

THE OBSERVATORY

for the Protection of Human Rights Defenders

L'OBSERVATOIRE
pour la protection
des défenseurs des droits de l'Homme

EL OBSERVATORIO
para la Protección
de los Defensores de los Derechos Humanos

Vietnam

Twelve human rights defenders have the floor



A prisoner in Z30A Xuan Loc Reeducation Camp, Dong Nai province (photo taken in the 1990s)

fidh

International Federation for Human Rights
17, Passage de la Main d'Or 75011
Paris, France



World Organisation Against Torture
Case postale 21 - 8 rue du Vieux-Billard
1211 Geneva 8, Switzerland

TABLE OF CONTENTS

I. Introduction	4
II. Political Context	5
1. Economic progress, continuing denial of civil and political rights	6
2. Repression of opponents to the regime	6
3. Repression of independent religious bodies	6
3.1. The Unified Buddhist Church of Vietnam	7
4. Discrimination against minorities	7
5. Repression of cyber dissidents	8
III. Legal Context	9
1. International legal framework	9
2. National legal framework	9
IV. Portraits	14
Thich Quang Do	14
Thich Thien Minh	16
Thich Khong Tanh	18
Father Chan Tin	20
Khue Tri	21
Tran Thanh Son	22
Nguyen Dan Quê	22
Hoang Minh Chinh	23
Tran Khue	24
Nguyen Khac Toan	25
Hoang Tien	26
Pham Hong Son	27
V. Recommendations	28
Annexes: Additional Documents	30
1. Appeal for Democracy in Vietnam, Venerable Thich Quang Do, Unified Buddhist Church of Vietnam, 21 February 2001	30
2. Message from Venerable Thich Quang Do, Unified Buddhist Church of Vietnam, to the 61st Session of the United Nations Commission on Human Rights, Geneva, April 2005	33
3. The Rafto Prize 2006 for Vietnamese human rights defender, Venerable Thich Quang Do, Press Release, September 2006	35
4. 9-Point Road Map for Democracy, Dr. Nguyen Dan Quê	37
5. Extracts from the Resolution of the European Parliament on the human rights situation in Cambodia, Laos and Vietnam, 1 December 2005	38

I. Introduction

Between 4 March and 12 March 2006, the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT), in the framework of their joint programme, the Observatory for the Protection of Human Rights Defenders, in collaboration with the Vietnam Committee on Human Rights, sent a mission to Vietnam to meet with several dissidents and religious leaders engaged in the struggle for fundamental human rights, in the face of continuing repression by the Vietnamese authorities.

Many of those met by the mission are members or supporters of the independent Buddhist church, the Unified Buddhist Church of Vietnam (UBCV), which was outlawed in 1981 and has been a constant target of the regime. The mission also met with writers, academics and others involved in defending human rights and the struggle for democratic reform.

Several of those met by the mission had spent many years in prison, in connection with their activities in support of democratic reforms and human rights and against corruption. Many have suffered the most extreme physical and mental privations, and even on release have been kept under surveillance and denied the fundamental rights to freedom of movement, expression and association. They have nevertheless maintained their determination and continued to struggle for an end to repression.

The mission delegation was composed of Christine Martineau, lawyer at the Paris Bar, France, and Michael McColgan, solicitor of the Supreme Court practising in Sheffield, England. The Observatory extends its special thanks to the Vietnam Committee on Human Rights, and in particular to its President, Vo Van Ai, for their important contribution to this report.

Background to the mission

Over a period of many years, FIDH has requested permission from the Vietnamese authorities, via the Vietnamese Embassy in Paris, to organise an official mission of investigation in Vietnam. However, on each occasion these requests met with no response.

It was in this context that in March 2006 the Observatory decided to send a mission to Vietnam to meet with several prominent human rights defenders, to hear their testimonies first hand. The mission delegates met only with individuals who had already received significant coverage in the national and international media and who would not be exposed to increased risks of repression as a result of their contact with the Observatory. It is emphasised that all those met by the mission agreed to their identities being revealed and to the publication of their testimonies.

II. The Political Context

Ho Chi Minh City and Hanoi are busy towns in full expansion. The pagodas and churches are open. The mission delegates were able to circulate freely and meet with their interviewees without difficulty. Through the eyes of a foreigner, it is impossible to discern and for some to imagine the extent of the social control exerted on the Vietnamese population. However, one of the diplomats met by the mission told the mission delegates that their apparent freedom of movement was illusory and that all their actions and gestures were recorded. This was affirmed by all those interviewed.

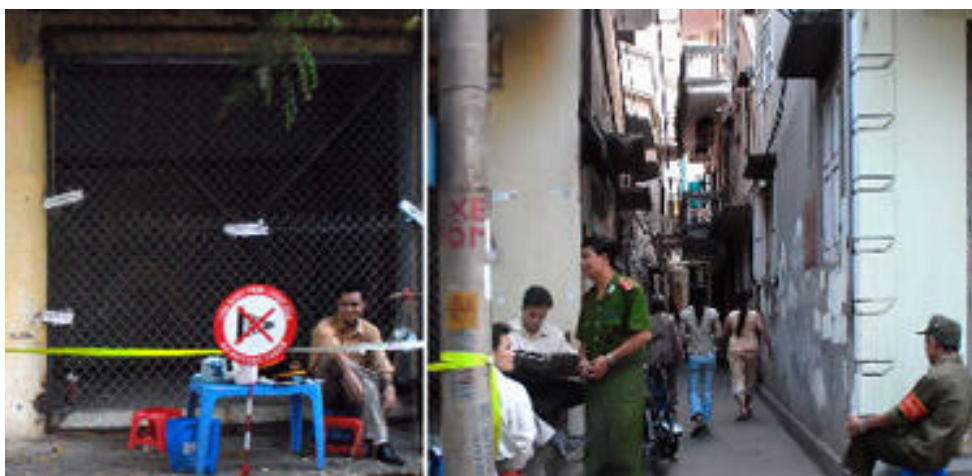
The approach of the 10th National Congress of the Communist Party of Vietnam (CPV) most likely explains the apparent freedom enjoyed by the mission delegates in their contact with dissidents, as the regime sought to avoid negative publicity arising from obvious obstacles to their meetings. The opening of the CPV Congress was scheduled for the following month, April 2006, a decisive period for the country in that at each Congress the CPV, which has held a monopoly on political power since Vietnam's re-unification in 1975, sets out the political objectives for the 5 years to come.

During the period leading up to the Congress, there were some signs of increased openness. In particular, for the first time, the Communist Party's draft political report, to be approved at the Congress, was made public. The majority of

the dissidents met by the mission took up this opportunity for discussion and made comments on the proposed strategy. However, any impressions that the regime was willing to engage in dialogue proved false. According to those met by the mission, the Politburo rejected all their proposals, dismissing them as "fomented by imperialists".

Following the Congress, in a further attack on freedom of expression, the regime introduced Decree 56/2006¹, on "sanctioning administrative violations in cultural and information activities", reinforcing State censorship on all forms of information. It imposes exorbitant fines for offences such as "defaming the nation", "denying revolutionary achievements" and circulating "harmful" information via the Internet.

In November 2006, the Asia Pacific Economic Cooperation (APEC) Summit was held in Hanoi. This event was marked by increased repression of human rights defenders². Security police set up permanent surveillance posts outside the residences of many pro-democracy activists and placed signs reading "No Foreigners" on their doors. In Hanoi and Ho Chi Minh City, several dissidents were threatened, physically assaulted or subjected to intensive interrogations. Those targeted included a number of those met by the mission.



The APEC Summit in Hanoi: Security Police in front of cyber-dissident Pham Hong Son's home. The sign reads "no cameras". (November 2006)

1. Economic progress, continuing denial of civil and political rights

At the 6th National Congress in 1986, the Party adopted the policy of Doi Moi or 'renovation'. The catastrophic economic situation, resulting from the sudden end of massive aid from the Soviet Union, had forced the Vietnamese authorities to bring the country out of its political and economic isolation. According to official discourse, the passage from a planned economy to a market economy would be accompanied by a transformation of state structures, with full respect for the international human rights treaties ratified by Vietnam, including the International Covenant on Civil and Political Rights (ICCPR)³. In a White Paper on Human Rights, entitled, *Achievements in Promoting and Protecting Human Rights in Vietnam*, published by the Vietnamese government in August 2005⁴ "to help the world better understand the Vietnamese tradition in protecting and promoting human rights and the current human rights implementation in the country", the government stresses the country's economic progress and efforts made in terms of constitutional amendments and legislative reforms.

20 years after the Doi Moi, it cannot be denied that Vietnam has experienced an economic boom, one of the principal objectives of the regime. The opening to a free-market economy has brought an influx of foreign investment and trade, a developing tourist industry and strengthened international links. In 2001 the Vietnamese government signed a bilateral trade agreement with the United States, and obtained Permanent Normal Trade Relations status with the U.S. in December 2006. The admission of Vietnam to the World Trade Organisation, on 7 November 2006, represents the culmination of the recognition of Vietnam's economic dynamism on the international scene.

Important changes have also been made to state structures, in particular through the adoption of a new Constitution in April 1992, which incorporates human rights guarantees. Numerous legislative amendments have been introduced, including reforms to the criminal justice system. Amendments to the Criminal Procedure Code in 2004 enshrine the presumption of innocence and provide for defence lawyers to have increased access to their clients. However many of these provisions are annihilated by an arsenal of laws and regulations on national security, which contravene international human rights conventions and facilitate arbitrary arrests and detention.

While the Party has certainly introduced economic liberalisation, it has continued to refuse any form of political

liberalisation. Vietnam remains an authoritarian regime. Power is entirely in the hands of the Party, whose role is defined in Article 4 of the Constitution: "The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh's thought, is the force leading the State and society".

In the last chapter of the White Paper on Human Rights, the Vietnamese government rejects all criticisms of its human rights record as "false allegations" against Vietnam made by organizations acting "under cover of democracy and human rights" and supported by foreign forces: "a number of hostile [persons], for their own political purposes, have used and continue to use all means to make fabrications and false allegations against Vietnam on issues related to human rights, democracy, religions and ethnicity". These international organizations are accused of seeking to reproduce "a poor copy of systems in countries with histories, cultures and economies completely different from those of Vietnam".

The Vietnam Committee on Human Rights is expressly targeted: "The Vietnam Commission for the Protection of Human Rights [bad translation for VCHR] led by Vo Van Ai is also a group of people, because of their bitterness about their defeat in South Vietnam in 1975, have been attempting sabotage and to tarnish the image of their own Motherland. Taking the advantage of his position as Vice President of the International Federation of Human Rights (FIDH), an NGO having the consultative status at the ECOSOC, Vo Van Ai has repeatedly opposed Vietnam at the UN Commission on Human Rights".

2. Repression of opponents to the regime

Since 1975, opponents from diverse backgrounds have spoken out against the regime. In remarkable demonstrations of courage in the face of repression, a significant number of them continue their fight for democracy and human rights, including Thich Quang Do, Hoang Minh Chinh, Nguyen Dan Que and other activists met by the mission.

Opposition movements exist in a number of sectors. One of the most significant developments over the past several years is that an increasing number of dissidents come from within the Party itself, including historic and eminent representatives such as General Vo Nguyen Giap, hero of the battle of Dien Bien Phu. The authorities, threatened by these circles of protest, have confronted them with further measures of repression and isolation.

3. Repression of independent religious bodies

The Vietnamese authorities have undertaken a campaign of religious control since taking power in 1975. Following the failure of violent attempts to eradicate religions, the regime adopted a strategy of recognition and control.

