

Amnesty International testimony on religious and human rights situation in Vietnam August 18, 2010

Amnesty International's key human rights concerns in Viet Nam include severe restrictions on freedom of expression and assembly and the harassment, arrest and imprisonment of dissidents. Those targeted include human rights lawyers, independent trade unionists, writers, bloggers and pro-democracy activists critical of government policies. Vaguely-worded national security legislation is used to criminalize peaceful dissenting views and to detain dozens of prisoners of conscience. The authorities maintain strict control of the media, internet and civil society. No organizations independent of the state are permitted, including trade unions, political parties and groups, and churches. People who seek to form or be members of independent groups not officially approved are perceived as hostile to the state and a threat. Additionally, independent human rights monitors do not have unhindered access to Viet Nam.

Amnesty International is also concerned that members of religious groups which were active and had public support before the end of the Viet Nam war in 1975 are still treated with suspicion and can face arrest, harassment and close monitoring. These include the Unified Buddhist Church of Viet Nam (UBCV), the Hoa Hao Buddhist church, and house churches in the Central Highlands. Disputes between Catholic communities and local authorities continue, mostly over ownership of former church land and property confiscated by the state in the 1970s. Security forces have confronted peaceful protests, at times using unnecessary force resulting in injury, and short-term arrests.

Amnesty International is also concerned at the targeting of ethnic minority groups such as the Montagnards in the Central Highlands and the Khmer Krom in southern Viet Nam, with harassment, ill-treatment, as well as imprisonment for exercising their right to freedom of expression over land disputes and religious issues.

The continuing use of the death penalty in Viet Nam is also a focus of Amnesty International's work. Despite a reduction in the number of capital offences, an unknown number of executions continue to be carried out and death sentences imposed under a veil of secrecy.

Viet Nam is a state party to six major international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). It has not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1951 Convention relating to refugees and its 1967 Protocol, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the Rome Statute of the International Criminal Court.

The Vietnamese authorities actively engaged with its first Universal Periodic Review in May 2009, and expressed a commitment to promote and protect human rights. However, Amnesty International is disappointed that it rejected important recommendations, including to repeal or amend national security laws of the 1999 Penal Code inconsistent with international law; to remove other restrictions on dissent, debate, political opposition, and freedoms of expression and assembly; and to release prisoners of conscience.

Several states emphasized the need to reform law and practice to protect freedoms of assembly and expression, including on the Internet, so that no one is subject to criminal prosecution for acts protected under international human rights law binding on Vietnam. Many states also called on Viet Nam to allow independent media and civil society. These recommendations were regrettably rejected by Viet Nam.

Since the review in May 2009, the Vietnamese authorities have renewed and intensified attacks against peaceful dissidents, with further arrests and trials.

Amnesty International also regrets that Viet Nam did not support recommendations to adopt a moratorium on executions and to lift the secrecy surrounding the application of the death penalty, including by making public all information about the imposition and use of the death penalty.

No Media freedom

The media in Viet Nam, which is state-controlled, has portrayed those tried as “causing harm to national security and social order” and as “anti-State instigators”. At the same time, the charges leveled against them have described actions such as hanging banners from bridges, distributing leaflets, writing articles critical of government policies and sending them to foreign websites, none of which amount to internationally recognized criminal offences.

Restriction on freedom of expression

The authorities maintain strict controls over freedom of expression, including in the media and civil society. No organizations independent of the state are permitted, including trade unions, political parties and groups, and churches. People who seek to form or be members of independent groups not officially approved are perceived as hostile to the state and a threat. Additionally, independent human rights monitors do not have unhindered access to Viet Nam.

Article 69 of the 1992 Constitution affirms the right to freedom of expression, assembly and association, but only “in accordance with the provisions of the law”. The authorities frequently use vaguely worded provisions of the 1999 Penal Code to stifle freedom of

expression, including criticism of government policies and reference to issues considered as politically sensitive. Other laws, such as internet decrees, the Press Law, the Publishing Law, the State Secrets Ordinance, and administrative detention provisions further restrict freedom of expression. Dissidents are imprisoned after unfair trials, held under house arrest or probation, and subject to short-term arrest and detention for questioning. Other state sanctions include surveillance, restrictions on movement, harassment and cutting off phone lines.

territorial dispute over ownership of the Spratley and Paracel Islands in the South China Sea. Some of those arrested in September 2008 had also tried to peacefully protest about China's foreign policies while the Olympic Torch passed through Ho Chi Minh City in April 2008, and were arrested and briefly detained then. They were all charged under Article 88 of the Penal Code

