

## **Conversation with Vo Van Ai, President and Founder of the Vietnam Committee on Human Rights (VCHR)**



***PARIS, 23 August 2011 (FIDH) - On June 24, 2011, Vo Van Ai, President and Founder of the Vietnam Committee on Human Rights (VCHR), a member organization of the International Federation for Human Rights (FIDH), was awarded the 9th Special Prize for Freedom by the Italian organisation Società Libera.***

*The Award was given to recognize Mr. Ai's life-long work to promote greater respect for human rights and the rule of law in Vietnam. In an interview with Mr. Ai following the award, FIDH spoke with him on the state of human rights in Viet Nam.*

*There is a wide gulf between the rhetoric and reality in Vietnam as far as human rights is concerned, said Mr. Ai. Vietnam often presents a facade of compliance with*

*international human rights law and standards, but the situation on the grounds speaks much to the contrary, as fundamental freedoms are routinely and grossly violated with impunity. There is no rule of law, but rule by law, as the authorities use restrictive and draconian laws and decrees to legalize repression of government critics. Universal human rights are trumped by the “interests of the State and the Party”.*

*In addition to discussing the human rights implications of Vietnam’s interaction with its neighbours such as Cambodia, Laos and China, Mr. Ai also analyzed the likelihood of a “Vietnam Spring”, the role of youth in Vietnamese society today, the important watchdog role of the UN human rights system, and the challenges facing the Vietnamese diaspora.*

## **Interview of Mr Vo Van Ai, June 2011**

**FIDH : First of all, congratulations to you on being awarded the 2011 Special Prize for Freedom by the Società Libera in Italy. What did it mean to you and what was your main message when addressing the audience and the Italian public at the award ceremony on June 24?**

Vo Van Ai : Thank you. I was very touched to receive the prize, because it comes at a time when the democratic community seems to have forgotten about Vietnam. The Western media sees Vietnam simply as a tourist haven and a lucrative business venue. There is rarely a word about the thousands of democracy activists and human rights defenders who put their safety on the line day after day to claim their legitimate rights. For me, the Freedom Prize was a very welcome sign of international recognition of this abysmal human rights situation. Indeed, when I accepted the prize, I concluded by asking Società Libera and the Italian people to allow me to dedicate the Freedom Prize to 86 million people who are deprived of their freedom in Vietnam today.

**FIDH: Was there a reaction from the Vietnamese authorities to this award?**

**VVA:** So far, there has been no official reaction. However, there have been scores of articles virulently attacking me in the “para-communist” media about the prize. By this I mean all the press and internet outlets inside and outside Vietnam that are financed and manipulated by Hanoi in order to spread disinformation and divide and undermine the Vietnamese democracy movement.

**FIDH: In its national report on its human rights record to the Human Rights Council’s Universal Periodic Review process, Vietnam stated the nation’s successive Constitutions “have not only fully recognized and guaranteed human rights and the rights of citizens in compliance with international law, but also clearly affirmed that Vietnam is a rule of law State of the people, by the people and for the people, and is responsible for ensuring and promoting the mastership of the people in all areas.” Does this statement reflect the reality on the ground?**

**VVA:** Not at all. Vietnam’s policies are like a coin with two sides, head and tails, and this is reflected in the language they use. “Heads” is what they show the international community – I often say it is “for export only” – which portrays Vietnam as an angel of democracy. “Tails” reflects the grim reality on the ground. Vietnam has indeed “recognized and guaranteed human rights” on paper, both in its Constitution and by ratifying international human rights treaties. But it does not implement them in practice. The fact that people all over the country are taking grave risks to denounce violations of freedom of religion, expression, opinion, worker rights, state corruption, power abuse and many other issues in Vietnam today amply disproves Vietnam’s claims that it is a “rule of law State”. For example, every week-end for the past eight weeks, since 5 June 2011, thousands of people have demonstrated in Hanoi and Saigon to protest China’s incursions on Vietnamese territorial waters and lands. These demonstrations are the initiative of young people and students, and they have brought together people from all walks of life, including former Communist party veterans, artists, intellectuals etc. – people bound by the common concern that their country is under threat. They are not marching against the government. Yet the Police disbanded these peaceful protests with unwarranted violence, especially on 17th July, during the seventh week of protests. It is the rule of the truncheon, not the rule of law, which reigns in the streets of Hanoi and Saigon today.

