police in Dong Thap propose to prosecute activist Huỳnh Trương Ca on charge of “anti-state propaganda”*, 19 November 2018.

179. VCHR, *Three independent journalists jailed for up to 15 years prison in Vietnam*, 6 January 2021; <https://queme.org/en/3-independent-journalists-jailed-for-up-to-15-years-in-vietnam/>

180. Vietnam Human Rights Defenders, *Hanoi Police suspected of beating activist, attacking private residence of blogger with dirty mess*, 3 December 2016.

181. As a result of his civic engagement, Nguyễn Tường Thụy was the target of systematic harassments, assault, travel bans, and arbitrary detention by the police. In December 2016, rotten fish and waste oil were thrown into his home in Hanoi by suspected security officers after he organized a small gathering of civil society activists to celebrate International Human Rights Day.

from his stomach. He was detained in solitary confinement in shackles for 10 days after he smuggled food to another prisoner.¹⁸²

Many of those detained for participating in demonstrations have staged hunger strikes to protest unhygienic conditions, lack of medical care, and violations of their rights, including Nguyễn Bắc Truyền, Hoàng Đức Bình, Phạm Văn Điệp, and Nguyễn Văn Hóa.

5.4.3. Deaths in custody

Many activists detained for participating in public protests have died of ill health under tragic circumstances, with prison authorities rejecting appeals for treatment from their families.

On 20 November 2022, Phan Văn Thu, 74, died in Gia Trung Prison camp, Gia Lai Province, after years of illness and lack of medical care. Sentenced to life imprisonment on charges of “subversion” for organizing peaceful assemblies with an environmental group in Phu Yen, he had served 10 years of his sentence.¹⁸³ A second member of his group, Đoàn Đình Nam, who was serving a 16-year prison sentence, died of kidney failure in Vung Tau Hospital in October 2019, after being refused treatment despite prolonged illness and pain.¹⁸⁴

On 2 August 2022, respected land rights activist Đỗ Công Đương died in Prison No. 6 in Nghe An Province, where detention conditions are notoriously harsh. Sentenced to eight years in prison for filming protests on land rights in Bac Ninh, Đỗ Công Đương was in good health at the time of his arrest in 2018. When his health began to fail, his family repeatedly urged the prison authorities to allow him medical care. They refused, and took him to hospital only at the very last minute, where he died shortly afterwards.¹⁸⁵

Following Đỗ Công Đương’s death, 27 relatives of political prisoners signed a letter entitled “Healthcare is a human right: Open Letter from family members of political prisoners.” The letter expressed “devastation and outrage” at Đỗ Công Đương’s death and urged the international community to press Vietnam’s government to “respect the rights of political prisoners and ensure that they are provided with clean water, safe food, and have access to adequate and timely healthcare.”¹⁸⁶

On 10 December 2019, pro-democracy activist Đào Quang Thục, who was serving a 13-year prison sentence for participating in protests on the Formosa disaster and territorial disputes with China, died suddenly in Prison No. 6, Nghe An Province, officially due to brain hemorrhage and lung infection.¹⁸⁷ His family said he

182. FIDH-VCHR, *Joint submission to the UN Human Rights Council on the 3rd Universal Periodic Review of Vietnam*, 12 July 2018; http://queame.org/app/uploads/2018/07/VCHR_FIDH_Joint-Submission_UPR_July_2018.pdf

183. Phan Văn Thu was the founder of a Buddhist group called Ân Dân Đại Đạo, also known as the Bia Sơn Council for Public Law and Affairs. The group believed in harmony between science, nature, and humankind, and organized conferences and assemblies to discuss their ideas. In 2012, 22 members of the group were arrested and convicted to terms ranging from 10 years to life imprisonment. After 10 years in detention, Phan Văn Thu, who had served 10 years of his life sentence, had lost all his teeth due to malnutrition, but was refused dental treatment. He had diabetes, high blood pressure, and arthritis, and suffered from the harsh weather conditions in Gia Trung Prison camp; VCHR, *22 members of a non-violent group condemned for subversion*, 4 February 2012; <https://queame.org/en/22-members-of-a-nonviolent-group-condemned-to-harsh-prison-terms-for-subversion-in-vietnam/>

184. Đoàn Đình Nam, also a member of Phan Văn Thu’s group, died after serving six years of a 16-year prison sentence on charges of “subversion.” He had been detained in Xuyen Moc Prison camp since 2012. Although his health had seriously deteriorated, he received no medical treatment. He was admitted to hospital just before his death.

185. Bauxite Việt Nam, *Healthcare is a Human Right: Open Letter from Family members of Political prisoners*, 9 August 2022 [in Vietnamese]; <https://boxitvn.online/?p=81021#more-81021>

186. Bauxite Việt Nam, *Healthcare is a Human Right: Open Letter from Family members of Political prisoners*, 9 August 2022 [in Vietnamese]; <https://boxitvn.online/?p=81021#more-81021>

187. Radio Free Asia, *Political prisoner Đào Quang Thục dies in prison, family not allowed to retrieve his corpse*, 10 December 2019 [in Vietnamese]; <https://www.rfa.org/vietnamese/news/vietnamnews/family-not-given-corpse-of-political-prisoner-dao-quang-thuc-who-died-in-prison-12102019074313.html>; Đào Quang Thục, a retired teacher, was arrested in October 2017 and sentenced to 13 years in prison for “activities aimed at overthrowing the people’s administration” (Article 79 of the 1999 Criminal Code) in September 2018. He staged a hunger strike with other prisoners in 2019 to protest the abusive treatment of prisoners by the authorities. Months before his death, he told his daughter he was in constant pain due to beatings by police during interrogation. His family was not allowed to visit him in hospital, and were not allowed to retrieve his body to give him a proper burial.

never had any health issues before, and were not informed he had been hospitalized until a few days before his death.