Religious Freedom in Vietnam

The government maintains rigid control over all aspects of religious life in Viet Nam. Members of churches not officially approved by the state face repression, including being forced to renounce their faith, administrative detention and imprisonment. The Vietnamese authorities have a long history of persecuting religious groups they believe oppose the state. Members of such groups are regularly arrested, harassed and kept under surveillance. These include members of the evangelical Protestant community, Roman Catholics, Hoa Hao Buddhists and the Cao Dai church. The senior leadership of the banned Unified Buddhist Church of Vietnam has been under house arrest or restrictions for decades, including the Venerable Thich Huyen Quang, Supreme Patriarch, who had been under house arrest since 1982 until his death in July 2008, and newly appointed Supreme Patriarch Thich Quang Do. Human rights violations against evangelical Christian Montagnards in the Central Highlands have continued for years, and people from the mostly Buddhist Khmer Krom community in southern An Giang province likewise face persecution.

Viet Nam has relaxed some of its restrictive policies on mainly Protestant churches and freedom of religion in recent years. However the authorities continue to treat with suspicion religious groups which were active and had public support before the end of the Viet Nam war in 1975. These include the Unified Buddhist Church of Viet Nam (UBCV), the Hoa Hao Buddhist church, house churches in the Central Highlands, and Khmer Krom Buddhists in southern Viet Nam. Security officials continue to arrest, harass and closely monitor members of religious groups perceived to be opponents of the government.

THE UNIFIED BUDDHIST CHURCH OF VIET NAM (UBCV)

The Unified Buddhist Church of Viet Nam (UBCV) was formed in 1964, and under successive governments involved itself not only in social projects such as opening schools and universities, running orphanages, day-care centers, relief activities and self-help projects, but also in political activities. The UBCV took part in demonstrations against the Viet Nam war (1959 to April 1975) and the presence of United States troops, and criticized human rights violations committed by the Vietnamese authorities.

After the end of the war in 1975, the new, communist, government attempted to bring religion under the control of the state, and tried to restrict the activities of the UBCV, arresting and imprisoning many members. In November 1981 the Viet Nam Buddhist Church was established under the wing of the Viet Nam Fatherland Front, which had authority over all mass-membership organizations. Followers of this officially sanctioned Buddhist church are allowed to practice their religious activities unhindered, whereas agents of the state have continued to subject UBCV members to harassment, surveillance, arrest, imprisonment and arbitrary detention.

THICH QUANG DO

The Most Venerable Thich Quang Do, head of the banned Unified Buddhist Church of Viet Nam (UBCV), is a leading advocate of religious freedom, human rights and democracy. He is confined to the Thanh Minh Zen monastery in Ho Chi Minh City, as a prisoner of conscience. He has protested peacefully against repressive government policies in Viet Nam since the 1950s, and has spent almost three decades either in prison, detained without trial or under house arrest in "internal exile," far from his home.

Thich Quang Do, who has been a monk since the age of 14, is an eminent scholar and writer. Between 1951 and the early 1970s he was a Research Fellow of Buddhist and Indian Philosophy for six years at universities in Sri Lanka and India, and Professor of Oriental Philosophy and Buddhist Studies at Van Hanh Buddhist University in Ho Chi Minh City. He has written two novels; a three-volume anthology of Buddhist legends; and a trilogy on the Essence of Buddhism. During his years in internal exile and prison, he wrote the *Great Dictionary of Buddhist terminology*, a six-volume, 8,000-page encyclopaedia of contemporary Buddhist terms, which was smuggled out of Viet Nam and printed overseas. He also wrote some 400 poems, published overseas in 2007 by the International Buddhist Information Bureau (IBIB).

He was appointed Secretary-General of the UBCV in 1974, and became its Supreme Patriarch in August 2008, the month after the death of the previous Supreme Patriarch, Thich Huyen Quang. At his funeral, Thich Quang Do pledged to continue to work for the legalization of the UBCV and for the promotion of human rights and democracy.

The UBCV was founded in 1964, but has been banned since 1975. Its members have come under varying degrees of repression for their peaceful activities, including imprisonment for terms of eight years or more, arbitrary detention and house arrest. Thich Quang Do opposed the establishment of the state-controlled Viet Nam Buddhist Church in 1981, which was created to lessen the influence of the UBCV. He resisted government efforts to force the UBCV to join this body. As a result, he was arrested in February 1982 and kept under house arrest for 10 years in internal exile.