**FIDH: All in all, what are the main challenges faced by the Vietnamese people, especially in regards to freedom of expression and freedom of religion?**

**VVA:** Again, it is the gulf between rhetoric and reality. Take freedom of expression. In its report at the Universal Periodic Review in 2009, the Vietnamese delegation boasted that Vietnam has over 700 newspapers, hundreds of radio and TV stations and other media outlets. But they are all under communist party control – there is not one independent publication in Vietnam. Censorship is everywhere. You can read about the nation’s politics, Western movie stars, football icons, sex scandals and crime. But you cannot find a single paper with a debate of ideas or thought-provoking subjects outside the Communist Party’s dictates and doctrine. This is why people are turning to Blogs, which provide an exchange and discussion that is impossible in the mainstream press. So Vietnam is cracking down furiously on blogs, like all other forms of expression. The government’s methods range from arbitrary arrest and Police harassment to the adoption of restrictive legislation to stifle dissenting voices.

The same goes for freedom of religion. Whereas religious freedom is guaranteed in the Constitution, it is curbed in practice by an arsenal of restrictive legislation. After trying – and failing - to eradicate religions by force, the government has set up “state-sponsored” religious bodies controlled by the Communist Party and the Vietnam Fatherland Front. With the exception of the Roman Catholic Church, only these “state-sponsored” groups are recognized by the authorities. All others are banned. This is the case of Buddhism, Vietnam’s largest religion. Only the state-sponsored Vietnam Buddhist Church is recognized by the authorities, whereas the independent Unified Buddhist Church of Vietnam (UBCV) is banned and its leaders held under house arrest or close surveillance. UBCV leader Venerable Thich Quang Do, for example, is under house arrest at the Thanh Minh Monastery in Saigon after 30 years in detention. There is a cumbersome process of application for State ‘recognition”, but it is arbitrary and unfair. Rather than providing for greater religious freedom, it enables the state to place religions under tighter control.

**FIDH: What is the role of intergovernmental bodies such as the UN and the EU in the promotion of human rights and rule of law in Vietnam? Three**

**thematic UN Special Rapporteurs have recently conducted country visits to Vietnam –how significant are these country visits?**

**VVA:** Very important. Vietnam is very attentive to its international image as it strives to play a more prominent role on the global stage. For this reason, it hates to lose face. This is a crucial point of leverage, and it is very important that the UN, the EU and other intergovernmental bodies speak out publicly on Vietnam's human rights violations and keep pressure on Vietnam to make concrete improvements. For example, the EU is negotiating a new Cooperation and Partnership Agreement with Vietnam. The former 1995 Cooperation Agreement contained a statutory "human rights clause", but this was purely lip-service and very ineffective. The European Parliament has urged the EU to include stronger human rights guarantees in the new agreement, such as mechanisms of monitoring and implementation, as well as sanctions for non-compliance. Since the EU is one of Vietnam's largest trading partners, I believe this would be a very effective step.