Environmental rights defender Đinh Đăng Định died of stomach cancer after being denied treatment in An Phuoc Prison, Binh Duong Province, until the terminal stage. He was granted a presidential amnesty in March 2014, just one month before he died. Đinh Đăng Định was sentenced to six years in prison in 2011 for organizing protests and petitioning the authorities on the dangers of bauxite mining in the Central Highlands.¹⁸⁸

Some individuals detained for their involvement in protests have died in custody under more mysterious circumstance. For example, in 2017, Hòa Hảo follower Nguyễn Huru Tấn died in police custody only hours after he was arrested for “conducting propaganda against the Socialist Republic of Vietnam” (Article 88 of the 1999 Criminal Code) for taking part in a peaceful religious assembly. Police claimed he had committed suicide by cutting his own throat with a knife left by police in the interrogation room.¹⁸⁹

5.4.4. Detention in prisons far from home

Individuals sentenced to prison for participating in demonstrations have frequently been transferred to jails located far away from their homes, thus limiting access to visits from their families, as travel is extremely difficult and expensive. This policy is not due to a shortage of prisons (there are at least 153 prisons across Vietnam), but is rather a deliberate strategy to psychologically abuse prisoners. Examples of such cases are detailed in the infographic below.

5.5. Probationary detention

Prisoners detained in connection with protests and peaceful assemblies have been systematically sentenced to periods of “probationary detention” (*quản chế* in Vietnamese) ranging from one to five years after completing their prison sentences (Article 43 of the Criminal Code).

Probationary detention is a form of house arrest, and should normally take place in one’s place of residence. However, released prisoners are sometimes arbitrarily detained elsewhere, causing great difficulties in their daily lives. Prisoners serving probationary detention must live and work within a defined area under the supervision of police and local authorities. They cannot leave this area without permission, and are deprived of certain civil and political rights.¹⁹⁰

For example, in March 2022, Trần Thanh Phương was sent to serve his probationary detention in Hue, over 1,000 km from Ho Chi Minh City, where he had lived with his wife and children for almost 30 years. Trần Thanh Phương had previously spent three years and six months in prison, followed by a two-year sentence of probationary detention on charges of “disturbing public order” for demonstrating against the draft Law on the SEZs in 2018. With no job or lodgings in Hue, unable to find work, he lives in poverty, and is unable to support his wife and children, who are also living in extreme hardship. Trần Thanh Phương has filed appeals with the Ho Chi Minh People’s Procuracy and the MPS’ Department of Prison Management, but has received no reply.¹⁹¹

