

## **Vietnam Committee on Human Rights condemns new assault on freedom of expression and religion in Vietnam (59th Session of the UN Commission on Human Rights)**

Speaking at the UN Commission on Human Rights in Geneva, Mr. **Vo Van Ai**, President of the Paris-based Vietnam Committee on Human Rights and Vice-President of the International Federation of Human Rights (FIDH), strongly condemned the recent wave of arrests of human rights defenders and dissidents in Vietnam. Over the past months, in a widespread assault on freedom of religion and expression, dozens of peaceful critics have been arrested and sentenced to harsh prison terms simply for circulating opposition views via the Internet or sending information abroad.

*“Vietnam is systematically invoking charges of “espionage” to detain peaceful critics and stifle religious and political dissent”* Vo Van Ai told the UN Commission. *“By cynically suppressing the right to freedom of expression, Vietnam is flouting its responsibilities as a Member of the UN Commission on Human Rights and violating its international obligations as a state party to UN human rights covenants”.*

“Espionage” – Article 80 of the Vietnamese Criminal Code – is an extremely serious charge in Vietnam. Carrying sentences ranging from twelve years to the death penalty, it is one of a whole chapter of loosely-defined “*national security*” crimes which are routinely used to imprison dissidents and government critics. The UN Human Rights Committee at their 75th Session in July 2002 strongly condemned Vietnam’s “catch-all” national security legislation as being “*excessively vague, and inconsistent with the UN Covenant on Civil and Political Rights (ICCPR)*”.

Many dissidents have been arrested and convicted of “espionage” simply for using the Internet to circulate their views. Mr. Ai condemned the recent re-arrest of prominent dissident **Nguyen Dan Que** in Ho Chi Minh City (Saigon) on March 17, 2003. Dr Que, who has already spent 18 years in prison for advocating political reforms, was arrested outside his home as he allegedly prepared to send information overseas at an Internet café. He is charged under Article 80, and risks a very severe sentence. His family has had no access to him since his arrest.

Prominent Communist Party veteran, former People’s Army Colonel and respected military historian **Pham Que Duong**, 71, is also detained for espionage under Article 80. Arrested on December 29, 2002, Pham Que Duong had been the victim of systematic harassment and Police surveillance since he turned in his Communist Party card in 1999, and applied to set up an independent anti-corruption association with

dissident Tran Khuê in 2001. He applied to run as candidate in last year's National Assembly elections, but was turned down for being a "*disrupting element*". **Tran Khuê**, a scholar at the Ho Chi Minh Institute of Social Sciences, was also arrested on December 30, 2002 and is awaiting trial.

Other "cyber-dissidents" detained in the crackdown include **Nguyen Khac Toan**, condemned to 12 years in December 2002 for sending abroad peasants' complaints against State confiscation of land. He appealed against the sentence, but the appeal was overturned at a closed trial in Hanoi on 2nd April 2003. **Le Chi Quang**, a 32-year-old lawyer, was condemned to four years in prison in October 2002 on charges of "conducting propaganda against the State" for advocating "*pluralism and a multiparty system*" and the abolition of Article 4 of the Vietnamese Constitution (on the political mastery of the Vietnamese Community Party). **Dr Pham Hong Son**, arrested in March 2002 for translating an article on democracy from the U.S. Embassy website, is also charged with "espionage" under Article 80. He is awaiting trial in B. 14 Prison near Hanoi. Religious prisoners include two nephews and niece of Father **Nguyen Van Ly**, a Roman Catholic priest sentenced to 15 years prison in October 2001. The three face charges of espionage under Article 80 for providing information about their uncle to the outside world.

Mr. Vo Van Ai also firmly condemned the twenty-one year detention without trial of Venerable **Thich Huyen Quang**, Patriarch of the outlawed Unified Buddhist Church of Vietnam (UBCV), and that of UBCV Deputy head, **Thich Quang Do**. Thich Quang Do is currently held incommunicado at the Thanh Minh Zen Monastery in Saigon for "crimes" including launching an "*Appeal for Democracy in Vietnam*" calling for democracy and political reforms

He welcomed the unprecedented move made by Prime Minister Phan Van Khai who held a highly publicized meeting with Venerable **Thich Huyen Quang** in Hanoi on April 2, 2003. The 86-year-old Patriarch was allowed out of house arrest for the first time in over two decades to undergo surgery in Hanoi on a feared cancerous growth. However, noted Mr. Ai, after the meeting Venerable Thich Huyen Quang was obliged to return to effective house arrest in Quang Ngai.

Moreover, after thousands of Buddhists gathered to welcome Venerable Thich Huyen Quang during a brief stop in the city of Hue on his way back from Hanoi, Security Police immediately cut off all the phone lines to Buddhist Pagodas in Hue and obliged Venerable Thich Huyen Quang to return at once to Quang Ngai. He is now back in the small hut near the Quang Phuoc Pagoda, Nghia Hanh district in the remote central province of Quang Ngai, where he has been held in internal exile since 1982. "*The Government must immediately release Patriarch Thich Huyen Quang and Venerable Thich Quang Do*", said Mr. Ai. "*Otherwise, the meeting with Pham Van Khai will be*

*seen as a purely cosmetic gesture aimed at placating the Buddhists and gaining favour with the international community".* He called on the UN to press for the UBCV leaders immediate release.

In a **Written Statement** to the UN Commission on Human Rights, Vo Van Ai also alerted the UN to Vietnam's on-going efforts to suppress basic freedoms by introducing extensive legislation restricting human rights. **Directive 28**, adopted on November 21, 2002 (Minister of Culture and Information) deals a serious blow to press freedom by subjecting foreign organizations in Vietnam to State censorship and control. All diplomatic bodies, international NGOs and foreign companies (including press agencies) will be required to submit all publications - including press releases and news imparted over the Internet - to approval by the Communist authorities.

A new Decree curbing the right to peaceful demonstration is also under preparation according to the official daily "*Lao Dong*" (Labour, 13 January 2003). The Decree will include provisions to "*ban gatherings in front of the residences of high ranking party and government leaders*" and sanction people who "*use complaints and petitions*" to incite people to demonstrate. This project, which is totally inconsistent with Article 25 of the ICCPR, follows remarks made by Vietnamese Communist Party Secretary-general Nong Duc Manh after seeing peasants protesting against State confiscation of their lands. Mr. Manh said : "*the fact that people gather with placards is abnormal*" and that democracy in Vietnam was "*in many cases excessive*".

Mr Ai called on UN Member States and international donors to freeze funding on Vietnam's 10-year Legal Reform Strategy programme until Vietnam brings domestic legislation into line with international human rights law and implements the UN Human Rights Committee's recommendations to rescind all legislation that restricts the peaceful exercise of civil liberties and political rights.