The UN plays a crucial role in promoting human rights and the rule of law in Vietnam. Vietnam has acceded to several core human rights treaties, so it has a binding obligation to respect them. We must use these instruments as yardsticks to press for progress. The visits by three Special Rapporteurs last year, 2010, were most important because Vietnam had not invited any UN experts since 1998, when the Special Rapporteur on Freedom of Religion issued a very critical report on his visit to the country. Vietnam expected to get good marks from these three experts, whose mandates were connected to economic rather than political issues. On the contrary, however, they all stressed the need for progress in political rights. Ms. Magdalena Sepulveda, the UN expert on Human Rights and Extreme Poverty, said that "to effectively combat poverty, everyone in Vietnam must enjoy the full range of civil, cultural, political and civil rights". In our statements to the UN Human Rights Council over many years, the Vietnam Committee on Human Rights and FIDH have repeatedly called on Vietnam to extend standing invitations to Special Rapporteurs, and we really hope for a visit by Mr. Frank La Rue, Special Rapporteur on Freedom of Opinion and Expression, as well as the Special Rapporteur on Human Rights Defenders. We also submit cases to the treaty bodies as regularly as possible, because UN scrutiny really helps. We are currently very concerned about blogger Nguyen Van Hai, alias Dieu Cay who may have suffered mistreatment in prison. The fact that the UN Working Group on Arbitrary Detention recognized him as a victim of arbitrary detention in 2009 will help to draw international attention to his plight.

**FIDH: Vietnam has been growing economically over the past decade and the authorities often tout this as a human rights achievement in itself. Is this a legitimate argument?**

**VVA:** It is a completely false argument. Economics is economics. Human Rights are human rights. I do not say that “never the twain shall meet”, but economic growth certainly does not guarantee human rights. In Vietnam, economic liberalization under the policy of “doi moi” (renovation) has raised the standard of living for a certain class of people in the big cities, but it has also caused alarming wealth disparity, with all the indignities and human rights abuses this entails. At one end of the scale, members of the ruling elite and their families wallow in unbelievable luxury, whilst at the other, especially in the rural areas, people struggle to survive on less than \$US20 per month.

In fact, the current crisis shaking Vietnam’s economy is proof enough that the model of “free market economy with Socialist orientations” has failed. Even economically, Vietnam cannot deliver on its promises, and the economic miracle is on the verge of collapse. In July 2011, the inflation rate hit 22%, and strikes are breaking out in all sectors as workers try to cope with spiraling process of food, fuel and rent. The annual trade deficit is skyrocketing, and official corruption has reached proportions of a “national catastrophe” according to the state-run media. In this climate of instability, foreign companies are wary of investing in Vietnam. Economist Vuong Quan Hoang told AFP that Vietnam is facing one of its gravest economic crises. On the question of evaluating human rights achievements, I should add that Vietnam’s Communist leaders have a very singular perception of human rights. For them, the most important right is that of self-determination. The Communist Party argues that by winning Vietnam’s independence and establishing the Socialist Republic of Vietnam, it has achieved human rights for the people. No other human rights are important. This is the main argument for the legitimacy of the Communist Party and its political monopoly today.

With this simplistic and false concept, Vietnam’s leaders are discarding a heritage of Vietnamese history and culture several thousand years old. In fact, human rights are an ancient feature of Vietnamese culture and philosophy, dating back to the times of Buddha and beyond. Under the Lê dynasty in the XV century, for example, Vietnam had a Penal Code (the Hong Duc or Lê Code) which codified modern concepts far in

advance of contemporary European equivalents, and contained aspects of fairness and leniency which provided greater legal protection than many of the vaguely-defined provisions of Vietnam's present-day Penal Code. So I do believe that Vietnam has an original perception of human rights, but it is not that advanced by Hanoi.

**FIDH: What is the relation between Vietnam and China? To what extent do Vietnamese authorities take China as a point of reference or as a model, or even a protector?**