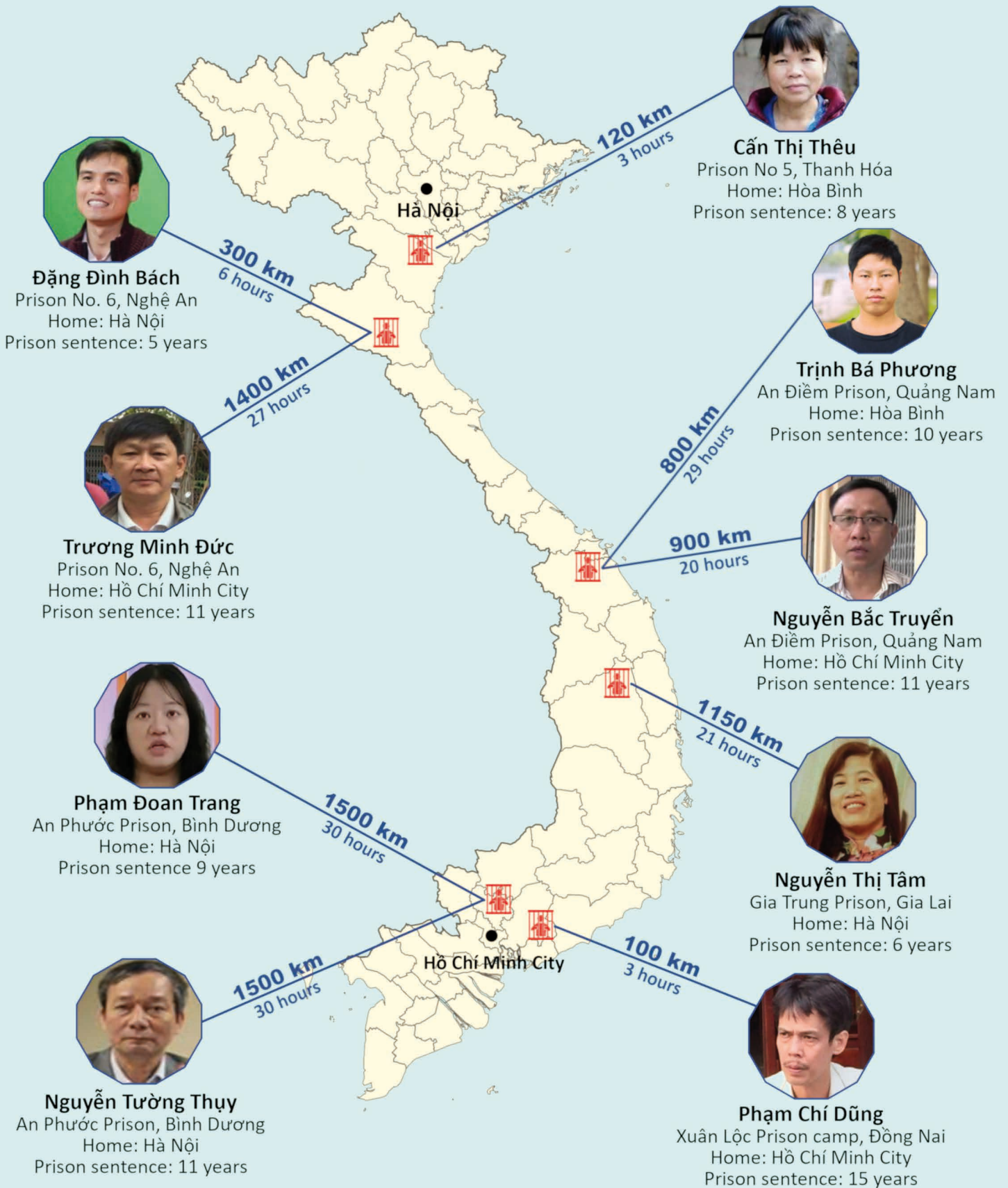
188. Wall Street Journal, *The death of Vietnam’s teacher Dinh - by Võ Văn Ái*, 14 April 2014; <http://online.wsj.com/news/articles/SB10001424052702303603904579494882376860264>; Đinh Đăng Định was not allowed treatment for his stomach cancer until he became critically ill in 2013, when he was hospitalized to remove three quarters of his stomach, then taken back to prison immediately afterwards. He was hospitalized again in 2014, then received a presidential amnesty just before he died.

189. VCHR, *Shrinking Spaces: Assessment of Human Rights in Vietnam during its 2nd UPR cycle*, February 2018; <http://queme.org/app/uploads/2018/02/Shrinking-spaces-VCHR-2018-EN.pdf>

190. Article 43 of the 2015 Criminal Code states: “Probationary detention means forcing a person sentenced to imprisonment to reside, work, and live within a defined area under the supervision of the local authority and local people. During this period, the convict must not leave the commune without permission, has some citizenship rights deprived of as prescribed in Article 44 hereof, and is banned from doing certain work.”

191. Radio Free Asia, *Prisoner of conscience Trần Thanh Phương is “exiled” on release from prison 1,000 km from his family*, 5 August 2022 [in Vietnamese]; <https://www.rfa.org/vietnamese/news/vietnamnews/former-prisoner-of-conscience-forced-to-live-far-from-his-family-during-probation-period-08052022064702.html>

DETAINED FAR FROM HOME



The distance from home to prison is by road. The approximate time of travel is calculated in optimal circumstances, not accounting for bad roads, heavy traffic, inclement weather, and stops for rest. Many of Vietnam's 153 prisons are in remote areas, deep countryside or mountainous regions with very difficult access.

5.6. Judicial harassment

Dissidents who have been imprisoned for their involvement in public protests have been subjected to close surveillance and judicial harassments after their release.

For example, in May 2022, Y Wô Niê, a member of the Ede ethnic community, who had served a nine-year prison sentence for participating in Montagnards' protests in the Central Highlands in 2005, was arrested again and sentenced to four years in prison for “abusing democratic freedoms to infringe upon the interest of the state” (Article 331 of the Criminal Code). He was prosecuted for producing three handwritten reports on religious freedom violations against the Ede people and sending them via Whatsapp to “reactionary forces overseas.” According to his lawyer, the “reactionary forces” concerned were the UN Human Rights Committee and the US Commission on International Religious Freedom (USCIRF).¹⁹²

5.7. Forced exile

In recent years, the government has increasingly forced political prisoners into exile by granting them early release on condition they immediately leave Vietnam. Such political prisoners were not amnestied, and must return to prison if they ever go back to Vietnam.

Several high-profile dissidents, all of whom were actively involved in public protests on issues such as human rights, the Formosa disaster, territorial disputes with China, and controversial draft laws, were forced into exile in recent years. They included: blogger Nguyễn Văn Hải (aka Điều Cày); activist Nguyễn Ngọc Như Quỳnh (aka Mother Mushroom); human rights lawyer Nguyễn Văn Đài; and land rights defender Trần Thi Nga.



