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VIETNAM COMMITTEE ON HUMAN RIGHTS
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PRESS RELEASE - THE OBSERVATORY

Viet Nam - EU: Release of rights and pro-democracy activists litmus test for human rights dialogue

Paris-Geneva-Bangkok, January 10, 2012. *The first full-fledged human rights dialogue of the European Union with Viet Nam needs to be accompanied with the release of all human rights defenders currently imprisoned, in detention, or under house arrest, said the Vietnam Committee on Human Rights (VCHR) and the Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT).*

On January 12, 2012, the EU will hold its first full-fledged, capital-based annual human rights dialogue with Viet Nam in Hanoi. The upgrading of the human rights dialogue follows the conclusion of an EU-Viet Nam Partnership and Cooperation Agreement (PCA) that is expected to be signed in mid-2012. The dialogue will take place as the crackdown on dissent and imprisonment of human rights defenders continue since late 2009, with the latest sentences handed down just less than two weeks ago.

“Freedom of human rights defenders to operate without fear or reprisals should be high on the agenda of the first dialogue, and the EU must take all necessary steps with sufficient political will to press the Vietnamese government to protect them, rather than throwing them in prison”, said Souhayr Belhassen, FIDH President.

On December 29, 2011, a court in Nghe An province in central Viet Nam sentenced Ms. **Ho Thi Bich Khuong** and **Pastor Nguyen Trung Ton**, two land rights and social justice defenders, to, respectively, five and two years in prison for “activities undermining the State” and “circulating propaganda against the Socialist Republic of Viet Nam” under Article 88 of the Criminal Code, after the police seized at Ms. Bich Khuong’s home 78 articles calling for human rights. Ms. Bich Khuong and Pastor Ton were also sentenced to three and two years, respectively, under house arrest in addition to their imprisonment. Vietnamese State-media also accused Ms. Bich Khuong and Pastor Ton of “collecting documents and writing articles which tarnished the reputation of the Communist Party and the Socialist regime”. Ms. Bich Khuong was also accused of giving interviews to overseas media and joining pro-democracy movements with the aim of “opposing the State”. They are both detained in Nghe An province. Ms Bich Khuong has announced her intent to appeal the sentence.

Ms. Bich Khuong and Pastor Ton are among over dozens of human rights defenders, writers and activists harassed, arrested, detained, or sentenced to jail terms for their peaceful pro-rights activities in the last two years (please see below a non-exhaustive list of human rights defenders and activists of particular concern in detention or under house arrest in Viet Nam compiled by the VCHR).

Vietnamese Government spokespersons and diplomats regularly make statements proclaiming its respect for human rights in law and in practice. In February 2011, Viet Nam announced its intention to run for a seat on the UN Human Rights Council for 2013-2016, a bid that is officially supported by fellow ASEAN Member States.

“Vietnam apparently believes it can make human rights commitments for foreign consumption while doing the exact opposite domestically,” said Vo Van Ai, President of the VCHR. *“It is high time that the EU make Vietnam answer for this discrepancy and prioritize human rights in its bilateral relations with Vietnam in order to halt the on-going assault on fundamental freedoms on the ground”.* Mr. Ai particularly urged the EU to press for the release of Buddhist leader **Thich Quang Do**, who is held under *de facto* house arrest without any justification or charge for his peaceful human rights advocacy.

“The liberty of those defending the rights of others is the evident precondition for any genuine dialogue worth its name. Genuine and measurable progress in this field must be the benchmark for the success of such dialogue”, said Gerald Staberock, OMCT Secretary General.

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Non-exhaustive list of human rights defenders and activists of particular concern in detention or under house arrest in Viet Nam

- Unified Buddhist Church of Vietnam (UBCV) Supreme Patriarch **Thich Quang Do**, under house arrest without trial at the Thanh Minh Zen Monastery in Ho Chi Minh City. He is deprived of the right to travel, his communications are censored, and all visits monitored. He is deprived of basic citizenship rights, such as the obligatory residence permit (ho khau), without which one is considered an illegal citizen. Thich Quang Do has spent over 29 years in prison, house arrest and internal exile for his peaceful appeals for religious freedom, human rights and democracy. He has been declared a victim of arbitrary detention by the UN Working Group on Arbitrary Detention (Opinion 18/2005).

- Although blogger Mr. **Nguyen Van Hai** (pen name Dieu Cay), founding member of the Club of Free Journalists, should have been released from prison in October 2010 after completing his prison term, he remains detained under new charges of “propaganda against the State”, which were brought against him on October 20, 2010. He had been sentenced to two and a half years in prison on trumped-up charges of “tax evasion” in September 2008. His family has not been allowed to see him since then and his current whereabouts are unknown. On July 5, 2011, Dieu Cay’s wife was told by Lt.-Colonel Dang Hong Diep of the Ho Chi Minh City Security Police Investigations Department that Dieu Cay had “lost his hand (or arm)” in prison.