Officially seven religions are recognized in Vietnam: Buddhism, Catholicism, Cao Dai, Protestantism, Hoa-Hao and Islam. Since March 2007, the Baha'i faith is officially recognised as well. However, only those religious bodies which are endorsed by the State are allowed to practise their activities. Independent religious organizations are illegal. Religions in Vietnam are controlled by four powerful state organs: the Office of Religious Affairs, the Communist Party's Department of Mobilisation and Propaganda, the Ministry of Public Security and the Vietnam Fatherland Front. In order to ensure that control is effective, the Office of Religious Affairs has opened offices at provincial, municipal and village levels, and created squads of "religious security police". The political organs such as the Department of Mobilisation and Propaganda develop the ideological strategies and policies relating to religious activities in the country. The Minister of Public Security monitors and punishes deviants. Nominations and ordinations of priests, monks, pastors and other dignitaries representing the various official religions are subject to authorization of the Office of Religious Affairs. All religious publications must be approved by the State. The activities of religious organizations must be in accordance with the ideological programme and policies of the Party. Numerous laws and regulations seek to limit the exercise of religious freedom⁵.

Members of "unrecognized" religious bodies, including the Unified Buddhist Church of Vietnam, the traditional Hoa Hao Buddhist sect, the Cao Dai and many independent Protestant Churches have been detained, fined, imprisoned, placed under administrative detention and kept under strict police surveillance for engaging in "illegal" religious activities.

3.1. The Unified Buddhist Church of Vietnam

It is estimated that today Buddhists represent up to three-quarters of the population of Vietnam⁶. The Unified Buddhist Church of Vietnam (UBCV) was formally recognized in 1964 after suffering repression under the French Colonial regime. With the Communist takeover in 1975 it again became a target of repression.

The resistance of the monks of the UBCV led the authorities

to declare it illegal and to establish the Vietnamese Buddhist Church (VBC) in 1981. The authorities aimed to achieve the integration of the UBCV into the 'official' Buddhist church. In the face of the refusal of the dignitaries of the UBCV and its members to accept government control, the authorities initiated a new wave of repression.

The UBCV saw its pagodas, schools, universities and hospitals confiscated or destroyed. Monks, nuns and those supporting them were arrested, detained and tortured. Today, the UBCV remains outlawed and its members continue to be subject to harassment and almost permanent repression. Two of the UBCV's most prominent figures, Patriarch Thich Huyen Quang and the Deputy leader Thich Quang Do, with whom the mission met, have spent more than 25 years in prison, internal exile and house arrest for their peaceful opposition to the communist regime.

4. Discrimination against minorities

Over the past few years, ethnic minorities in the central Highlands, victims of discrimination and social inequalities, have increasingly spoken out against repression. In February 2001, thousands of ethnic Montagnards, a mainly Christian indigenous population, took part in unprecedented demonstrations against religious persecution and land confiscation in the Central Highland provinces of Gia Lai, DakLak and Kontum. These protests were brutally put down by the authorities. Numerous members of the Montagnard population were arrested and convicted of violating state security and public order. In 2004, new demonstrations broke out, which were once again violently suppressed. At least eight people were killed and many hundreds injured in the ensuing crackdown. According to Human Rights Watch, as of June 2006 some 350 Montagnards were serving heavy prison terms for taking part in these demonstrations⁷. Hundreds of Montagnards fled to Cambodia to seek political asylum.

There are many explanations for these uprisings, including social exclusion of ethnic minorities, confiscation of ancestral lands to plant coffee and other cash-crops, state-sponsored migration of ethnic Vietnamese into highland areas, the undermining of traditional culture and social organization and religious persecution. The Montagnard population has been a target of discrimination since the 1960s, when Montagnards were recruited by the United States for military service during the Vietnam War. The Montagnards had formed a resistance movement named FULRO (*Forces Unies pour la Liberation des Races Opprimées*), which militarily resisted the Communist authorities. They are accused by the regime of not

having participated in the liberation movement, and of being manipulated by external forces and in particular by exiles.

In the face of a mass exodus of the Montagnards towards Cambodia, the Vietnamese security forces reacted with extreme violence, using threats, torture and sanctions to prevent them leaving. Many Montagnards who arrived in Cambodia were subsequently forcibly repatriated. Despite an agreement between Cambodia and Vietnam under the supervision of the United Nations, the return of the Montagnards to Vietnam was accompanied by further acts of repression. International media and human rights groups have not been allowed to visit the Central Highlands to monitor the situation of Montagnard returnees.

5. Repression of cyber dissidents

This new category of dissidents is of increasing concern to the Vietnamese government. The Internet allows the crossing of borders, the publication and exchange of information and dialogue, all feared by the Vietnamese authorities.

A policy of surveillance and repression has been in place since 1997, when Vietnam was first connected to the Internet, and numerous cyber dissidents have been arrested and imprisoned. Internet surveillance was intensified at the

end of 2001 and during 2002 and several cyber dissidents, or Internet users considered as such, were arrested and sentenced to heavy prison terms on charges of "spying" (under Article 80 of the Criminal Code) for having published online articles containing information judged to be 'dangerous'.

In a wave of repression including blocking websites, arresting internet users for allegedly disseminating 'harmful' material or opinions, house arrest, police surveillance, suppression of communications and physical assault, the authorities have attempted to isolate and silence cyber-dissidents. In July 2006 new legislation, Decree 56/2006, was introduced to further curb press freedom and the use of the Internet. In order to justify this control and censorship, the authorities invoke "the interests of national security"⁸.

In 2006, several cyber dissidents, including Nguyen Khac Toan, who met with the mission, and Pham Hong Son, whose wife, Vu Thuy Ha also met with the mission, were among those released as part of amnesty agreements in honour of the Lunar New Year (February) and Vietnam's National Independence Day (2nd September). However, many of those released continue to be subject to house arrest, harassment and intimidation. Many others, including Nguyen Vu Binh⁹, remain in detention.

1. Adopted on 6 June 2006, Decree 56/2006 came into force on 1 July 2006. See further below, *Repression of cyber dissidents*.

2. See Observatory Press Statement, Obstacles to human rights defenders' freedom of expression during the APEC Summit, 20 November 2006.

3. Vietnam acceded to the ICCPR on 24 September 1982, see further below at II.1 *International legal framework*.

4. *Achievements in Promoting and Protecting Human Rights in Vietnam*, Press and Information Department - Vietnam Ministry of Foreign Affairs, Hanoi, August 2005.

5. See further below, II.2 *National legal framework*.

6. It is difficult to obtain accurate statistics since official figures are distorted. Thich Quang Do, Deputy Head of the UBCV, estimates that three quarters of the population are Buddhists. In *Religious Freedom of the World*, edited by Paul Marshall, published by Broadman and Holdman, Nashville, Tennessee, it is estimated that Buddhists represent 60% of the population.

7. Human Rights Watch, No Sanctuary: Ongoing Threats to Indigenous Montagnards in Vietnam's Central Highlands, June 2006, <http://hrw.org/reports/2006/vietnam0606/index.htm>.

8. See further II.2 *National legal framework*; also see the annual report of the Observatory, 2006.

9. Nguyen Vu Binh is a writer and former journalist for an official Communist Party publication. He was sentenced to 7 years imprisonment and 3 years of house-arrest on 31 December 2003 on charges of espionage, for having posted articles "of a reactionary nature" on the internet, including an account of human rights violations. His sentence was confirmed on appeal on 5 May 2004. Despite campaigns for his release by the international community, including the Observatory, he was not one of those to benefit from the government amnesty and remains in prison. In February 2007, after visiting Nguyen Vu Binh in Ba Sao Camp, Nam Ha province, his wife reported that he is currently in very bad health.

III. Legal Context

1. International Legal Framework

Vietnam became a party to the International Covenant on Civil and Political Rights (ICCPR) in 1982¹⁰. The ICCPR sets out the rights to freedom of opinion and expression (article 19)¹¹, freedom of association (article 22)¹², and freedom of conscience, thought and religion (article 18)¹³. Article 9 of the ICCPR sets out the right to liberty and security of the person, freedom from arbitrary arrest or detention, the right to be informed promptly of any charges, and the right to be brought before a court and tried within a reasonable time. Article 14 provides for the right to a fair trial.

Vietnam is party to several other core international human rights treaties: the International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁴; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁵, the Convention on the Elimination of All Forms of Racial Discrimination (CERD)¹⁶, the Convention on the Rights of the Child (CRC)¹⁷ and its two optional protocols¹⁸.

Cooperation with the UN Human Rights Mechanisms: Treaty Bodies and Special Procedures

States parties to these conventions are required to submit periodic reports to the UN Committees or "Treaty Bodies", composed of independent experts responsible for monitoring the implementation of the conventions at the national level. Although Vietnam has recently submitted reports to the Committee on the Elimination of Discrimination against Women¹⁹ and the Committee on the Rights of the Child²⁰, at the time of writing Vietnam is late in submitting reports to the Human Rights Committee, responsible for monitoring the implementation of the ICCPR, (due on 1 August 2004); the Committee on the Elimination of Racial Discrimination (due on 9 July 2003); and the Committee on Economic, Social and Cultural Rights (due on 30 June 1995).

The Vietnamese authorities have also failed to cooperate with the UN Special Procedures (independent experts with mandates to monitor and publicly report on human rights situations). In 1994 the authorities allowed the UN Working Group on Arbitrary Detention to visit Vietnam²¹ and in 1998 Vietnam granted permission to the Special Rapporteur on freedom of religion or belief to visit Vietnam²². However, since then Vietnam has refused to allow entry to the Special Procedures. A request by the Special Rapporteur on the right to freedom of opinion and

expression to visit Vietnam in 2002 was refused. In 2006, a request by the Special Rapporteur on extrajudicial, summary, or arbitrary executions was also refused²³.

2. National Legal Framework: a repressive arsenal

While the protection of human rights is guaranteed in the Constitution of Vietnam and in several legislative provisions, the Vietnamese authorities have put in place a repressive arsenal of laws and directives sanctioning of all forms of dissidence. The UN Human Rights Committee has expressed particular concern that these provisions of national legislation impede the enjoyment of individual rights and are incompatible with the Vietnam's international obligations under the ICCPR²⁴.

The Constitution

The 1992 Constitution of Vietnam, the fourth since the formal establishment of the Democratic Republic of Vietnam in 1946, contains a number of articles enshrining fundamental rights and freedoms:

Article 69:

"The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed, and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law".

Article 70:

"The citizen shall enjoy freedom of belief and of religion; he can follow any religion or follow none. All religions are equal before the law".

Article 71:

"The citizen shall enjoy inviolability of the person and the protection of the law with regard to his life, health, honour and dignity.

No one can be arrested in the absence of a ruling by the People's Court, a ruling or sanction of the People's Office of Supervision and Control except in cases of flagrant offences. Taking a person into, or holding him in, custody must be done with full observance of the law.

It is strictly forbidden to use all forms of harassment and

coercion, torture, violation of his honour and dignity, against a citizen".

Articles 72 and 73 enshrine the presumption of innocence and the inviolability of the citizen's domicile.

The Constitution appears to echo the provisions of the ICCPR. However, the broadly democratic and libertarian tone of these articles of the Constitution need to be set in the context of the primacy accorded to the Communist party in Article 4 of the Constitution:

"The Communist Party of Vietnam, the vanguard of the Vietnamese working class, the faithful representative of the rights and interests of the working class, the toiling people, and the whole nation, acting upon the Marxist-Leninist doctrine and Ho Chi Minh's thought, is the force leading the State and society. All Party organisations operate within the framework of the Constitution and the law".

In spite of the gesture of deference to "the Constitution and the law", this article puts the party in a specially privileged position, implicitly classing those whose activities, beliefs or opinions differ from those of the "faithful representative...of the whole nation" as disruptive or inimical to the interests of the nation.

In relation to religious freedom, the second limb of Article 70 provides a nasty sting in the tail after the initial apparent celebration of religious freedom: "No one can violate freedom of belief and of religion; nor can anyone misuse beliefs and religions to contravene the law and State policies".

According to a report of the UN Special Rapporteur on freedom of religion or belief, "this provision...establishes the principle of the priority of the policies of the State, a vague and extendable concept that could be potentially restrictive of religious freedom and its manifestations"²⁵. After referring to Article 4 of the Constitution, the report concludes that, "these two articles, by their wording and their association, are likely to impede freedom of religion or even reduce it to very little indeed"²⁶. The Vietnamese authorities have made extensive use of this provision.

