

VCHR denounces Vietnam’s use of “national security” provisions to deprive citizens of their fundamental rights

PARIS, 25th October 2017 (VCHR) – The Vietnam Committee on Human Rights (VCHR) strongly protests Vietnam’s systematic crackdown on the fundamental rights of citizens to freedom of expression, association, religion or belief and the right to participate in public affairs on the pretext of protecting “national security”. Today’s sentencing of a student, **Phan Kim Khánh** to six years in prison and four years house arrest for “*spreading propaganda against the Socialist Republic of Vietnam*” (Article 88 of the Criminal Code) is the latest example of this alarming trend.

Phan Kim Khánh, 24, a student in international relations at Thái Nguyên University was arrested on 21st March 2017 for posting “fabricated and distorted” information against the state since 2015 on his two blogs, three Facebook accounts and two Youtube accounts. He is also accused of being in contact with “reactionary elements” in Vietnam and overseas. Born into a poor family, he denounced endemic corruption, lack of democracy and lack of press freedom which he believes are the main obstacles to Vietnam’s development.

Khánh was convicted at an unfair trial at the People’s Court in Thái Nguyên province (north of Hanoi). He was denied access to adequate defence, and, as is the custom in “national security” trials, his guilty sentence was decided in advance. Article 88 of the Criminal Code, which is routinely invoked to detain government critics and human rights defenders, has been strongly denounced by the United Nations as inconsistent with international human rights law.

“Phan Kim Khánh’s sole “crime” was to peacefully express his legitimate views. His unfair trial and groundless conviction show just one thing: that Vietnam is afraid of criticism; it feels threatened when its citizens communicate, get together and share concerns about their country’s future”, said VCHR President Võ Văn Ái.

Today’s sentence takes place against a backdrop of escalating repression in Vietnam in which many bloggers, human rights defenders, political and religious dissidents have been arrested and condemned to harsh prison sentences. Several have been convicted under the notorious Article 88, such as blogger [Mẹ Năm](#) (10 year sentence, 29 June 2017) or labour rights and land rights activist [Trần Thị Nga](#) (9 years, 25 July 2017).

VCHR is particularly concerned about the recent spate of arrests of citizens on charges of subversion (*“activities aimed at overthrowing the people’s administration”* - Article 79 of the Criminal Code). This vaguely-worded crime, which makes no distinction between violent acts and the legitimate exercise of freedom of expression or participation in public affairs, is punishable by death.

Most recently, on 17th October 2017, Catholic activist **Trần Thị Xuân**, 41, was arrested at her home in Hà Tĩnh Province under Article 79 of the Criminal Code. According to information published in the Vietnamese official press today (*Thanh Niên* and *Pháp Luật*), she is accused of being a member of the unofficial Brotherhood for Democracy (Hội Anh Em Dân Chủ - she reportedly headed the Brotherhood’s section in Central Vietnam in 2016), posting information and photos on the Internet slandering the Communist Party and state, calling for demonstrations and receiving 170 million VND from *“reactionary and terrorist organizations overseas and extremist elements in Vietnam”*. Ms. Xuân had participated in protests in 2016 against the massive fish deaths and pollution caused by the Taiwanese company Formosa. She is also actively engaged in youth activities in her local parish.

Human rights lawyer **Nguyễn Văn Đài**, founder of the Brotherhood for Democracy, has been imprisoned without trial since December 2015. Initially charged under Article 88, on 30th July 2017 the charge was changed to subversion under Article 79. Five other members of the group were arrested in July-August 2017, and all face harsh prison sentences for this capital crime.