Prominent lawyer Nguyễn Văn Đài (C) stands in a courtroom during his trial with other activists in Hanoi on 5 April 2018.
© Vietnam News Agency / AFP

192. US Commission on International Religious Freedom, *Y Wô Niê*; <https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/y-wo-nie>; Radio Free Asia, *Vietnam ethnic minority activist jailed for 4 years for reporting abuse allegations*, 20 May 2022; <https://www.rfa.org/english/news/vietnam/y-wo-nie-sentence-05202022165050.html>

Điêu Cày (“Peasant’s Pipe”) was one of Vietnam’s first civil society activists to use the Internet to organize demonstrations and mobilize civil society. In 2008, he sought to organize a peaceful protest against the Olympic torch relay in Ho Chi Minh City [See above, Chapter 4.4.]. In September 2012, he was sentenced to 12 years in prison for “conducting propaganda against the Socialist Republic of Vietnam” (Article 88 of the 1999 Criminal Code) at a trial described as “an old-fashioned Soviet-style show trial.”¹⁹³ In October 2014, he was taken straight from prison to Hanoi’s International Airport and put on a plane to Los Angeles, without even being allowed to say goodbye to his family.

Nguyễn Ngọc Như Quỳnh (aka Mother Mushroom) was a pioneer in using social networks and the Internet to coordinate peaceful protests. Under the motto “If you don’t speak out, who will?” she organized and participated in protests against China’s aggression in the South China Sea, the Formosa disaster, human rights, and democracy. On 29 June 2017, she was sentenced to 10 years in prison, including on charges under Article 88 of the 1999 Criminal Code for “conducting propaganda against the Socialist Republic of Vietnam.” In October 2018, she was released and immediately exiled to the US.

Nguyễn Văn Đài is a human rights lawyer and founder of the Brotherhood for Democracy. He was arrested in December 2015 on his way to meet delegates from the EU attending the EU-Vietnam Human Rights Dialogue in Hanoi. He was held incommunicado for 19 months before being sentenced to 15 years in prison on 5 April 2018 for “activities aimed at overthrowing the people’s administration” (Article 79 of the 1999 Criminal Code), along with Trương Minh Đức, Nguyễn Trung Tôn, Nguyễn Bắc Truyển, Lê Thu Hà, and Phạm Văn Trội. He and his colleagues had organized protests on a wide range of social, political, and environmental issues. Đài had previously spent four years (2007-2011) in prison for organizing informal workshops on human rights. In June 2018, he was released from prison with his colleague Lê Thu Hà (sentenced to nine years in prison) and sent into exile to Germany.

Trần Thị Nga, a well-known land rights and labor rights activist, was sentenced to nine years in prison and five years of probationary detention under Article 88 of the 1999 Criminal Code for “conducting propaganda against the Socialist Republic of Vietnam” at a one-day trial in July 2017. She had suffered years of harassment and police brutality for participating in demonstrations on land rights abuses and territorial disputes with China, documenting protests on the Formosa disaster, human trafficking, and issues of state abuse. In May 2014, as she attended an anti-China protest, she was assaulted by a group of men who beat her with iron bars and broke her arm and leg. In January 2020, she was sent into exile to the US with her two children.

193. Economist, *Bloggers flogged*, 5 October 2012; <https://www.economist.com/banyan/2012/10/04/bloggers-flogged>; Wall Street Journal, *Reading Orwell in Hanoi - by Võ Văn Ái*, 23 April 2012; <http://online.wsj.com/article/SB1000142405270230342504577358892665142470.html>

6. UN concern over violations of the right to freedom of peaceful assembly

Over the past three decades, various UN human rights monitoring mechanisms have continued to express their concern over the systematic repression of the right to freedom of peaceful assembly in Vietnam.

Two issues have been repeatedly raised by these UN human rights bodies and experts: 1) the Vietnamese government's arrest, detention, harassment, intimidation, and the use of excessive force against individuals and groups for their legitimate exercise of the right to freedom of peaceful assembly; and 2) the application of vague and overly broad national security offenses that are inconsistent with the threshold set by international law to prosecute and convict those who exercise such right.

These UN mechanisms consistently urged Vietnam's government to adhere to provisions of international human rights treaties and standards, particularly Article 21 of the ICCPR, to which Vietnam is a state party.

6.1. Treaty bodies

On 19 July 2002, the CCPR, which monitors state parties' compliance with their legal obligations under the ICCPR, adopted its Concluding Observations, following the review of Vietnam's second periodic report on 11-12 July 2002.¹⁹⁴ In its Concluding Observations, the CCPR said it was concerned about the restrictions on public meetings and demonstrations.

On 16 April 2012, the Committee on the Elimination of Racial Discrimination (CERD) adopted its Concluding Observations, following the review of Vietnam's 10th to 14th periodic reports under the Convention on the Elimination of All Forms of Racial Discrimination, which had been held on 21-22 February 2012.¹⁹⁵ The CERD raised concern over repressive legislation, including: Ordinance No. 44 on regulating administrative justice, which authorized suspected "national security" offenders to be placed under administrative detention for up to two years without trial; Decree 38/2005/ND-CP on public order, which prohibits demonstrations outside state agencies and public buildings; and Circular 09/2005/TT-BCA, which prohibits gatherings of more than five people without prior permission from the authorities [See above, *Chapter 2.4.*]. The CERD recommended that Vietnam review its regulations and policies on the protection of the rights to freedom of expression, peaceful assembly, and association in full compliance with the requirements of Article 5(d) on the equal guarantee of civil rights, and called on the government to release individuals detained for carrying out activities that constituted the exercise of such rights.