The Criminal Code

The Criminal Code sets severe limits on the freedoms and rights proclaimed in Articles 69 to 73 of the Constitution. The Vietnamese authorities routinely invoke a wide range of "national security" provisions in the Criminal Code to

criminalize the peaceful exercise of freedom of opinion, expression, religion and association. National security offences carry very heavy prison sentences, and seven of them are punishable by death.

The headings of numerous articles of the Criminal Code are alone sufficient to arouse disquiet. Among them are Article 78 (High treason), Article 79 (*Carrying out activities aimed at overthrowing the people's administration*), Article 80 (*Spying*), Article 82 (*Rebellion*), Article 86 (*Undermining the implementation of socio-economic policies*), Article 87 (*Undermining the unity policy*), Article 88 (*Conducting propaganda against the Socialist Republic of Vietnam*) and Article 271 (*Breaching regulations relating to the publication and distribution of books, newspapers, audio discs and tapes, video discs and tapes or other printed matters*).

Article 258 of the Criminal Code provides for prison sentences of up to three years for "*abusing democratic freedoms to encroach upon the interests of the State and social organizations*". This provision is also routinely invoked to detain dissidents.

The Criminal Procedure Code

In July 2004, a new Criminal Procedure Code came into effect. The Code amends provisions allowing for unlimited prolongation of pre-trial detention for "serious offences against national security", which had been severely criticized by the UN Human Rights Committee in 2002²⁷.

However, it incorporates a new, vaguely-worded article which would appear to allow the same practice: Article 120 of the Criminal Procedure Code limits pre-trial detention of national security offenders to four months, a period which may be extended four times by the Chairman of the Supreme People's Procuracy. Upon expiry of this period, it states, the authorities must either release detainees or, "if deeming it necessary, *apply other deterrent measures*"²⁸.

Other repressive laws and regulations

In recent years the Vietnamese government has issued a number of regulations, which do not derive any legitimacy from either the Constitution or the Criminal Code, but seem to function as autonomous vehicles for the enforcement of party policy imperatives.

Perhaps the most notorious such regulation was Administrative Detention Decree 31/CP. Promulgated in 1997,

it purported to legalise administrative detention without trial of individuals considered to be a threat to national security, for between 6 months and 2 years. Article 2 of the Decree provided that "administrative detention applies to those individuals considered to have violated the laws, infringing national security, as defined in Chapter 1 of the Criminal Code, but [whose violation] is not serious enough to be prosecuted criminally". Circumventing even the limited rights of the defence that are entailed in a criminal trial, it is an invitation to abuse and arbitrary arrest and in flagrant breach of Article 9 of the ICCPR. Since Decree 31/CP came into effect, it has been systematically invoked to detain peaceful dissidents engaged in the legitimate exercise of their right to freedom of expression, religion and belief. The UN Human Rights Committee strongly condemned Decree 31/CP in its Concluding Observations on Vietnam in July 2002 and called for its repeal²⁹.

In March 2007, under pressure from the international community, the Vietnamese government repealed Decree 31/CP. However, arbitrary arrests of dissidents continue in Vietnam, and administrative detention remains legalized under an "Ordinance on Regulating Administrative Violations" (Decree 44/2002/PL-BUTVQH10). This Ordinance, adopted shortly after the UN Human Rights Committee called for the repeal of Decree 31/CP and effective as of 1st October 2002, is even more prohibitive than Decree 31/CP. Whereas Decree 31/CP allowed for detention under house arrest for 6 months to 2 years for suspected national security offenders, Ordinance 2002 authorizes three possible forms of detention, either house arrest, detention in "educational institutions" or detention in "medical facilities", for *renewable* periods of up to 2 years. Educational institutions are rehabilitation camps or Social Protection Centres where "bad social elements" such as prostitutes, drug addicts, street children or dissidents may be held without due process of law, often in inhumane conditions. Medical facilities are mental hospitals and psychiatric institutions.

The activities of the churches are further regulated by a new "Ordinance on Religions and Religious Beliefs" which came into force in November 2004. This ordinance, which authorizes certain non-recognized bodies to register with the State, was welcomed by the international community, although concerns were raised in relation to the effectiveness of such measures in the context of conflict between minorities in the Central Highlands and the government. In fact, the new Ordinance imposes stricter controls on religions, stipulating that religious education must be subordinated to the "patriotic" dictates of the Communist Party; worship may only

be carried out in approved religious establishments; it is forbidden to "abuse" religious freedom to contravene prevailing Communist Party policies³⁰. Religious activities deemed to "violate national security... negatively affect the unity of the people or the nation's fine cultural traditions" are banned³¹.

Press freedom is also restricted by a range of laws and regulations. Article 1 of the Press Law provides: "The press in the Socialist Republic of Vietnam constitutes the voice of the Party, of the State and social organizations". Article 2 (3) provides, "No one shall be allowed to abuse the right to freedom of the press and freedom of speech in the press to violate the interests of the State, of any collective group or individual citizen". Article 15 on the "rights and obligations of journalists" provides that journalists have the obligation "to defend the Party's lines, directions and policies and the State's laws". Chapter V of the Press Law defines "State management over Press".

Further restrictions are contained in the Publishing Law. For example, Article 22 states that it is "strictly prohibited" to publish books which "disseminate reactionary ideas and culture...; destroy fine customs and habits; divulge secrets of the Party, State, and security...; distort history, deny revolutionary achievements, hurt our great men and national heroes, slander or hurt the prestige of organisations, honour and dignity of citizens".

Censorship is extremely severe. In order to protect Party cadres involved in affairs of corruption and graft, Vietnam adopted a law in May 1999 obliging journalists to pay compensation or publish retractions to persons damaged by their reports, even if their information is correct. This measure forces journalists to exercise self-censorship and further undermines investigative reporting.

Extensive legislation has been adopted to curb and control the flow of information via the Internet. Decision 71, introduced in March 2004 strictly prohibits "taking advantage of the web to disrupt social order and safety". Under this decision, owners of Internet cafés are responsible for their customers' on-line activities. Customers must provide photo identification, a copy of which must be kept on file for 30 days, along with a record of the date and connection. Internet café owners risk fines of up to 50 million dong (2,800 Euros) if they fail to monitor their customers' activities and prevent them from bypassing government firewalls to banned sites.

In August 2004, the Ministry of Public Security set up a unit of

"cyber-police" to track down the posting of banned material, and "firewalls" have been established to block access to overseas sites advocating human rights, religious freedom and human rights.

In July 2005, an inter-ministerial decree was adopted by the Ministry of Public Security and the Ministry of Culture and Information that virtually turns Internet café owners into Police auxiliaries. The decree forces Internet café owners to take a six-month course in order to learn how to "monitor" their customers better. They must also ban their customers from accessing "subversive" sites. Furthermore, Internet cafés are obliged to close between midnight and 6.00 am.

Freedom of information was further targeted in June 2006, when the Government issued Decree 56/2006, which imposes strict regulations on journalists and Internet users. Offences include posting "harmful" information on the

internet, sending "harmful" information or photos overseas, and circulating information, news or publications not authorized by the State, and carry exorbitant fines³².

Freedom of assembly and the right to peaceful demonstrations, guaranteed in the Constitution (Article 69) is also restricted by government directives and decrees. In 2002, following a wave of demonstrations staged by farmers outside government buildings in Hanoi protesting against official corruption and State confiscation of their lands, CPV Secretary-general Nong Duc Manh exclaimed: "It is abnormal for people to demonstrate with banners. In many cases, our democracy is excessive"³³. On 18 March 2005, Vietnam adopted Decree 38/2005/ND-CP banning such peaceful protests. The Decree prohibits demonstrations outside State agencies and public buildings, and bans all protests deemed to "interfere with the activities" of Communist Party leaders and State organs.



Farmers demonstrating in Hanoi to protest State confiscation of lands (2002)

10. Vietnam ratified the ICCPR on 24 September 1982. Vietnam has not ratified the Optional Protocol to the ICCPR, which enables individuals to complain of violations of their rights to the United Nations Human Rights Committee.

11. Article 19, ICCPR provides: 1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. 3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Vietnam
Twelve human rights defenders have the floor

12. Article 22, ICCPR, provides: 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.

13. Article 18, ICCPR, provides: 1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

14. Ratified on 24 September 1982.

15. Ratified on 17 February 1982.

16. Ratified on 9 June 1982.

17. Ratified on 28 February 1990.

18. Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified by Vietnam on 20 December 2001; Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography, ratified by Vietnam on 20 December 2001.

19. Report submitted on 22 June 2005, examined by the CEDAW Committee at the 37th Session on 17 January 2007. See <http://www.un.org/womenwatch/daw/cedaw/37sess.htm>. The Vietnam Committee, with the support of FIDH, submitted an alternative report to the CEDAW Committee, available at http://www.fidh.org/article.php?id_article=4030.

20. Reports submitted under the two optional protocols to the Convention on the Rights of the Child, examined by the Committee on 22 September 2006. See <http://www.ohchr.org/english/bodies/crc/crcs43.htm>.

21. See Report of the Working Group on Arbitrary Detention, Question of the Human Rights of All Persons Subjected to Any Form of Detention or Imprisonment, Visit to Viet Nam, E/CN.4/1995/31/Add.4, 21 December 1994, available at <http://daccessdds.un.org/doc/UNDOC/GEN/G94/751/47/PDF/G9475147.pdf?OpenElement>.

22. See *Civil and Political Rights, including the question of religious intolerance*, Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, Visit to Viet Nam, 29 December 1998, E/CN.4/1999/58/Add.2

23. See <http://www.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm>.

24. Human Rights Committee, Concluding Observations, UN Doc. CCPR/CO/75/VNM, 26 July 2002, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.CO.75.VNM.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.CO.75.VNM.En?Opendocument).

25. *Civil and Political Rights, including the question of religious intolerance*, Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, Visit to Viet Nam, 29 December 1998, E/CN.4/1999/58/Add.2, para 9.

26. Ibid.

27. Human Rights Committee, Concluding Observations, CCPR/CO/75/VNM, 26 July 2002.

28. Emphasis added.

29. Op cit.

30. Article 8 (2).

31. Article 15.

32. See further Vietnam Committee on Human Rights, *Grave Violations of Human Rights in Vietnam*, Statement to the 1st Session of the UN Human Rights Council, Geneva, 19-30 June 2006; also see the annual report of the Observatory, 2006.

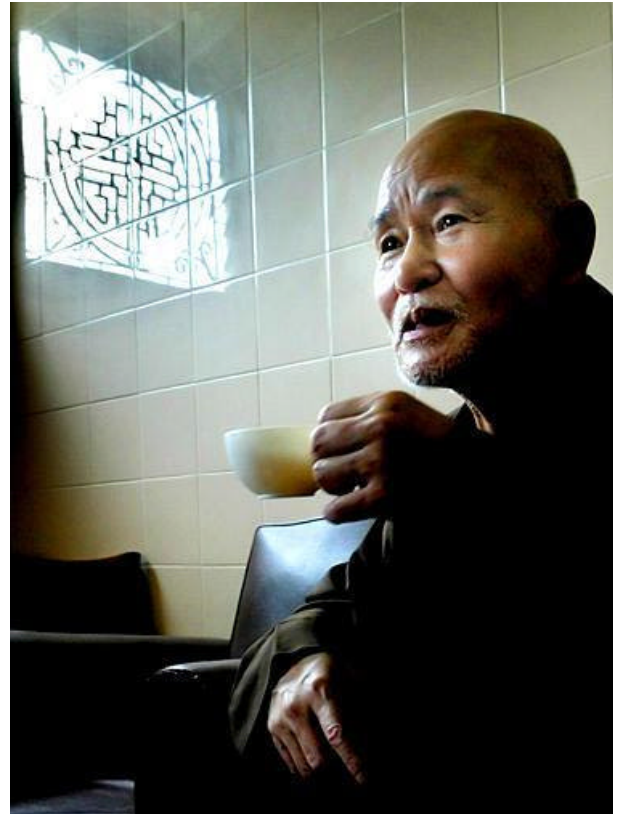
33. *Communist Party leader says protests show Vietnam has excessive democracy*, Associated Press, Hanoi, 10 May 2002.