**VVA:** Vietnam is a pupil of China. Whatever happens in China happens ten years later in Vietnam, only on a smaller scale. Just look at the Land Reforms or the "Hundred Flowers" movements under Mao Zedong in which thousands of so-called "land-owners" and intellectuals were arrested or suppressed. Politically, Vietnam kow-tows to China. This explains the current explosion of protests against the government's failure to confront China over its violations of Vietnamese sovereignty. Popular discontent is particularly rife concerning Hanoi's concessions of Vietnamese territories to Beijing in the Sino-Vietnamese Land and Sea Border Treaties (1999 and 2000), as well as China's encroachment on the oil and gas-rich Spratly and Paracel islands. Shocked by their government's submissive attitude, Vietnamese of all age-groups and social backgrounds have taken to the streets to alert people of the danger of losing their homeland to China. The Communists do not have the same notion of "homeland" as the people. For them, Vietnam and China are part of the same communist "Internationale", so they have nothing to lose. But the Vietnamese people are fiercely proud of their homeland, and are adamant in refusing to submit to Chinese incursions on their territorial integrity. A very interesting book circulating underground in Vietnam since 2003 is the memoirs of Tran Quang Co, former Vietnamese Deputy Minister of Foreign Affairs from 1954-1997. His description of Sino-Vietnamese relations during this period, the humiliations endured by Vietnamese diplomats and the arrogance and superiority of the Chinese paints a pathetic picture of Vietnam's subservience to its northern neighbor. It is not surprising that this book was banded from publication by the regime.

**FIDH: Has Vietnam any regional hegemonic ambitions? What is its relation to its neighbours, especially Cambodia, and what are the human rights implications, if any?**

**VVA:** Vietnam is a small country, but it has big ambitions, and it has always coveted its neighbour's lands. In 1980, when Vietnam invaded Cambodia on the pretext of saving its people from the Khmer Rouge, it was really indulging its hegemonic ambitions. At the moment, there is a power struggle in Southeast Asia as China seeks to increase its hold on Cambodia and Laos, to the great displeasure of Vietnam. Vietnamese influence on Cambodia and Laos is still strong. The impact on human rights can be seen in the connivance between Cambodian and Vietnamese Police in the refoulement of refugees, for example, with the forced repatriation of hundreds of ethnic Christian Montagnards who fled Vietnam to seek asylum in Cambodia. In 2003, Buddhist monk Thich Tri Luc, who obtained refugee status from the UN High Commissioner for Refugees in Cambodia was kidnapped by Vietnamese Security Police in Phnom Penh, taken across the border and imprisoned in Vietnam. There are many such instances. Cross-border sex trafficking continues with impunity thanks to this kind of police connivance.

**FIDH: What are the specific challenges facing independent human rights defenders in Vietnam today? How do they respond to the challenges?**

**VVA:** Firstly, that there is no rule of law, only the rule of the Party. Activities that would be legitimate in any democratic country are perceived as "threats against the state" and criminalized under vaguely-defined "national security" provisions in Vietnam's Penal Code. Under legislation such as Ordinance 44, citizens can be detained for up to two years, and even interned in psychiatric institutions, without any process of law simply under suspicion of harboring critical opinions. It is hard to fight for justice when you have no legal safeguards.

Secondly, human rights defenders are surrounded by a pervasive network of police surveillance and control which is invisible to the "outside" world. It consists of the three-fold mechanism of precinct security warden (cong an khu vuc), household registration permits (ho khau) and the curriculum vitae (ly lich). This system enables the local police officer (often plain clothed) to have intimate knowledge of the activities of all members of the 30-50 families in his precinct and wield excessive powers over them. He can arrest and release anyone at will, deliver or confiscate the obligatory residence permits, without which citizens cannot obtain jobs, be admitted to hospital or rent new lodgings, at the drop of a hat. Anyone who advocates human

rights or democracy not only risks their own safety, but that of their wives, children, parents and siblings. For the police can have their children expelled from school, their wives fired from their jobs, their parents deprived of health care etc. This pervasive climate of fear and insecurity haunts all human rights defenders in Vietnam.