On 25 March 2019, the CCPR adopted its Concluding Observations, after the review of Vietnam's third periodic report held on 11-12 March 2019.¹⁹⁶ The CCPR reiterated its concern over "the excessive restrictions imposed on the freedom of peaceful assembly and public meetings, including on human rights." The committee expressed further concern over "allegations of the disproportionate use of force and arbitrary arrests by law enforcement officials to disrupt demonstrations, including those related to labor rights, land dispossession and the Formosa steel plant ecological disaster."¹⁹⁷

194. UN Human Rights Committee, *Comments by the Government of Vietnam on the Concluding Observations of the Human Rights Committee*, 5 August 2002; UN Doc. CCPR/CO/75/VNM/Add.1

195. UN Committee on the Elimination of Racial Discrimination, *Consideration of reports submitted by States parties under article 9 of the Convention - Concluding observations of the Committee on the Elimination of Racial Discrimination*, 16 April 2012; UN Doc. CERD/CO/VNM/CO/10-14

196. UN Human Rights Committee, *Concluding Observations on the third periodic report of Vietnam*, 29 August 2019; UN Doc. CCPR/C/VNM/CO/3

197. UN Human Rights Committee, *Concluding Observations on the third periodic report of Vietnam*, 29 August 2019; UN Doc. CCPR/C/VNM/CO/3, para. 47.

The CCPR recommended that the Vietnamese government: 1) effectively guarantee and protect the freedom of peaceful assembly and avoid restrictions that are incompatible with the ICCPR; 2) ensure that all instances of excessive use of force are promptly, impartially, and effectively investigated to being those responsible to justice; and 3) take measures to effectively prevent and eliminate all forms of excessive use of force by law enforcement officers.¹⁹⁸

6.2. Universal Periodic Review (UPR)

On 8 May 2009, during the first UPR of Vietnam, the government did not accept two recommendations that called for the adoption of measures to end restrictions on the right of peaceful assembly and to demonstrate its commitment to international law, including Article 21 of the ICCPR.¹⁹⁹

On 5 February 2014, during the second UPR of Vietnam, the government received seven recommendations concerning the right to freedom of peaceful assembly.²⁰⁰ In June 2014, following the examination of the recommendations, the government accepted six of the seven recommendations, including those that called for a review of restrictive decrees and for the enactment of laws to provide for and regulate the right to freedom of peaceful assembly. One recommendation that called for an end to the prosecution of peaceful protesters was not accepted.²⁰¹

On 22 January 2019, during the third UPR of Vietnam, eight recommendations were made on the issue of the right to freedom of peaceful assembly.²⁰² In June 2019, the government accepted seven of the eight recommendations, including those that called on the authorities to: fully guarantee the effective exercise of such right, including by reviewing and amending national legislation, publishing and implementing clear, transparent guidelines for security personnel in the management of peaceful demonstrations, and by enacting laws to provide for peaceful demonstration, in line with the ICCPR; and to ensure prompt, impartial, independent, and effective investigations into reports of unnecessary or excessive use of force by the police. The government refused to accept one recommendation that called for the review and amendment of the Criminal Code and the Law on Cyber Security to be consistent with international law and standards related to the right to freedom of peaceful assembly.²⁰³

6.3. Special Procedures of the Human Rights Council

6.3.1. Working Group on Arbitrary Detention (WGAD)

From 1993 to April 2023, the WGAD found that the deprivation of liberty of 21 individuals, including activists, journalists, and human rights defenders, was “arbitrary” because it stemmed from the exercise of their right to freedom of peaceful assembly, guaranteed under Article 20 of the UDHR and Article 21 of the ICCPR.²⁰⁴

198. UN Human Rights Committee, *Concluding Observations on the third periodic report of Vietnam*, 29 August 2019; UN Doc. CCPR/C/VNM/CO/3, para. 48.

199. UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 5 October 2009; UN Doc. A/HRC/12/11

200. UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 2 April 2014; UN Doc. A/HRC/26/6

201. UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 20 June 2014; UN Doc. A/HRC/26/6/Add.1

202. UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review*, 28 March 2019; UN Doc. A/HRC/41/7

203. UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review*, 26 June 2019; UN Doc. A/HRC/41/7/Add.1

204. Commission on Human Rights, *Question of the human rights of all persons subjected to any form of imprisonment or imprisonment – Report of the Working Group on Arbitrary Detention*, 17 December 1993; UN Doc. E/CN.4/1994/27; WGAD, *Opinions adopted by the Working Group on Arbitrary Detention at its sixty-fourth session, 27–31 August 2012 - No. 27/2012 (Vietnam)*, 23 November 2012; UN Doc. A/HRC/WGAD/2012/27; *Opinion No. 26/2017 concerning Nguyen Van Dai (Vietnam)*, 8 June 2017; UN Doc. A/HRC/WGAD/2017/26; *Opinion No. 27/2017 concerning Nguyen Ngoc Nhu Quynh (Vietnam)*, 30 May 2017;