IV. Portraits

Thich Quang Do



Thich Quang Do at his trial in Saigon on 15.8.1995. Arrested in November 1994 for organizing a rescue mission for flood victims, Thich Quang Do was sentenced to 5 years in prison and 3 years house arrest at a one-day, closed trial, on charges of "sabotaging the government's policy of religious solidarity" and "taking advantage of the rights of liberty and democracy to harm the interests of the State"



Thich Quang Do at the Thanh Minh Zen Monastery in Saigon

Thich Quang Do, aged 78, Deputy Leader of the Unified Buddhist Church of Vietnam (UBCV), is one of Vietnam's most prominent dissidents. He has spent much of his life in prison and in exile for his support of the UBCV and his protests in favour of human rights, democracy and religious freedom.

At the age of 19, Thich Quang witnessed the summary execution of his religious master by a revolutionary People's Tribunal in 1945. Profoundly disturbed by this image, he decided to devote his life to the pursuit of justice through the Buddhist teachings of non-violence, tolerance and compassion. His was imprisoned under successive political regimes. In the 1960s, he was jailed and tortured for opposing the anti-Buddhist policies of the Ngo Dinh Diem regime in South Vietnam.

After the Communist take-over in 1975, he was detained for 20 months in solitary confinement in 1977 for protesting human right abuses, accused of "violating national law". In 1982, following the creation of the 'official' Buddhist church, the Vietnamese Buddhist Church (VBC), and the refusal of the UBCV members to join this state-controlled body, he was exiled to Northern Vietnam for 10 years and confined to a derelict temple, surrounded by police, in total isolation. He was not allowed any visitors, apart from local Police and communist party officials who visited him once every three months to control his situation and pressure him to renounce his opposition views. No reason was ever formally given for his exile.

Thich Quang Do regularly contested this arbitrary decision, challenging the security forces and the government that they

could not 'imprison' him without having first tried and convicted him. In the face of continuing silence on the part of the authorities, in March 1992 he left the temple to return to Ho Chi Minh City.

He describes the control exercised by the authorities on the activities of the UBCV.

"The Vietnamese Buddhist Church belongs to the Vietnam Fatherland Front, which is controlled by the government and follows its orders. Our church, the Unified Buddhist Church of Vietnam, refuses to do this. We do not accept government rule, nor did we accept government rule before 1975, when a completely different system was in place. We play no role in politics, but this does not prevent the government from trying to destroy Buddhism little by little. They say we are obliged to take part in political activity, but we refuse".

In 1994, the UBCV launched a relief mission for victims of floods in the Mekong Delta, which killed several hundred people and left over half a million people homeless.

"We collected money for the people in the Mekong Delta from all over the place, in the USA and in Europe. I was one of 7 people from various temples who were arrested after the campaign and put on trial. The government wanted to manage the situation alone. Their view was that all relief donations should go via the government. I was accused of "destroying the unity of the Vietnamese people". We all received sentences of up to 5-years, with an additional 3 years' house arrest".

"My trial hearing lasted only one day. There was no defence counsel of my own choosing and a government lawyer claimed to speak for me. I was unable to say anything personally to the court".

Thich Quang Do was released after four years, in 1998, under an amnesty to mark Independence Day, but was kept under house arrest for the following 3 years.

In late 2003, events surrounding the nomination of Thich Huyen Quang as 4th Supreme Patriarch and the appointment of new UBCV leadership at an Assembly in Binh Dinh, demonstrated the government's continuing efforts to suppress the UBCV and isolate its members. As the monks left the Assembly in Binh Dinh, Police launched a brutal crack-down. Thich Quang Do was arrested, taken into police custody and once again put under house arrest. Thich Huyen Quang was also placed under house arrest. Both were charged

verbally with "possessing state secrets" but were given no written confirmation of this charge. Police also arrested several other members of the UBCV's new leadership and sentenced them to "administrative detention" under Decree 31/CP.

This crack-down drew wide international condemnation, with resolutions adopted simultaneously by the European Parliament and the U.S. Congress in November 2003. In September 2004, Vietnam was placed on the list of Countries of Particular Concern (CPC) for violations of religious freedom by the U.S. State Department. During this period, the official Vietnamese media launched ceaseless denigration campaigns against Thich Quang Do.

In March 2005, still under house arrest, Thich Quang Do recorded a message addressed to the UN Commission on Human Rights. Thich Vien Phuong, a UBCV monk, filmed the address and was arrested by police at the exit of the Zen Thanh Minh Monastery, who confiscated his camera³⁴. In October 2005 Thich Vien Phuong was summoned to pay a fine of 15 million dong (the equivalent of 43 months of the minimum salary) for "producing films or videos that slander or bring into question the prestige of organisations, honour or the dignity of individuals".

On 19 November 2005, security police tried to prevent Thich Quang Do from attending a commemoration in Giac Hoa Pagoda in Ho Chi Minh City. A heated confrontation arose between the police, Buddhist monks and the crowd, in which police physically assaulted Thich Quang Do. The security forces finally let Thich Quang Do pass, but the ceremony took place under close police surveillance³⁵.

Since this time, Thich Quang Do's movements have been under constant surveillance. He describes 4 security guards in civilian clothing watching over his pagoda during the day, and up to 6 at night.

"I was unable to go to Binh Dinh last year for the Lunar New Year. I was arrested and interrogated for 6 hours at a stretch, and threats were made against the monks who were going to accompany me".

Whether visitors are allowed to enter Thich Quang Do's pagoda is subject to the authorities' discretion and control. The UN Special Rapporteur on Freedom of Religion and Belief, Abdelfattah Amor, sought to meet with Thich Quang Do during his mission to Vietnam in 1998, but was prevented from doing so "physically - by several individuals in plain clothes, claiming

to represent the local authorities but refusing to identify themselves³⁶. In 2001 a Member of the European Parliament who attempted to visit him was immediately expelled from the country. In 2005, a number of international visits were forbidden, but in January 2006 he was allowed to receive the US and British ambassadors and European Union representatives.

Despite house arrest and constant police surveillance, Thich Quang Do continues to speak out publicly for freedom and human rights. In 2001, he launched an "Appeal for Democracy", a transition plan for democratic change³⁷. In 2005, he wrote a "New Year's Letter" to Vietnamese human rights defenders, pro-democracy activists, Communist Party dissidents and religious leaders to join together in a common movement for political pluralism and human rights.

In September 2006 Thich Quang Do was invited to Norway to receive the Thorolf Rafto Memorial Prize from the Norwegian Rafto Foundation for his contribution to the movement for religious freedom and human rights in the country and as a "symbol for the growing democracy movement in Vietnam"³⁸. In his absence, the prize was received on his behalf on 5 November by Vo Van Ai, President of the Vietnam Committee on Human Rights.

"I will only ever be properly released when we have true democracy, which means multi-party democracy and real freedom...World opinion must demand freedom of religion and freedom of opinion and expression. The support of the international community is absolutely necessary".

Thich Thien Minh and Thich Khong Tanh



Thich Thien Minh, Thich Khong Tanh, March 2006

Thich Thien Minh and Thich Khong Tanh, Buddhist monks and members of the UBCV, came to the pagoda of Thich Quang Do to meet with the mission. Both have been arrested and imprisoned on several occasions and for long periods of time in connection with their activities with the UBCV. Since their release from prison they have both been kept under surveillance.

Thich Thien Minh

Thich Thien Minh has spent a total of 26 years in prison. Since his release in a government amnesty in February 2005, he remains under surveillance.

"I joined the protest in 1976 and tried to prevent the government occupying my pagoda in Bac Lieu province and turning it into a government centre. I sent a letter of protest to the central government in Hanoi. Although 2000 letters were sent by members of the UBCV, there was no response to any of them - we were simply told that we were outlaws. The government said that if I did not offer to surrender my pagoda to them, I would be arrested. I refused".

"[In 1976] on Buddha's birthday, a celebration was organised, and we raised the Buddhist flag and the government flag together. We were told to lower the Buddhist flag below that of

the government flag. We refused. All those at the ceremony were arrested".

"Because we persisted in such activities, and refused to renounce the outlawed UBCV, a group of us was arrested in 1979. We were detained in several camps in Bac Lieu, Minh Hai province. In one prison in Minh Hai, I spent 8 months with shackles on my hands and feet".

"In 1981, we were put on trial at the Bac Lieu People's Court. The charge was hanging the Buddhist flag more prominently than that of the government flag, supporting the "reactionary" UBCV and displaying "stubborn" attitudes against the government. I was accused under law 03A, for which the death penalty is mandatory".

"Five minutes before the trial was due to start, I was taken from court, re-arrested under a new order and taken to Ca Mau prison. Three months later, I reappeared in court and this time I was prosecuted under law 03B, for which the penalty is life imprisonment. Fortunately, the death sentence was not invoked".

"The trial itself lasted 2 days. I was not allowed to say anything, but a government lawyer claimed to speak for me.

There were four judges. The decision was instantaneous. In the course of the trial, other people were questioned about their connections with me. I appealed against the decision but lost the appeal".

"Detention conditions in Ca Mau prison were extremely harsh. We suffered hunger, thirst and torture. In 1986, I was preparing to organise an escape from prison, but I was caught. I was sentenced to a second life sentence at an *ad hoc* tribunal in the camp".

"One prison I was in, Xuan Phuoc in Phu Yen province, held 1000 prisoners, and we had to perform hard labour, even on Sundays. I was also detained at Xuan Loc camp in Dong Nai province, where I spent 2 years in a dark cell. Many Buddhists and Catholic priests died in that prison. There was very little rice for food, and they always put salt in it. There was also very little water. There was nothing to read. There were religious prisoners and political prisoners detained together with common criminals".

"Sometimes we were alone in a cell and our hands and legs were shackled. Many prisoners were kept in chains. I had chains on my feet for 6 years".



Xuan Loc Camp - Prisoners gather in teams for the morning roll-call before going to work , in the 1990s



Xuan Loc Camp - A team of prisoners set off for work. On the left is the "team leader", a prisoner who works as an informer for the prison authorities in exchange for certain privileges or improved detention conditions. In his pocket is a note book to write the names of prisoners who commit faults or fail to fulfill the labour quotas. Punishment includes reduction in prison rations - which makes weak prisoners even less able to fulfill the extenuating work quotas, in the 1990s

Thich Thien Minh revealed the scars on his ankles.

"Many died in prison. I survived by meditating and I believe that I am in some senses returned from the dead".

Thich Thien Minh was eventually released in January 2005, just three months before completing his sentence. He believes he was released as a result of international pressure. However, he continues to be kept under close surveillance and subjected to harassment by the security services.

"I was told that if I joined the state-sponsored Vietnam Buddhist Church, which is controlled by the Communist Party's Vietnam Fatherland Front, I could have my pagoda back. They said that the UBCV is an outlaw church. Because I refuse to accept their conditions, I have to live in my brother's house. I am demanding to have my temple back. They say it is now under consideration".

In November 2006, during the APEC Summit, Thich Thien Minh along with many other UBCV monks and followers was summoned by Security Police in Ho Chi Minh City and interrogated. Security officials prohibited him from speaking to foreign media or diplomats during the Summit.

Thich Khong Tanh

Thich Khong Tanh has been arrested several times and has spent a total of 15 years in prison, the majority in solitary confinement, for refusing to join the state-sponsored Vietnam Buddhist Church and protesting against the arrest of UBCV leaders Thich Huyen Quang and Thich Quang Do. He remains under surveillance at the Lien Tri Pagoda in Ho Chi Minh City.

In 1977, he was imprisoned for 10 years, without trial or even a court appearance, in connection with letters of protest he had written to the government about the arrest of Thich

Quang Do and for organising a hunger strike. He spent much of his prison sentence in solitary confinement.