**FIDH: The trial of legal activist Cu Huy Ha Vu on April 7 attracted a considerable number of supporters from a wide range of social sectors who signed petitions, attended prayer vigils in churches, and gathered outside the courtroom in Hanoi. This is quite unusual as such actions are rarely if at all tolerated by the regime and they usually attract swift and harsh repression by the authorities. Is this kind of public reaction unique to Ha Vu's case or does it reveal something deeper and more significant that has not been apparent in the past?**

**VVA:** From a Vietnamese point of view, the real reason Cu Huy Ha Vu's case attracted so much attention is that he is the son of a very prominent revolutionary figure, Cu Huy Can. His father was not just a companion of Ho Chi Minh and government minister, but also a very famous poet who became a household name from the 1930s, even before the communist revolution. This gives Cu Huy Ha Vu a standing way above other critics and dissidents, and it drew him an unprecedented range of supporters from both inside and outside Communist party circles. This is also the reason why he was not arrested before, even though he filed two indictments against Vietnamese Premier Nguyen Tan Dung. The fact that Catholics held vigils was actually quite a coincidence. Conflicts over state confiscation of Church lands have sparked out recently between Roman Catholics and the authorities, resulting frequently in violence. Cu Huy Ha Vu is a Catholic, and he supported the claims of Catholic parishioners in Con Dau, so their interests overlapped. Internationally, his case was easier to support because of his pro-party origins, which gives a certain credibility to his criticisms. Similarly, in a one-Party state like Vietnam, which classes the whole population as either "friend and foe", dissidents were able to publicly defend a prominent figure such as Cu Huy Ha Vu without incurring government reprisals, whereas they would face immediate arrest for supporting critics such as Thich Quang Do. I think this case also reflects an internal struggle within the VCP. Cu Huy Ha Vu was to some extent a scapegoat in a struggle for influence between Communists from the former North and South Vietnam, and between the pro-Beijing and pro-Western factions. Unfortunately, I do not see this as the beginning of a deeper level of opposition.

**FIDH: What is the role played by youth in Vietnamese society today? What are their aspirations and how do they relate to the social and political environment in which they live?**

**VVA:** Up until now, Vietnamese youth have played no significant role in Vietnamese post-war society. Over 60% of the population was born after the fall of Saigon in 1975, which means they grew up under Communism. Although Communist society is highly political, it has instilled a repulsion of politics amongst the younger generation, who are far more concerned with consumerism and Western cultural icons. However, the upsurge of nationalist feelings and public criticism during the China dispute reflects a real awakening of political sentiments in the young generation. They have been the driving force of the anti-China protests, and they have succeeded in bringing together people from all sectors of society. They have learned how to use new technologies such as blogs and cell-phones to mobilize people. They are not encumbered by the heavy ideological legacy of the older generation, so they see things with new eyes. I was very struck to see banners in a recent demonstration in Hanoi with the names of all the soldiers who died defending the Spratly and Paracel Islands from Chinese attacks in 1974 and 1988. This means that the demonstrators are paying tribute to soldiers from the former Republic of (South) Vietnam as well as to Communist soldiers. This is something completely new, and it gives the protests a completely different perspective. These young people are putting individuals above politics, something that the Communist government can never contemplate, let alone accept.

**FIDH : Is there any potential for an 'Arab Spring' in Vietnam? What have been the main civil movements in the country both prior and after the 'Arab Spring'?**

**VVA:** The main protests are the ones I have just described. The "Arab Spring" is definitely an awakening call. But we cannot compare the two situations. Although Tunisia, Egypt and other countries of the Middle East were ruled by dictatorships, there was a two-way flow of information, the circulation of ideas, a development of democratic culture. Under Vietnam's tight system of censorship and control, these things have not had time to develop. But the seeds have been sown, and they are growing. We must be ready to help people in Vietnam when the moment comes.

**FIDH: In which ways does the Vietnamese diaspora, especially in France, organize itself to promote human rights in Vietnam? How does it relate to the civil society in Vietnam?**

**VVA:** The Vietnamese diaspora is very divided, like most exile communities. This is partly because the Communist Party devotes significant funding to infiltrating overseas organizations and spreading disinformation via the many diaspora newspapers and radio stations that they finance in Europe and the USA. It is also because a majority of the Vietnamese diaspora remains rooted in the past, and has not been able to keep pace with the rapidly changing global situation. In France, as in the US and elsewhere, there are many Vietnamese human rights groups and political parties. Sadly, they often spend more time on internal disputes than on useful activities such as documenting human rights violations in Vietnam.