After his return to Ho Chi Minh City in 1992, he organized UBCV programmes to promote social justice and aid people in need. Because of this, in 1995 police arrested him while he was on a relief mission to help flood victims in the Mekong Delta. He was charged with "sabotaging national solidarity" and "taking advantage of democratic freedoms to violate the interests of the State and social organizations" and sentenced to five years in prison, to be followed by five years' house arrest. After intense international pressure, he was released under a prisoner amnesty in September 1998, but remained under surveillance at Thanh Minh Zen monastery, in Ho Chi Minh City, with severe restrictions on his freedom of movement. Despite this, he again tried to assist flood victims in the Mekong Delta, and continued to promote UBCV social welfare programmes.

In February 2001, Thich Quang Do wrote an eight-point plan for peaceful democratic change, *Appeal for Democracy in Viet Nam*, addressed to senior members of the government. The appeal received support both inside Viet Nam, where it was circulated secretly, and from some Members of the European Parliament, and US Congress, after it was smuggled overseas. This prompted the authorities to arrest him again, and in June 2001 he was sentenced to two years' administrative detention. He was held incommunicado for two years at Thanh Minh Zen monastery, and released on 27 June 2003.

He was arrested again in October 2003, while returning to Ho Chi Minh City with other Buddhist monks from a UBCV meeting in another province. Security officials told him that he had been placed in administrative detention for an indefinite period. He was not told why he had been arrested, or whether he had been charged with any offence. He is still confined to the Thanh Minh Zen monastery. Security officials keep him under constant surveillance and monitor his phone calls. Police officials have harassed and turned away some overseas visitors, including members of the European Parliament. Local officials have on rare occasions turned a blind eye and allowed Thich Quang Do to leave the monastery for specific meetings in Ho Chi Minh City.

In May 2005 the UN Working Group on Arbitrary Detention decided that his "deprivation of liberty" was arbitrary, in contravention of Article 18 of the International Covenant on Civil and Political Rights (ICCPR), to which Viet Nam is a state party.

Thich Quang Do suffers from diabetes and high blood pressure. The authorities do not ensure that he is regularly provided with proper medical care, medication or opportunity for exercise, which is taking a toll on his health.

Thich Quang Do has won worldwide recognition for his peaceful activism and calls for religious and political freedom, and human rights in Viet Nam. He has been nominated nine times for the Nobel Peace Prize, most recently in 2008, and was the recipient of both the Norwegian Rafto Prize and the World Movement for Democracy "Democracy Courage Tribute" in 2006. He had been honoured by the Czech People in Need Foundation and received the 2001 Hellman-Hammet Award for persecuted writers.

MONTAGNARDS IN THE CENTRAL HIGHLANDS

At least six minority Montagnards in the Central Highlands were sentenced in April and September 2009 to between eight and 12 years' imprisonment on charges of "undermining national solidarity". An unknown number remain imprisoned since large-scale protests about land confiscation and freedom of religious practice in 2001 and 2004. Reports continue to emerge of incidents of arrest, detention and ill-treatment of Montagnards for practicing their religion in non-state approved churches.

Human rights violations against ethnic minority Montagnards in the Central Highlands continue. These include restrictions on movement and forcing Christians belonging to unauthorized "house churches" to renounce their religion. An unknown number of Montagnards from among the more than 250 who were sentenced to lengthy prison terms in connection with the large-scale protests in 2001 and 2004 around land ownership and religious freedom are believed to remain in prison. Many of them were sentenced to between five and 12 years' imprisonment under Articles 87 (Undermining the unity policy), 88 (Conducting propaganda against the Socialist Republic of Viet Nam), 89 (Disrupting security) and 91 (Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration) of the national security section of the Penal Code.

In April 2004, thousands of Montagnard people protested against government policies in three provinces of the Central Highlands. Most of the protesters were Christians who

had planned five days of peaceful protests against government policies on long-standing land disputes, restrictions on religious practice and restrictions on freedom of movement and expression imposed since the last major protests in 2001. The authorities used disproportionate force to break up the demonstrations. At least eight people were unlawfully killed and many hundreds injured in the ensuing crackdown.

During the period under review, hundreds of Montagnards have attempted to seek asylum in neighbouring Cambodia, where their situation has been precarious, with lack of protection by the Cambodian authorities. A Memorandum of Understanding (MOU) between Viet Nam, Cambodia and UNHCR, signed in January 2005 to resolve the situation of asylum-seekers, remains in place. It appears to have been violated by the Vietnamese authorities, with reports that in some cases people who had returned from Cambodia to Viet Nam under the MOU were detained, interrogated and ill-treated.

CATHOLICS

Official relations with the Catholic Church have been tense, but the Viet Nam – Vatican Joint Working Group met 23-24 June 2010 and senior government officials and church representatives agreed that the Vatican will name a non-resident representative to Viet Nam which indicates some improvement in bilateral relations. However, disputes between Catholic communities and local authorities continue, mostly over ownership of former church land and property confiscated by the state in the 1970s. Security forces have confronted peaceful protests, at times using unnecessary force resulting in injury, and short-term arrests.