- On April 4, 2011, Mr. **Cu Huy Ha Vu**, a legal expert and defender of environmental and political rights, was sentenced to seven years in prison and three years under house arrest by the Hanoi People’s Court on charges of “spreading propaganda against the Socialist Republic of Viet Nam” (Article 88 of the Criminal Code), following a trial during which he was denied his right to a fair and public hearing by a competent, independent and impartial tribunal. His sentence was upheld at an appeal trial on August 2, 2011. Two weeks before his arrest on November 5, 2010, on October 21, 2010, Mr. Ha Vu had filed a lawsuit against the Prime Minister for signing Decree 136 in 2006, which prohibits class-action petitions.

- Freelance journalist Mr. **Truong Minh Duc**, sentenced to five years in prison at an unfair trial in Kien Giang province on July 18, 2008, charged with “taking advantage of democratic freedoms and rights to abuse the interests of the State” (Article 258 of the Criminal Code), for writing about official corruption in Kien Giang. Mr. Truong Minh Duc’s wife reports that her husband is in very poor health, and is currently subjected to extremely harsh detention conditions. He was transferred in early April 2010 from the main K2 camp of Xuan Loc prison in Dong Nai province, where he was held since 2007, to a section in the jungle known as K4.

- Writer Mr. **Nguyen Xuan Nghia**, sentenced on October 9, 2009 by Haiphong People’s Court to six years in prison and three years’ “probationary detention” (i.e. house arrest) under Article 88 of the Criminal Code on “conducting propaganda against the Socialist Republic of Viet Nam” after writing and advocating for human rights and actions calling for democratic reforms.

- Ms. **Pham Thanh Nghien**, sentenced by the People’s Court in Haiphong on January 29, 2010 to four years in prison followed by three years under house arrest on charges of “conducting propaganda against the Socialist Republic of Viet Nam” (Article 88 of the Criminal Code) for organising peaceful demonstrations and advocating land rights.

- Internet entrepreneur and blogger Mr. **Tran Huynh Duy Thuc**, a pro-democracy activist who advocated for more freedoms in his writings, sentenced to 16 years in prison and five years' house arrest at the Ho Chi Minh City People's Court on January 20, 2010 on charges of "activities aimed at subverting the people's administration" (Article 79 of the Criminal Code), using the Internet and blogs to circulate democratic ideas. Along with a group of activists, he was initially accused under Article 88 of the Criminal Code on conducting anti-Socialist propaganda, and their "confessions" were broadcast on the State-run television. The charges were suddenly changed to Article 79, a more serious crime which incurs the death penalty. Tran Huynh Duy Thuc received a harsher sentence than his colleagues because he refused to admit he had committed a crime and demand clemency. The other members of this group are:

- French-trained IT engineer and blogger Mr. **Nguyen Tien Trung**, sentenced to seven years in prison and three years house arrest for using the Internet to call for political reforms;

- Businessman Mr. **Le Thang Long**, sentenced to five years in prison and three years house arrest (reduced to three and a half years on appeal), also for publishing pro-democracy appeals on the Internet;

- Mr. **Tran Kim Anh**, former lieutenant-colonel in the People's Army, was sentenced to five and a half years in prison and three years house arrest under the same charge on December 28, 2009 at the People's Court in Thai Binh province for publishing pro-democracy articles on the Internet.

- Mr. **Vi Duc Hoi**, a pro-democracy activist who has extensively written on corruption and injustice in Viet Nam, was arrested on October 27, 2010. On January 26, 2011, he was convicted of "spreading anti-Government propaganda" and sentenced to eight years of imprisonment, followed by five years of house arrest. On April 26, 2011, his jail sentence was reduced to five years by an appeals court in northern Lang Son province, to be followed by three years' house arrest.

- Messrs. **Nguyen Van Lia** and **Tran Hoai An**, practitioners of an unofficial religious sect and advocates of the respect of the right to religious freedom, were found guilty on December 12, 2011 of the charges of "abusing democratic freedoms to infringe upon the interests of the State" under Article 258 of the Criminal Code by the People's Court of Cho Moi District in southern An Giang province. They were respectively sentenced to five and three years of prison.

- Journalist Mr. **Nguyen Van Khuong** (pen name Hoang Khuong), a reporter on the official *Tuoi Tre* (Youth) newspaper, was arrested on January 2, 2012 for exposing police corruption. He is in custody in Ho Chi Minh City on charges of "professional shortcomings". In July and September 2011, Hoang Khuong wrote a series of articles revealing bribes received by traffic police. One policeman was subsequently arrested. On November 28, 2011, the Ho Chi Minh City Investigation Police complained about the articles and called on *Tuoi Tre* to withdraw Hoang Khuong's press card. At the same time, the *Ho Chi Minh City Police Newspaper* published several articles denouncing Hoang Khuong and calling for "punishment" against him. On December 3, 2011, *Tuoi Tre's* Editorial Board suspended him.