In 1992, he was imprisoned without trial for 10 months for possessing speeches by Thich Huyen Quang and other UBCV leaders. In November 1994, he was arrested again for participating in the UBCV relief mission for flood victims in the Mekong Delta. He stood trial in 1995 and was sentenced with 7 others, including Thich Quang Do, to 5 years in prison with a further 3 years of house arrest. He was moved between detention centres, including the Xuan Phuoc and Xuan Lôc camps, notorious for the particularly harsh conditions of detention.

"My health is not good: I have lung problems and other after-effects of the torture and beatings I suffered in prison. During my time in prison electrodes were attached to my back and 100 watts of power sent through them. One of the means of torture was for 4 men to beat us for 20 minutes at a time on the back".

On 24 October 1998, the UN Special Rapporteur, Abdelfattah Amor, during his visit to Vietnam was able to visit Thich Khong Tanh and Thich Thien Minh in Xuan Lôc prison camp. In his report to the UN Commission on Human Rights, Mr Amor described the serious obstacles encountered in arranging private interviews: "The private interview with Thich Khong Thanh and Thich Thien Minh was able to take place in accordance with United Nations rules only after long

discussions on the spot with the camp commander; the interview had, however, to be cut short by the Special Rapporteur because the camp commander kept coming in and, finally, stayed in the room, thus destroying the private nature of the interview"³⁹.

According to Mr Amor's report: "[Thich Khong Tanh and Thich Thien Minh] confirmed that religious prisoners were not separated from common criminals, that all religious activity was forbidden, that they were not permitted to address one another by their religious names and that they were obliged to work, since that requirement was applied to bonzes also. They deplored the bad prison conditions, particularly the fact that the prisoners were held in solitary confinement, chained and forbidden to use pen and paper, that there was a danger of AIDS as a result of the common use of a single razor blade, that work was imposed on elderly persons (over 70 years of age) and that sick people were being held in prison, some of whose lives were in danger. They demanded the independence of the UBCV"⁴⁰.

According to Thich Khong Tanh:

"Our view is that 84 million citizens are in one large prison, not just the three of us. What we want is multi-party democracy and we want religious freedom. There are no developments in that direction yet, and we ourselves are always being watched and surrounded by police in our temples".

Father Chan Tin



Father Chan Tin is a Catholic Priest. His church, the Church of Notre Dame, like other churches in Vietnam, is under the control of the State.

"There are six million Catholics in Vietnam. Worshippers can attend mass, but the authorities exercise control over the training of priests and you have to submit a request for police authorisation before participating in a seminary".

An opponent to the government in South Vietnam, Father Chan Tin was arrested under the regime of Ngo Dinh Diem in 1970, tried and sentenced to five years hard labour.

"After the Communists took over in 1975, I continued fighting for human rights. I was arrested once again and sent into exile

by the Communist government in 1990, 20 kilometres away from Ho Chi Minh City".

"I was not allowed to leave the village where I was placed, and I was not allowed to say mass. I was allowed to receive visits and when my brother died I was allowed to return to my family home for 2 days to attend his funeral".

Father Chan Tin speaks about his long struggle against human rights violations, and in favour of freedom of expression and democracy. He has published articles in international journals and in the review Thu Nha ("*Family Letter*").

Khue Tri



Khue Tri runs a charity for children called the "Hope Centre" in Hanoi, a private institution established in February 2006.

"I am by profession a mechanic. I was a soldier in the North Vietnamese army and a Communist Party member until I quit in 1983. I am now totally independent".

After leaving the party he turned to Buddhism, following the teachings of Thich Quang Do.

"I have been active in the struggle for human rights for many years, and, as a Buddhist, I am part of the struggle for religious freedom. I put ideas on the Internet and write papers and share ideas with other people".

"All the 600 newspapers in the country belong to the state and there is blanket censorship. Foreigners who intervene in questions of human rights are thrown out of the country. Freedom of expression is a vital human right".

"The Vietnamese in general want to live in peace. They have a good and improving standard of living and most people are

interested in their financial position and stability".

According to Khue Tri, economic development has not gone hand in hand with improvements in respect of human rights.

"The people do not have the right to own much land of their own. The state can confiscate it at any time. When a foreign investor comes along to demand land, the state takes it from the people and pays them very little in compensation".

"There seems to be no law to protect the people from the state. The state does not accept the principle of private ownership and even my house, although it has been in my family for a hundred years, could be taken by the state at any time".

Khue Tri says that although he has not been arrested himself, he has been under constant surveillance and many of his friends are afraid to talk about the situation. He has recently opened a meeting place to encourage discussion, "It will be interesting to see how long that stays open".

Tran Thanh Son

Tran Thanh Son, a young Vietnamese, was present at the meeting with Hoang Tien and Khue Tri, in Hanoi. Tran Thanh Son is training in a monastery. He explains that his entire family has been punished by the communist regime because his grandfather had worked as an interpreter for the French. His parents have been refused employment in any public sector post.

Tran Thanh Son studied languages which, he says, opened his eyes to the world. He had wanted to go to Australia, but the Vietnamese authorities refused him permission to leave. Then he was invited to study in Germany, but once again he was refused permission.

"Government control of the Vietnamese people is as strict as

it always has been, but the Vietnamese authorities nowadays have to be careful in respect of foreigners, because of the adverse publicity any controls generate".

"Life for young people in Vietnam is very difficult...There are two main methods of government control: violence and propaganda. Young people are vulnerable to propaganda and it is impossible to escape from it. They have no means of learning different ideas. This is the reason for the absence of a real movement of opposition".

"Vietnamese people in general are becoming materially better off, and this makes it difficult to encourage people to fight for their human rights. Economic investment from abroad makes some people rich, but not all people...".

Nguyen Dan Quê



Nguyen Dan Quê has been engaged in the struggle for democracy since his return to Vietnam in 1974 on completing his studies in medicine in Europe. He has since spent a total of 22 years in prison. He stresses that he has never been a member of the Communist party.

In 1975 Nguyen Dan Quê organised a movement called the Progressive National Front. He was arrested for his activities in 1978 and sentenced without trial to 10-years imprisonment.

On his release in 1988, he established a non-violent movement for the promotion of human rights. He was arrested once again, charged with attempting to overthrow the government, and sentenced to 10 years imprisonment and 5 years house arrest. He was released in 1998.

"I then launched another political movement called "Get together for democracy". After sending a message abroad denouncing obstacles to the freedom of expression and of the press in Vietnam from a cyber café in March 2003, he was arrested for a third time. Following an expedited trial in July 2004 he was sentenced to 30 months in prison for "abusing democratic rights to jeopardise the interests of the State and the legitimate rights and interests of social organisations and citizens".

Nguyen Dan Quê explains that he had challenged the legitimacy of the tribunal before which he appeared, but was removed from the courtroom and pushed into another room whilst his trial continued in his absence.

"I was not allowed legal representation, and none of the trials that I took part in lasted more than 4 hours".

His health seriously deteriorated whilst in prison. In the face of significant international pressure, including from 12 Nobel Peace Prize winners, the authorities eventually ordered his release in February 2005 as part of a government amnesty on the occasion of the Lunar New Year. However, he continues to be subjected to police surveillance and harassment.

"I am now under house arrest and always followed by the police wherever I go...I am isolated and those who visit me are vetted and ostracised. I feel more stifled than after my first

release in 1988 and my second release in 1998...These are very harsh conditions, made worse by the fact that I have no computer or telephone. They have confiscated two computers".

"Last year I put forward a 9-point road map for development and democracy in Vietnam. Since 1945, that is for 61 years, the Politburo has totally dominated Vietnam. That has to change, hence my 'road map'⁴¹.

Hoang Minh Chinh



Hoang Minh Chinh and Vu Thuy Ha (wife of cyber-dissident Pham Hong Son), March 2006

In Hanoi, the mission met with another historic figure from the opposition movement, Hoang Minh Chinh, who has spent most of his 87 years engaged in the struggle for freedom and democracy. As a result, he has spent more than 16 years in prison.

In 1935, at the age of 14, he joined the struggle for freedom against French colonialism. He was arrested in 1940 by the French and was sentenced to 10 years in prison for the 'crime' of demanding liberation. He escaped after 5 years during the period of Japanese occupation.

In March 1945 he joined the Central Committee of the Vietnam Democratic Party⁴², believing that it would do more to promote democracy than the Vietnamese Communist Party, and became the leader of its youth movement.

During the "American war", he joined the anti-war movement. He did not agree with Vietnamese Communist policy and was anxious to set up talks between Vietnam and America. He did not support the American presence, but wanted the North to talk to the South. In July 1967, he was arrested again by the Communist authorities, in Son Tay province, on the grounds that he was against Chinese policy. He was imprisoned without trial, for an indefinite period. He escaped 5 years later and returned to Hanoi, where he worked in secret until he was arrested once again in 1981 and imprisoned without trial until 1986.

With the change in policy of 1986, the Doi Moi, he took up his fight for democracy once again in secret, setting up discussion groups and writing papers. But in 1995 he was arrested on charges of 'abusing democratic freedoms to

encroach upon the interests of the State'⁴³. For the first time he received a trial following which he was sentenced to 1 year in prison.

In 2000 he set up the "Democracy Group," at the time with 5 members, now with 25. They write papers about state violations of civil liberties and call for more freedom. Since its establishment, 10 members of the group have been arrested and 2 remain in prison. Hoang Minh Chinh retains hope that the group can become part of a strong democratic movement.

In 2001, along with Communist Party veterans and members of the army, he made declarations and published articles in favour of democratic reform, demanding the abolition of Decree 31/CP permitting administrative detention and silencing citizens legitimately expressing criticisms of the government. All 17 persons involved in these appeals were put under surveillance and subjected to harassment.

Hoang Minh Chinh suffers from prostate cancer. In 2005, the Vietnamese authorities responding to pressure from the United States, allowed him to receive medical treatment in California where he was able to meet with academics and members of the United States Congress to discuss freedom of expression and religion in Vietnam. He gave evidence before the US Congress' Committee on International Relations and participated in discussions at Harvard University on the lack of domestic freedoms in Vietnam, for which he was vehemently criticised in the Vietnam press.

On his return to Vietnam, despite permanent surveillance and harassment by the authorities, his age and his state of poor health, he continues to write and to attempt to meet with as many people as possible who share his views and ideas. On 10 December 2005, with several other dissidents, including Tran Khue, he launched a website, *The Voice of Democracy*. In June 2006, Hoang Minh Chinh announced the creation of "Vietnam Democratic Party XXI".

Tran Khue

Tran Khue is a writer, researcher and amateur poet. He was formerly a professor at the Ecole Supérieure in Saigon for Vietnamese literature. He retired in 1990 but continued to work at the Institute for Social Sciences in Ho Chi Minh City.

On 2 September 2001 Tran Khue and Pham Que Duong, a Communist Party veteran and military historian, submitted a request for authorisation to set up an independent anti-corruption organisation. As a result of this initiative, on 5 September 2001 Tran Khue and Pham Que Duong were arrested and charged with "spying". Following pressure by the international community, both were convicted on the lesser charge of "taking advantage of democratic rights to infringe upon the interests of the state", under Article 258 of the

Criminal Code, and sentenced to 19 months in prison. They were eventually released in July 2004.

Tran Khue's publications, including his book, *Doi Thoai* ("Dialogue"), like those of other dissidents, have been subjected to censorship by the Vice-Minister of Culture. "Dialogue" was not officially published in Vietnam and copies were made and distributed in a small circle. Street vendors had their copies confiscated. "Dialogue" is currently being translated into English in the United States.

In December 2005, Tran Khue joined Hoang Minh Chinh, and other dissidents to found the website *Voice of Democracy* on 10 December 2005.

Nguyen Khac Toan



Nguyen Khac Toan and Mrs Hoang Minh Chinh, March 2006

Nguyen Khac Toan, businessman, maths teacher and former military officer, is another active figure in the Vietnamese dissident movement. He was released from prison in an amnesty in January 2006 on the occasion of the Lunar New Year after serving over 3 years of a 12-year sentence. He remains under house arrest.