FATHER NGUYEN VAN LY

Father Nguyen Van Ly is a 63 year old Catholic priest and activist for human rights and democracy. He was first jailed in the late 1970s for his criticism of government policies on religion and has already spent some 17 years as a prisoner of conscience, detained for calling for respect for human rights and freedom of expression.

In March 2007 he was sentenced to eight years' imprisonment for "conducting propaganda" against the state under Article 88 of the national security section of the Penal Code. He was accused of involvement in the internet-based pro-democracy movement Bloc 8406, which he co-founded in April 2006, and taking part in the

establishment of banned political groups. He also secretly published a dissident journal, Tu Do Ngon Luan (Freedom and Democracy).

Father Ly was held at Ba Sao prison, Ha Nam province in northern Viet Nam. He was kept in solitary confinement most of the time and suffered from various health problems including high blood pressure. Father Ly suffered a stroke in November 2007 causing partial paralysis. He was moved to a prison hospital in the capital Ha Noi where doctors discovered he also had a brain tumour.

In December 2009 Father Ly was returned to prison, but was allowed to leave detention in March 2010 for 12 months on humanitarian grounds to receive medical treatment. He remains under surveillance during this temporary release period while he lives at a house for retired priests in the diocese of the Archbishop of Hue, in central Viet Nam, where he has previously stayed. Father Ly should never have been detained in the first place and Amnesty International calls for his release to be made permanent and unconditional.

KHMER KROM BUDDHISTS

Similarly, minority Khmer Krom Buddhists in southern Viet Nam have been subject to discrimination by local authorities for many years. Buddhist monks involved in disputes over confiscated land with local authorities have been arrested and de-frocked, although a handful of imprisoned Buddhist monks were released in 2009.

FOLLOWERS OF PROMINENT BUDDHIST MONK THICH NHAT HANH

In September and December 2009, the authorities orchestrated mobs, including plain-clothes police, to intimidate, harass and physically attack almost 380 followers of Buddhist monk Thich Nhat Hanh to force them to leave their monastery in Lam Dong province. All the followers fled and went into hiding before a deadline given by the local authorities to the head of the monastery to evict them.

Example:

In December 2009, Amnesty International issued an Urgent Action on eviction. Following is our urgent action. This illustrates the abuses faced by religious groups in Vietnam.

MONKS AND NUNS THREATENED WITH EVICTION

A mob with official backing is attempting to evict nearly 200 Buddhist monks and nuns from a monastery in central Viet Nam. The group have been sheltering there since they were evicted from another monastery in September, by a similar mob.

On 11 December a mob of around 100 people, some of whom the monks and nuns recognised as police officers, forced the abbot of Phuoc Hue Monastery to sign an agreement to expel the monks and nuns no later than the end of the year. The mob had

gone into the monastery on 9 December, and stayed there, harassing the monks and nuns, most of whom are under 25, and pressuring the abbot to sign the agreement. They disrupted a European Union (EU) delegation investigating the situation at the monastery on 9 December. The authorities have denied any involvement, but have consistently failed to provide any protection for the monks and nuns, or ensure they are offered suitable alternative accommodation.

In September a similar mob, which included police officers, had forced the monks and nuns out of another monastery, Bat Nha. Most of the monks and nuns, who at that time numbered 379, had taken shelter at Phuoc Hue.

The authorities have been actively involved in the mob's actions: they have ordered members of Communist Party organisations to take action against the monks and nuns; pressured members of the monks and nuns' families to give up their way of life; and occasionally blocking supplies of food and other essentials to the monastery.

The monks and nuns are followers of Buddhist leader Thich Nhat Hanh, a monk based in France. He came to prominence as a Buddhist peace activist in the 1960s, and is an advocate of freedom of religion and other human rights.

AI RECOMMENDATIONS

- End restrictions on the right to practice one's religion of choice without discrimination, in accordance with Article 69 and 70 of the 1992 Constitution and international human rights standards;
- Ensure that relevant authorities, including at the local level, are aware of their duty to protect individuals' right to freedom of religion;
- End harassment and ill-treatment of ethnic minorities and restriction of their rights to freedom of expression, assembly and association, in particular Montagnards in the Central Highlands and Khmer Krom in An Giang province;
- Review the cases of an unknown number of Montagnards still serving lengthy prison sentences in connection with protests in the Central Highlands in 2001 and 2004, and to release those held solely for peacefully exercising their rights to freedom of expression and assembly, in contravention of international human rights standards.