The WGAD repeatedly mentioned in its jurisprudence the issue of “vague” and “overly broad” national security and public order offenses²⁰⁵ in the Criminal Code, which were “inherently inconsistent with any of the rights and liberties” guaranteed by the UDHR and ICCPR.²⁰⁶ The WGAD also found that the application of such legal provisions could result in penalties being imposed on individuals who had merely exercised their legitimate rights, including the right to freedom of peaceful assembly, in a peaceful manner.²⁰⁷ In its opinions, the WGAD requested the government to bring its laws into conformity with its recommendations as well as with the commitments made by Vietnam under international human rights law.²⁰⁸

The WGAD came to a similar conclusion following a visit to Vietnam in 1994, noting that vague and imprecise wording of national security offenses did not make a distinction between individuals using violence to achieve their objectives and individuals peacefully exercising their fundamental rights, including the right to freedom of peaceful assembly. The WGAD requested the Vietnamese government to amend laws “to define clearly the conduct to be punished, so as to indicate what is prohibited without any ambiguity.”²⁰⁹

6.3.2. Special Rapporteur on the rights to freedom of peaceful assembly and of association

Since its establishment of the mandate of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in 2010, all three rapporteurs²¹⁰ have sent 16 communications, jointly with other UN special procedures mandate holders,²¹¹ to the Vietnamese government. These communications raised concerns over the repression of individuals or groups of peaceful protesters, including the excessive use of force, arrest, detention, harassment, intimidation, and prosecution, in relation to the peaceful exercise of their rights to freedom of peaceful assembly, in contravention with Article 21 of the ICCPR.²¹²

In addition, a request for an official visit to Vietnam by this mandate has remained unanswered since February 2014.²¹³

UN Doc. A/HRC/WGAD/2017/27; *Opinion No. 79/2017 concerning Can Thi Theu (Vietnam)*, 12 December 2017; UN Doc. A/HRC/WGAD/2017/79; *Opinion No. 35/2018 concerning Luu Van Vinh (Vietnam)*, 17 May 2018; UN Doc. A/HRC/WGAD/2018/35; *Opinion No. 45/2019 concerning Le Dinh Luong (Vietnam)*, 11 September 2019; UN Doc. A/HRC/WGAD/2019/45; *Opinion No. 40/2021 concerning Pham Doan Trang (Vietnam)*, 4 November 2021; UN Doc. A/HRC/WGAD/2021/40

205. These include Articles 79, 88, and 258 of the 1999 Criminal Code and Articles 109, 117, and 245 of the 2015 Criminal Code.

206. UN Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention*, 4 March 2010; UN Doc. A/HRC/13/30/Add.1; UN Human Rights Council, *Opinions adopted by the Working Group on Arbitrary Detention at its sixty-fourth session, 27–31 August 2012 - No. 27/2012 (Vietnam)*, 23 November 2012.

207. WGAD, *Opinion No. 26/2017 concerning Nguyen Van Dai (Vietnam)*, 8 June 2017; UN Doc. A/HRC/WGAD/2017/26; *Opinion No. 27/2017 concerning Nguyen Ngoc Nhu Quynh (Vietnam)*, 30 May 2017; UN Doc. A/HRC/WGAD/2017/27; *Opinion No. 79/2017 concerning Can Thi Theu (Vietnam)*, 12 December 2017; UN Doc. A/HRC/WGAD/2017/79; *Opinion No. 35/2018 concerning Luu Van Vinh (Vietnam)*, 17 May 2018; UN Doc. A/HRC/WGAD/2018/35

208. WGAD, *Opinion No. 27/2017 concerning Nguyen Ngoc Nhu Quynh (Vietnam)*, 30 May 2017; UN Doc. A/HRC/WGAD/2017/27; *Opinion No. 79/2017 concerning Can Thi Theu (Vietnam)*, 12 December 2017; UN Doc. A/HRC/WGAD/2017/79; *Opinion No. 35/2018 concerning Luu Van Vinh (Vietnam)*; *Opinion No. 45/2019 concerning Le Dinh Luong (Vietnam)*, 11 September 2019; UN Doc. A/HRC/WGAD/2019/45; *Opinion No. 40/2021 concerning Pham Doan Trang (Vietnam)*, 4 November 2021; UN Doc. A/HRC/WGAD/2021/40

209. UN Economic and Social Council, *Question of the human rights of all persons subjected to any form of detention or imprisonment – Working Group on Arbitrary Detention Visit to Vietnam*, 21 December 1994; UN Doc. E/CN.4/1995/31/Add.4

210. These are: Maina Kiai (May 2011 - April 2017), Annalisa Ciampi (May 2017 - November 2017), and Clement Voule (April 2018 - present).

211. These are: the Special Rapporteur on freedom of religion or belief; the Working Group on Arbitrary Detention; Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment; the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Working Group on Enforced or Involuntary Disappearances; and the Special Rapporteur on minority issues.

212. UN OHCHR, *AL VNM 2/2012*, 12 July 2012; *UA VNM 1/2013*, 14 January 2013; *AL VNM 4/2013*, 12 April 2013; *UA VNM 3/2015*, 6 January 2016; *AL VNM 5/2016*, 10 August 2016; *UA VNM 6/2016*, 16 August 2016; *AL VNM 7/2016*, 4 October 2016; *UA VNM 1/2017*, 24 February 2017; *UA VNM 2/2017 Rev.1*, 21 March 2017; *AL VNM 3/2017*, 17 March 2017; *AL VNM 6/2017*, 21 September 2017; *UA VNM 7/2018*, 9 July 2018; *AL VNM 6/2018*, 17 July 2018; *UA VNM 1/2020*, 31 March 2020; *AL VNM 4/2022*, 6 September 2022; *UA VNM 7/2022*, 15 December 2022.