Nguyen Khac Toan was arrested on 8 January 2002 in a cyber café in Hanoi. He was accused of having sent information on the political situation in Vietnam to exiled Vietnamese human rights organisations and of having campaigned for democracy. He had also supported farmers who had had their land confiscated to write complaints to the National Assembly to the Vietnamese authorities protesting against official corruption and land confiscation. In December 2002, he was sentenced to 12 years in prison and 3 years of house arrest on charges of 'spying'.

Nguyen Khac Toan says that the day before his sentence, on 19 December 2002, he was visited by the chief of the prison, who asked him if he would withdraw his not-guilty plea and told him that if he did, he would receive favourable treatment. He refused to do so. At his appeal, on 1 April 2003, the judge told him that if he withdrew his appeal he could be freed immediately. Again he refused to do so. The only persons authorised to attend the hearing were his mother and brother. No other members of the public were present. "The papers

said that it was a public hearing, but there were so many police lined up in front of the court room that everybody else was deterred from going in". Other dissidents were barred entry to the court. Journalists writing for state-owned newspapers were allowed in with state permission. His appeal was rejected.

He describes the appalling conditions in prison. "Often there was only 50 cm of floor space per person, and there were sometimes as many as 70 persons in a single room or cell. In summer it was even worse, with the temperature frequently exceeding 40 degrees".

"At 6 am the prisoners were forced to leave their cells and at 7 am they started work, making things for export to Europe. Every month each prisoner had to meet a set target". Prisoners were required to work from 7 to 11.30 am and from 1.30 to 4.30 pm. At 5.30 pm the prisoners were taken back to their cells. There was no salary and if the target assigned to each prisoner was not achieved, they would go down a category. This means that they would lose privileges such as the right to receive parcels and visits from their families, and have less chance of obtaining an amnesty.

Political and religious prisoners were detained separately from the 'ordinary' criminals. Many were kept in solitary confinement for lengthy periods. Nguyen Khac Toan tried to

Vietnam

Twelve human rights defenders have the floor

ask for improvements in detention conditions in prison. As a result he was shackled and kept in solitary confinement for 3 months. He was allowed to receive food parcels from outside, but very rarely. Only two types of newspapers were allowed, and books were forbidden.

Released from prison in February 2006 under amnesty, he is to remain under house arrest until 2008. He is prohibited from leaving his local area without a permit, a ban carrying a penalty of a 500,000 VND fine (approx. US\$ 34).

Since his release from prison, he has been repeatedly harassed and interrogated. In August 2006, he was

interrogated by police, along with four other dissidents in Hanoi, including Hoang Tien, after they sought to publish an independent online bulletin entitled 'Freedom and Democracy'. Security police cut off Nguyen Khac Toan's telephone line, impounded his computer and confiscated his personal books and papers without a warrant. On 12 November 2006, during the APEC Summit, the police placed a sign in English on the door of his home stating " Security Area. No foreigner allowed".

Despite all the risks involved, Nguyen Khac Toan continues to use the Internet to pursue his political activities.



The Mission (Christine Martineau, Michael McColgan), Hoang Tien (standing), Tran Thanh Son, Khue Tri, March 2006

Hoang Tien

Hoang Tien, 74, is a writer and former journalist, living in Hanoi. He has been involved in the pro-democracy movement in Vietnam for many years. Hoang Tien continues to write articles, which he publishes on the Internet. In 2006, with Nguyen Khac Toan and several other dissidents in Hanoi, he set up an online publication called 'Freedom and Democracy'.

"We need a newspaper to put across our freedom message, and we need help from outside Vietnam...All we ask for is the right to set up organisations and to publish independent

newspapers. We also ask for free elections".

"Nowadays, the movement for democracy contains people from many sections of society. But there is no organisation, since that is prevented by the state. The right to association is in the Constitution, but it does not exist in reality. Communications are intercepted, our phone lines are tapped and cut. Mail is also prevented from reaching us".

Hoang Tien agrees that the economy has improved but

human rights are not respected. He fears being arrested at any moment and charged with 'spying', a charge carrying the death penalty.

In August 2006, Hoang Tien was subjected to intensive questioning in connection with his publications. In November 2006, during the Asia Pacific Economic Cooperation (APEC)

Summit, police from the Ministry of Public Security and local security officials set up a surveillance post outside his residence, preventing him leaving the building and barring all access to visitors. When he asked for an explanation, police told him that they had no warrant but that they had received orders from their superiors to blockade his home for the duration of the Summit.

Pham Hong Son



At the time of the mission Pham Hong Son was serving a prison sentence for 'espionage' in connection with the publication to an article on democracy he had posted on the Internet. The mission met with Vu Thuy Ha, Pham Hong Son's wife.

Pham Hong Son, Director of a pharmaceutical company, was arrested on 27 March 2002 for translating and posting online an article entitled "What is Democracy?", which had been taken from the website of the American Embassy in Vietnam. Prior to his arrest he had written other articles in support of democracy and human rights, which were shared on Vietnamese Internet forums. In June 2003 he was sentenced to 13 years' imprisonment for espionage, reduced on appeal in August 2003, following intense international pressure, to 5 years imprisonment and 3 years' house arrest.

Throughout his time in prison, his health severely deteriorated. He was detained in solitary confinement and was denied access to appropriate medical treatment.

He was eventually released on 30 August 2006, 7 months before his sentence was due to expire, as part of an amnesty agreement to honour Vietnam's Independence Day (2 September 2006). However, Pham Hong Son is to remain under house arrest for up to 3 years.

On the day of his release, 20 policemen were stationed outside his house, his phone line was cut off and his mobile phone was confiscated. He is forbidden to leave the area without prior authorization.

34. For the text of the Thich Quang Do's address to the UN Human Rights Commission in April 2005, which was smuggled out in audio version and received by the Vietnam Committee, see Annex.

35. See Observatory for the Protection of Human Rights Defenders, Annual Report 2005.

36. Civil and Political Rights, including the question of religious intolerance, Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, Visit to Viet Nam, 29 December 1998, E/CN.4/1999/58/Add.2, para 62.

37. See Annex.

38. See Annex.

39. Civil and Political Rights, including the question of religious intolerance, Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, Visit to Viet Nam, 29 December 1998, op cit., para 62.

40. Ibid, para 63.

41. See Annex.

42. The Vietnam Democratic Party was founded with the blessings of the Viet Minh Front, later by Ho Chi Minh and the Communist Party, who used it as a facade to prove the "unity" of all currents of opinion under the communist regime. In 1988, the CPV disbanded the Vietnam Democratic Party and the Socialist Party of Vietnam.

43. A crime under Article 258 of the Vietnamese Criminal Code.

V. Recommendations

To the Vietnamese authorities

- Immediately and unconditionally release all human rights defenders, political prisoners and prisoners of conscience detained for having legitimately and peacefully exercised their rights to freedom of opinion and expression, freedom of information and freedom of religion and belief;
 - Cease all forms of repression, including judicial and administrative harassment, against those who exercise their rights to freedom of opinion, freedom of expression, freedom of religion and belief and freedom of association and assembly in accordance with international human rights standards;
 - Guarantee freedom of association in accordance with the ICCPR, abolish Decree 38/2005/ND-CP, and allow the creation of independent NGOs, independent trade unions, opposition political parties, and civil society movements in Vietnam;
 - Allow the creation of free and independent media, including by abolishing Decree 56/2006 and Decision 71, reforming the Press Law, in particular articles 1, 2 and 15 and Chapter 5, and authorizing private newspapers and media;
 - Legally recognize the Unified Buddhist Church of Vietnam and all other non-recognized religious bodies in Vietnam;
 - Remove all obstacles to visits by international media and human rights groups to Vietnam to allow independent monitoring of the human rights situation;
 - More generally, fully respect the UN Declaration on Human Rights Defenders adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1 "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels" and its Articles 12.1 and 12.2 "Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms. The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration.
- Implement all recommendations made by the UN Human Rights Committee in July 2002, including (a) to reform all domestic legislation incompatible with the ICCPR; (b) to take effective measures to strengthen the judiciary and to guarantee its independence; (c) to provide information in respect of all persons held in detention; (d) to ensure respect for the legal rights of detainees to access to counsel, medical advice and members of the family; (e) to take all necessary measures to put an end to direct and indirect restrictions on freedom of expression; (f) to take immediate measures to ensure that the rights of members of indigenous communities are respected; and (g) to take all necessary steps to enable national and international non-governmental human rights organizations and political parties to function without hindrance;
 - Implement the recommendations of the UN Special Rapporteur on Freedom of Religion and Belief, including (a) to release prisoners of conscience and restore their citizenship rights and full freedom of religious activity; (b) lift all restrictions on freedom of expression and opinion; and (c) bring domestic legislation into line with international human rights law;
 - Implement all recommendations of the UN Working Group on Arbitrary Detention regarding (a) improvements in detention conditions; (b) greater transparency in the prison system; and (c) the revision of "national security" provisions, and allow the UN Working Group on Arbitrary Detention to make a follow-up visit to Vietnam;
 - Issue standing invitations to all United Nations Special Procedures and submit all overdue reports to the UN Treaty Bodies.
 - Ratify the UN Convention on Torture and other Cruel, Inhuman or Degrading Treatment and its Optional Protocol, Optional Protocol to the ICCPR, Optional Protocol to the Convention for the Elimination of all Forms of Discrimination Against Women and the Statute of the International Criminal Court.

To the European Union

- Implement Article 1 of the 1995 EU-Vietnam Co-operation Agreement, which founds cooperation on the respect of democratic principles and human rights. On this basis, establish specific benchmarks for human rights improvements in the EU human rights dialogue with Vietnam, such as the July 2002 recommendations of the UN Human Rights Committee, the recommendations of the Working Group Against Arbitrary Detention in 1994 and the recommendations of the Special Rapporteur on Freedom of Religion and Belief of December 1998; inform the European Parliament of the content and progress of the human rights dialogue; and enable MEPs and human rights NGOs to play a dynamic role in this process at every stage;
- Encourage the Vietnamese authorities to engage in genuine dialogue, involving all sections of society in the development of Vietnam with a view to peaceful democratic transition;
- Provide support to pro-democracy movements and human rights defenders, both inside and outside Vietnam. In one-Party states such as Vietnam, NGOs in exile constitute an essential voice for oppressed democrats inside the country;
- Assess the human rights impact of the implementation of the Legal System Development Strategy, a ten-year plan partly funded by donor countries some of which are Members of the EU, to ensure that it complies with international human rights standards and that donor countries, especially the EU and members states, do not fund the adoption of restrictive human rights legislation;
- Make full use of public appeals as well as private diplomacy for the release of Vietnamese human rights defenders and guarantee their freedom of action, as provided in the EU Guidelines of 2004;
- Ensure that a favourable visa-granting policy be applied to persons who risk immediate and arbitrary arrest for having exercised their legitimate right to freedom of expression, through accelerated procedures when relevant;
- EU Heads of Mission in Vietnam should attend and observe trials involving human rights defenders.

Annexes: Additional Documents

Annex 1

APPEAL FOR DEMOCRACY IN VIETNAM by the Very Venerable Thich Quang Do

Unified Buddhist Church of Vietnam
Thanh Minh Zen Monastery, Saigon, 21 February 2001

As the Vietnamese Communist Party launched consultations on the political platform of its Ninth Party Congress in 2001, Venerable Thich Quang Do addressed an Appeal for Democracy in Vietnam to VCP Secretary-general Le Kha Phieu, President Tran Duc Luong, Prime Minister Phan Van Khai and National Assembly President Nong Duc Manh. The Appeal was also circulated clandestinely inside Vietnam, and to the Vietnamese community abroad.

The "Appeal" received overwhelming support from Vietnamese at home and abroad, and from international personalities worldwide, including Nobel Peace prize laureates. 36 Members of the US Congress sent a letter to the UN Commission on Human Rights to urge UN support for Thich Quang Do's democratic transition plan and over 300,000 international personalities and Vietnamese endorsed the appeal.