At the Vietnam Committee on Human Rights (VCHR) and FIDH, we are keenly aware of the desperate need of human rights movements inside Vietnam to have a voice on the outside. They are the ones who are putting their safety on the line. We cannot act in their place. But we can provide a channel of communications, a voice on the outside that can amplify and relay their concerns to the international community. By shining a light on the plight of individuals and groups inside Vietnam, we can help to identify and protect them. We do this by using all the new technologies available, and this gives us considerable outreach. Whenever there is a demonstration or a crack-down, our network of activists inside the country sends us photos, interviews, reports that we can translate and use in our international submissions and campaigns. This first-hand evidence enables us to maintain our reputation as a credible source. We also have a weekly radio program in Vietnamese, and circulate human rights-orientated documents in Vietnam and in the Vietnamese diaspora.

**FIDH: In conclusion, we can say that the human rights situation in Vietnam remains relatively unknown in the West. How do you perceive the expansion of the tourism industry and what would be your message to Europeans willing to visit Vietnam in full consciousness of the human rights situation in the country?**

**VVA:** You are right, Vietnam's grave human rights situation is not well known in the West, or even in neighboring Asian countries. The tourist industry is booming in Vietnam, and it provides an important source of revenue for the regime. There are two ways to approach to this issue - either to demand a total boycott on tourism, or to encourage "informed" or "engaged tourism". Some of the tourist guides, such as "Le Guide du Routard" include a paragraph on human rights, and in previous years they contacted the VCHR and FIDH to write this. If tourists are informed about the human rights situation before they visit the country, they are better prepared to monitor abuses. Also, they can help to relay information by speaking to Vietnamese inside the country and bringing information outside. Calling for a boycott on tourism is also a possibility, but it would need massive campaigning in the press, TV and radio, for example urging tourists not to visit Vietnam until political prisoners such as Thich Quang Do have been released. The FIDH has great experience in these campaigns. Perhaps that could be one of your major focuses in the next few months? If so, I will do everything I can to help.

\*\*\*\*\*

### **Vo Van Ai's Biography**



## Quê Me

Quê Me: Action for democracy in Vietnam & Vietnam Committee on Human Rights  
<https://queme.org/en/>

---

Vo Van Ai is a Vietnamese human rights defender, writer and poet living in Paris. He is founder and President of Quê Me: Action for Democracy in Vietnam and the Vietnam Committee on Human Rights, Director of the International Buddhist Information Bureau, and Overseas Spokesman of the independent Unified Buddhist Church of Vietnam (UBCV) which is currently banned in Vietnam.

Born in Central Vietnam in 1938, he was arrested and tortured at the age of 11 for participating in the resistance movement for the independence of Vietnam. In 1964, he became the UBCV's representative overseas, and worked actively in the nonviolent Buddhist movement for democracy and peace. After Vietnam was unified in 1975, he played a key role in drawing world attention to human rights abuses under the communist regime, and drew up the first comprehensive map of "re-education camps" (Vietnamese *laogai*) with 150 camps and over 800,000 prisoners. In 1978 he helped initiate a campaign to launch the "*Ile de Lumiere*", the first rescue ship to save Vietnamese Boat People fleeing for freedom on the South China seas.

A specialist on human rights and religious freedom issues, he makes regular reports to the United Nations and testifies at the US Congress, the European Parliament and other international forums on the human rights situation in Vietnam.

Vo Van Ai is also well known as a writer and historian. In addition to numerous articles and human rights reports, his written works include 17 books of poetry, essays and philosophy, as well as studies on Buddhism and Vietnamese history. He is currently writing a major work on "*The Essence of Vietnamese Buddhism*".