213. UN OHCHR, *Country visits - Special Rapporteur on freedom of peaceful assembly and of association*; <https://spinternet.ohchr.org/Search.aspx?Lang=en&MandateRefID=23>

Throughout his mandate as Special Rapporteur on the rights to freedom of peaceful assembly and of association, between May 2011 and April 2017, Maina Kiai repeatedly expressed his concerns over the situation of the right to freedom of peaceful assembly in Vietnam in his reports to the UN Human Rights Council. For example, in his first report to the UN Human Rights Council, he said that he was “concerned about the physical and psychological integrity of people exercising their rights to freedom of peaceful assembly and association in Vietnam.” He recommended that the government: take relevant measures to ensure that no individual is subjected to any act of harassment and intimidation for exercising their freedoms; conduct thorough and independent investigations into any alleged human rights violations; and hold those responsible accountable, and provide victims with full redress.

In addition, in two joint communications, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association raised concerns over government decrees that could lead to the restriction of the right to freedom of peaceful assembly. On 1 October 2013, he expressed serious concern over several provisions of the Decree on the Management, Provision, Use of Internet Services and Information Content Online (No. 72/2013/ND-CP), which came into effect on 2 September 2013. He said these provisions would severely restrict the right to freedom of opinion and expression, and by extension the rights to freedom of peaceful assembly and of association.²¹⁴ On 10 December 2021, he expressed grave concern about three amended laws that had entered into force in 2020, including Prime Minister’s Decision 06/2020/QĐ/Ttg, which seriously restricted space for civil society and the exercise of their rights to freedom of peaceful assembly.²¹⁵ The Prime Minister’s Decision governs the organization of international conferences and seminars, and requires that those related to national sovereignty, security, human rights, ethnicity, and religion, receive approval from the prime minister 30 days prior to the event.

On 23 December 2021, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and two other Special Rapporteurs²¹⁶ stated that they were “appalled by the conviction and long term sentencing” of four prominent human rights defenders under Article 117 of the Criminal Code for their continuous advocacy and reporting on human rights and land rights, including Phạm Đoan Trang, whose detention was found to be arbitrary by the WGAD. The UN experts criticized the application of Vietnam’s national security laws to detain, prosecute, and harshly punish human rights defenders and civil society members as “an attempt not only to silence these individuals and organizations but also to impose a climate of fear leading to self-censorship.” They also reiterated their call on the government to “reconsider and repeal all such overbroad and vague provisions.”²¹⁷

6.4. OHCHR Regional Office for South-East Asia

On 5 May 2016, the UN Office of the High Commissioner for Human Rights (OHCHR) Regional Office for South-East Asia issued a press release raising concern over the beating and temporary detention of participants in peaceful rallies in several cities across Vietnam to protest against the mass fish deaths in connection with the Formosa disaster [See above, *Chapter 4.6.*]. The Regional Office called on Vietnam’s government to respect the right to freedom of peaceful assembly and to conduct independent, thorough, and impartial investigations into the reported cases of excessive use of force by law enforcement officers.²¹⁸

214. UN OHCHR, *Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the situation of human rights defenders – AL VNM 7/2013*, 1 October 2013.

215. UN OHCHR, *Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression – OL VNM 7/2021*, 10 December 2021.

216. The Special Rapporteur on the promotion and protection of freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders.

217. UN OHCHR, *Viet Nam: UN experts appalled by the conviction of four human rights defenders - Observations on communications transmitted to Governments and replies received*, 23 December 2021.

218. UN OHCHR South-East Asia Regional Office, *UN Human Rights Office concerned about implications of environmental disaster in Viet Nam*, 5 May 2016.

On 22 November 2016, the Regional Office expressed serious concern over the arrests of three Vietnamese human rights activists in Ho Chi Minh City. The Regional Office was deeply concerned that these activists had been held incommunicado and subjected to torture under Vietnam's national security offenses. It also called on the government to conduct a thorough and impartial investigation into allegations of torture.²¹⁹

On 14 June 2018, the Regional Office said it was concerned over the clashes between protesters and police in nationwide demonstrations against the draft laws on the SEZs and Cyber Security on 10 June [See above, *Chapter 4.5.*], particularly over allegations of protesters being beaten by law enforcement authorities.²²⁰

On 22 April 2022, the Regional Office and the UN Environment Program expressed grave concern over the arrest, detention, and sentencing of up to five years in prison of four prominent environmental rights defenders on charges of tax evasion. Both UN agencies called on the authorities to ensure that environmental advocates and civil society organizations working on the environment in Vietnam can operate freely, without fear and intimidation, and that their rights to freedom of expression, peaceful assembly, and association are protected and upheld.²²¹

219. UN OHCHR South-East Asia Regional Office, *UN Human Rights Office concerned by arrests of three activists in Viet Nam*, 22 November 2016.