..." Today, as countries all over the world are racing to develop prosperous, free and democratic societies, our country remains paralyzed and poor, our people stifled and oppressed. The Unified Buddhist Church of Vietnam cannot stand idle and watch this situation with indifference. We therefore solemnly call upon Vietnamese from all walks of life, regardless of their political opinions or religious beliefs, as well as all UBCV members to rally together in a common movement to seek radical solutions to the grave problems threatening our country today.

The Unified Buddhist Church of Vietnam considers that :

- In order to counter the current trend of one-Party dictatorship, a popular alliance composed of different religious and political tendencies should be formed to lay the foundations of a democratic and pluralist government. Specifically, Article 4 of the Constitution [on the supremacy of the Communist Party and Marxist-Leninist doctrine] should be abolished (...);

- in order to counter the entrenched control of the totalitarian regime, all UN human rights instruments and international covenants on political and civil rights to which Vietnam is state party must be fully implemented. Concretely, freedom to form associations should not be subjected to approval by the Fatherland Front, which is a political tool of the Vietnamese Communist Party (VCP); freedom of expression should not be subordinated to Marxist-Leninist doctrines and thinking; freedom of the press should include the right to publish privately-owned newspapers independent of VCP control; freedom to form free trade unions outside VCP structures to protect worker rights should be fully guaranteed. The respect of these fundamental freedoms will safeguard the free expression of the people's democratic aspirations and the exercise of their right to life;

- in order to counter the blind imposition of an alien, imported ideology upon all aspects of the society and state, the renaissance of a tradition-based Vietnamese civilization should be encouraged. This civilization should uphold the national cultural heritage whilst remaining open to modern cross-cultural communication, and having the capacity to absorb the quintessence of cultural currents from all over the world to enrich its own culture.

The Unified Buddhist Church of Vietnam (UBCV) calls upon, and pledges its full support to, all individuals or organizations that seek to realize the eight-point political programme for national salvation underlined below :

1. To build a tolerant, peaceful, pluralist and egalitarian society, one that refrains from internal and external warfare, governed by democratic institutions within a multiparty system;
2. Dismantle all discriminatory, antidemocratic mechanisms of control, notably the threefold mechanism of the "ly lich" (curriculum vitae), "ho khau" (compulsory residence permit) and the network of "cong an khu vuc" (local security police). Organize free and fair general elections under United Nations' supervision to elect a National Assembly truly representative of the people ; guarantee universal suffrage and the right to run for office of all independent candidates and political formations outside the VPC. Separate the powers of the executive, legislative and judiciary organs and build a society grounded on the rule of law, based on the principles enshrined in the UN Universal Declaration on Human Rights and the International Covenant on Civil and Political Rights ;
3. Definitively close down all Reeducation Camps. Release all political prisoners and prisoners of conscience detained in northern Vietnam after the 1954 Geneva Agreement and in southern Vietnam since 1975, and encourage all former prisoners with specialist skills and knowledge to participate in the process of national reconstruction. At the same time, encourage all professionals, intellectuals, scholars, business leaders, individuals and organizations within the Vietnamese exile community who left Vietnam as boat people after 1975 to return home and contribute the techniques and experiences learned in advanced countries to rebuilding their homeland. Repeal all arbitrary legislation and restrictions on religious freedom, and prohibit the practice of "administrative detention" ;
4. Guarantee the right to private property, free enterprise, and the right to establish free trade unions. Accelerate policies to industrialize agriculture and modernize the rural economy, and improve the living standards of the peasants and farmers, who form the potential of our nation. Abandon the "market-based but socialist-orientated economy". The manifest failure of the outdated socialist economy to generate prosperity and growth after a 74-year experiment in the Soviet Union provoked the enmity of its people and led ultimately to its demise in the early 1990s. Develop the free market sector in accordance with Vietnamese societal norms, stimulate the development of a knowledge-led economy and protection of the environment. Embrace the trend towards globalization as a means of enhancing sustainable development and promoting global peace and security, but combat the serious dangers posed by the current economic globalization process, which promotes free trade without due respect of human and worker rights. Concentrate all efforts on reducing the widening gulf between the rich and poor, which is alienating our people and splitting Vietnamese society apart ;
5. Protect our territorial sovereignty. Make a clear separation between politics and the military; the army, security and secret services should not be used as instruments of any one political party. Reduce the manpower of the armed forces to that of normal peacetime strength. Reduce the military budget and transfer excess spending to education and health. In the field of education, urgently train people of talent and specialists capable of restoring the nation's prosperity ; encourage the emergence of a young transitional generation - young people who can forge a transitional path [towards democracy] between the aspirations of the old, revolutionary generation, partisans of war and anachronistic class-struggle (...)and the modern preoccupation with consumerism, money-worship and the daily pressures of making ends meet. Health access must be improved. Priority should be given to solving the grave problem of child malnutrition and improving health infrastructures in rural areas ;
6. (...) Promote the development of vibrant, traditional Vietnamese culture based on a spirit of openness, creativity and the capacity to absorb the richness and diversity of cultures from all over the world. Uphold the fundamental moral values of Humanism, Wisdom and Courage exhorted by our ancestors. Guarantee social justice, the equal status and full participation of women, nondiscrimination between religions; respect the autonomy and cultural differences of ethnic minorities ; protect the interests of foreigners living and investing in Vietnam through due process of law, on the basis of reciprocity ; guarantee the rights and dignity of Vietnamese living abroad ;

7. Respect the territorial sovereignty of neighbouring nations. Promote a policy of friendship, dialogue and cooperation on an equal footing with neighbouring countries in all economic, cultural, religious and social domains. Consolidate efforts to promote peace, security and prosperity in the Asia-Pacific region. Join with neighbouring countries in a common effort to foster the values of Asian humanism. By maintaining mankind's central place within society, we can prevent the free market from becoming a slave market where human beings are reduced to simple commodities of trade ;

8. In foreign policy, uphold the Vietnamese tradition of friendly and peaceful relations and implement "tam cong" ("winning the hearts") diplomacy in relationships with countries around the world. Promote dialogue, cooperation and mutual aid in order to bring reciprocal benefits to one and all without sacrificing national identity and sovereignty. Apply this policy as basis for accelerating economic growth and expanding industrialization on a parallel with social progress, in order to catch up and keep pace with the civilized, progressive and prosperous democratic nations of the world at the dawn of the 21st century".

(Translated by the Vietnam Committee on Human Rights).

Annex 2

Message from Venerable Thich Quang Do

to the 61st Session of the United Nations Commission on Human Rights,
Geneva, April 2005

The following message by Venerable Thich Quang Do was addressed to the 61st Session of the United Nations Commission on Human Rights meeting in Geneva in April 2005. The original version of the message was filmed on video, but it was confiscated by Security Police and Thich Vien Phuong, the young monk who filmed it, was obliged to pay a fine of \$ 1,000 - the equivalent of 42 months' average wage - for the "crime" of filming this peaceful appeal for freedom and democracy. However, the Buddhists managed to smuggle out an audio version of the appeal to the Vietnam Committee on Human Rights in Paris. It was made public before an audience of Government delegates and international Non-governmental Organizations at the United Nations on 4th April 2005. Extracts from the Message were also published in the "Journal for Democracy", Washington D.C., (July 2005, Volume 16).

It is an honour and a great pleasure to be able to address you today and join my voice with yours to discuss the building of a world based on freedom and human rights.

"Human rights" means the right of every human being to live as free and respected members of society. But in Vietnam today we are not free. We are prisoners in our own country, in our pagodas, in our homes. Prisoners of a regime which decides who has the right to speak and who must keep silent. Who has the right to freedom, and who must be detained. We are prisoners of a regime which, 30 years after the end of the Vietnam War, continues to fight a battle against its own people and deprive them of their basic human rights.

For the past 30 years, the communist authorities have sought to stifle all independent voices in Vietnam. Today, we have no opposition parties, no free press, no free trade unions, no civil society. All independent religions are banned. All citizens who call for political reform, democracy or human rights risk immediate arrest.

Because we refuse to accept this, the Unified Buddhist Church of Vietnam has been systematically repressed. Our Church is outlawed, our leaders arrested, our followers harassed. For more than twenty-five years, the Patriarch Thich Huyen Quang and I have been imprisoned or exiled, simply for demanding the people's basic human rights. As I speak to you today, I am under house arrest at the Thanh Minh Zen Monastery in Saigon. Secret Police keep watch on me day and night. My telephone is cut, my communications are monitored, and I am forbidden to travel. This message was recorded in secret, and Buddhists followers took great risks to send it to the International Buddhist Information Bureau and the Vietnam Human Rights Committee in Paris, who helped bring it to your gathering today.

The communist government claims that we do not need freedom, that by opening Vietnam's markets they can fulfill the people's needs. But their policy of "doi moi" - economic opening under authoritarian control, has failed disastrously, and led to serious human rights abuses in Vietnam. State corruption, power abuse, social injustice, exploitation and forced labour are widespread. The poverty gap is rocketing, and social problems such as juvenile crime, drug addiction, AIDS, child prostitution and trafficking in women are rife. In a society with no rule of law, no independent judiciary, the people have no recourse against these evils, and live in permanent insecurity, hardship and fear.

What can we do to bring stability, well-being and development to the people of Vietnam ? During my long years in detention, I have thought deeply, and I have come to the conclusion that there is only one way - we must have true freedom and democracy in Vietnam. This is the only possible solution. We must have pluralism, the right to hold free elections, to choose our own political system, to enjoy democratic freedoms - in brief, the right to shape our own future, and the destiny of our nation. Without democracy and pluralism, we cannot combat poverty and injustice, nor bring true development and progress to our people. Without democracy and pluralism, we cannot guarantee human rights, for human rights cannot be protected without the safeguards of democratic institutions and the rule of law.

Democracy and pluralism are also vital for the survival of religious movements and for the Unified Buddhist Church of Vietnam, for we shall never be free from religious repression until a democratic process is under way. The UBCV has vast human resources, and we can do so much for our people's development if only we are free.

The Communist leaders are afraid of democracy because they fear it will make them lose power. But what is more important - keeping power or building a free and prosperous Vietnam? The communist regime justifies its presence in the name of nationalism, independence or economic progress. But in reality, maintaining power is their true concern. Maintaining the power and privileges of a ruling minority of 2 million Party members over the majority of 80 million people. That is the tragedy of Vietnam - in the aim of keeping power at all costs, Hanoi's regime is destroying our nation and our cultural identity.

This is why we Buddhists, and Vietnamese people from all walks of life are calling out urgently for freedom, democracy and human rights. The authorities try to stifle our voice by repression, imprisonment and violence. But they cannot stifle the people's will. We shall continue our peaceful struggle. We will not stop until we realize our aspirations for democracy in Vietnam.

I am sending you this message to ask your help to bring our voices to the world. Each day, Vietnamese democrats face dangers to keep the spirit of freedom alive. We are not afraid, but we know that we cannot win this battle alone. We need the support of the international community, of democrats around the globe.

Our demands are simple: We call for the right to existence of the Unified Buddhist Church of Vietnam and all other non-recognized religions so that we can contribute to the welfare of our people. We ask for the right to run an independent newspaper in Vietnam, as a forum for democratic debate. We call for the release of all those who are detained because of their political opinions or religious beliefs.

These aims can be achieved, I am sure of it. This year marks the 30th Anniversary of the end of the Vietnam War, but also the 30 years of the UBCV movement for religious freedom, human rights and democracy in Vietnam. I hope that, with your help and support, it will also mark the first year of a democratic process that will bring lasting peace and freedom to the people of Vietnam.

Thank you.

Annex 3



The Rafto Foundation
Menneskerettighetenes plass 1
1. NO-5007 BERGEN
NORWAY
Tel: +47 55 21 09 50
E-mail: secretariat@rafto.no
Web: www.rafto.no

The Rafto Prize 2006 for Vietnamese human rights defender

September 2006 - The board of the Rafto Foundation has decided to award the 2006 Professor Thorolf Rafto Memorial Prize to one of Vietnam's most prominent defenders of democracy, religious freedom and human rights: Venerable Thich Quang Do. He receives the prize for his personal courage and perseverance through three decades of peaceful opposition against the communist regime in Vietnam, and as a symbol for the growing democracy movement in the country.

Thich Quang Do is an intellectual leader and a unifying force in his home country. A monk, researcher and author, he has devoted his life to the advancement of justice and the Buddhist tradition of non-violence, tolerance and compassion. Through political petitions Thich Quang Do has challenged the authorities to engage in dialogue on democratic reforms, pluralism, freedom of religion, human rights and national reconciliation. This has provided force and direction to the democracy movement. But he has paid a high price for his activism. Thich Quang Do has spent a total of 25 years in prison and today, at 77, he is still under house arrest. From here he continues the struggle. As deputy leader of the banned Unified Buddhist Church of Vietnam, Thich Quang Do is strongly supported by Vietnam's numerous Buddhists. He also receives broad support from other religious communities as well as from veterans of the Communist Party. Thich Quang Do plays a key role in the work of reconciling dissidents from North and South Vietnam.

With this award the Rafto Foundation wishes to express its support for all Vietnamese who are fighting for a peaceful transition to democracy. Since April of this year, more than 2.000 citizens have signed the petitions "Appeal for Freedom of Political Association" and the "Manifesto on Freedom and Democracy for Vietnam". The petitions demand respect for basic rights, political pluralism, freedom of religion and freedom of association. This is the first time in recent years that so many people have signed on to public petitions. The petitions are signed by a wide array of Catholic priests, Buddhist monks, former political prisoners, former Communist Party officials, veterans, academics, teachers, nurses, engineers, writers, businesspeople and many ordinary citizens. In Vietnam, the mere act of signing such documents may lead to harassment, detention and often imprisonment.

Vietnam is working to increase its international legitimacy and has applied for membership in the World Trade Organisation (WTO). The economy is liberalized, but the country has retained an authoritarian regime. The one-party state does not tolerate dissenting views or criticism from the media, political parties, religious organisations or labour unions, despite the country's ratification of the International Covenant on Civil and Political Rights. Hundreds of political and religious dissidents remain in prison. Prison conditions are in breach of international standards and there is evidence of torture and mistreatment. Prisoners are kept in isolation in cramped, dark, unsanitary cells. There are reports of prisoners being beaten, kicked and hit with electric shock batons. Arrest without a warrant is common and the judicial system is vulnerable to political pressure. Defendants often do not have access to independent legal counsel. Trials are closed to the public and the media, often also to the family of the accused.

Vietnam
Twelve human rights defenders have the floor

The new prime minister of Vietnam, Nguyen Tan Dung, recently promised to increase the pace of reform aimed to build a state that is governed by law and committed to democracy. This promise must now be followed by concrete action. The Rafto Foundation calls on the Vietnamese government to stop their attacks on dissidents and enter into a dialogue with the democratic opposition on reforms opening for participation and respect for human rights, freedom of belief and political liberty in Vietnam.

The Rafto Prize 2006 is awarded at Den Nationale Scene in Bergen Saturday November 4th at 13.00.

The Rafto Prize was established after the death of professor Thorolf Raftos in 1986, in gratitude to his longstanding work to help people who are repressed and persecuted, and in the realization that this work must be ongoing. Every year the Rafto Foundation awards the Professor Thorolf Rafto Memorial Prize (The Rafto Prize). This is a human rights award gaining international status, among other, several Rafto laureates, Aung San Suu Kyi, José Ramos-Horta, Kim Dae-Jung and Shirin Ebadi, have subsequently been awarded the Nobel Peace Prize. The Rafto Prize contributes to a focus on human rights violations and on people and communities which need the attention of the world. This year the Rafto Foundation is marking 20 years of work for human rights. On this occasion, all previous Rafto laureates are invited to Bergen.

Annex 4

9-Point Road Map for Democracy by Dr. Nguyen Dan Quê

The Vietnamese authorities must:

- i) Facilitate the movement of information into and out of Vietnam, including publications in paper and over the Internet etc. They must stop censorship. They must stop jamming outside broadcasts.
- ii) Release all political and religious prisoners and all leaders of ethnic minorities.
- iii) Liberalise all fundamental rights of the citizen, allowing for freedom of association and freedom of movement.
- iv) Stop intervening in the internal affairs of religion, and stop oppressing ethnic minorities.
- v) Recognise the National Assembly as the supreme body of the country, as defined in the Constitution.

The National Assembly should then:

- vi) In accordance with the aspirations of Vietnamese people, abolish Clause 4 of the Constitution, which enshrines the monopoly of the Vietnamese communist party. Vietnam has to become a democratic country which recognises human rights and private ownership of property.
- vii) By a special decree suppress all party activity in government at all levels.
- viii) Draft a new electoral law under international supervision.
- ix) Organise general elections using an administrative system already separate from the Party and subject to electoral laws of Parliament.

Annex 5

EUROPEAN PARLIAMENT

2004



2009

RESOLUTION on the human rights situation in Cambodia, Laos and Vietnam 1 December 2005 (Extracts - section on Vietnam)

The European Parliament,

....

- A. welcomes the adoption by Vietnam in June 2005 of a " Master Plan on its Present and Future Relations with the EU" as well as the increased willingness by the Government to discuss human rights issues;
- B. recognizes the substantial progress made by the Socialist Republic of Vietnam towards economic and social rights as indicated by the social indicators and the UNDP Human Development Index;
- C. whereas the Vietnamese authorities are still putting restrictions on freedom of expression and the freedom of the press, in particular by establishing a police force in 2004 to censor the Internet and imprisoning cyber-dissidents for espionage simply for having circulated information on the Internet, for example Nguyen Dan Que, Pham Hong Son, Nguyen Vu Binh and Nguyen Khac Toan,
- D. whereas the indigenous minorities of the high plateaus (Centre and North) in particular the Montagnards, suffer from discrimination and measures such as confiscation of ancestral lands or religious repression;
- E. whereas since 1975, the Unified Buddhist Church of Vietnam (UBCV) has been systematically persecuted for its commitment to religious freedom, human rights and democratic reform, that it has been banned since 1981, its property confiscated, its schools, universities, social and cultural institutions destroyed, and that UBCV Patriarch Thich Huyen Quang and his Deputy Thich Quang Do have been arbitrarily detained for almost twenty-five years,
- F. whereas the members of UBCV local committees set up in 2005 in 9 provinces of central and southern Vietnam have been systematically harassed by police for providing aid to people in these poor provinces, and that UBCV monk Thich Vien Phuong has been sentenced to pay a fine equivalent to 43 months' basic wage simply for filming an appeal for human rights and democracy in Vietnam addressed by Thich Quang Do to the UN Commission on Human Rights in April 2005;
- G. takes note of the testimony given by the Buddhist monk Thien Minh who recently left a re-education camp after 26 years in detention, concerning the terrible conditions endured by prisoners in the Z30A camp in Xuan Loc, in particular the Roman Catholic priest Pham Minh Tri, Nguyen Duc Vinh held for more than 18 years and a member of the Buddhist hoa hao sect, Ngo Quang Vinh, aged 87,
- H. takes note that despite a new Act on Belief and Religion introduced in 2004 to codify all aspects of religious life numerous restrictions placed on the Unified Buddhist Church of Vietnam and the protestant churches, including the Mennonite church, have remained in place;
- I. whereas the United Nations Human Rights Committee has made recommendations (Ref. CCPR/CO/75/VNM of 26 July 2002) to the Vietnamese authorities with regard to the Legal System Development Strategy, a 10-year plan partly funded by donor countries, among which some Member States of the European Union,

7. Calls on the Vietnamese authorities to:

- pursue on the occasion of the 30th anniversary of the end of the Vietnam war a genuine dialogue involving all sections of the population in the economic, social, intellectual and political development of Vietnam;
- undertake political and institutional reforms leading to democracy and the rule of law, starting by allowing multi-party system and the right of all currents of opinion to express their views;
- apply the Legal System Development Strategy in accordance with the recommendations made by the UN Human Rights Committee and the provisions of the International Covenant on Civil and Political Rights;
- end all forms of repression of members of the Unified Buddhist Church of Vietnam and officially recognise the latter's existence and that of other non-recognised churches in the country;
- release all Vietnamese political prisoners and prisoners of conscience detained for having legitimately and peacefully exercised their rights to freedom of opinion, freedom of expression, freedom of the press, freedom of religion, in particular Thich Huyen Quang and Thich Quang Do who are regarded by the United Nations as victims of arbitrary detention (Opinion 18/2005, Working Group on Arbitrary Detention, 26 May 2005);
- guarantee full enjoyment of the fundamental rights enshrined in the Vietnamese Constitution and the International Covenant on Civil and Political Rights, in particular by allowing the creation of a genuinely free press;
- ensure the safe repatriation, under the Cambodia-Vietnam-UNHCR agreement, of the Montagnards who fled Vietnam and allow proper monitoring of the situation of the returnees by the UNHCR and international NGOs.

(...)

THE OBSERVATORY

For the Protection of Human Rights Defenders

L'OBSERVATOIRE

pour la protection
des défenseurs des droits de l'Homme

EL OBSERVATORIO

para la Protección
de los Defensores de los Derechos Humanos

The Emergency Line
La Ligne d'Urgence
La Línea de Urgencia

e-mail

Appeals@fidh-omct.org

FIDH

tel: 33 (0) 1 43 55 55 05

fax: 33 (0) 1 43 55 18 80

OMCT

tel: 41 (0) 22 809 49 39

fax: 41 (0) 22 809 49 29

Director of publication: Sidiki Kaba
Editor-in-chief: Antoine Bernard, Eric Sottas
Authors: Christine Martineau, Michael McColgan
Coordination: Katherine Booth, Isabelle Brachet,
Delphine Reculeau, Penelope Faulkner
Assistant of publication: Céline Ballereau
Printed by FIDH - ISSN en cours - N° 470/2
Dépôt légal April 2007
Commission paritaire N° 0904P11341
Fichier informatique conforme à la loi
du 6 janvier 1978 (Déclaration N° 330 675)

Activities of the Observatory

The Observatory is an action programme, based on the conviction that strengthened cooperation and solidarity among defenders and their organisations will contribute to break the isolation of the victims of violations. It is also based on the necessity to establish a systematic response from NGOs and the international community to the repression against defenders.

With this aim, the priorities of the Observatory are:

- a) a system of systematic alert on violations of rights and freedoms of human rights defenders, particularly when they require an urgent intervention;
- b) the observation of judicial proceedings, and whenever necessary, direct legal assistance;
- c) personalised and direct assistance, including material support, with the aim of ensuring the security of the defenders victims of serious violations;
- d) the preparation, publication and diffusion of a world-wide level of reports on violations of human rights and of individuals, or their organisations, that work for human rights around the world;
- e) sustained lobby with different regional and international intergovernmental institutions, particularly the United Nations, the Organisation of American States, the African Union, the Council of Europe, the European Union, the Organisation for Security and Cooperation in Europe (OSCE), the International Organisation of the Francophonie, the Commonwealth and the International Labour Organisation (ILO).

The activities of the Observatory are based on the consultation and the cooperation with national, regional and international non-governmental organisations.

With efficiency as its primary objective, the Observatory has adopted flexible criteria to examine the admissibility of cases that are communicated to it, based on the "operational definition" of human rights defenders adopted by OMCT and FIDH: "Each person victim or at risk of being the victim of reprisals, harassment or violations, due to his compromise exercised individually or in association with others, in conformity with international instruments of protection of human rights, in favour of the promotion and realisation of the rights recognised by the Universal Declaration of Human Rights and guaranteed by several international instruments.

An FIDH and OMCT venture - Un programme de la FIDH et de l'OMCT - Un programa de la FIDH y de la OMCT

fidh

International Federation for Human Rights
17, Passage de la Main d'Or 75011
Paris, France



World Organisation Against Torture
Case postale 21 - 8 rue du Vieux-Billard
1211 Geneva 8, Switzerland