220. UN OHCHR South-East Asia Regional Office, *OHCHR concerned over Cyber Security Law in Viet Nam*, 14 June 2018.

221. UN OHCHR South-East Asia Regional Office, *Viet Nam: UN entities concerned by arrest and sentencing of environmental human rights defenders*, 22 April 2022.

7. Recommendations

With a view to making Vietnam's laws, policies, and practices related to the right to freedom of peaceful assembly consistent with relevant international standards, FIDH and VCHR call on the government of Vietnam to implement, without delay, the following recommendations:

General recommendations

- Recognize that the right to freedom of peaceful assembly plays a decisive and indispensable role in the existence of an effective democracy.
- Ensure that assemblies are presumed to be lawful and peaceful, in accordance with international human rights standards.
- Guarantee a conducive and safe environment for those who exercise, or seek to exercise, their legitimate right to freedom of peaceful assembly and facilitate peaceful assemblies and demonstrations, including those intended to voice dissent and criticism of government laws, policies, and practices.
- End all legal proceedings against individuals who exercised their right to freedom of peaceful assembly by withdrawing the charges against them.
- Release individuals who have been arbitrarily detained or imprisoned for exercising their right to freedom of peaceful assembly.
- Put an end to all acts of harassment, including at the judicial level, against all peaceful assembly organizers and participants, and ensure that they are able to exercise their legitimate rights to freedom of opinion and expression and freedom of peaceful assembly without any hindrance or fear of reprisal.
- Ensure the protection of all individuals who exercise their right to freedom of peaceful assembly from attacks, harassment, and intimidation, including by non-state actors.
- Fully comply with recommendations made by relevant UN human rights monitoring mechanisms, including Treaty Bodies, Special Procedures, and the UPR.
- Extend an invitation to the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association for an official visit to Vietnam.

Legislative frameworks

- Enact legislation guaranteeing the exercise of the right to freedom of peaceful assembly, in accordance with Vietnam's Constitution and obligations under international law, particularly Article 21 of the ICCPR.
- Refrain from using the national security provisions under Vietnam's Criminal Code to arrest, detain, and prosecute individuals for their legitimate exercise of the right to freedom of peaceful assembly.
- Review national security provisions under Vietnam's Criminal Code in order to clearly define the type of conduct posing a potential threat to national security and distinguish between violent acts and the peaceful exercise of the right to freedom of peaceful assembly.
- Review existing laws and regulations, such as Decree 38 and Circulars 9 and 13, which criminalize or severely restrict the right to freedom of peaceful assembly online and offline.
- Refrain from enacting new laws, rules, and regulations that unduly restrict the right to freedom of peaceful assembly.

Accountability

- Carry out prompt, thorough, effective, and impartial investigations into all allegations of attacks, threats, harassment, and other human rights violations against those who exercise their right to freedom of peaceful assembly and hold the perpetrators accountable.
- Ensure that participants in demonstrations and assemblies who have suffered violations of their rights have access to effective remedies, as guaranteed by Article 2(3) of the ICCPR.

Restrictions

- Ensure that all restrictions on the right to freedom of peaceful assembly are prescribed by law, necessary in a democratic society, and proportionate to the aim pursued. Any restrictions should be subject to an independent, impartial, and prompt judicial review.
- Refrain from unduly interfering with peaceful assemblies, including by prohibiting, dispersing, blocking, or disrupting them.
- Refrain from arresting and detaining organizers and participants in peaceful assemblies.

Use of force

- Refrain from using force against peaceful protesters and ensure that any use of force to disperse assemblies strictly complies with international standards, including the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Human Rights Guidance on Less-Lethal Weapons in Law Enforcement.
- Amend legislation, such as Circular 13, which authorizes law enforcement officials to forcibly disperse gatherings and arrest participants.

Training

- Provide training to law enforcement officials to respect and protect the rights of peaceful assembly participants, including women, children, and persons with disabilities.
- Conduct periodic human rights training for law enforcement officials, with the assistance of relevant domestic and international human rights bodies, on the policing of assemblies.
- Conduct periodic training of law enforcement officials on the appropriate manner in which lethal and less-lethal weapons may be used as a means of crowd control.

Annex: Numbering of national security provisions in the 1999 and 2015 Criminal Codes

1999 Criminal Code	Type of offense	2015 Criminal Code
Article 79	Activities aimed at overthrowing the people’s administration	Article 109
Article 80	Spying	Article 110
N/A	Terrorism aimed at opposing the people’s administration	Article 113
Article 87	Undermining the unity policy	Article 116
Article 88	Making, storing, disseminating information, documents, materials, items against the Socialist Republic of Vietnam (“Conducting propaganda against the Socialist Republic of Vietnam” in the 1999 Criminal Code)	Article 117
Article 89	Disrupting security	Article 118
N/A	Organizing, coercing, or inciting others to flee abroad or defect to stay overseas with a view to opposing the people’s administration	Article 120
Article 91	Fleeing abroad or defecting to stay overseas with a view to opposing the people’s administration	Article 121
Article 245	Disturbing public order	Article 318
Article 258	Abusing democratic freedoms to infringe upon the interest of the state, the legitimate rights, and interests of organizations and/or citizens	Article 331

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The Worldwide Movement for Human Rights acts at national, regional and international levels in support of its member and partner organizations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organizations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organizations and actors of change.

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FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

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FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

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